Summary under the Criteria and Evidence for

Proposed Finding

The Nipmuc Nation

Prepared in response to a petition submitted to the Secretary of the Interior for Federal Acknowledgment that this group exists as an Indian tribe.

Approved: SEP 25 2001

Assistant Secretary - Indian Affairs

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INTRODUCTION

This report has been prepared in response to the petition received by the Assistant Secretary - Indian Affairs from The Nipmuc Nation seeking Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the *Code of Federal Regulations* (25 CFR 83).

Part 83 establishes procedures by which unrecognized Indian groups may seek Federal acknowledgment of a government-to-government relationship with the United States. To be entitled to such a political relationship with the United States, the petitioner must submit documentary evidence that the group meets the seven criteria set forth in Section 83.7 of 25 CFR. Failure to meet any one of the seven criteria will result in a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

Publication of the Assistant Secretary's proposed finding in the *Federal Register* initiates a 180-day response period during which factual and/or legal arguments and evidence to rebut the evidence relied upon are received from the petitioner and any other interested party. Such evidence should be submitted in writing to the Office of the Assistant Secretary - Indian Affairs, 1849 C Street, N.W., Washington, D.C. 20240, Attention: Branch of Acknowledgment and Research, Mail Stop 4660-MIB.

After consideration of all written arguments and evidence received during the 180-day response period, the petitioner shall have a minimum of 60 days to respond to any submissions by interested and informed parties during the response period. At the end of the period for comment on a proposed finding, the Assistant Secretary will consult with the petitioner and interested parties to determine an equitable time frame for consideration of written arguments and evidence submitted during the response period. The petitioner and interested parties will be notified of the date such consideration begins. The Assistant Secretary will make a final determination regarding the petitioner's status, a summary of which will be published in the *Federal Register* within 60 days from the date on which the consideration of the written arguments and evidence rebutting or supporting the proposed finding begins. The final determination will become effective 90 days from its date of publication unless a request for reconsideration is filed pursuant to 83.11.

If at the expiration of the 180-day response period this proposed finding is confirmed, the Assistant Secretary will analyze and forward to the petitioner other options, if any, under which the petitioner might make application for services or other benefits.

Abbreviations and Acronyms

These have been used in the Summary under the Criteria and the accompanying charts.

ANA	Administration for Native Americans, Department of Health and Human Services.
AS-IA	Assistant Secretary - Indian Affairs.
BAR	Branch of Acknowledgment and Research, Bureau of Indian Affairs.
BIA	Bureau of Indian Affairs.
Ex.	Documentary exhibit submitted by petitioner or third parties.
FD	Final Determination.
FR	*Federal Register.*
Narr.	Petition narrative.
NTAP	Nipmuc Tribal Acknowledgment Project.
OD	Obvious deficiencies letter issued by the BIA.
PF	Proposed Finding.
TA	Technical assistance letter issued by the BIA.

Standardized Spellings

When discussing Indian tribes and bands, and names of individuals, this Summary uses the current standardized spellings. Where specific historical documents are quoted, these names are spelled as found in the original. One concrete example of this is the variation in tribal name itself, whether Nipnet, Nipmuck, or Nipmuc, while another is the band name Hassanamisco, which also appeared as Hassanamessit, and a wide variety of additional spellings.

Administrative History of the Petition

1. Name and Address of the Petitioner. The formal name of petitioner #69A as listed in the current governing document and the name on its letterhead is The Nipmuc Nation. The current address is c/o Mr. Walter Vickers, 156 Worcester-Providence Road, Suite 32, Sutton Square Mall, Sutton, Massachusetts 01590.

2. Self-definition of the Petitioner. During the history of this petition, the self-definition of the petitioner has changed several times. The original 1980 letter of intent requested acknowledgment of the Nipmuc Tribal Council, Hassanamisco Reservation, in Grafton, Massachusetts. The 1984 petition defined the entity as an amalgamation of the historical Hassanamisco and Chaubunagungamaug bands of the Nipmuc and was written to show that at various points in time, the 25 CFR 83 criteria were met by the activities of either one or the other of the subgroups.[1]

Petitioner #69A currently defines its eligible membership[2] as, "Blood descendants of a person or persons identified as Native American and Nipmuc as defined through standards established through the Nipmuc Tribal Council" (Constitution of the Nipmuc Nation 1993, [2], Section I.A). While no copy of such "standards" officially adopted by the tribal council was contained in the petition submissions, evidence indicates that this provision has been interpreted by the Nipmuc Nation as qualifying for membership persons descended from families that lived in the former 17th century Indian "praying town" of Natick at the eastern edge of historic Nipmuc territory, and descendants of Nipmuc individuals who were living off the Massachusetts reservations, in Connecticut and Rhode Island, by the late 18th century. A letter from the petitioner's office manager to a BIA staff member, in transmitting supplementary materials, stated:

> We represent not only Hassanamisco and Chaunbunagungamaug, but other members of the Nipmuc Nation, including members from Dudley-Webster,

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[1] "The Dudley-Webster band was very active in the 1800's, but less so until recently, whereas the Hassanamisco band was less active in the 1800's and more so since 1900. It is important to realize that both bands have a long, proud history of activity, but that they frequently worked together, and certainly seem to have thought of themselves together as the Nipmuc Tribe. This is no less true today.

The recent reorganization of the Dudley-Webster band should be seen to follow a pattern that exists throughout Nipmuc history, and that activity, together with the activity of the Hassanamisco band, is clear evidence of tribal activity overall. The petition we are preparing on behalf of the whole Nipmuc Tribe (Dudley-Webster and Hassanamisco) will be stronger if the two bands work together. It will be weaker if the two bands do not. If the two bands do not work together, they will seem to be ignoring the practice of many centuries" (Reno Report 7/21/1982, 2; Nipmuc Pet. #69B Suppl. June 1997) [emphasis in original].

[2] Under the 1993 constitution adopted by the Nipmuc Tribal Acknowledgment Project (NTAP).

> Natick, Quinsigamond, and our brothers and sisters from the Connecticut bands in Thompson, Putnum [*sic*], Hartford, and other parts of the Nipmuc traditional homelands (Luster to DeMarce, 12/26/1996; Nipmuc Pet. #69A Suppl. 1/21/1997).

In 1997, petitioner #69A submitted supplementary petition materials which included a memorandum from one of the group's researchers that specifically rejected the hypotheses of the 1984 petition narrative (Doughton to Nipmuc Nation Tribal Council 4/15/1997). It included the statement that:

> . . . there has been a misunderstanding about lists created by Euroamericans, dealing with heir-at-law [*sic*], but are not "tribal rolls," and fail to confirm a much wider Nipmuc community. The historical and social experience of Nipmucs demonstrates "one people." Both the notions of a "Hassanamisco" Nipmuc and a "Chaubunagungamaug" Nipmuc are constructions from outside the Nipmuc community; in long term tribal social and political interactions no such distinctions among Nipmuc people existed until Edwin Morse and family[3] created a contemporary corporation appropriately [*sic*] for themselves titles like "chief" or "clanmother" (Doughton to Nipmuc Nation Tribal Council 4/15/1997, 3-4) [footnote added].

The final membership list submitted by petitioner #69A on October 9, 1997, contained 1,640 persons (Nipmuc #69A 1640 Roll 10/9/1997). After corrections and the elimination of duplicate entries, the membership total for the proposed finding was 1,602. A small proportion of these individuals (93) were also listed as members by petitioner #69B. The majority of the members reside in south central Massachusetts, northeastern Connecticut, or Rhode Island. The 1993 Constitution stated that, "the Service Area of the Nipmuc Nation shall constitute the aboriginal territory of the Nipmuc people, Grafton, MA, being the central point at a fifty (50) mile radius of that point" (Constitution of the Nipmuc Nation 1993, [2] Section II.C).

3. Administrative Chronology of the Petition. This petition for Federal acknowledgment has a complex administrative history. The discussion of kinship relationships of living persons in the following history of the petition, although the information includes privacy data, is necessary to understand the decision because of the complex interaction between the leadership of the two current petitioning groups over the past two decades.

In 1977, Zara CiscoeBrough [*sic*] asked for information concerning the proposed Federal acknowledgment regulations (CiscoeBrough to Director, Office of Indian Services, 7/13/1977). Her questions were answered by John A. Shapard, Acting Chief, Branch of Tribal Relations (Shapard to CiscoeBrough, 8/2/1977). The formal letter of intent to petition was filed on April

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[3]Mr. Morse heads petitioner #69B; see the Summary Under the Criteria for that petition for further discussion.

22, 1980, by Zara CiscoeBrough as "chief of the Nipmuc Tribal Council." Ms. CiscoeBrough's letter "on behalf of the Nipmuc Tribal Council, Hassanamisco[4] Reservation, Grafton, Massachusetts" was co-signed by Ann Mays and Lois Wilcox (CiscoeBrough to Shapard, 4/22/1980). The BIA assigned priority #69 to this petition. The *Federal Register* notice was published June 10, 1980 (45 FR 113, 39344, 6/10/1980).

The 1980 letter of intent was very limited in scope, encompassing in the wording on its face only the small state-recognized reservation at Hassanamisco, in the Town of Grafton, Worcester County, Massachusetts. The reservation was the private property of the Cisco family, and the council as constituted at that time comprised basically only members of the Cisco family (see detailed discussion below). However, other evidence in the record indicates that by 1980, some descendants of the Chaubunagungamaug Band (Nipmuck Indian Council of Chaubunagungamaug), comprised of some descendants of the 19th-century Massachusetts state reservation at Dudley/Webster, were cooperating in the petition.[5] The joint organization of the Nipmuc Tribe never filed a letter of intent to petition separate from that presented by Zara CiscoeBrough on behalf of the Hassanamisco Reservation at Grafton, Massachusetts, in 1980.

The 1984 narrative and documentation (Nipmuc #69 Pet. 1984) and the 1987 response (Nipmuc #69 Resp. 1987) focused on these two specific Nipmuc groups. During the early 1990's, the petitioner expanded its self-definition to comprise not only descendants of the 19th-century state reservations at Hassanamisco (Grafton) and Chaubunagungamaug (Dudley-Webster), but also descendants of all known Nipmuc bands existing at the time of first sustained contact with non-Indian settlers. However, it did not then and has not subsequently filed an amended letter of intent to petition. These redefinitions over the time since the letter of intent was first filed have notably complicated the writing of the historical portion of the proposed finding for #69A. A history of the Hassanamisco band and Hassanamisco reservation would have been straightforward and relatively brief,[6] but would no longer be a history of the petitioner as it is now constituted. For economy of space, since it has been necessary to write a separate report on petitioner #69B, the early history and subsequent development of the Chaubunagungamaug

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[4]Hassanamessit is an alternative version of this name.

[5]See discussion under criterion 83.7(c). The Chaubunagungamaug Band had not filed a separate letter of intent to petition at this time, nor would it do so until May 1996.

[6]The testimony of Zara CiscoeBrough before the AIPRC stated: "We descend from Naos (Jethro-Christian name) and he was the father of Wowanus (James, the Printer), Awaweakin (Ami Printer) and Tukapewillen. Reverend John Elliot also appointed him as deacon of the native church of the second band of praying Indians. Naos was born around 1590" (*Report on Terminated and Nonfederally Recognized Indians. Task Force Ten: Terminated and Nonfederally Recognized Indians. Final Report to the American Indian Policy Review Commission* 1976, 89).

The BIA researcher did not locate confirming documentation for Jethro as the Christian name of Naos, or that Ami Printer was the anglicized name of Awaweakin.

Band and the reservation at Dudley/Webster will not be repeated in detail in this report, which should therefore be read in conjunction with the proposed finding for petition #69B. The remainder of the early Nipmuc bands, with a focus on Hassanamisco, will be discussed in this proposed finding for petition #69A. However, the discussion for #69A will not attempt to encompass the fate of all descendants of all the 17th-century Nipmuc bands. Rather, it will focus on families ancestral to the membership of the current petitioner.

The first formal governing document of the joint "Nipmuc Tribe (or Nation)," dated November 21, 1983, was signed by Walter A. Vickers, who about 1982 had been appointed by Zara CiscoeBrough as her successor as leader of the Hassanamisco Band of Nipmuc, and by Edwin W. Morse Sr. as leader of the Chaubunagungamaug Band of Nipmuck (Nipmuc #69 Pet. 1984, 220-220b). Mr. Vickers and Mr. Morse continued to cooperate on preparation of the documented petition in succeeding years, as indicated by their jointly signed May 11, 1984, memorandum to the petition researcher stating, "Please consider this brief communication our formal consent that you proceed with the Petition for Federal Recognition for the Nipmuc Tribe" (Vickers and Morse to Reno, 5/11/1984). The documented petition, received by the Bureau of Indian Affairs (BIA) on July 20, 1984, was submitted by "The Nipmuc Tribal Council Federal Recognition Committee."[7] The cover letter was signed by the researcher (Reno to Federal Acknowledgment Project, 7/11/1984).

On August 1, 1984, the BIA sent its acknowledgment of receipt of the petition to Walter A. Vickers (Shapard to Vickers, 8/1/1984). On March 1, 1985, Hazel E. Elbert, Deputy Director, Office of Indian Services, sent the first Obvious Deficiencies (OD) letter pertaining to the petition to Walter A. Vickers (Elbert to Vickers, 3/1/1985; cc:s to Mr. Edwin Morse and Dr. Stephen J. Reno). On March 25, 1985, the researcher, Stephen J. Reno, wrote requesting a meeting with BIA staff and stating: "I wish to convey a request from the Nipmuc Tribe that correspondence concerning this Petition be directed to the following persons; Walter A. Vickers . . . Chief Wise Owl" (Reno to Eibert [*sic*], 3/25/1985). The BIA replied to Reno with cc:s to Walter A. Vickers and Edwin "Wise Owl" Morse (Elbert to Reno, 4/9/1985).

On August 14, 1986, Little Turtle,[8] signing as "Secretary, Nipmuck Indian Council of Chaubunagungamaug," wrote to the BIA to clarify the position of Mr. Edwin Morse, Sr., within

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[7]The contacts listed were Walter A. Vickers, Buster Wilson, Dolly (Loving One) Swenson, and Ron (Little Crow) Henries. Ronald G. Henries was a first cousin of Edwin W. Morse, Sr.

[8]Not identified by full name. As of 1998, "Little Turtle" is currently used by a member of the group. However, this reference was apparently to a non-Indian man named George Munyan who was a close associate of the Chaubunagungamaug for many years. See a newspaper article stating that the Chaubunagungamaug clan of Nipmucks were seeking Federal recognition which would allow them to stake claims on property; would like a donation of land from the towns of Webster and Dudley; would hold a powwow at Memorial Beach September 10 and 11, referring to Ron Henries (Little Crow) of Providence, Rhode Island; Zara CiscoeBrough; Wise Owl; Mrs. Swenson; and George Munyan (Little Turtle) (David P. Kowal, Nipmucks Readying Study of 'Roots' Key to Claims, *Worcester Telegram* 8/19/1983; Nipmuc #69B Supplement 3/28/97).

the Nipmuc organization. His letter stated that Morse was the "duly elected chief of the Chaubunagungamaug Clan (Band)," and that "an official installation recognizing Chief Wise Owl's office was held jointly with the Chaubunagungamaug and Hassanamisco Clans on the Hassanamisco Reservation in Grafton, MA six years ago" (Little Turtle to Director, Bureau of Indian Affairs, 8/14/1986). On September 4, 1986, a reply from Roland E. Johnson, BIA, to Little Turtle, Nipmuck Indian Council, stated that petitioning groups must work out their own governing procedures and leaders (Johnson to Little Turtle, 9/4/1986).

On June 16, 1987, the BIA received the Nipmuc #69 petition response to the first OD letter. The BIA's letter of receipt for the additional copies was sent to Walter A. Vickers (Johnson to Vickers, 6/29/1987). A second OD letter from the BIA, dated February 5, 1988, evaluating the response, was sent to both Walter A. Vickers and Edwin W. Morse, Sr. (Elbert to Vickers and Morse, 2/5/1988; ccs to Jim Cossingham, Edith Hopewell, Attorney General of Massachusetts).

On September 6, 1988, James H. Cossingham, on letterhead of the "Nipmuc Federal Recognition Committee," wrote the BIA asking whether there had been a response to the OD from "either chief" (Cossingham to Shapard, 9/6/1988).[9] The BIA replied that it had received no response to the OD from either Vickers or Morse and that to release genealogical materials protected by the Privacy Act would require a formal resolution from the Nipmuc Tribal Council (Johnson to Cossingham, 10/7/1988). During the next few months, correspondence from the petitioner to the BIA continued to be signed by Cossingham (Cossingham to BIA, received 5/8/89; Cossingham to Director, BAR, received 6/5/1989).[10] The BIA informed him that, "It is up to the governing body of the petitioner, in regards to their petition, to notify the Branch of Acknowledgment and Research of any special person or organization that should be dealt with directly. The Bureau of

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[9]James H. Cossingham, also known as Eagle Hawk, had written to BAR as early as June 30, 1987, under letterhead of the "Nipmuc Federal Recognition Committee," requesting that John A. Shapard of BAR attend a meeting with the petitioner (Cossingham to Shapard, 6/30/1987; Johnson to Cossingham, 7/10/1987). A meeting between Shapard and the petitioner was scheduled for October 4, 1987, in Grafton, Massachusetts (Little to Cossingham, 9/2/1987). Also during this period, BAR provided a copy of the petition to Thomas Lewis Doughton (Johnson to Doughton, 10/27/1987; Doughton to Bureau of Indian Affairs, 11/7/1987).

[10] On May 8, 1989, the BIA's Eastern Area Office received a letter from Cossingham (Jayco Enterprises) on behalf of the "Nipmuc Federal Recognition Committee, Inc." It included the statement:

> There has never been a formal election of either of our two chiefs. One Chief supports federal recognition and the other one opposes it! However, THERE ARE SIGNIFICANT MEMBERS OF BOTH BANDS THAT FAVOR FEDERAL RECOGNITION. With that in mind, the Federal Recognition Committee has been formed" (Cossingham to BIA, 5/8/1989). [emphasis in original]

Cossingham also posed a question as to what "inactive status" meant. On June 5, 1989, BAR received a letter from Cossingham (Jayco Enterprises) stating: "our new group, called the Nipmuc Federal Recognition Committee Inc., will continue to pursue our federal recognition status, with the support of Chief Wise Owl" (Cossingham to BIA, 6/5/1989). On June 15, 1989, the BIA replied to Cossingham indicating that the petition was not on "inactive status" (there was no such status under the regulations) and that it was up to the petitioner's council to designate a spokesperson (Little to Cossingham, 6/15/1989).

Indian Affairs does not involve itself in the internal affairs of a petitioner" (Little to Cossingham, 6/15/1989).

After the BIA issued the second OD letter, a major structural change occurred in the Nipmuc application for Federal acknowledgment with the incorporation of the Nipmuc Tribal Acknowledgment Project (NTAP), with James Lewis as director, in 1989 (NTAP Articles of Organization, June 27, 1989).[11] On July 22, 1989, Walter A. Vickers and Edwin W. Morse, Sr., jointly signed a document with the NTAP giving that entity the authority to proceed with the petition. It read, in part, as follows:

> With this notification, the Nipmuc Tribal Council does withdraw from the acknowledgment petition brought forward on behalf of the Nipmuc Indians . . . both in the name of the Nipmuc Tribal Council and in the name of the Hassanamisco and Chaubunagungamaug Bands of the Nipmuc . . . we recognize the Nipmuc Tribal Acknowledgment Project Inc. the new petitioner on behalf of the Nipmucs . . . . (Morse and Vickers Legal Mandate from Tribal Chiefs to pursue program objectives, 7/22/1989).[12]

This document authorized the NTAP full access to the 1984 petition and 1987 response. The BIA did not at any time treat NTAP as a new or separate petitioner, nor did that organization ever submit a separate letter of intent. Material subsequently submitted by the petitioner indicated that between 1989 and 1992 NTAP compiled a large amount of documentation pertaining to the history of the Nipmuc and descendants of historical Nipmucs.[13] However, the BIA received no further information concerning the progress of the response to the second OD letter until an April 30, 1992, letter from NTAP[14] to BAR requesting that the petition be "reactivated" because the group had a grant from the Administration for Native Americans (ANA) (Cossingham to Rikord [*sic*], 4/30/1992). On July 14, 1992, a reply from the Acting Chief, BAR, to Cossingham stated that the BIA would like to clarify in writing, as in a recent phone conversation, that the Nipmuc petition was not on "inactive" status. The reply also stated: "We have received a copy of the signed statement from the Nipmuc tribal governing body, which notified our offices that all of their recognition efforts will be handled by the Nipmuc Tribal Acknowledgment Project and that we should direct all Nipmuc related correspondence to

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[11]Signers of the articles; Ronald G. Henries, Providence, RI; James H. Cossingham, White River Junction, VT; Ronald S. Scott, Worcester, MA; Kenneth R. Brown, Providence, RI. Nipmuc Tribal Acknowledgment Project, 390 Main Street, Worcester, MA 01608. Bylaws adopted June 27, 1989.

[12]The signatures of "Chief Wise Owl" [Edwin W. Morse, Sr.] and "Chief Natachamin" [Walter A. Vickers] were both witnessed by Ronald G. Henries [Little Crow] and Thomas Lewis Doughton.

[13]See detailed discussion below in the narrative of the petitioner's development during the modern era.

[14]The letterhead listed: Thomas L. Doughton, Project Director; Joan E. Luster, Community Development Specialist; Shelleigh Wilcox, Project Research Assistant; Rhonda Henries Silva, Office Manager.

your office" (Acting Chief, BAR, to Cossingham, 7/14/1992).[15] Petitioner #69 submitted no additional documentation between July 1992 and August 1993.
During November of 1993, the NTAP held nominations for a Nipmuc Tribal Council, under a new constitution that had been ratified and adopted under the auspices of the NTAP,[16] but no election was held. That there was internal conflict concerning this new development was indicated to the BIA by a November 22, 1993, letter from Edwin W. Morse, Sr., to BAR stating:

> We have been informed of unauthorized groups and/or individuals implying by correspondence to represent the Nipmuck (Nipmuc) Nation including both the Chaubunagungamaug and Hassanamisco Bands. There can be no official appointment of new leaders or representatives except by consensus of the entire memberships of both bands named above. . . . In conclusion we hereby request that all activities cease at once regarding the Nipmuc(k) recognition project until we are satisfied that no unauthorized parties are purporting to represent the interests of our people" (Morse to Reckord, 11/22/1993).

On December 10, 1993, BAR informed Morse by letter that petition files are public records; that privacy material is protected, and that BAR had not received any materials which would change the petition's status in the acknowledgment process, but added the following procedural information:

> On occasion, people we do not know and who are not on the original petition for acknowledgment have come to the BAR purporting to represent a particular petitioner. When this happens, we request that the new person document how they have become the group's representative, such as an election or following the death of the former leader. We often research claims of changes in leadership to determine in [*sic*] the new leader actually represents the same group which turned in the petition originally. Similarly, when attorneys represent themselves as legal representatives of a petitioner, we request that the leader, council or original signers of a petition certify them.
>
> However, sometimes factions arise within groups, and the BAR is unable to resolve which leader or governing body is bona fide. When this happens, we often break the group into two separate petitions who share a single priority number. The Bureau would not become involved in removing an elected official from his or her position. The group should follow their own procedures for

[15]Enclosed with this letter, as requested by Dr. Thomas Doughton, was a copy of the 1987 petition supplement.

[16]The BIA has never received any description of the procedure by which this document was created or the nature of the membership which voted on its ratification. It remains the effective current governing document of petitioner #69A (see detailed discussion below, under governing documents).

> resolving conflict. If you don't have such procedures you might consider writing a constitution which includes them (Reckord to Morse, 12/10/1993).

On December 12, 1993, the BIA received the following signed statement from Walter A. Vickers, "Chief Natachaman," Nipmuc Indian Council:

> Mr. Charles Hamilton will be representing (Walter A. Vickers) at this special meeting, with Chief Wise Owl and Mr. Donald Murdock, and others present. I have alerted Mr. Hamilton that he in fact has my authority to act and speak as he wishes on behalf of the Council. . . . I trust the meeting will go well (Vickers to Dear Sirs: To whom it may concern, 12/12/1993).

This was followed by the next document, dated December 15, 1993, and headed "Nipmuck Tribe Resolution: (Joint resolution #1)":

> Chaubunagungamaug Clan and Hassanamisco Clan are the Duly Elected Representatives of the Nipmuck Nation; Whereas an Executive Committee composed of Wise Owl, Red Fox (CH) and Natchaman and Little Fox; . . . therefor be it resolved that any attempts by "Tribal Acknowledgment Project" Jim Louis and others Do Not Represent the Nipmuc Nation and are not authorized to hold elections or attempt to change the tribal form of Nipmuck government at any time and Only Chief Wise Owl and Chief Natachaman are authorized to speak for the Nipmuck Nation (Resolution 12/15/1993).[17]

The above resolution was prepared in connection with a December 15, 1993, meeting in Washington, D.C. between representatives of petitioner #69[18] and, from the BIA, Assistant Secretary - Indian Affairs (AS-IA) Ada E. Deer and BAR Chief Holly Reckord. A press release was issued, signed by the four leaders (For immediate release n.d.). The resulting memorandum of agreement agreed "that the Chaubunagungamaug and Hassanamisco Clans should become

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[17]Signed by "Chief Matachaman" [*sic*], Walter A. Vickers; "Chief Red Fox," Edwin Morse Jr.; "Chief Wise Owl," Edwin Morse Sr.; "Chief Little Fox," Charles Hamilton; signatures witnessed by Frank Dupuis.

[18]Present representing petitioner #69: Edwin W. Morse Sr., Edwin W. Morse Jr., Charles O. Hamilton; two lawyers from Dorsey and Whitney; Donald Murdock from Casino Magic.

On December 22, 1993, Edwin W. Morse Sr. wrote BAR, thanking Holly Reckord for help with the December 15 meeting (Morse to Reckord, 12/22/1993). On January 6, 1994, he again wrote noting what had been agreed at the December 15 meeting, mentioning what the attorneys had agreed to provide in the way of additional information in an addendum to the petition, and thanking BAR for an offer of technical assistance (Morse to Reckord 1/6/1994).

Later correspondence in the BAR administrative file concerning the petition indicates that the petitioner's leaders believed that supplementary petition documentation, including a tribal roll, was submitted to the BIA at the time of the December 15, 1993, meeting, by Jim Townsend or Virginia Boylan [attorneys] (see discussion below).

one nation" and was signed by two leaders from each band on December 30, 1993 (Agreement, 12/30/1993).[19]

The agreement made at the December 15, 1993, meeting did not last long. The NTAP, which had been authorized by Vickers and Morse to carry out the acknowledgment process on behalf of #69 in 1989, objected to the new initiative under other leadership in a January 18, 1994, resolution signed by James P. Lewis. This resolution reiterated that the Board of Directors of the Nipmuc Tribal Acknowledgment Project was the sole elected governing body of the Nipmuc Tribe with Murphy and Associates as the sole authorized representative and protested against other unelected members of the tribe having approached the BIA, passed 7/0 (Resolution, Nipmuc Tribal Acknowledgment Project Board of Directors, 1/18/94)[20].

On February 3, 1994, BAR received a letter from Edwin W. Morse, Sr., stating that he would move ahead with petition, and that Donald Murdock said that the additional material had been sent in (Wise Owl to Reckord, undated, received 2/3/1994). By contrast, Walter A. Vickers, on February 9, 1994, withdrew from the December 1993 agreement and reaffirmed his support of the NTAP:

> Whereas I, Walter Vickers, Chief of the Hassanamisco Band of the Nipmuc Nation, have previously endorsed The Nipmuc Tribal Acknowledgment Project as the entity to seek Federal Recognition for our Nipmuc Nation, I hereby further resolve that Murphy and Associates, Inc. . . is the sole authorized representative of The Nipmuc Nation regarding a petition for Federal Acknowledgment and related purposes, as also endorsed by The Nipmuc Tribal Acknowledgment Project (Vickers Resolution, 2/9/1994).

On February 16, 1994, a resolution to the following effect: "that the Nipmuc Tribal Acknowledgment Project to be the sole authorized body to complete the petition for Federal Acknowledgment of the Nipmuc Nation, etc. and be the sole representative," signed by Walter A. Vickers, James Lewis, and Ronald G. Henries (Statement By Elders of the Nipmuc Nation, 2/16/1994), was presented at a meeting of BAR staff with Al Catalano and Sue Ghosch of Murphy and Associates; Ron Henries, Jim Louis [*sic*], and Walter Vickers, held the same day (BAR Admin. File, Petition #69).

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[19]The copy received by BAR was "signed" by "Chief Wise Owl," "Chief Matachaman," "Chief Red Fox," "Chief Little Fox," witnessed by Patricia A. Burnham. However, all four signatures appeared to be in the same handwriting.

Associated documents included "Nipmuck Nation Executive Council By Laws" signed by Wise Owl, Natachaman, Red Fox, and Charles O. Hamilton [Little Fox], the signatures witnessed by Frank J. Dupuis.

[20]BAR received a copy of this resolution on February 16, 1994.

Later in February, Wise Owl [Edwin W. Morse, Sr.] wrote BAR objecting to the February 16 meeting and enclosing copies of documents from the December 1993 meeting with Ada Deer (Morse to Reckord, undated, received by BAR 3/3/1994).[21] During the spring of 1994, there was some evidence that some members of the group were aware of and concerned about the internal leadership disputes.[22]

On July 20, 1994, Morse expressed concern about the status of the petition: "I have been informed that the petitions that were turned into the Bureau, from me and the Nipmuck Council of Chaubunagungamaug have been mislaid or something. Could you look into this matter. . . . The last petition was sent in, in Dec. of 1993, ..." (Morse to Reckord, 7/20/1994). The BIA replied that no additional petition materials had been submitted at the December 1993 meeting (Reckord to Wise Owl, 8/2/1994). During the summer and fall of 1994 and the early winter of 1995, Edwin W. Morse, Sr., continued to submit supplementary documentation to the BIA as a response to the second OD letter.[23]

On December 10, 1994, Edwin W. Morse Sr. [Wise Owl] wrote confirming a conversation among Davis, Morse, and Patricia Burnham: "I, Chief Wise Owl wish to go forth towards Federal Recognition" and be the only person to contact BIA; he enclosed documentation (Morse to BIA, 12/16/1994).[24] On January 1, 1995, the BIA thanked him for his letter dated December 10, 1994, and FAX transmissions dated December 16 and December 29, stating that BAR would evaluate the draft of an "Addendum to Nipmuc Tribe Federal Recognition Petition" as #69's response to the OD letter of February 5, 1988 (Reckord to Morse, 1/5/1995).

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[21]The letterhead for this communication read: "Nipmuc Nation Chaubunagungamaug - Hassanamisco" and included both names, "Chief Wise Owl" and "Chief Natachaman."

[22]Letter from Cheryl Magos, Dolly Swenson, and Black Eagle Sun to BAR re: internal Nipmuc disputes, with extensive enclosures (Magos, Swenson, and Sun to Record [*sic*], 3/10/1994). The BAR reply reiterated that the BAR files are public documents except for materials protected by the Privacy Act (Reckord to Magos, 3/31/1994).

[23]8/24/1994, Draft addendum to Nipmuc Federal Recognition petition (hand-dated January 1994) logged in by BAR.

Letter enclosing one copy each of tribal roll application form and associate membership form (Morse to Reckord, 8/24/1994).

Letter sending additional data requested (Wise Owl [Morse] to United States Department of the Interior, 11/1/1994).

Fax of sample membership list (Burnham to Record [*sic*] and Davis, 12/16/1994).

Letter sending "these books to add to my Addendum to Nipmuck Tribe Federal Recognition Petition." Re: language and customs (Wise Owl [Morse] to Reckord and Davis, 1/16/1995).

[24]On June 5, 1995 the BIA received a third-party submission by Ron (Little Crow) Henries, a member of the petitioning group, primarily re the genealogies of the Jaha, Vickers, etc. families (Henries to Davis, 6/5/1995; R. Henries 1995). The BIA acknowledged the "additional submission to the Nipmuc petition" received by BAR on 6/9/1995 and stated that if the material was to be considered an official part of the petition, must be submitted by Morse, Vickers, or combined tribal council (Reckord to Henries, 6/20/1995).

During the spring of 1995, there were some indications to the BIA that internal conflicts continued to exist.[25] However, these did not any longer appear to involve the leadership of the Hassanamisco Band, the Chaubunagungamaug Band, or the NTAP,[26] all of whom were now known under the general title of the Nipmuc Nation, with headquarters in Sutton, Massachusetts.[27]

On February 16, 1995, a letter from BAR to Edwin W. Morse Sr. [Wise Owl] declared the Nipmuc petition, #69, ready for active consideration (Reckord to Morse, 2/16/1995). However, a subsequent review by BAR staff indicated that the documentation was still not complete. On May 10, 1995, Reckord wrote Edwin W. Morse, Sr. [Wise Owl] stating that the full tribal membership list must be submitted before the petition could be placed on active consideration (Reckord to Morse, 5/10/1995). This material was received on July 11, 1995,[28] and the petition was officially placed on active consideration the same date.[29] The letters notifying active status

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[25]During this period, several attorneys and other third parties requested copies of the #69 petition files, which caused concern on Mr. Morse's part: "Someone told me that some lawers [*sic*] said to put a hold on the NIPMUCK petition, If you can would you please send me their names, and address. I would like to know where they got the permission or who gave them the permission to do a thing like that . . . I do hope that you will keep me advised on the people that are trying to claim that they are a new clan . . . ." (Morse [Wise Owl] to Reckord, undated, received 1/18/1995).

Query from Cossingham by FAX on status of Nipmuc petition, and requesting on behalf of the tribal council a copy of the 'complaint" that had been filed (Cossingham to Davis, 5/1/1995).

[26]Farsight Marketing, Inc. Letterhead, Guy Conrad, President: Listing of Nipmuc Council, submitted by Cossingham: names included both Edwin W. Morse Sr. and Walter A. Vickers as "chiefs" (Cossingham to BAR, March 1995).

Hassanamisco Nipmuc Indian Council letterhead, "I look forward to working closely with you . . . as we finally move the Nipmuc Nation toward recognition . . . Please make sure that both Edwin Morse and myself receive all information during this process. As you've just heard (we should have passed this along earlier!) we've all come together as one 15 member council and you will be getting a letter from all of us to this effect" (Vickers to Davis, 5/11/1995).

Memorandum, James Cossingham to BAR thanking for meeting with himself and Guy Conrad. "Shortly, I believe you will receive a communication signed by all 15 members of the Tribal Council indicating we are working together as a nation" (Cossingham to Davis, 5/11/1995; letter, Cossingham to Reckord, 5/11/1995).

[27]In a July 6, 1995, letter to the Air Force Base conversion Agency, Edwin W. Morse Sr. signed as "Chief Wise Owl, Chief of the Nipmuck Nation" (Morse to Olsen, 7/6/1995).

[28]Nipmuck National Tribal Roll, Chaubunagungamaug Band and Hassanamisco Band distinguished from one another in the presentation, dated 4/9/1995. First copy: Received by BAR stamp 7/11/1995. Second copy: Received by BAR stamp 9/5/1995. Signed by: "Chief Wise Owl, Edwin Morse"; Lucyann Loving One Swenson; "Chief Matachaman" (Walter A. Vickers), Pam Vickers, Conrad J. Luster, Pamela A. Ellis, James Eagle Hawk Cossingham, Wm. W. Gould Sr.; Donald R. Gould, Ronald Little Crow Henries, Ruth Star Bessette; "Chief Red Fox," Edwin Morse Jr.

[29]Under the 25 CFR Part 83 regulations, this established a deadline of July 11, 1996, for issuance of the proposed finding on petition #69 by the AS-IA.

were dated August 25, 1995, but noted that BAR had been informed that another addendum to the membership list was still forthcoming (Reckord to Morse, 8/25/1995).[30] During the next few months, the BIA remained in contact with the petitioner, with Edwin W. Morse, Sr., as the primary point of contact.[31] On January 17, 1996, a letter was sent by the Nipmuc Nation tribal office to clarify certain matters pertaining to discussion at a meeting held with BAR on December 4, 1995. This letter was signed by several council members, including both Edwin W. Morse Sr. and Walter A. Vickers (Nipmuc Nation to Reckord, 1/17/1996). The BIA responded to the points raised on February 16 (Reckord to Morse, 2/16/1996). On February 28, BAR staff met again with the petitioner's counsel (Johnson to Reckord and Davis, 3/4/1996).[32]

During the spring of 1996, BAR planned for two staff members, to make a technical assistance visit to the various petitioners in the region. Since the petition was already on active consideration, and had been since July of 1995, BAR intended that the genealogist assigned to prepare one of the technical reports for the proposed finding combine the technical assistance meeting with a site visit. During the course of the planning for this visit, on March 31, 1996, Walter A. Vickers wrote "regarding certain recent conflicts and divisions within the Nipmuc Nation Tribal Council." Mr. Vickers stated, "If, as Mr. Morse alleges, you have chosen, for whatever reason or personal propensity, to deal exclusively with him and to treat him as the official representative or spokesperson for the Nipmuc petition, you have stepped well beyond the limits of your mandate of providing 'technical assistance' to tribes and have interfered in our sovereign affairs" (Vickers to Davis, 3/31/1996) [emphasis in original]. The letter continued:

> It is clear to us that your conversations with Mr. Morse are having an adverse effect on Nipmuc governance, and we must ask that you refrain from dealing with

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[30]BIA to Edwin W. Morse Sr. [Wise Owl] notifying active status; cc: to BIA Eastern Area Office, Governor of Massachusetts, Attorney General of Massachusetts, Walter A. Vickers.

[31]Dr. Thomas L. Doughton requested copies of the most recent petition submissions on October 8. 1995 (Doughton to Davis 10/8/1995). These were provided by BAR on November 2 (Reckord to Doughton 11/2/1995).

There was a meeting of the Nipmuc Nation and counsel with BAR staff on December 4, 1995 (BAR Admin. File #69). As a follow-up to this meeting, Tadd Johnson [legal counsel] submitted, on letterhead of the Nipmuc Nation Tribal Office, a listing of the current "official representatives and Council Members of the Nipmuc Nation": Ruth Bessette, Ray Cote, James Cossingham, Pam Ellis, William Gould, Don Gould, Charles Hamilton, Mary Ann Hendricks, Ron Henries, Conrad Luster, Edwin Morse, Edwin Morse Jr., Lucyann Swenson, Pam Vickers, Walter Vickers (Johnson to Reckord, 1/21/1996). This list included the names of both Edwin Morse Sr. and Walter Vickers (Johnson to Reckord, 1/21/1996). For continuing coperation, see also a letter from Edwin W. Morse Sr. [Wise Owl] to Holly Reckord. cosigned: Ruth Bessette, Edwin W. Morse Jr., Conrad L. Luster, Charles O. Hamilton, Walter A. Vickers, Wm. W. Gould Sr., Raymond Cote, Donald R. Gould (Morse to Reckord, 1/17/1996).

[32]On February 16, 1996, the BIA wrote to Edwin W. Morse Sr. [Wise Owl] covering six points "clarifying points of discussion following the Technical Assistance meeting of December 4, 1995" (Reckord to Morse, 2/16/1996). There was another meeting between BAR staff and Nipmuc counsel on February 28, 1996. As a follow-up to this meeting, the attorney wrote a letter indicating that the petitioner understood that they had until August 1, 1996, to submit supplementary materials (Johnson to Reckord, 3/4/1996).

> him on the Nipmuc Nation's petition which he does not represent in any official capacity. We ask that any and all technical assistance be provided to either our legal counsel, Tadd Johnson, or the head of our research team, Bill Starna, until the Council can select an official representative.
>
> We must request that you arrange immediately to come to Massachusetts to meet with our Council. We feel that, in addition to a written response, it has become necessary for us to meet with you in person. Please inform us as to your earliest availability for such a meeting (Vickers to Davis, 3/31/1996).

Vickers requested that the BIA's reply be directed to himself, Ron Henries, and Johnson (Vickers to Davis, 3/31/1996). On the same date, March 31, BAR received a fax from Edwin W. Morse Sr. transmitting copies of some genealogical documentation (BAR Admin. File, #69). Morse questioned the authenticity of some of this material.

Approximately two weeks later, on April 15, 1996, a lawyer in the firm of the Nipmuc legal counsel wrote BAR concerning the proposed technical assistance meeting in Massachusetts.[33] He stated that the Nipmuc Tribal Council wanted to limit the topics to be discussed at the meeting, had recently retained new consultants, and was in the process of "improving its baseline rolls and strengthening numerous areas of the overall petition" (Quigley to Reckord and Davis, 4/15/1996). The letter continued:

> Hence, the Tribal Council respectfully requests . . . that you refrain from reviewing its genealogical or other records at this time. The Tribal Council feels that such a review by you at this time would be unproductive and premature. The Tribal Council respectfully asks that you confirm in writing by April 19 that your visit will be limited to the matters covered in this letter. The Tribal Council also asks that prior to you actually conducting any formal site visit in which you review any materials that you provide it with at least thirty (30) days notice (Quigley to Reckord and Davis, 4/15/1996).

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[33]During April of 1996, the BIA also received letters and copies of letters from some of the petitioner's members and would-be members:

__ Letter from Thomas L. Doughton to "Geneology Committee" at the Nipmuc Nation Tribal Office; cc: to Kay Davis, BAR. Re: procedures and membership standards (Doughton to Nipmuc Nation Tribal Office, 4/20/1996). Doughton directed a subsequent letter to BAR in September after "repeated and unsuccessful attempts on behalf of myself, my extended family, and other Nipmuc Indians to obtain information on either or both petitions to BAR . . . ." (Doughton to BAR, 9/9/1996).

4/20-21/1996 ANA Technical Assistance Consultation with Brian Myles at Nipmuc Nation Tribal Office. Present: Nipmuc Tribal Council Members Bill Gould, Charlie Hamilton, Conrad Luster, Pam Ellis; Nipmuc Tribal Member and Research Coordinator Rae Gould.

Pamela A. Ellis, "Research Director" for the Nipmuc Nation, welcoming visit from Holly Reckord and Kay Davis (Ellis to Reckord and Davis, 4/24/1996). Ellis had first requested a copy of the Nipmuc petition from BAR in 1994 (BAR Admin. File, #69).

The attorney's letter also repeated the assertion that August 1, 1996,[34] was the date agreed upon for final submission of all Nipmuc Nation materials at the February 28, 1996 meeting (Quigley to Reckord and Davis, 4/15/1996).[35] On April 30, 1996, a letter was delivered to the BIA genealogist on behalf of the Nipmuc Nation Tribal Council signed by "Chief Natachaman" (Walter A. Vickers) "to address any misunderstanding that may have occurred regarding your visit Monday to the Nipmuc Tribal Offices for the purposes of document inspection." It stated:

> [W]e were under the impression that this visit would not include inspection of genealogical documentation by the actions (or more accurately inaction) of our original team of anthropologists. We were misled into believing much of the work we are now trying to complete in an accurate and timely manner had been accomplished by Ms. Grabowski. As Mr. Johnson's letter indicated, we feel there is much of value that may still be accomplished by your visit, other than a final survey of genealogical records.
>
> We request that you forward to us, in writing, any questions, and the nature of their necessity, and we will do our utmost to facilitate answers. We also believe this will prove most helpful to the Tribe, in the nature of technical assistance, in identifying for us any rough spots in our petition. We will, of course, do our utmost to satisfactorily answer any outstanding concerns, and fully supplement our petition, in time for the next BAR visit in July (Vickers to Davis, 4/30/1996).[36] [footnote added]

Under these limited conditions, the technical assistance visit and the genealogical site visit took place the first week of May, 1996.

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[34]A date subsequent to July 11, 1996, when the proposed finding should have been issued under the regulations.

[35]Walter A. Vickers' letter of April 30, 1996, referred to a letter to BAR from Tadd Johnson, counsel, dated April 16, 1996. No such letter was located in BIA records. Possibly Vickers meant the April 15 letter from Kevin Quigley of Johnson's firm.

[36]In regard to this letter, petitioner's counsel later attempted to minimize the impact of the restrictions contained in Vickers' letter:

> Your comment [in recent phone conversation] that the April 30, 1996 letter, delivered directly to Kay Davis on behalf of the Tribal Council, somehow precluded Kay from reviewing tribal records is misplaced The purpose of the letter was not to hinder at all Kay's review of tribal records; rather, it was meant to provide technical assistance to the Tribe by helping it focus on the specific records Kay wished to review. In this way, the Tribe would be in a better position to provide Kay with pertinent information which it would not otherwise understand to be relevant (Quigley to Reckord 5/9/1998).

The dispute over access to the petitioner's genealogical records by the BAR genealogical researcher led to a renewal of the internal leadership conflicts within petitioner #69. On May 3, 1996, "Chief Wise Owl" [Edwin W. Morse, Sr.], Nipmuck Indian Council of Chaubunagungamaug wrote to the BIA that, "This letter is to inform you that the Chaubunagungamaug Band had nothing to do with the letter of April 30, 1996, from Walter Vickers. . . Walter A. Vickers does not represent us, nor does he speak for us at any time. Chaubunagungamaug files are always open to you and all your staff" (Morse to Davis, 5/3/1996). At a council meeting of the Nipmuc Nation, May 8, 1996, Morse announced that the Chaubunagungamaug Band was withdrawing from the petitioner (Nipmuc Nation Minutes 5/8/1996; #69B Pet. Supp. 6/19/1997).[37] On May 31, 1996, the BIA received a copy of the signed Chaubunagungamaug withdrawal letter from Edwin W. Morse, Sr. [Wise Owl] (Morse to Vickers, 5/22/1996).

The BIA decided to accept the withdrawal of the Chaubunagungamaug band, thus separating the Nipmuc into two separate petitioners effective this date and regarding them as sharing the same petition up to the date of May 31, 1996; thenceforth to have two separate sets of petition materials. The Nipmuc Nation was denominated #69A. The Chaubunagungamaug Band was denominated #69B. Informally, the BIA indicated to the petitioners that in spite of the separation, the research on both petitions would be done at the same time. Counsel for #69A acknowledged this information: ". . . you indicated that even if the Tribe was to be split into two bands, BAR . . . would perform the remaining reviews (i.e. anthropological, genealogical, and historical) at the same time for both groups. this means that although each group would be on a different "track" under the petition, BAR will not proceed faster with one group or the other." (Quigley to Reckord 5/9/1996, 2).

The separation of the two groups was far from complete at this time. For example, two of Morse's daughters, although on the council of #69B, continued as well to serve on the council of #69A for several more months (see Swenson and Bessette to Holly Reckord, 6/13/1996; Swenson to Reckord, DeMarce, and Stearns, 12/2/1996). A document from #69A dated May 18, 1997, indicated that Swenson was no longer serving on the Nipmuc Nation council (Henries to

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[37]On May 7, 1996, BAR received a faxed copy of "Dear Member" letter from Edwin W. Morse Sr. [Wise Owl] to members of the Chaubunagungamaug Band, saying it was in their best interest to separate from Hassanamisco and that if they wished to remain with Chaubunagungamaug they should sign below and return the form to him by June 1, 1996 (Morse to Dear Member, 5/7/1996).

On May 22, 1996, the BIA received an unsigned fax copy of letter from "Chief Wise Owl" [Edwin W. Morse, Sr.] to Mr. Walter Vickers:

> This letter is a written notification and confirmation to you, as titular head of the Hassanimisco Band of Nipmuck, and to all members of the Nipmuck Nation of my actions at our meeting of May 8, 1996, whereby I announced that effective that day, May 8, 1996, the Chaubunagungamaug Band was proceeding for Federal Recognition solely on its own with no affiliation whatsoever with the Hassanimisco Band or any other group or groups (Morse to Vickers, 5/22/1996; BAR Admin. File #69).

Dear Nipmuc Nation Tribal Member, 5/18/1997). Throughout the summer of 1996, the BIA continued to receive indications of communications between the two Nipmuc groups (see discussion under criterion 83.7(e)). Additionally, as will be seen below under criterion 83.7(e), the numerical majority of the descendants of the former Dudley/Webster, or Chaubunagungamaug, Reservation have continued to maintain their enrollment in petitioner #69A. The situation leading up to and immediately following Morse's decision greatly delayed the BIA's processing of the Nipmuc petition, for as of May 1996, three months before the due date for the proposed finding on #69, the BIA did not have a current, complete, membership list for either of the two petitioners, #69A or #69B.

On May 6, 1996, Pam Ellis[38] wrote to Holly Reckord on behalf of Nipmuc Nation Tribal Council, stating that the "tribe [was] now working to supplement its petition." Ellis said that the group had hired two consultants who over six months produced no work product whatsoever, and had recently hired new consultants.[39] She continued that, "Until your visit, we were prepared to ask Assistant Secretary Deer for a ninety day extension due to the technical and administrative problems with our petition" (Ellis to Reckord 5/6/1996).

Petitioner #69A submitted supplementary documentation on July 4, 1996, in the form of a partial #69A membership list (204 members listed, three with notes that they should be removed next to their names) (Nipmuc Nation List 7/4/1996).[40] On August 27, 1996, the Nipmuc Nation Tribal Council (#67A) submitted "the enclosed complete tribal roll of 477 members as of this date. This final membership roll supersedes any and all previous submissions by the Nipmuc Nation Tribal Council." It was uncertified, but signed by Walter A. Vickers (Nipmuc Nation List 8/27/1996).[41] This "final membership roll" dated August 27 was superseded by a mailing from #69A dated October 26, 1996. The letter discussed a new draft constitution (copy enclosed), the seating of the current council; a certification that Walter Vickers remained spokesperson; and a printout of a membership list containing 561 names certified by the council on 10/28/1996

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[38]The only authorization that the BIA received for Ellis to act as spokesperson came through the petitioner's legal counsel: "please be advised that Ms. Ellis has been elected by the Tribal Council as its Research Director in charge of genealogical and membership roll matters. She has been authorized by the Tribal Council to act as the point person in dealing with BAR representatives as well as the Tribe's own anthropological, historical and genealogical consultants on these matters . . . both Pam Ellis and Bill Gould are members of the Hassanamesitt band, . . ." (Quigley to Reckord, 5/9/1996). BAR advised Ellis that her authorization as spokesperson would have to come through one of the two leaders, or from the council (Reckord to Ellis 6/4/1996).

[39]On July 11, 1996, BAR held a conference call with Dr. William Starna, one of these researchers, scheduled at his request. Holly Reckord, Branch Chief, and BAR staff Rita Souther (genealogist), Virginia DeMarce (historian), and Steven Austin (anthropologist) participated.

[40] BAR also received copies, not certified by the #69A council, of lists dated June 27, 1996; August 14, 1996; and August 26, 1996.

[41]BAR also received an uncertified copy from #69A of a list labeled "486 Members Oct. 1, 1996."

[*sic*].[42] However, the letter stated that, "It should be understood that this is a Preliminary Tribal Roll, and is not complete. As genealogy is completed an updated Tribal Roll will be provided" (Nipmuc National Tribal Office to Reckord 10/26/1996). This list was certified by the council members.[43]

Throughout the autumn of 1996, BAR staff members assigned to work on the Nipmuc petitions remained in contact with #69A.[44] On January 21, 1997, BAR received a packet from #69A containing various data, specifically the ancestry charts for those persons on the October 1996 #69A membership list for whom they had not previously been sent by petitioner #69, additional documentation in the form of exhibits, and several letters.[45] One letter, dated January 15, 1997, was "To request an extension of the active consideration period concerning Acknowledgment of the Hassanamisco band of the Nipmuc nation . . . " (Vickers to Record [*sic*] 1/15/1997).[46] The BIA denied this request for an extension on March 14, 1997 (Maddox to Vickers 3/14/1997).

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[42]On March 3, 1997, BAR received a diskette containing an electronic version of the Nipmuc Roll dated 10/29/96. The date on FedEx form said it had been sent on February 6, 1997.

[43] Signed: Wm. W. Gould, Charles O. Hamilton, James H. Cossingham, Ronald G. Henries, Pamela J. Vickers, Pamela A. Ellis, Donald D. Gould, Walter A. Vickers

[44]Letter requesting certifications (BIA to Vickers 10/29/1996); letter re: genealogical issues, enclosing analytical printouts of #69A August membership list (BIA to Vickers 10/30/1996); letter concerning descendants of Hannah Frances Nichols (BAR to Vickers 11/22/1996); letter enclosing duplicate copies of previously sent material (BAR to Vickers 11/25/1996); letter re: membership policy issues raised by October 26 submission (BIA to Vickers 12/8/1996).

[45]Vickers to DeMarce 12/26/1996; letter requesting that copies of all correspondence be sent to the Sutton Office and re: descendants of Hannah Frances Nichols (Luster to DeMarce 1/15/1997); letter listing exhibits A-P, Exhibits attached (Luster to DeMarce 1/17/1997).

[46]Vickers stated that, "When the original petition of the Nipmuc nation for recognition under the Federal acknowledgment process was determined to be treated as two applications under a single petition in May, 1996, that treatment caused confusion and a need to restructure the presentation by the Hassanamisco Band with respect to its petition . . . (Vickers to Reckord 1/15/1997). He asserted that some necessary records (unidentified) were not available to them, and mentioned the hiring of a new researcher. Actually, this was a rehiring of Dr. Thomas L. Doughton, a former researcher. "As a result, the Tribe requests the 180 day extension. The band feels that the granting of such an extension is the best means of furthering the intent of the Federal Regulations and is well within the discretion afforded to the Assistant Secretary" (Vickers to Record 1/15/1997).

The BIA continued in correspondence with #69A throughout the spring of 1997,[47] in preparation for the site visit by the assigned BIA historian/genealogist, which took place from May 27 through June 6, 1997. A letter from the #69A designated spokesperson to the BIA assured the group would provide the BIA with a "signed, certified membership list" during the site visit (Luster to Maddox 6/2/1997). However, the final list was not ready at the close of the site visit. After an intermediate meeting with Dr. Thomas Doughton and other representatives of #69A on August 15, 1997, at which documentation requested during the site visit was delivered, on October 9, 1997, in another meeting between BAR staff and Dr. Doughton and other #69A representatives, the petitioner submitted a "Final Roll" containing 1,640 names (Nipmuc #69A List 10/9/1997).[48] However, it had not been certified by the council. The certified copy was logged in by BAR on October 17, 1997 (Nipmuc #69A List 10/17/1997). At the October 9 meeting, #69A promised to submit the remaining ancestry charts as soon as possible, as well as a list of the officers and council members resulting from the June 14, 1997, election. After a call from BAR to the #69A office on November 22, 1997, BAR received four supplementary mailings, each with part of the remaining genealogical data (Nipmuc #69A Suppl. 12/1/1997, 12/3/1997; 12/4/1997, 12/5/1997).

At a December 4, 1997, meeting between #69A representations and BAR staff, the petitioner submitted a listing of current officers and council (background data on election, addresses, etc.), data on the September 1997 Nipmuc homecoming; three diskettes on of genealogical data; a printout and software diskette of the "Corrected" 1640 Roll dated October 9, 1997;[49] and additional printed genealogical data on specific family lines.

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[47]Letter clarifying or requesting clarification of nine items in submission received by BAR on 21 January 1997 (Reckord to Vickers 2/6/1997); letter "to confirm our telephone conversation of January 23, 1997, in reference to my designation as the contact person for the Nipmuc Tribal Council. Enclosed another copy of the "Exhibit D & E" designation by Vickers, but none by the Council (Luster to DeMarce 2/8/1997; letter stating that a response to issues raised in letter dated February 6, 1997, would be forthcoming (Luster to Reckord 2/12/1997); letter regarding the name of the group and stating 1) that they were not officially notified of any specific extension required by BAR of the actual dates of such an extension BAR sought, and 2) BIA was to understand that they will continue to add qualified Nipmuc to their roll and submit additional information. FAXED to BAR on 4/3/1997 (Luster to BIA 3/24/1997); phone calls from two officers of #69B saying that their names and those of their children should not be included on the #69A membership list (Swenson and Bessett to BAR 4/18/1997); April 21, 1997, meeting between BAR and Guy Conrad, Ron Henries, Don Gould, & others regarding the #69A petition process; letter regarding site visit and research contact (Luster to Reckord 4/29/1997); letter from the BIA regarding the name of the petitioner (Maddox to Vickers 5/15/1997) memorandum regarding preparation for site visit (DeMarce to Doughton 5/15/1997).

[48]Letter re: duplicates on membership list (Nipmuc #69A 1640 Roll 10/09/97), faxed to #69A office (Reckord to Vickers 12/01/1997).

[49]On May 27, 1998, BAR received from petitioner's counsel, Judy Shapiro, of Hobbs, Strauss, Dean, a verbal request by the #69A Council to submit a revised membership list. BAR staff advised that it was too late in the analysis for the list to be changed again, and advised that the petitioner should hold the revised list and submit it as part of the response to the Preliminary Finding during the regulatory 180-day comment period.

The BIA anthropologist's site visit took place in June 1998. The BIA anthropologist who made the site visit subsequently left Federal employment. The anthropological evaluation has been completed by a different staff anthropologist.

4. BIA Description of the Issues. From the perspective of Federal acknowledgment, the essential issues in this petition are as follows. At the time of the filing of the letter of intent, the petitioner asserted continuity with the historical Hassanamisco Band of Nipmuc located in the Town of Grafton, Worcester County, Massachusetts. The petition filed in 1984 and the response filed in 1987 by petitioner #69 asserted continuity with both the Hassanamisco and also with the Chaubunagungamaug Band of Nipmuc, whose reservation was historically located in the Town of Dudley (later Town of Webster), Massachusetts. For discussion of the history of the Dudley/Webster Indians, see the proposed finding for petitioner #69B. The current petitioner, #69A, the Nipmuc Nation, asserts that it represents a continuation of all contact-era Nipmuc bands.

As indicated by the chart on the next page, the BIA does not discern continuity, within the meaning of the 25 CFR Part 83 regulations, from the historical tribe(s) claimed to the current petitioner. The contact-era Nipmuc bands show no lines of continuity with the current petitioner except through the twelve Nipmuc "Praying Towns" established by missionary John Eliot in the 1660's and 1670's. After the discontinuities that resulted from King Philip's War (1675-1676), which displaced many of the "praying Indians," it is possible to discern continuity in the reestablishment of Hassanamisco and Chaubunagungamaug by the pre-war refugees who had gone to Natick. A few Indians from the other "Praying Towns" of Worcester County returned from Natick and settled on their individual landholdings, but there is no indication that any of the other praying towns had successor entities. Sizable Indian settlements remained in the area that is now northeastern Windham County, Connecticut, but their political structures are not clear from the evidence in the record. The data does indicate that they maintained social ties with Chaubunagungamaug in the first half of the 18th century.

The evidence in the record shows continuity for both Hassanamisco and Chaubunagungamaug from the early 18th century through 1869, the date of the Massachusetts Enfranchisement Act and the termination of the trust responsibility that the State of Massachusetts held for the land and funds of the two reservations. It does not, however, show that there were significant social or political ties between the two bands or reservations at any time during period.

From 1869 to the present, the Hassanamisco Reservation has consisted, basically, of the Cisco family. The evidence in the record shows no political influence or authority over a wider Hassanamisco entity than this single family line, and only occasional, sporadic, social interaction between the Cisco family and descendants of other Hassanamisco proprietary families: almost all of the small amount of such interaction shown in the record took place in the context of New England pan-Indian groups. The evidence in the record showed a slightly higher degree of interaction between the extended Arnold/Hector/Cisco family and various off-reservation

Nipmuc families in the second half of the 19th century than it did between the different Hassanamisco family lines.

From 1869 to 1891, the descendants of the Dudley/Webster reservation maintained sufficient cohesiveness to take group action in the form of the lawsuit that led to the final distribution of the reservation's assets in 1891. From 1891 through the organization of the Chaubunagungamaug Nipmuck Council, the group antecedent to the current petitioner #69B, in the late 1970's and early 1980's, the evidence in the record did not demonstrate the existence of the Dudley/Webster Indians as a continuing community, nor the existence of political authority or influence among them.

Development of the Nipmuc(k) Petitioners

pre-1620 to 1660	Multiple early-contact Nipmuc bands and villages, south-central Massachusetts and northeast Connecticut		
1660-1680	John Eliot's Twelve Nipmuc "Praying Towns," south-central Massachusetts and northeast Connecticut Hassanamisco Chaubunagungamaug Wabaquasset and Maanexit		
			Natick
1680-1869	Hassanamisco (Grafton)	Chaubunagungamaug (Dudley/Webster)	
			Off-reservation Nipmuc
1869-1891	Hassanamisco (Grafton)	Chaubunagungamug (Dudley/Webster)	
1891-1923	Hassanamisco (Grafton)		Off-reservation Nipmuc
1923			Algonquin Indian Federation of New England
1923-1961	Hassanamisco (Grafton)		
1961-1977	Hassanamisco (Grafton)		
1978-1982	Hassanamisco (Grafton)	Chaubunagungamaug Nipmuck Council	
1978-1996			Petitioner #69
1996-Present		Petitioner #69B	Petitioner #69A

Straight lines indicate direct continuity within the meaning of the 25 CFR Part 83 regulations. Dotted lines indicate tenuous connections, but no documented continuity within the meaning of the 25 CFR part 83 regulations.

5. Irrelevant Issues. The Federal acknowledgment regulations do not require a study of some items, such as the archaeology, material culture, subsistence practices, or religious ideology of Indian groups prior to contact, except in instances where these may provide data which directly impact the 25 CFR Part 83 regulations. The regulations focus on the maintenance of tribal continuity since contact.

The proposed finding is not a legal brief and does not purport to analyze claims issues. A determination under 25 CFR Part 83 is a determination of tribal status of the petitioning group only. Neither this proposed finding nor the ensuing final determination will directly address claims issues or reservation ownership. In this instance, the reservation was, and since colonial times had been, a reservation established first by the colony and then by the state. It was never a Federal reservation. Materials pertaining to these topics have been reviewed only to determine whether they provided information concerning the status and character of the petitioner.

The 1790 Non-Intercourse Act is not immediately relevant to Federal acknowledgment. This Act pertains to the legitimacy of land transactions that took place after its enactment. It does not, however, determine the current tribal status of the group whose land has been or may have been affected by those transactions. The legality of the post-1790 sales transactions concerning the Hassanamisco and Dudley/Webster reservations and the termination of the reservations by Massachusetts under this act are questions separate from the issue of Federal acknowledgment of the current petitioner.

Geographical Orientation

Pre-Contact Situation. The interrelationship of the early Nipmuc tribes, bands, villages, or settlements of central Massachusetts is most effectively described in a geographical context: how could the various settlements contact one another? The fresh water Indians of central Massachusetts did have a significant means of communication. The so-called Great Trail, Old Connecticut Trail, or Old Connecticut Path, began at Cambridge, Massachusetts. It ran westerly through Watertown, Waltham, Weston, Wayland, Natick, Framingham, Hopkinton, Westboro, Grafton, and Sutton in what is now Worcester County, continuing over Freeland Hill to Oxford. At or near Oxford it divided. One branch continued west through Oxford Center, Charlton, Sturbridge, Brimfield, Monson and Wilbraham to Springfield, Massachusetts. The other ran south through the modern towns of Webster and Dudley, into what is now Woodstock, Connecticut, and through Ashford and Coventry to Hartford, Connecticut (Humes 1952, 6; *Now and Then* c.1932, 18).

The region delineated by this prehistoric trail system will remain the focus of discussion throughout this survey of the Nipmuc Indians.[50] Within it, the people of the villages and settlements moved freely. For example, the Nipmucs of central Massachusetts are described as leaving their corn to ripen during the summer while going to the shore of Atlantic to gather shellfish (Russell 1980, 111).

Post-Contact Situation. Contact between English settlers and the Indians residing in what are now south central Worcester County, Massachusetts, and northeastern Connecticut began almost immediately after the beginnings of substantial settlement at Boston in 1630, largely because of the convenience of the Indian trail, or path, leading to the Connecticut River and from there to the English settlements in Connecticut (*Now and Then* c.1932, 17, 20-23). Roger Williams first used a variant of the term "Nipmuc" in the written records in 1637 (Connole 1976, 15). Massachusetts settlement began to expand into the Nipmuc country, what is now Worcester County, in the later 1660's, but proceeded very slowly. In 1667, Mendon, Massachusetts (then in Suffolk County) was organized as a town, the deed having been obtained in 1662 (Metcalf 1880, 4-5). The same year, Daniel Gookin, Superintendent of Indian Affairs for the colony of Massachusetts Bay, was appointed by the General Court to determine whether Worcester was suitable for a town and was one of the original proprietors of that place (Humes 1952, 8). These towns were situated in what was still predominantly Indian territory, as indicated by the 1665 complaint of "Owannamaug, Indian Chiefe, neere Marlborough" that a Roxbury man had cut and carried off hay from his meadows (Metcalf 1880, 43) and the 1672 provision of the selectmen of Mendon to send to the magistrate of the "Indian Plantation" of Assonomsit to verify the line run for the boundary (Metcalf 1880, 34). The organization of new English towns in the future Worcester County area continued in the early 1670's, with Brookfield in 1673 and the completion of the transaction at the future city of Worcester, itself, as Quinsigamond Plantation (Reese c1980, [21]; Mandell 1996, 17). In 1684, Worcester, Massachusetts, was organized as a town, and several others followed.

Until the organization of Worcester County, Massachusetts, in 1731, the "Nipmuc country" in general[51] was a part of Suffolk County, Massachusetts (with the county seat at Boston). The

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[50]"William Hubbard states that the Nipmucks' principal seat of government was located just outside Brookfield, Massachusetts. The Reverend Fiske, in his account of the settlement of Brookfield, mentions that this Nipmuck village was 'called Miminimisset . . . at the end of Wickaboag Pond.' It was a popular place of rendezvous for all the Nipmuck tribes. From this ancient seat, the Nipmucks had spread out in all directions; Nipmuck land reached its northern limits along the upper reaches of the Nashua River, its western extent at today's Quabbin Reservoir, to the south in Windham County, Connecticut, and to the east at Marlborough, Massachusetts, ..." (Johnson 1995, 27-28).

[51]"The native groups that lived west of the fringes of European settlement, in northern Connecticut and Rhode Island, central Massachusetts, and southern Vermont and New Hampshire, are the least known of any of the southern New England Indian societies. The local groups of the Connecticut River valley in Massachusetts and the so-called Nipmuck people of Massachusetts and northern Connecticut and Rhode Island appear to have spoken a southern New England language that the French called Loup . . . This classification would probably cover most of the local groups listed as Nipmuck and Pocumtuck by Swanton . . ." (Salwen 1978, 173-174).

published series of land records (hereinafter cited as *Suffolk Deeds*) provides a major source of information on 17th and early 18th century Indian land transactions in central Massachusetts. Throughout the 17th century and into the 18th century, the Nipmuc territory that now falls into Connecticut was part of Suffolk County as well. In 1713, the long-standing border dispute between Massachusetts and Connecticut was finally settled. Much of the land north of Killingly that is now included in Windham County was allowed to the Colony of Connecticut (Larned 1874, 1:175). Windham County, Connecticut, was organized in 1726. The north portion of the modern town of Woodstock, Connecticut, however, still lay within Massachusetts. Nipmuc territory extended 18 to 20 miles south of the modern state line. "The tract west of the Quinebaug River, north of a line running northwesterly from the junction of the Quinebaug and Assawaga Rivers, was Wabbaquasset . . ." (Larned 1894, 1:1).

The Towns of Central Worcester County from the End of Queen Anne's War until the Organization of Worcester County in 1731 and the Towns of Dudley in 1731 and Grafton in 1735. After the end of Queen Anne's War in 1713, the civic organization and white settlement of the towns of the future Worcester County, Massachusetts, proceeded rapidly.[52] In 1731, the General Court established Worcester County from Suffolk County, Massachusetts (Daniels 1892, 1). The town of Dudley (location of the Chaubunagungamaug Reservation) was organized shortly thereafter, the act being passed by the General Court on June 1, 1732 (Conant 1893, 93). Grafton (location of the Hassanamisco Reservation) was organized as a town in 1735 and the organization of other towns within the new county continued.[53]

Historical Orientation

Available source material. Essentially, all documentation available concerning the Nipmuc for the period from first sustained contact with non-Indian settlers, not only to the date of King Philip's War (1675-1676), but into the later 19th century, was generated by non-Indians and is found in the records of the colonies (later states) of Massachusetts, Connecticut, and to a lesser extent, New York and their constituent towns. The most extended series of relevant records is that generated by Massachusetts, consisting of the microfilmed records in the Massachusetts Archives (hereinafter cited as *Mass. Arch.*) and the published series of Massachusetts Colonial Records (hereinafter cited as *Mass. Col. Rec.*). Some relevant material is also to be found in the

[52]In 1714, Sutton, Massachusetts, was, organized as a town. Most of the Chaubunagungamaug tracts fell within this new town. Westborough was organized in 1720; Uxbridge in 1727.

[53]1751 - Jan. 31: Colonial English officials of Massachusetts Bay established the District of New Braintree (town of New Braintree and part of North and West Brookfield) covering land illegally confiscated from Native People (Reese c1980, [36]; no citation of evidence concerning "illegal confiscation").

published Connecticut colonial records (Hoadly 1868, Hoadly 1870, Hoadly 1872, Hoadly 1873) and the New York colonial documents (O'Callaghan 1854). It is to be presumed that more data could be located in unpublished archival materials held by Connecticut, and in collections of the private papers of prominent European settlers of the area who had contact with the Nipmuc. BIA researchers did not examine depositories for such records, since the process would be time-consuming and it appeared that they would not be of major significance for the issues involved in Federal acknowledgment.

Of the narrative sources of data available concerning the Nipmuc in the 17th century, the most frequently cited have been the narratives prepared by Daniel Gookin and John Eliot. In 1656, Daniel Gookin was appointed to be the first superintendent of the "Praying Indian" reservations in Massachusetts Bay Colony (Johnson 1995, 147). He remained in this post until 1687 (Salwen 1978, 168). "Of the documentary sources, that of Gookin . . . seems most knowledgeable" (Salwen 1978, 168). His narratives were written in the 17th century, but are ordinarily cited by the dates of publication, whether the "Historical Collections of the Indians of New England" on the prehistorical period (Gookin 1792) or the *Historical Account of the Doings and Sufferings of the Christian Indians in New England in the Years 1675, 1676, and 1677* which described the events of King Philip's War (Gookin 1836, reprint Gookin 1972).

John Eliot's narrative, "A Late and Further Manifestation of the Progress of the Gospel Amongst the Indians of New England," was published in the *Massachusetts Historical Society Collections*, 3rd series, vol. 4 (Eliot n.d.). It is discussed in more detail below in the section on the "Praying Towns." His "An Account of Indian Churches in New-England, in a Letter Written in 1673, . . ." was published in the *Massachusetts Historical Society Collections* 1809, 10:124-129 (Eliot 1673).

A considerable amount of relevant material is to be found in local histories written by amateurs in the second half of the 19th century (Larned 1874; Daniels 1880, Freeland 1894), and in many ways the most useful 20th century publication covering this very early period was also by a local historian, an attorney interested in the history of the town of Sutton, Massachusetts (Humes 1952). The other most useful compilation for this early period was an unpublished summary of Massachusetts Native American land transactions prepared by the United States Department of Agriculture (Reese c1980), although it unfortunately lacked specific citations for many of the documents summarized. Connole's discussion of "Land Occupied by the Nipmuck Indians of Central New England 1600-1700" (Connole 1976) was less detailed. Recent general scholarly works include Howard S. Russell's *Indian New England Before the Mayflower* (Russell 1980), Steven F. Johnson's *Ninnuock (The People): The Algonkian People of New England* (Johnson 1995), and Kathleen J. Bragdon's *Native People of Southern New England, 1500-1650* (Bragdon 1996). None of these was specific to the Nipmuc, but all provide useful bibliographical references. Karen H. Dacey, *In the Shadow of the Great Blue Hill* (Dacey 1995), concentrated on the period through King Philip's War, dedicating less than 20 pages to developments between the 17th century and the modern period (Dacey 1995, 123-138), while the discussion of the modern period relied almost entirely on the narrative portion of the 1984 Nipmuc petition for

Federal acknowledgment (Dacey 1995, 139-150). Kelly Savage's recent publication *The Pond Dwellers: the People of the Freshwaters of Massachusetts 1620-1676* (Savage 1996), is anecdotal rather than of scholarly use.[54] There are several useful summaries of the early situation in Johnson's *Ninnuock* (Johnson 1995).

Theoretical Considerations of the Nature of Tribal Autonomy. Historians and anthropologists have made a number of general statements indicating that the 17th-century Nipmuc were not wholly independent,[55] such as Johnson's comment that, "Apparently, the Nipmucks had lost some of their tribal autonomy when certain of their villages began paying tribute to the Pequot, Narragansett, Massachusett and Pennacook" (Johnson 1995, 28).[56]

> With several strong Algonkian confederations surrounding central Massachusetts, it becomes obvious that a power vacuum had developed in Nipmuck country. The Nipmucks may have been a strong confederated tribal nation in the time before recorded history, and that nation may have slowly weakened before the English arrived. Gookin, who was familiar with several of the Nipmuck tribes, mentions that "the Nashuas had been a great people in former times; but of late years, have been consumed by the Maquas' [Mohawks'] wars and other ways." . . . Also by Gookin's time, Pennacook influence from the north had penetrated northern Worcester county . . ., where certain of the Nipmuck tribes had joined the Pennacook confederation. A semblance of the one-time Nipmuck confederation still existed in the 1670s under the leadership of Sachem Wattasacompanum, for this chief was said to be "ruler of the Nipmuck country . . . ruler of the Nipmuck Indians, a grave and pious man, of the chief sachem's blood of the Nipmuck country." (Johnson 1995, 27).

The issue for this report is whether it has significant impact for Federal acknowledgment if, in the first half of the 17th century, some or all of the Indians of the Nipmuc country may have

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[54]See, for example, the author's own statement: "Note; Some marriages and confederacies mentioned in this chapter are based on the author's 'educated guess' and are not documented in other sources. They are not intended to be used for genealogical purposes" (Savage 1996, 40).

[55]"Some older men in the Massachusett nation told Gookin that in the days before the plague, the Nashuas, Nipmucks and Pocumtucks were members of the Massachusett confederation" (Johnson 1995, 10).

[56]For example, Larned's comment that in the 17th century, the Wabbaquassets in what is now Woodstock, Windham County, Connecticut, owed a varying allegiance to the Pequots, to Uncas of the Mohegans, or to the Narragansetts, depending on who was in power (Larned 1874, 1:4) or Bragdon's statement that "the Pequots did have influence among . . . the Nipmuck as far as Quinabaag (near Dudley, Massachusetts)" (Bragdon 1996, 25). "Apparently, even a few Nipmuck sagamores paid allegiance to the Wampanoag sachem" (Johnson 1995, 9). From another perspective, Russell commented that, "the power of the Mohawks by no means ended at the Connecticut River. Their emissaries collected tribute among the scattered Nipmuck villages of central Massachusetts, . . . (Russell 1980, 187). For this report, no useful purpose would be served by compiling an exhaustive listing of similar or parallel remarks in secondary sources.

owed some kind or allegiance to the Narragansett, the Mohegan, or the Wampanoag.[57] The question of "autonomy" was addressed by the BIA in the Mohegan final determination (which was issued under the 1978 25 CFR Part 83 regulations and quotes from that version):

> The CTAG [Connecticut Attorney General] made two additional arguments for denying the MT [Mohegan Tribe] Federal acknowledgement [sic] under Criterion c. First, the CTAG argued that the Mohegan had once been subject to the Pequot Indians for a few years in the first half of the 17th century. Second the Mohegan had their affairs governed by a group of overseers appointed by the State of Connecticut (1769 to 1872). For these two reasons, the CTAG concluded the MT did not meet the "autonomous entity" requirement of Criterion c.
>
> Neither of these points means the petitioner fails to meet the criteria. First, the time period during which the Mohegan lived with the Pequot is so brief as to be inconsequential. Second the autonomy requirement is solely concerned with autonomy from other Indian tribes, not non-Indian systems of government that were imposed on the Mohegan by the state of Connecticut. The CTAG has misinterpreted the requirements of the criterion because the overseer system of the State of Connecticut is not an Indian tribe. A more detailed response to the CTAG argument concerning political autonomy can be found in the technical report accompanying this Final Determination (Mohegan FD, 26-27).[58]

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[57]"In 1647, the Commissioners of the United Colonies decided that 'the Nepnat Indians having noe sachem of their own are at liberty, part of them by their own choice, toe appertaine to the Narraganset sachem and part to the Mohegans'." (Butler in Speck 1947).

[58]The more extensive discussion in the technical report to the final determination read as follows:

> The CTAG Response discusses at considerable length the fact that the Mohegan were temporarily subject to the Pequot in the 1620's and 1630's, and argues that under the criteria of independence [or] "autonomy" from other Indian authority, this makes the MT ineligible for recognition. (CTAG Response 1:5-7 and 1:13-18). The CTAG Response claims that [the] Pequot War of 1637 was used by Uncas to escape this subordinate status (CTAG Response 1:8; 1:18-20) and that the Mohegan ancestry and language were largely Pequot (CTAG Response 1:21-28).
>
> The contention by the CTAG that the subordination of the Mohegan to the Pequot for a portion of the first half of the 17th century constitutes a disqualification for Federal acknowledgment of the MT as an Indian tribe under 25 CFR Part 83.7 misinterprets the intent of the regulations. The intent of the regulations under 83.7(f) is clarified by certain other statements in other portions of 25 CFR Part 83. Under "Scope" of the Federal acknowledgment process, 25 CFR 83.3(d) reads:
>
> > Nor is this part intended to apply to splinter groups, political factions, communities or groups of any character which separate form the main body of a tribe currently acknowledged as being an Indian tribe by the Department, unless it can be clearly established that the group has functioned throughout history until the present as an autonomous Indian tribal entity.

Early Contact. Scholars have indicated that the contact-era Nipmuc were not well documented, have phrased their descriptions tentatively,[59] and have provided varying descriptions of the internal political organization of the early historic Nipmuc. For example:

> There were other units, in the interior and on the western Connecticut coast, that seem to have normally functioned as almost completely independent local communities, without lasting political ties to any of their neighbors. Names like Nipmuck . . . sometimes appear in the literature as designations for large "tribes" or "confederacies" (Speck 1928a:pl. 20; Swanton 1952), but this usage does not seem to fit the seventeenth-century situation. At best, some of these names may reflect linguistic or cultural homogeneity, but the scarcity of evidence makes even linguistic identification difficult in most cases (Day 1962, 1969) (Salwen 1978, 173).

One modern scholar has stated that, ". . . the Nipmucks . . . added up to not much more than the changing sum of whichever interior villages chose to work together at a given time" (Bourne 1990, 126). Another commented that:

> . . . the Nipmucks were a loosely organized people residing in scattered villages, each separate group having its own sachem. Although these various rulers might confer on important matters from time to time, there seems to have been no single, clearly defined, over-all structure of government for the entire tribe (Leach 1958, 73).

Essentially, it makes no difference for Federal acknowledgment whether or not, in the 17th century, Nipmuc internal governance was very unstructured. The Federal acknowledgment criteria do not prescribe any specific type of governmental organization that a tribe, band, or other Indian group must have maintained at the time of first sustained contact with non-Indian settlers in order for its successors to be considered under 25 CFR 83.

> The petitioner can in no way be regarded as "separating from" the main body of a currently acknowledged tribe. . . . Neither do the type of rebellion and resistance against Uncas by the Pequot later placed under his supervision by Connecticut authorities, narrated by CTAG (CTAG Response 1:30-42), normally have the impact of destroying legal sovereignty when it exists (Mohegan FD, TR 169-170).

[59] "The native groups that lived west of the fringes of European settlement, in northern Connecticut and Rhode Island, central Massachusetts, and southern Vermont and New Hampshire, are the least known of any of the southern New England Indian societies. The local groups of the Connecticut River valley in Massachusetts and the so-called Nipmuck people of Massachusetts and northern Connecticut and Rhode Island appear to have spoken a southern New England language that the French called Loup . . . This classification would probably cover most of the local groups listed as Nipmuck and Pocumtuck by Swanton . . ." (Salwen 1978, 173-174).

By the time of first sustained contact, the number of Nipmuc was not large. Recently a historian, summarizing the consensus of numerous researchers, stated:

> There were a number of Nipmuck tribes, but the fighting force of the entire nation probably ranged from one to two thousand warriors. Some of the tribes that comprised this nation were the Wachusett, who lived in the area of Mount Wachsett, and the Nashua, or Washacum, who resided not only in the same areas as the Wachusett, but also along the upper course of the Nashua River. Their main seat was called *Washacum*, which was located in present-day Sterling, Massachusetts. To the southwest of this tribe, where Brookfield, Massachusetts is today, the Quabaug tribe occupied the land. The Quabaug and Nashua had close affiliations with one another. Other Nipmuck tribes were the Hassanamissit, Quiebaug, Wabaquasset, Wunnashowatuckoog and Wusquowhannanawkit (Johnson 1995, 27).

Little is known about the social system. A modern scholar has stated:

> Native society operated on three levels: clan, village, and tribe. The clan, an extended family that claimed a common ancestor, dominated an individual's life. Clans worked and held fields and hunting territories. The village, containing up to several hundred people from one or more clans, set field boundaries and organized the political and economic life. The tribe, the largest and least powerful grouping, connected villages and clans with a commmon dialect and culture, but lacked stable hierarchies and could be reshaped by outside influences or internal conflicts" (Mandell 1996, 10).

Contacts and Land Cessions prior to King Philip's War. The earliest formal interactions between non-Indian settlers of southern New England and the tribes of the Nipmuc country of central Massachusetts, in the 1640's, in the form of deeds and land cessions,[60] confirmed that prior contacts had taken place, since the purchasers were aware of the terrain and the natural resources over which they wished to gain control, such as the lead mines at Tantiusque, now Sturbridge, Massachusetts (Reese c1980, [7], [10]. Additionally, as will be seen below, the Nipmuc groups became closely associated with Natick, which had contacts with English settlers by the 1620's (Reese c1980, [3]).

Two documents represented more formal relationships between Nipmuc leaders and the Massachusetts Bay Colony. On February 4, 1644, in the aftermath of the Pequot War in Connecticut, representatives signed the Treaty of Boston between Massachusetts Bay Colony and sachems of the Nipmuc and Massachusetts Nations. The treaty was one of "peace and

[60]There is a map of these land cessions in Connole (Connole 1976, 15).

acknowledgment of sovereignty to the King of England" (Place of Small Stones n.d., 1, 3). None of the signers, insofar as they can be identified, were from Hassanamisco.

In May of 1668, several Nipmuc sagamores signed a document submitting to the authority of the Massachusetts Bay Colony (*Mass. Archives* 30:146). This was, however, of limited effect and pertained to the dispute over the claim to suzerainty over the southern Nipmuc villages (around Chaubunagungamaug and in modern Connecticut) asserted by the Narragansett chief. This issue is discussed in much greater detail in the draft technical report prepared for petition #69B. If the signer "Watasakompanin" was the man subsequently identified by Gookin as Wattasacompanum, residing at Hassanamesit,[61] and if "Asukosnogest" was an attempt to spell that place name, then the Hassanamisco participated in this submission by the "Native Indians sagamores and people of the Nipmucks inhabiting within the bounds of the pattens of Massachusetts and near adjoining unto the English towns of Mendon and Marlborough" (Place of Small Stones n.d., 5-6).

Establishment of Hassanamisco and the Other Nipmuc "Praying Towns." From the 1640's through the early 1670's, the project of converting the Indians of Massachusetts to Christianity was actively under way. Metcalf, the 19th century historian of Mendon, commented, "Whether the Nipmuck Indians submitted to the English because they were 'convinced of their great sins,' and intended 'to turn unto the Lord and be his servants,' or because they had come to feel the need of protection against enemies of their own race we cannot, at this late day, fully determine" (Metcalf 1880, 36). Whatever the underlying motive, by 1674, John Eliot had organized several "praying towns" among the Nipmuc.

Neal Salisbury has interpreted the establishment of the "praying towns" of central Massachusetts in the following context: "Eliot's success rested mainly on his ability to protect Nipmuck communities from tribute demands and military attacks by Niantics and Mohegans" (Salisbury 1990, 92). Missionary interest in the Nipmuc of central Massachusetts substantially predated the 1668 "submission" of the southern Nipmuc sagamores to Massachusetts (see above). The 1668 event had been preceded by submissions of the tribes further east, the Massachusett and the Wampanoag, to Massachusetts Bay authority (Johnson 1995, 146; Reese c1980, [8]). In 1650, Natick, Massachusetts, was organized as a town (Middlesex County), and in 1651, the General Court of Massachusetts Bay Colony granted a charter to John Eliot to construct the "praying Indian" village of Natick on a tract of 6,000 acres (Reese c1980, [8]). By 1651, Eliot was giving consideration to expanding his missionary effort beyond the eastern tribes. He wrote that, "There is a great country lying between Connecticut and Massachusetts, called Nipnet, where there be many Indians dispersed, many of whom have sent to our Indians desiring that some may be sent unto them to teach them to pray to God (Place of Small Stones n.d., 3).

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[61] ". . . my chief assistant, . . . ruler of the Nipmuck Indians, a grave and pious man, of the chief sachem's blood of the Nipmuc country. He resides at Hassanamessit: . . ." (Gookin 1972, 84).

In 1652, Eliot undertook an exploratory journey inland, some 60 miles as far as the Quinebaug River (Place of Small Stones n.d., 4). In 1654, he first visited Hassanamisco, or Hassanamesit, a Nipmuc encampment along the Blackstone River (Place of Small Stones n.d., 4). On May 15, 1654, the General Court of Massachusetts Bay Colony established Hassanamisco Plantation on four miles square (10,240 acres) for the Nipmuc Nation's "praying Indians" (Reese c1980, [9]),[62] but it was not until October 21, 1659, that Eliot petitioned that Jona. Danforth be appointed to lay out the Indian town at Grafton (Hassunemimesit) (*Mass. Archives* 30:81).

The laying out (surveying) of Hassanamisco thus predated by several years Eliot's 1660 establishment of the first Indian church at Natick (Humes 1952, 8). During the following years, Eliot proceeded with the establishment of other "praying towns" within the Nipmuc territory. On May 18, 1665, officials of Massachusetts Bay Colony directed the layout of 4,000 acres as Quabaug Plantation[63] to benefit the Nipmuc Nation's "praying Indians" (Reese c1980, [14]), but the first actual Indian church in the future Worcester County was not established until 1671 at Hassanamisco (Humes 1952, 8). Eliot indicated that he had written a "history of gathering the church at Hassaneimeset" and sent it "unto the honorable corporation in London, to be published," but this document was not submitted by the petitioner or located by BIA researchers (Eliot 1673, 124, 128-129). Within the next four years, Hassanamisco was quickly followed by several other churches in the Nipmuc region: Waeuntug (Uxbridge), Quinshepauge (Mendon), Packachoag (Auburn),[64] Manchaug (Sutton), Quabaug (Brookfield), Chaubunagungamaug (Dudley), and Wabaquasset (Woodstock, Connecticut) (Place of Small Stones n.d., 6).

The most extensive information concerning the situation within these "praying town" settlements comes from the report of a journey undertaken by Eliot and Daniel Gookin in the autumn of 1674. It made very clear that the Nipmuc "praying towns" were not large -- he provided a "praying town" population for this region approximated to just under 400 persons. Gookin's descriptions indicated close ties between the personnel of Hassanamisco, Chaubunagungamaug, and the Nipmuc towns in northeastern Connecticut, since Sampson, the teacher at Wabaquasset, and Joseph, the teacher at Chaubunagungamaug, were "both the only sons of one Petavit, alias Robin, one of the late rulers of Hassanamesitt, who died not above three days before our coming thither" (Gookin 1970, 81-84; see also Larned 1874, 1:6-8).

Specifically in regard to Hassanamesitt, third town of the "Praying Indians," Gookin indicated that it was about 33 miles southwest of Boston, about two miles east of the Blackstone River,

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[62]The relationship of this "plantation" for the praying town to the later deeds made by John Wampas (see below) has not been ascertained.

[63]The future "Brookfields" towns in Worcester County.

[64]Secondary sources sometimes refer to the modern equivalent of Pakachoag as Auburn, now a suburb of Worcester, and sometimes as Worcester. In 1674, the Nipmuc Sachems Woonaskochu of Tatnuck and Hoorrawanronit of Pakachoag sold a tract of land eight miles square (40,960 acres) to colonial English settlers of Massachusetts Bay Colony. It was organized as Quinsigamund [*sic*] Plantation (Worcester) (Reese c1980, [21]).

and near the old road to Connecticut. He estimated that it had no more than twelve families, about 60 individuals, but was "capable of receiving" several hundred. It was about four miles square, so about 8,000 acres of land. There was a "meeting house for the worship of God after the English fashion of building," and their way of life basically supported by husbandry, described as the keeping of cattle and swine. There were about 30 baptized persons, and 16 men and women in full communion with the church, plus some other church members who lived in other locations. It was, he stated, a "hopeful plantation" (Gookin 1970, 72-73).

Impact of King Philip's War. The evaluation of the petitioner for purposes of Federal acknowledgment does not require a narrative of the overall progress of King Philip's War, which broke out in June 1675. For that purpose, the reader should consult standard studies such as Douglas Edward Leach's *Flintlock and Tomahawk: New England in King Philip's War* (Leach 1958) or Russell Bourne's *The Red King's Rebellion* (Bourne 1990). It is examined here only in the context of what the military records indicate about conditions within the Nipmuc country. In addition to the standard monographs, there is a short summary of Massachusetts' actions toward the "Praying Indians" during the course of this war in Johnson (Johnson 1995, 198-200).

On June 24,1675, Massachusetts Bay Colony emissaries obtained an agreement of the Indians in the Nipmuc Country not to aid Philip and to live under the Government of Massachusetts Bay (*Mass. Archives* 30:169-170; Place of Small Stones n.d., 9).[65] About the first week of July, several more Indians from the "Praying Towns" of Hassanamesit, Magunkoog (Hopkinton), Manchauge (Sutton) and Chaugunagungamaug (Dudley), making a total of about 40 men plus women and children, left their places and came into Marlborough "under the English wing, and there built a fort upon their own land, which stood near the centre of the English town...hence they hoped not only to be secured, but to be helpful to the English, and on this pass and frontier to curb the common enemy" (Gookin 1972, 443). During August, the praying Indians who had come into Marlborough, a group which had accused some from Chaubunagungamaug, were accused of participating in an attack on Lancaster, arrested, and taken to Boston (Bourne 1990, 139; Gookin 1972, 460-461; Leach 1958, 148-149). As a response to the popular hostility, on August 30, 1675, the Massachusetts Bay general court confined the friendly Indians to the plantations at Natick, Punkapoag, Nashobah, Wamesit[66] and Hassanamesit; not to be more than one mile distant without English escort, etc. (Place of Small Stones n.d., 10; citing Gookin 1972, 450-451). The council ordered that two or three Englishmen were to reside at each English

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[65]Signed: Peppehoba [probably Piamboho], Wawas [James the Printer] "the rulers of Hassanamesit"; John of Packachoog (Auburn); Conkeaskoyane, sachem of Quabog (Brookfield); Bolak James of Chonbonkongamaug; Pocamp, Nashowonea & Shockoi "of Manexit" (Thompson, Connecticut); Willasksoupin of Manchachage (Sutton) and two illegible signatures for "sachems of Wabaquasset" (Woodstock, Connecticut) (Place of Small Stones n.d., 9). This document contained signatures only of the leaders of Eliot's "praying towns" and it is not clear whether or not the members of this expedition interviewed the leaders of other Nipmuc settlements.

[66]Wamesit, now Lowell, was the praying town for the "Pawtuckets (or Pennacooks), whose territory stretched along the Merrimac River into southern New Hampshire" (Mandell 1996, 16). No descendants of this band are known to be among the membership of the current petitioner.

plantation (Gookin 1972, 451). Gookin provided an extensive discussion of popular hostility toward the Christian Indians and their English defenders (Gookin 1972, 452-454).

On September 24 and 25, 1675, an expedition left Mendon for Hassanamisco (Gookin 1972, 467), finding no Indians in the "praying towns" it visited and destroying corn fields and wigwams (Metcalf 1880, 66-67). In mid-October of 1675, there were vigorous petitions in the General Court to remove the praying Indians from their plantations; a bill was offered and laid aside; the bill was pressed again, and the General Court appointed a committee appointed to consider the matter (Gookin 1972, 467-468). The committee report (Gookin 1972, 468-470) was that "to satisfy the clamors of the people," the Natick Indians should be removed to Cambridge Neck; the Wamesitt to Noddle's Island; the Nashobah to Concord; the Hassanamesit, Magunkog, and Marlborough to Mendon; and the Punkapog to Dorchester Neck, but the superintendent of Indian affairs claimed that, "the English inhabitants of those places utterly refused to admit them to live so near them" (Gookin 1972, 470). Gookin appears to have been mistaken, at least on the attitude of the residents of Mendon toward the Indians from Hassanamisco, where the Rev. Mr. Emerson and an inhabitant named Ferdinando Thayer petitioned the General Court to express the town's willingness to receive them, while the council in return ordered that the arms and ammunitions that Marlborough had seized from those Indians should be returned to them at Mendon (Metcalf 1880, 65-66).

The removal of the Natick Indians to Deer Island in October (Gookin 1972, 473-474) apparently did not include removal of the remaining residents at the other "praying Indian" settlements. Early in November 1675, intelligence was brought from Mendon "by two of the principal Christian Indians that escaped, of the capture of about 50 men and 150 women and children at Hassanamesit by about 300 well-armed enemy Indians (Gookin, 475-476; see also Leach 1958, 100; citing "Gookin 475-80; Winthrop papers V, 153; *Mass. Archives* 30:188; LXVII, 40, 41, 42, 43, 46, 50, 57; Bodge, pp. 54, 267-268; NEHGR XXV, 10-11). According to Gookin, the captors used the Deer Island internment as part of their argument (Gookin 1972, 527-528).[67] In response to the above intelligence, Capt. Daniel Henchman and Capt. Joseph Sill with five Natick Indian guides were dispatched to the area. They found signs of the enemy at Hassanamesit, but no considerable number; on November 6, Sill at Hassanamesit sent out two files of men with two Indians; they discovered seven of the enemy with an English captive; and during the next days they had several minor encounters with enemy groups around Hassanamessit and Pakachooge (Gookin 1972, 477).

During the spring and early summer of 1676, active hostilities continued. A later prominent Hassanamisco leader was with Philip's supporters. In connection with the negotiations relating to the ransom of captive Mary Rowlandson, documents indicate that in April of 1676, James the

[67]"This providence, concerning those Christian Indians being carried thus away by the enemy, was a very deep wound to the work of Gospelizing the Indians, for this people were considerable in number . . . being the greatest part of three Indian villages, viz. Hassanamesig, Magunkog, and Chobone-Konehonom" (Gookin, 476-477).

Printer/Wawaus remained at liberty. A letter from the General Court "to the Indian Sachems about Wachusett" read in part, "We received your letter by Tom & Peter which doth not answer ours to you neither is subscribed by the sachims nor hath it any date which we know your scribe James Printer doth well understand should be . . ." (Place of Small Stones 14; citing *Mass. Archives* 30:201a).[68]

By mid-summer of 1676, with the military success turning in favor of the colonial forces, the government of the Massachusetts Bay colony, on June 19, 1676, "Seeking to encourage mass surrenders of Indians who had become disillusioned with Philip's cause, . . . issued a special declaration of mercy. Some hope of leniency was held out to the rank and file of the enemy if they would surrender within a stated period of time." Many took advantage of this offer, "a further sign of the now rapid disintegration of the enemy power" (Leach 1958, 213). The grace period was 14 days next from the declaration (Gookin 1972, 529). Between July 6 and July 8, 1676, James the Printer from Hassanamisco and others surrendered (Place of Small Stones 14; citing Cotton Mather). Also in July, Massachusetts appointed a committee to deal with the issue of Indian children being bound as indentured servants. The children so bound out included Joseph and another son of Anaweakin of Hassanamisco, their mother being present (Place of Small Stones n.d., 14-16; citing "A List of Captive Children 1676," *Transactions of the Colonial Society of Massachusetts* 1916-1917, 19:25-28; Leach 1958, 226; citing *Mass. Archives* 30:209; MCR V,136).

The death of Philip on August 12, 1676, represented the official end of the war, but did not end the hostilities on the frontier. During the course of King Philip's War, several Nipmuc leaders were executed by Massachusetts (Leach 1953, 214, 223), supposedly, according to Larned, including one Hassanamisco leader in the autumn of 1676: "The grave and pious Wattasa Companum [of Hassanamesit], enticed away by Philip's men, was executed in Boston. Gookin was the only magistrate who opposed . . ." (Larned 1874, 1:11).

Numerous Nipmuc are known to have been among those captives who were sold into slavery by the government of the colony (Leach 1958, 225; (Gookin 1972, 448-449), while, as seen above, children were bound out to English masters. Historians from the 17th through the 19th century often alleged that the remainder of the Nipmuc fled central Massachusetts, either joining the northern Indians in Maine, Vermont, and Canada, or moving west into New York. This assumption may have been based in part on Gookin's statements concerning the Wamesit (Gookin 1972, 482-492; Leach 1958, 149-150). However, movement west did occur. It was

[68]"One group, with 252 people (75 men and 175 women and children) retained ties to Natick, Wamesit, Nashoba, and Hassanamisset or other Nipmuc towns west of Boston. The second group, with 35 men and 140 women and children . . . went southwest to work for English farmers in the towns near Punkapoag. The first group spent the summer in Cambridge . . . while some worked in nearby towns for English farmers. Five months later this group broke apart. The largest faction, led by Waban, split into four bands, each of which settled at or near Natick--including one at Waban's old village of Nonantum. Other bands returned to Concord (those originally from Nashoba) and Namkeake (near Wamesit)" (Mandell 1996, 26).

first noticed mid-July when a sizable company crossed the Connecticut River and slipped past Westfield; another group crossed above Springfield on August 11, this latter group was attacked and damaged by Talcott while in transit (Leach 1958, 236). To some extent, the movement was temporary (see e.g. Larned 1874, 1:11, 1:13). Some Nipmuc certainly remained in Massachusetts and Connecticut after King Philip's War, returning within the next few years to the sites of some of Eliot's "Praying Towns." The cliche did, nevertheless, have some justification. The Nipmuc who remained after the end of King Philip's War were primarily Christian Indians or their close associates.[69] Massachusetts and Connecticut records contain no evidence that any Nipmuc bands or villages not associated with Eliot's prewar "praying towns" remained extant in the region after 1676. BIA researchers located little evidence that the Nipmuc who continued to reside in the region maintained significant social or political contact with those who had left. It is possible that at least some of the children indentured to white families assimilated into the dominant society and left no further records. If this were the case, however, their descendants were not maintaining tribal relations and their subsequent history is not relevant to the issue of Federal acknowledgment.

Out-migration did not account for all the population decline. On July 2, 1676, when James the Printer of Hassanamisco came into Cambridge with others, he, "told the authorities that during the past year more Indians had died of disease than had been killed by the English--a most significant fact, if true" (Leach 1958, 213-214; citing *Mass. Archives* 30:207, 216; *Collections of the Massachusetts Historical Society* 5:14; Gookin 1972, 527-529).

From King Philip's War to the Establishment of the Reservations.[70] Extensive 18th-century records enable a demographic historian to reconstitute the Nipmuc population of Massachusetts, almost name-by-name. There was documentable continuity between the pre-war and post-war populations of the Nipmuc settlements in Worcester County. Small groups of pre-war inhabitants, sometimes in company with former Natick residents, resettled Hassanamisco and Chaubunagungamaug between 1680 and 1730. Throughout this 50-year period, there continued to be a considerable degree of migration back and forth between Natick and the Indian settlements lying to its west and southwest. Some individual Indian families re-settled their

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[69]As individuals, they were not all necessarily "praying Indians," as evidenced by the baptisms of Indian adults in the church records of the 18th century (although in the Congregationalist tradition, it was not uncommon for adults of European ancestry to delay baptism well into adulthood). However, all the families seem to have been close associates of the prominent "praying Indian" leaders of Eliot's day.

[70]Very little secondary scholarship is available to illuminate Nipmuc development in the 18th century. In 1978, the Smithsonian Handbook's treatment provided one paragraph each for Natick, Dudley, and Hassanamisco between King Philip's War and the mid-19th century (Conkey, Boissevain, and Goddard 1978, 180). Daniel R. Mandell's *Behind the Frontier: Indians in Eighteenth-Century Eastern Massachusetts* (Mandell 1996) focuses primarily upon the coast and Natick, treating central Worcester county only incidentally and largely ignoring those Nipmuc who lived south of what is now the Massachusetts-Connecticut border. This is also true of Mandell's chapter in the collection of *Northeastern Indian Lives 1632-1816* edited by Robert S. Grumet (Grumet 1996). The recent collection edited by Colin G. Calloway, *After King Philip's War: Presence and Persistence in Indian New England* (Calloway 1997) contains little Nipmuc data, with none for this specific period.

private landholdings in Worcester county, while a substantial number, perhaps as many as 150 persons, had returned to the Connecticut villages within a few years of the war's end. Throughout the 18th century, the Connecticut Nipmuc continued to intermarry with the Worcester County settlements. This process is documented not only by the records of Natick and the Worcester County reservations, but also evidenced by vital records kept by the towns and churches of the region and the land records of Suffolk, Middlesex, and Worcester Counties, Massachusetts, and Windham County, Connecticut. This represented, however, a remnant population. The pre-war Nipmuc numbers had already been greatly reduced by comparison to estimates for the prehistoric era. The population probably had numbered, however, in the thousands. The post-war Nipmuc of central Massachusetts and northeastern Connecticut numbered in the hundreds.[71]

Several recent works (Reese c1980, [24]; Mandell 1996, 26, 29; Doughton, A Place of Small Stones n.d., 17) have discussed the restrictions placed on Indians by various acts of the Massachusetts legislature between the end of King Philip's War and the American Revolution without coordinating the specific legal measures with the wider context of colonial warfare. This methodology makes it appear that the restrictions were imposed arbitrarily, without apparent cause, and were essentially the product of ethnic prejudice. Johnson provided a clearer summary of the interrelationships (Johnson 1995, 203-224). The following is not to be taken as a contradiction of Washburn's statement that during these colonial wars, "The Indians fought in what they judged to be their own interest and for reasons that may have borne little relation to the interests of two European protagonists" (Washburn 1978, 94), but rather as a statement that the specific actions of the Massachusetts legislature pertaining to the Indians residing in the colony were not taken independently of the broader political situation. Without discounting the element of ethnic prejudice and without presenting any argument that the colonists' apprehensions about the French and northern Indians provided an abstract moral justification for restrictions on the resident Indians of eastern and central Massachusetts, the following discussion is an attempt to coordinate the various developments. This procedure is necessary in order to determine the continuing "tribal" nature of the Nipmuc reservations in Massachusetts during the 18th century.

Indian attacks did not end with the end of King Philip's War: Deerfield and Hatfield, Massachusetts were attacked in 1677. Conflicts with the northern Indians (Abenaki, Mohawk, etc.) continued throughout the remainder of 1676, 1677, and 1678 (Johnson 1995, 192-196; Bourne 1990, 231, 241-242; Gookin, 516). Through 1676 and 1677, Massachusetts continued to place restrictions on the activity of the "friendly Indians." "Toward October" of 1676, the praying Indians removed from Cambridge. According to Gookin, some scattered to places adjacent to work for the English in harvest time; some to the falls of Charles River; and some settled about Hoanantum Hill, where Anthony, one of the teachers, built a large wigwam, at

[71] At Natick in 1698, the visitors found a "church" of seven men and three women, but a population of 59 men, 51 women, and 70 children under 16 (Rawson and Danforth 1809, 134). In 1749, the number at Natick was 166 (A List of Indians in Natick, A.D. 1749, *Massachusetts Historical Society Collections* 1809, 10:136).

which place the lecture and the school were kept, in the winter of 1676 (Gookin 1972, 518). Doughton stated that on November 10, 1676, 177 men and 450 women and children were placed under supervision. The "Natick Indians" broken into four groups apparently included some of those who before the war lived at Hassanamisco (Place of Small Stones 16; citing Gookin 1972, 532-533).

Additionally, the activities of the "friendly" Indians were also limited by both internal hostility from English settlers (Gookin 1972, 456) and the continuing danger of Indian raids coming from outside the borders of the colony (Leach 1966, 60; Gookin, 520-521). In the spring of 1677, " . . . Waban's people fanned out to Natick, Hassanamisset, and Okommakamesit to plant their crops," but continuing Mohawk raids forced them to retreat to English population centers for several months. In the fall of 1677, Mohawks captured two elderly Indian women when they went to Hassanamesit to make cider, while in 1678, Mohawks carried off 22 Natick Indians from cornfields in the adjoining praying town of Magunkaquot (Mandell 1996, 26; citing Gookin, 519). However, these raids were apparently not sufficient to prevent resettlement in the succeeding years. Mandell stated that Black James led an emigration out of Natick to resettle Chaubunagungamaug about 1682 (Mandell 1966, 30, citing Rawson and Danforth 1809, 134; *Mass. Archives* 30:279a, 265). In 1684, "John Eliot noted that, in addition to worship services at the four 'stated' reserves--Natick, Punkapoag, Wamesit, and Chabanakongkomun--they held 'occasional' prayer meetings 'at places of fishing, hunting, gathering chestnuts, in their seasons.'" (Mandell 1996, 36, citing Eliot to Boyle 185, Mandell 1996, 212n48).

Almost as soon as the hostilities ceased, sales and purchases of Indian land resumed, whether authorized (Reese c1980, [25]) or unauthorized (Place of Small Stones n.d., 19; citing *Mass. Archives* 20[30?]:259a), and began to be recorded again in the county land records (*Suffolk Deeds, Liber XIII* 1903, 203) and those of the General Court. The majority of the individuals selling land in the "Nipmuc Country" during the postwar period were identified as residents of Natick (Reese c1980, [24]; Mandell 1996, 33),[72] but the Natick residents included Indians with claims to lands at Hassanamisco, as will be seen below. Two land transactions pertained directly to Hassanamisco. A deed executed in London, England, by which John Woampus as "Sachem of Hassanamesit" sold, in 1679, an 8 x 10 mile parcel or some 41,560 acres along the eastern shore of Quinsigamond Lake (Place of Small Stones 25, no source citation). On October 1, 1679, in London, England, the will of John Wampas alias White gave to three of his Indian kinsmen John a Wansamock [*sic*], Pomhamell, and Norwarunnt his estate in New England known as "Assenham East-stock" (Hassanamisco). "They and every of them offering, performing, fulfilling and keeping all such Articles and conditions as my Father and I have or ought to have observed, performed, fulfilled and kept" (Humes 1952, 34).

[72]A May 11, 1681, petition to the General Court from the Indian inhabitants of the towns of Natick, Ponkapoag, and Wamesit, with 22 signers, provided a good sampling of the Indian claimants to land in central Massachusetts. The signers identifed themselves as "faithful to ye English in ye late warr and served them most of us as Soldiers...some of ye Relations lost their lives, we doe hereby . . . have a naturall right to most of the lands lying in Nipmuck country . . ." (*Mass. Archives* 30:257-257a).

On May 11, 1681, the General Court of Massachusetts Bay Colony authorized William Stoughton and Joseph Dudley to investigate land titles in Nipmug country (Records of the Colony of Massachusetts Bay 5:315; see also Mandell 1996, 43, citing *Mass. Archives* 30:258; Mandell 1996, 213n74; Freeland 1894, 122-123; Daniels 1880, 32; Daniels 1892, 4; *Mass. Col. Rec.* 5:315). In June of 1681, Stoughton and Dudley hosted a general meeting of the Indians at Cambridge, Massachusetts, reporting back that they found them "willing enough to make claym to the whole [Nipmuc] Country but Litigious & Doubtfull amngst [*sic*] themselves" (Mandell 1996, 44). The investigation continued into the autumn, with the commissioners file a report to the General Court on October 17. They reported that of the Nipmuc Country, the southern part was claimed by Black James and company; the middle part above Sherborne and Marlborough by the Hassanamesit men now resident at Natick, but interrupted by the claim of the executors of John Wampas; and the northern part adjoining Nashaway, except a small tract about Hassanamestic, desired to be kept by the Natick Indians (*Records of the Colony of Massachusetts Bay* 5:328-329; Mandell 1996, 44).

The constant travelling throughout the Worcester County area resulting from these land title settlement efforts were oddly incongruent with the simultaneous resolution by the General Court attempting once more to confine the Indians to a limited area. On October 12, 1681, it once more ordered all the Indians under its jurisdiction, except apprentices and servants, should "come among and under government of the Indian Rulers of Punkapoag, Natick or Wamesit, or be sent to the house of correction (*Mass. Archives* 30:261; MBR 5:327). Mandell indicated that this law had little effect (Mandell 1996, 29).

The settlement which Stoughton and Dudley made in 1681-1682 did not comprise all the land to which the Nipmuc claimed title. Throughout the 1680's and 1690's, the Natick rulers and other Natick residents deeded large amounts of land to white settlers, with some of the transactions pertaining to the modernWorcester County, Massachusetts, and Windham County, Connecticut, areas.[73] Other transactions took place with no specific mention of Natick (Reese c.1980, [28]; Mandell 1996, 46).

The Wampas deeds and will, and their aftermath, directly pertained to the documents concerning Hassanamisco during the 1680's.[74] In 1683, the General Court received a petition of Peter Ephraim et al. concerning claims of [Richard] Thayer of Braintree and others to lands at Hassanemesit, and issued an order for hearing thereon (*Mass. Archives* 30:276a). Peter Ephraim,

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[73]See the draft technical report for petitioner #69A for a listing of the signers of the specific deeds. The technical reports for petitioner #69A and #69B, comprising historical and genealogical data, were in draft when the AS-IA signed the directive modifying internal procedures on February 7, 2000 (AS-IA 2/7/2000). Based on this directive, the draft technical reports which were being prepared under the prior procedures were not finalized.

[74]September 14-15, 1681, "Nipmuc people living at Natick" objected to the John Wampas deeds. Testimonies of Waban, aged about 80; Piam-boa aged about 80; Nowanit aged about 81; Jethro aged about 70; William aged 68; Anthony Tray & Tom Tray unckles by the father's side unto John Woampus deceased aged 60 years & 58 years or thereabouts (Place of Small Stones 19-20; citing *Mass. Archives* 30:260a).

Joh. Awassamog, and others from Natick complained that a group of colonists were claiming the land of Hassanamisset by virtue of a will of John Wampas (Mandell 1996, 44-45). In 1684, the General Court declared that it did not know of any land to which John Wampas had a true and legal right (Mandell 1996, 45). In 1686, there took place a supposed gift of land lying near Hassanamisco by Andrew Pittimee, Indian (see discussion below, 24 November 1716).

On August 25, 1685, several parties entered into a partition agreement to settle conflicting territorial claims on land conveyed by Wampas to Pratt by deed, land that he had willed to his Indian kinsmen, and land that he willed to Pratt and Blake. It was signed by nine white men and ten Indians. The Indian plantation at Hassanamisco was to be four miles square located exactly in the center of the tract which was eight miles square. In addition to Hassanamisco, the Indians were to have one thousand acres extending from the westernmost corner of Hassanamisco to Quonsicamog [Quinsigamond] Pond, with "free liberty of fishing in said Pond at all times fore ever." The Indians were also to have all lands between the eight mile tract and Natick (Humes 1952, 36).

Building upon the purchases made by Dudley and Stoughton, Worcester, Massachusetts, then in Suffolk County, was organized as a town in 1684, and several others followed. Indians continued to reside in the organized English towns of the region (*Mass. Archives* 30:304), and various petitions from Indians indicated that they intended to continue to do so (*Mass Archives* 30:300-300a; *A Place of Small Stones* n.d, 24-25, citing *Mass. Archives* 30:287). Certainly the restrictions placed on the Hassanamisco, Chaubunagungamaug, and Wabaquasset locations by the General Court during King William's War (see below) indicate that these were regularly inhabited locales during the 1690's. In 1698, Grindal Rawson and Samuel Danforth's visitation of Indian congregations in Massachusetts reported: "At Hassanamisco are 5 families, unto whom James Printer stands related as teacher" (Rawson and Danforth 1809, 134).[75] Rawson and Danforth's visitation of Indian congregations in Massachusetts did not mention Chaubunagungamaug or any of the three former towns that would come later to be south of the Connecticut line in Windham Co. (Rawson and Danforth 1809, 129-134), though other evidence indicates that they were in existence.

In the later 1680's, internal developments in Massachusetts were again impacted by controversies on the frontiers (Leach 1966, 110; Melvoin 1989, 189). By 1689, through 1697-1698, Massachusetts was involved in King William's War (Leach 1988, 137; Melvoin 1989, 185), the colonial aspect of the War of the League of Augsburg (Melvoin 1989, 186). It necessarily

[75]Governor Bellomont compiled a list of "Names of such as receive a Salary for Preaching to the Indians," dated May 13, 1700. In addition to Daniel Gookin of Sherborne, mentioned above, and James Labourie of Oxford, mentioned elsewhere, it included "Grindall Rawson" of Mendon and "Samuell Danford" of Taunton (O'Callaghan 1854, 755). Rawson, a 1678 graduate of Harvard and fifth son of Edward Rawson, former Secretary of the colony, published an Algonquian translation of the New England confession of faith in 1699. He was "well acquainted with the language of the New England Indians, in which he used to preach regularly to those tribes in his neighborhood" (O'Callaghan 1854, 684n1; see also Metcalf 1880, 170-172).

impacted the Indians settled within the boundaries of the Massachusetts Bay colony. On August 21, 1689, the Massachusetts Archives noted that 90 Indians were to be enlisted from Natick, Punkapoag, etc., to go with the army (*Mass. Archives* 30:314a). Most of the early action was outside the boundaries of the colony, but this did not make the General Court less apprehensive about the possibility of alliances between the Indians within the colony and those beyond the frontiers. In 1690, the Massachusetts General Court again "ordered all Indians in the Bay Colony to go to Natick or Punkapoag (Mandell 1996, 39). The Indians were to be assisted in building forts in the said towns and allowed to fish in the Charles River (*Mass. Archives* 30:316).

Between 1693 and 1698, there were repeated Indian and combined French/Indian attacks on the colony's frontier towns, and the attacking groups were believed to include some of those Nipmuc who had moved north and west after King Philip's War. While settlements such as Deerfield were notably further to the north and west, other attacks, such as the 1693 raid on Brookfield, pertained to newly established towns in the Worcester County area (see in general Melvoin 1989, Leach 1996). It was at this juncture that, according to Reese,

> the legislature of Massachusetts Bay enacted the first law governing Native People as persons different from all others. It granted the Governor and his council the authority to appoint special commissioners (overseers) to rule over Native People. This act removed them from the protection (?) of the constitution of Massachusetts Bay and deprived them of their rights (Reese c1980, [30].

Reese also stated that in 1694, the General Court of the Province of Massachusetts Bay enacted legislation "for the better rule and government of the Indians in their several places and plantations" (Reese c1980, [30]). On June 11, 1695, ". . . the legislature reconfirmed the restrictions for Hassanamisset and imposed the same on Chabanakongkomun" (Mandell 1996, 39-40; citing *Mass. Archives* 30:358-59, 368, Mandell 1996, 212n59). Aside from these settlements within the colony, in 1696, the General Court declared that "all Indians . . . found within twenty miles on the westerly side of the Connecticut River, shall be deemed enemies and treated forthwith" (Melvoin 1989, 200-201).

Historians have not presented a clear picture of the impact of King William's War on the Indian population of Hassanamisco. In one place, a scholar wrote that, "Hassanamisset, resettled by another group of Nipmucs in the 1690s, was also too far from any colonial towns to receive the attention given Natick, although James Printer, who had helped print religious tracts in the Massachusetts language at Harvard College, taught and preached to the community" (Mandell 1996, 36). However, the same author stated that, "One year later [in 1695] the legislature reconfirmed the restrictions for Hassanamisset and imposed the same on Chabanakongkomun" (Mandell 1996, 39-40; citing *Mass. Archives* 30:358-59, 368, Mandell 1996, 212n59). Doughton indicated that the resettlement of Hassanamisco did not take place until 1698: "Indians return to Hassanamisco from Natick; 5 Indian families including that of James the Printer" (Doughton, Place of Small Stones n.d., 25; no source citation), but the actual document does not indicate that 1698 was the date of resettlement, but only the date of the report: "At Hassanamisco are 5

families, unto whom James Printer stands related as teacher" (Grindal and Rawson 1809, 134). Although the next two years brought moves toward peace, there was only a brief hiatus before the outbreak of the next set of hostilities.

In May 1702, England declared war against France, initiating Queen Anne's War (Daniels 1892, 18; Melvoin 1989, 210-212). This war continued until the Treaty of Utrecht in 1713 ended the immediate threat of French and Abenaki attack in the Nipmuc country (Mandell 1996, 42; Leach 1988, 137). During the summer of 1703, account was rendered of wages and subsistence of 13 soldiers posted at Oxford & Hassanamisco. These were ordered paid December 24, 1703 (Daniels 1880, 95). While the details of the war have no immediate pertinence to this report, internal events in Massachusetts cannot be understood if the existence of the military conflict is omitted from the narrative. Restrictions were again placed on the Indian residents of Massachusetts, but restrictions were not limited to the Indian residents of Massachusetts. As of April 18, 1704, French men residing in Massachusetts had to be registered; any found corresponding with the French and Indian enemy were to be treated as traitors; all French Catholics forthwith were to be made prisoners of war (Melvoin 1989, 229).

On April 21, 1704, the General Court issued an order that none of the Indians go more than a mile outside of the bounds of their respective plantations on pain of death; also, some suitable Englishman was to be appointed to aid them in disposing of their wares (*Mass. Archives* 30:493b; Mandell 1996, 67-68; Melvoin 1989, 229). In 1705, "the province published and sent to all Indian villages a book of laws in both the Massachusett and English languages, no doubt to ensure that the natives understood the new regime" (Mandell 1996, 71). The restrictions on the movement of the "friendly" Indians were continued throughout the period of the war (*Mass. Archives*, 31:12; *Mass. Archives* 31:33), which led to hardships and the need for the provision of supplies and relief by the colonial government (Mandell 1996, 67).[76] The concerns about connections between the local Indians and the northern Indians, expressed in 1700, continued after the outbreak of the war (Daniels 1892, 19; citing *Mass. Archives* 70:618).

By the end of Queen Anne's War, the economic condition of the Indians resident on the western frontiers of the colony had apparently become very strained, but it is difficult to gauge the exact situation. In 1705, anti-miscegenation legislation in Massachusetts prohibited marriage and fornication between whites and Negroes or mulattoes, but in spite of the active hostilities, made no mention of Indians (Mandell 1996, 68). "Indians" had been in the original bill, but removed at the insistence of Samuel Sewall, associate justice of the Superior Court of Judicature (Kawashima 1986, 98).

In July of 1712, the New England Company's commissioners decided that the "miserable Condition of the Indians at Natick" could best be solved "by Suitable Encouragement to

[76]See the July 12, 1706, order of the General Court that the treasury advance subsistence for the friendly Indians of Natick, Punkapog (Canton) and Hassanamisco (Grafton) who are confined to their plantations by order of the governor (*Mass. Archives* 31:11).

endeavour to bring the Indians from Punkapog, and Hassanamisco, and such other near adjacent places as may have Scattering Indians in them; unto a Cohabitation at Natick" (Mandell 1996, 57; citing Commissioners' Minutes 3 July 1712, SPG, ms. 7953; Mandell 1996, 215n43). In February 1713, the commissioners of the Society for the Propagation of the Gospel again discussed a plan to combine the three Indian towns, but nothing resulted (Mandell 1996, 58).

After the end of Queen Anne's War, the civic organization and white settlement of the towns of the future Worcester County, Massachusetts, proceeded rapidly. However, settlers had continued to express an interest in the Hassanamisco lands early in the war. On June 10, 1702, the General Court received two petitions. The first was from "John Eames & James Smith of Boston ... proprietors of a certain tract of land 8 miles square encompassing the land called Hassanamisco and bounded on one side by Mendon, on one other side by Marlborough, one other side by Worcester, the other side lying near the town of Oxford. John Haynes & several others have proffered petitions for the grant of part of said land" (*Mass. Archives* 113:233).[77] The other, from Jonathan Price, Thomas How, and others, concerned a "tract of land 4 miles square commonly called Hassanemiscock, about 8 miles distant from Mendon, now in the possession of about 8 families of Indians . . . ." The petition was for erection of a township, but one paragraph concerned purchase or reserve of Indian lands (*Mass. Archives* 113:319-322). Only a few other scattered references to Hassanamisco appeared for the period of the war. One scholar attributed a Wampus deed to this period (Reese c1980, [32]), but the document pertained to a May 15, 1704, ratification of a deed made by John Wampus in the 1670's (Humes 1952, 37; Place of Small Stones n.d., 25; Mandell 1996, 45).

In 1709, James the Printer, of Hassanamesit, who had attended the Indian Annex school at Harvard college and was apprenticed in 1659 to learn printing, assisting John Eliot in the translation and publication of the Indian version of the bible, published an Indian language psalter and the Gospel according to John (Place of Small Stones 25; no source citation). BIA researchers did not locate documentation to support Mandell's contention that, "While the two Nipmuc towns (Chabanakongkomun and Hassanamisset) were isolated from English authority until the 1720s, family networks continued to bind these 'traditional' Indians to their 'reformed' brethen in Natick. The Hassanamisset leader, James Printer, occasionally traveled to Boston to help translate and print Algonquian-language publications, no doubt staying in Natick along the way (Mandell 1996, 57; citing Kellaway, New England Company, 240-41, 244; Mandell 1996 215n39), although some Indian residents at Natick did also still hold interests in lands at Hassanamisco (*Journals of the House of Representatives of Massachusetts 1722-1723* 1923, 134; Mandell 1996, 83, citing Earle Papers 2:2; Acts & Resolves 1734-35, Ch. 47, June 21, 1734; Mandell 1996, 219n11; O'Brien 1990, 262-263). "Printer died in 1712, leaving Hassanamisset

[77]June 10, 1702, Joseph Robbins is mentioned as having deeded certain land at Hassanamisco to Captain Haines (Doughton's index to: *Mass. Archives* 113:233). The BIA researcher could not locate this reference to Robbins from Daughton's index in the microfilmed Massachusetts Archives, neither at this cite nor by using the card index under the names of Robbins and Haines/Haynes; see perhaps the 1715 ratification discussed below.

without any obvious religious leader" (Mandell 1996, 36; citing Adam Winthrop, Boston, to Joseph Williams, London, 10 Nov. 1712, SPG ms. 7955, letter 19a; Mandell 1996, 212n45).

In 1713, the long-standing border dispute between Massachusetts and Connecticut was finally settled. Much of the land north of Killingly that is now included in Windham County was allowed to the Colony of Connecticut, with the result that the Massachusetts records subsequently contain only sporadic references to those Nipmuc who resided south of the newly established line. For a more extended discussion of the disposition of Nipmuc lands in the Massachusetts/Connecticut border area, see the proposed finding and draft technical report for petition #69B.

In the area near Hassanamisco, on June 1, 1715, the children and heirs of John Haynes late of Sudbury, deceased, presented a petition to the General Court seeking confirmation of a "certain Tract of Land, formerly bought by the said Deceased, of Joseph Robins and Benjamin Anthony, Indians." It was reviewed Wednesday July 1715 to determine if the deed was for 1,686 acres. The General Court concluded that the plat was fallaciously drawn and contained several hundred acres more than the 1,686 designed to be confirmed by this court (*Journals of the House of Representatives of Massachusetts 1715-1717,* 1:14, 60; Earle Papers). During the next five years, the House of Representatives of Massachusetts dealt with a sequence of land transactions, and proposed land transactions, by the Hassanamisco Indians (Mandell 1996, 45; Mandell 1996, 213n85; *Journals of the House of Representatives of Massachusetts 1715-1717* 1919, 1:153; *Journals of the House of Representatives of Massachusetts 1718-1720* 1921, 142; Kawashima 1986, 66, 265n86 citing *Acts and Resolves* 9:665, *Acts and Resolves* 12:58-59). Several of these, such as the mentions of construction of a bridge over the Blackstone River (*Journals of the House of Representatives of Massachusetts 1718-1720* 1921, 40; *Acts & Resolves* X:1722, Chapter 288) and the erection of a grist mill (*Journals of the House of Representatives of Massachusetts 1721-1722* 1922, 18; *Acts & Resolves* X: 1722: Chapter 231; Mandell 1996, 88; see also Place of Small Stones n.d., 26) reflected the increasing movement of English settlers into the region. While many of these settlers were clearly anxious to take possession of the Hassanamisco reserved lands, the House of Representatives of Massachusetts was not, as late as June of 1722, allowing it to occur.[78] A recent scholar has commented that, "The Hassanamiscos seemed to welcome the new opportunities offered by a gristmill and better roads to connect them and their produce with eastern and southern markets" (Mandell 1996, 88).

In June 1722, Massachusetts experienced a recurrence of serious trouble with the French government of Canada and its Indian allies. On July 5, 1722, Governor Samuel Shute's declaration against the hostile Eastern Indians ordered the friendly Indians to confine themselves to their plantations (*Mass. Archives* 31:106-108). The conflict, known as Dummer's War, peaked in 1724 and continued until 1725 (Leach 1988, 140). It is not clear whether the renewal

[78]June 29, 1722, petition signed Benjamin Willard &c. praying that they may be Licenced to hire the Indian Plantation at Hasanamisco for 999 Years. Read and Dismist (*Journals of the House of Representatives of Massachusetts 1722-1723* 1923, 58).

of French/Indian conflict had a direct impact on the changed handling of Hassanamisco by the Massachusetts House of Representatives, since some of the matters they granted later in 1722, such as permission for the bridge and grist mill, had been initiated earlier (see above). Additionally, although Massachusetts was experiencing external Indian attacks during this conflict (Melvoin 1989, 264-265), several of the Natick and Hassanamisco Indians were serving in the colony's army (A Place of Small Stones n.d, 27; *Acts & Resolves* X: 1720-1726, 1725/26, Chapter 475). Nonetheless, pressure by English settlers to obtain the Indian lands at Hassanamisco, whether coincidental or not, did peak during 1724 and 1725.

Hassanamisco Lands, Overseers, Funds, and Families, 1725- 1783. The handling of the lands antecedent to the establishment of the Chaubunagungamaug Reservation has been discussed in the proposed finding and draft technical report for Petition #69B. Natick lands and families have been discussed by two recent scholars (O'Brien 1990; Mandell 1991; Mandell 1996). Only one major extended family line claiming (an undocumented) descent from Natick holds membership in the #69A petitioner.[79] The petitioner does not have any family lines that claim to trace to the remainder of the 17th-century Nipmuc praying towns,[80] nor was any documentation pertaining to Nipmuc families descended from the remainder of the 17th-century Nipmuc praying towns submitted by the petitioner or located by BIA researchers. For these reasons, the focus of the 18th-century discussion in this proposed finding will be on Hassanamisco developments, incorporating by cross-reference the discussion of Chaubunagungamaug in the proposed finding for #69B.

On June 5, 1725, a group of residents from Marlborough, Sudbury, Stow, and Concord presented to the Massachusetts House of Representatives a petition to purchase the Indian lands at Hassanamisco that had been granted by the General Court in 1654. This was accompanied by a petition of the Indian proprietors requesting that they be allowed to sell (*Journals of the House of Representatives of Massachusetts 1724-1726* 1925, 29-30). On June 6, the House of Representatives did not concur in the petition, but,

> ordered, that William Tailer, John Otis, and Samuel Thaxter or any two of them with such as the Honourable House of Representatives shall join, be a Committee to repair to Hassanamisco, and discourse with the Indians there, and inform themselves, whether (as is represented) they are really desirous to dispose of their Lands, and if so, they carefully view the Land, and report to this Court at their next Session, the Quality and Circumstances thereof, and who are the just Proprietors, in order to its being Sold (if this Court shall judge it fit) to such as

[79]See discussion under criterion 83.7(e). Some Natick families moved permanently to Worcester County during the 18th century, but did not settle at either Grafton or Dudley (see discussion below). The petitioner has no members documented to descend from these families.

[80]Family lines in petitioner #69A descending from individuals who were off-reservation by the time of the American Revolution trace to either Hassanamisco (Grafton) or Chaubunagungamaug (Dudley-Webster).

> will give most for it (*Journals of the House of Representatives of Massachusetts 1724-1726* 1925, 33).

The House of Representatives continued to consider the aftermath of this petition at intervals during the next year, on November 14, 1724; November 25, 1724; and June 9, 1725 (*Journals of the House of Representatives of Massachusetts 1724-1726,* 1725, 94, 126, 246).

Another petition for liberty to purchase lands from the Indian proprietors at Hassanamiscoe was filed in May 1725 (*Mass. Archives* 113:673-676), and a third, by Samuel Chandler and others, on June 3, 1726 (*Mass. Archives* 113:679-680). The act permitting white settlers to purchase 7,500 of the 8,000 acres of the reserved Hassanamisco lands was passed January 15, 1727 (*Mass. Archives* 113:746-748). Most of the legal technicalities were completed within the year 1727 (Earle Papers; Mass. Archives 113:736-738; Suffolk County Registry of Deeds, Lib. 42, Folio 206; Pierce, *History of Grafton* 1879, 36-40), but the process of allotting shares in the remaining 500 acres to the Indian proprietary families continued through 1730 (Earle Papers; Pierce, History of Grafton 1879, 37; Nipmuc #69 Response 1994). Seven families received shares on April 29, 1728 (Earle Papers, 6/18/1728).[81]

By 1730, Anglo-Americans outnumbered Indians in Grafton (Mandell 1996, 107), and white settlement was increasing rapidly throughout central Massachusetts. In 1731, Worcester County, Massachusetts, was organized from Suffolk and Middlesex Counties (Daniels 1892, 1).[82] Grafton was organized as a town in 1735 and the organization of other towns within the new county continued. A scholar has recently described Grafton, as originally planned, in the following manner:

> The General Court required investors to pay sixteen hundred pounds (soon raised to twenty-five hundred pounds) within three months into an account managed by

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[81]Namely:

Ammi Printer	110 acres	including his improvements
Ami Printer jr	40 acres	including his orchard
Heirs of Moses Printer	80 acres	" his house & old fields
Andrew Abraham	60 acres	
Abimeleck David & his wife sister of said and rec		20 a
Christian Misco female)		
Joshua Misco)	200 a.	with the dwelling house & orchards
Peter Muckamug & wife	absent, so nothing done (Earle Papers).	

[82]Windham County, Connecticut, had been organized in 1726. At that time, however, the north portion of the modern town of Woodstock still lay within Massachusetts. Woodstock residents found themselves "much discommoded" by being in Suffolk County, Massachusetts, because all their land deeds had to be recorded and wills proved in Boston. In 1720, Captain John Chandler was the first to initiate a movement for a new county. He presented a petition for the organization of a new county in the south of Massachusetts, to be called Worcester; it was indefinitely deferred (Larned 1874, 1:57). Nipmuc territory extended about 18 to 20 miles south of the modern state line.

> trustees[83] for the Indians, settle forty families in the township within three years, build a "decent meetinghouse" and a school within three years, and reserve land for and pay the salaries of a schoolmaster and a minister. The new town, to be named Grafton, was envisioned by both the Hassanamiscos and provincial authorities as an integrated community: Indian and white children would learn together in the new schoolhouse, their parents would be given "an equal dividend in fair land," and all would socialize in the meetinghouse where the Indians would receive pews (Mandell 1996, 88) [footnote added].

For some time, at least, the Hassanamisco participated in the legal affairs of Worcester County. In 1732, "Upon complaint of a Hassanamisco Indian widow, the Worcester Sessions Court in 1732 tried a Sutton man for selling strong drink to the Indians and duly fined him, accepting fully the testimony of the Indian widow" (Kawashima 1986, 83; Kawashima 1986, 268n42, citing Franklin P. Rice, ed., *Records of the Court of General Sessions of the Peace for the County of Worcester, Massachusetts, from 1731 to 1737*, Worcester Society of Antiquity *Collections* 1882, 5:25, 28). In 1733, one of the adult Printer men was referred to as "the Rev. Mr. Printer of Hassanamisco" and invited to be present at the ordination of the new pastor of the joint Indian/white church at Chaugunagungamaug/Dudley (Mandell 1996, 84; citing *Town Records of Dudley, Massachusetts, 1732-1754* 1893, 18; Mandell 1996, 219n16). Toward the end of the 1730's, a dispute arose concerning the obligations of the non-Indian landowners of Grafton under the original purchase agreement. The first indication was the May 30, 1739, petition of Samuel Chandler and others that Indian rights at Hassanamisco be upheld (*Mass. Archives* 113:736-738; see Mandell 1996, 107, citing *Mass. Archives* 31:234-35; *Acts & Resolves 1739-40*, Ch. 45, June 26,1739; Mandell 1996, 222n117). This, oddly, antedated the petition that it apparently opposed, which was submitted December 26, 1739, by William Brattle for the Hassanamisco proprietors, asking for relief from the requirement that they provide for schools and preaching for the Indians; and requesting the transfer of these obligations from the proprietors to the town (*Mass. Archives* 114:460-462; report January 4, 1739/1740; response Mass. Archives, June 5, 1740, Mass. Archives 114:486-586a).

In Mandell's view, in the later 1720's:

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[83]On December 8, 1727, trustees were appointed to take charge of the funds deriving from the Hassanamisco land sale and approve the deed. The three trustees appointed, Capt. Edward Goddard, Capt. Ephraim Curtis & Spencer Phipps Esq., were to "see that the Pentrs comply with the condition, and to let out consideration money on interest, to be by them paid to Indian proprs. as the Court should order and present an account only to the General Court in their May session" (Earle Papers). They presented a report on February 19, 1727/28 (*Mass. Archives* 113:749).

Throughout the course of the records, the words "trustees" and "guardians" were used interchangeably, with no discernable pattern, in relationship to Hassanamisco. Technically, the men appointed were trustees for the funds and guardians for the Indians, but this distinction was never made clearly or consistently--particularly since the trustees/guardians were always the same persons.

> The Hassanamiscos probably felt they gained far more than they lost by selling the reserve. Their autonomy was diminishing rapidly as the surrounding countryside sprouted English households and roads penetrated the reserve. The seven Indian families, totaling only thirty-two individuals, resided in scattered farms instead of a compact settlement. They or their parents had lived in Natick for many years, had gained an intimate knowledge of English agriculture and material culture, and, judging by their reaction to the proposed roads and mills, were quite interested in increasing their ties to the colonial economy. These conditions allowed the Hassanamiscos, like their cousins in Natick, to easily accept landholding in severalty. The lack of a strong central settlement and their small population also made the sale of the reserve less threatening. Each Indian family, like the English settlers, received an allotment of approximately eighty acres of upland and eight of meadowland, apparently more than the families had farmed before the sale, and future shortages seemed unlikely. The Indians would also get, gratis, a meetinghouse, schoolhouse, minister, and teacher (Mandell 1996, 88-89).

However, Mandell also argued that the division of the land into holdings in severalty (allotments) with share interests in the trust funds also divided among the individual families, tended to undermine the communal nature of the settlement (Mandell 1996, 89, citing *Mass. Archives* 31:117; Mandell 1996, 220n37). Another modern writer commented concerning the transactions between 1727 and 1730 that the:

> Nipmuc Nation leaders sold 7,500 acres of their 8,000 acres on the Hassanamisco Plantation (Grafton) to Massachusetts Bay officials. Funds were invested by bank officials but due to poor investments and a bank officer "borrowing" some of it, the funds were lost. However, the land was not returned! (Reese c1980, [34]).

As will be seen below, the process of reducing the funds through poor investments and malfeasance occurred gradually throughout the remainder of the 18th century, by which time the land titles in Grafton would have become so complex that a "return" of the lands would have been impossible, even if the sales had not given the purchasers title in fee simple. The issue that ensued was between the Hassanamisco families and the state as trustee of the funds deriving from the sale--not between the Hassanamisco families and the 1727 purchasers of the land. During the 1740's in Massachusetts, the rural economy slumped badly. The consumer price index rose 250 per cent and the average price of land dropped 58 per cent. Mandell indicated that since land was the Indians' primary source of capital, they suffered badly (Mandell 1996, 123; see also Mandell 1996, 97; citing Worcester County Probate File 36457; Mandell 1996, 221n68).).

The records of the Hassanamisco trustees, as preserved in the Earle Papers,[84] indicate that they functioned as guardians of more than just the trust fund. In 1729, they arranged for the binding out and apprenticeship of the minor children of the late Moses Printer (Earle Papers). They also arranged and paid for medical care (*Acts & Resolves* XI: 1726-1734; 1729/1730: chapter 58; for further examples, see the draft technical report for petitioner #69A). Additionally, on at least one occasion they mediated an internal dispute between two of the families (Earle Papers).[85] In discussing the immediate aftermath of the allotments, in the 1730's, Mandell stated:

> Initially, the Hassanamisco proprietors seemed to manage well under the new system, farming some of their sizable allotments and renting out the remainder to whites from nearby towns. They also had an important source of capital in the annual interest payments on money loaned from their fund by court-appointed overseers to whites. Unfortunately, these funds proved inadequate, particularly when medical problems and their costs crushed the fiscal health of the Indian families . . . In the 1730s, Hassanamisco families began to lease, sell, and will their holdings to Englishmen in order to build houses and repay white friends. Loan defaults, and occasional fraud and embezzlement by white overseers (see chapter 5) caused the Indians' fund to shrink toward midcentury.[86] Finally, medical problems generated by the Indians' lower fertility and high mortality rates, and by their participation in the colonial wars, created debts that could be met only by selling land (Mandell 1996, 97; citing generally to the Earle Papers) [footnote added].

The trustees records provide a considerable degree of information on the proprietary families during the 1730's (Earle Papers; *General Court Records* 12:228; Mass. Archives 31, 294, 301; *Acts & Resolves 1734-35*, Ch. 47; Mandell 1996, 219n11). The numbers were not large: 32 individuals. At least some of the persons entitled to Hassanamisco funds, and regularly receiving them, were not at this time residents. On May 12, 1738, Joseph Aaron, son of Sarah (Indian) [Muckamaug] was born at Cumberland, Providence County, Rhode Island (Arnold, 3:72). With the numbers of individuals so small, it was not possible to draw a statistical picture of marriage patterns during the 1730's. About 1739, Andrew Abraham married Abigail Printer, both Hassanamiscos. However, Sarah (Robbins) Muckamaug remarried to a white man named Thomas English in 1741 (Grafton Vital Records 1906), while Mary Printer married an Indian from Natick, Zechariah Tom, before July 1741 (Earle Papers; *Mass. Archives* 31, 405-407). The

[84]Although the records of the colonial government contain no annual reports between 1730 and 1739, the records of the guardians themselves, as preserved in the Earle Papers indicate that such reports were rendered. Reports resumed in 1740 (Mass Archives 31:290; *Acts & Resolves* 13;1741/42: Chapter 176A Place of Small Stones n.d., 34; citing *Mass. Archives* 31:405).

[85]For details, see the draft technical report for petitioner #69A

[86]The only documented instance of fraud and embezzlement did not take place until the 1780's (see below).

death of Ami Printer[87] in July 1741 (*Mass. Archives* 17:869-870, 871-873).) deprived the Hassanamisco of an important leader. While the wishes expressed in his will were carried out by his non-Indian executors, his children were still young and came under guardianship.[88]

During this period, the dispersal of the Hassanamiscos' land continued. They could not sell their lands with approval of the trustees only. Sales required the approval of the Massachusetts House of Representatives. Some land sales took place within or among the Hassanamisco families. In other cases, however, Indian landholders sought and obtained permission from the House of Representatives to sell land to non-Hassanamisco Indians[89] and to non-Indians.[90] No instance was located in which such land, once sold, was ever re-purchased by an Indian proprietor. Not all were undertaken because of dire financial need: some of the petitions indicated simple economic transactions, such as the sale of unused land to fund the construction of a house or improvements on the land under cultivation (Mandell 1996, 97; citing *Acts & Resolves* 1735-36, Ch. 261,March 23, 1736).

The land left Indian hands not only by way of sale, but also by way of wills. In the instance of Joshua Misco, Mandell attributed this to the adoption of English landholding customs by the Hassanamiscos (Mandell 1996, 120-121; citing WCP 41125; Mandell 1996, 224n14). Misco left no children. In addition to the above bequests, his will also made provision for money to be used for charitable purposes for Indians in need (A Place of Small Stones n.d., 29). Mandell's argument that his disposition of his property reflected an overall acceptance of gender-based views of the inheritance by the Hassanamisco is not borne out by the June 22, 1738, petition of the Grafton Indians objecting to Antipas Brigham's having been named recipient of Indian lands. They asked the General Court to pass a resolution preventing Indians lands from passing to non-Indians (*Acts & Resolves* XII: 1734-1741; 1737/38, Chapter 44). On December 12, 1738, a committee of the General Court reviewed the Misco will. Having heard everyone, including the mother of Joshua Miscoe late of Grafton, the committee decided that the will was valid and should be recorded. However, it provided that Brigham should pay 60 pounds into a fund for Misco's family, and another 60 pounds to be applied "for a school master in Grafton that shall

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[87]Almost certainly, he was the "Rev. Mr. Printer" who took place in the 1733 ordination at Dudley discussed above.

[88]For further details, see the draft technical report for petitioner #69A.

[89]The land transactions of George Read aka George Muckamug illustrated that a combination of factors could combine to affect landholding. He was born about 1715 (Grafton Vital Records 1906). He apparently was not from the Hassanamisco proprietary family of Muckamaug, but rather purchased his land at Grafton from one of the Indian proprietors in January 1742 (A Place of Small Stones n.d., 34; citing Worcester Registry of Deeds 15:177). Within six months, he petitioned to sell the land to cover his debts (A Place of Small Stones n.d., 34; citing *Acts & Resolves* XIII: 1746-1657: 1742/43: Chapter 58). He did not live long following the purchase to recover his financial position: the estate of George Read late of Grafton, Indian planter deceased, having no relations, was filed July 14, 1745 (Worcester Probate Registry 178:486; Place of Small Stones 36).

[90]For further details, see the draft technical report for petitioner #69A.

teach the Indians Natives there dwelling to read" (*Acts & Resolves*: XII; 1734-1741: 1737/38: Chapter 104; *Mass. Archives* 31, 405-407).

In January 1741, the General Court appointed a committee to examine Indian affairs and accounts of guardians and to report at the next session (*Mass. Archives* 31:368-369). The records do not indicate an immediate follow-up to this initiative. Two years later, in 1743, the Hassanamisco trustees, John Chandler, John Jones & Edward Baker (Earle Papers), "called the legislature's attention to the Indians' 'Incapacity [and] also of the Indisposition to Act or contrive for their own benefit,' and urged the assembly 'to bring both their persons Lands & Moneys under some New & better Regulation'" (Mandell 1996, 144; citing *Mass. Archives* 31:455; Mandell 1996, 227n125). The year following, on February 8, 1743/44, the Indians at Grafton requested that the General Court appoint different trustees, preferably living closer to the settlement, so that the proprietary families could collect their annual interest payments without "such great expence of Time and Travel" (Mandell 1996, 148).[91] They complained that they had "been kept out of our Interest Money almost Two years last past by which means we have been great Soufferours" (Mandell 1996, 146), but Mandell concluded that the problem lay not with fraud on the part of the guardians, but rather with the provincial financial conditions (Mandell 1996, 146).

The General Court did appoint a new set of trustees: Major John Jones, Captain Edward Baker, and one yet to be named (Earle Papers). On March 16, the General Court issued an order that the Hassanamisco trustees turn over the records (*Acts & Resolves* XIII: 1743/1744: Chapter 282), which was done (Earle Papers). The next action undertaken, which was damaging to the worth of the trust fund, was not the responsibility of the trustees, but rather of the General Court itself, which in 1745 decided to exchange the old Hassanamisco loans for new bonds at an ounce of silver for 28s. 8d. This resulted in the rapid depreciation of the Indians' funds (Mandell 1996, 146).

In 1746, the Massachusetts Bay legislature passed a new, general act, under the title "Better Regulating the Indians." It provided for the appointment of three people for each plantation to act as guardian. The guardians "had the power of a justice of the peace and could lease out land on the plantation not in use by Native People" (Reese c1980, [36]). In Mandell's view, the act:

> . . . authorizing the appointment of three guardians for each native enclave in the colony [gave] these guardians . . . the power not only to act as justices and to manage the community's account, but also to take land that the Indians were not using and lease it to white farmers or cattlemen. Guardians were to submit annual

[91] February 8, 1743/44, petition requesting new guardians: Andrew Abram/Abraham, Peter Larmce, Moses Printer, Sarah Printer, Debora Mischo, Christian Mischo, Sara Robbins [with individualized marks] (*Mass. Archives* 31:476-477). See also *Acts & Resolves* XIII: 1743/1744: chapter 227.

> reports to the court--few of which are extant, if they were ever submitted.[92] Three men were elected by a joint meeting of the Governor's council and assembly for eight of eight Indian communities (or cluster of small enclaves): Natick, Plymouth, Pembroke, and Middleborough; Stoughton (Punkapoag); Yarmouth, Harwich and Eastham (Potawaumacut); Grafton and Dudley; Mashpee, Barnstable, Sandwich, and Falmouth; Martha's Vineyard; and Nantucket . . . As a result, Dudley, Mashpee, and other Indian enclaves in the commonwealth suddenly found their land and fortunes controlled by outsiders (Mandell 1996, 144) [footnote added].

Under this new provision, "Guardians to the Indians" were elected on January 6, 1746. The guardians for Grafton (Hassanamisco) and Dudley (Chaubunagungamaug) were the same individuals: John Chandler, Edward Baker & Samuel Liscomb Esq. (*Acts & Resolves* XIV, 39). There was another appointment of Indian guardians on January 18, 1754 by the governor and the council (*Mass. Archives* 32:453-454).[93]

Another act, passed June 12-13, 1758, provided that there be three guardians near every Indian plantation to allot lands to the Indians and guard against trespass; also, to regulate incomes and expenditures in behalf of the tribes. It stated that no sale or lease of Indian property was to be made except by consent of the guardians (*Mass. Archives* 33:64-66). This was followed in October of 1758 by appointment of the guardians. By 1762-1763, the Hassanamisco trustees were Artemas Ward (Shrewsbury), Timothy Paine (Worcester), and Ezra Taylor (Southboro) (Earle Papers; *Mass. Archives* 33:75-76; *Acts & Resolves XVII: 1761-1765*: 1762/63, Chapter 1).

The Hassanamisco Proprietary Families, 1742-1763. During the middle portion of the 18th century, the continued practice that Hassanamisco men served in the British colonial military forces contributed significantly to the population decline. King George's War (the War of Jenkins' Ear) was primarily a maritime war from 1739 until the entry of Spain in 1744; from then until the 1748 Peace of Aix-la-Chapelle, it had more impact on Massachusetts (Leach 1988, 137). Unlike the earlier colonial conflicts, Hassanamisco men participated in this war primarily by enlisting in expeditionary forces , as indicated by the will of Andrew Abraham (A Place of Small Stones n.d., 36-37; Earle Papers; Worcester Probate Registry 3:47). Mandell asserted that by the time the Peace of Aix-la-Chapelle (Leach 1988, 137) ended King George's War in 1748, "[o]nly two Hassanamisco men, Peter Lawrence and William Thomas, survived the war: Moses Printer Jr., Andrew Abraham, and his brother-in-law, James Printer, died in the King's service at Annapolis Royal in Maine, and Joshua Misco, Ammi Printer Jr., and Zechariah Tom died either

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[92]Some were, in fact, submitted: June 3, 1748, General Court accepts Hassanamesit trustees accounts (*Acts & Resolves*: XIV: 1747-1753: 1748/49: Chapter 11); 1754 June 1, the General Court accepts the Hassanamesit trustees' accounts (*Acts & Resolves* XV: 1753-1756: 1754/55: Chapter 7).

[93]1758 June 13, General Court accepts Hassanamesit trustees accounts (Acts & Resolves XVI: 1757-60: 1758: Chapter 22).

in the war or at home" (Mandell 1996, 128; citing Earle Papers Box 1, Folder 1, 2:55-60; Mandell 1996, 225n57). In fact, both of these surviving "Hassanamisco" men named by Mandell were spouses whose interest in the trust funds came in right of their wives: Peter Lawrence (who had married Sarah Printer) and William Thomas (who had married Mary Printer, sister of Sarah and widow of Zechariah Tom). Thomas was on the 1749 census of Natick and did not appear in the Hassanamisco records until after the end of the war.[94] There were still, however, some Hassanamisco males from the proprietary families who had not yet attained the age of majority. For details concerning the families, see the draft technical report for petitioner #69A and the Nipmuc GTKY File (BAR).

The 1743 marriage of Sarah (Muckamaug) Aaron (daughter of Sarah (Robbins) Muckamaug English) to Fortune Burnee (recorded as Fortin Buney), in Mendon, Massachusetts (Baldwin, *Mendon Vital Records* 1920, 225), brought into the Hassanamisco settlement a non-Indian spouse who would, throughout three subsequent remarriages, one to another Hassanamisco woman and two to non-Indian women, continue to appear in Hassanamisco records until the end of the century. Their daughter, Sarah Burnee, was born the following year, with her birth recorded both in Grafton (Grafton Vital Records 1906) and in Rhode Island (Arnold, *Vital Record of Rhode Island* 3:99). Sarah (Aaron) Burnee died in 1751 (*Mass. Archives* 32:592-593; *Acts & Resolves* XV: 1753-1756: 1754/55, Chapter 300).[95] The records concerning the Burnee family, and others, indicate some of the limitations of the trustees' records as a history of the Hassanamisco settlement. Families with an interest in the Hassanamisco funds continued to collect their shares, but did not necessarily reside at Grafton. Conversely, other records show that there were Indian residents at Grafton who never appeared in the trustees' records because they did not have an interest in the fund.[96]

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[94]The petition provided no information concerning military service by Nipmuc Indians of Worcester County, including Hassanamisco men, from the outbreak of the Seven Years War (French and Indian War) in 1754 (Mandell 1996, 130; Leach 1988, 137) to the Treaty of Paris, which ended it in 1763 (Leach 1988, 137). Military service in the American Revolution is discussed below.

[95]Mandell misinterpreted the circumstances of her death, stating that: "Elderly women were particularly vulnerable. Sarah Burnee was placed by the Indian trustees in the care of a neighboring white, Hezekiah Ward, after she fell ill and was abandoned by her husband, William. By the time Sarah died in the summer of 1751, her medical bills totaled over 13 pounds" (Mandell 1996, 120; citing *Mass. Archives* 32:592; Mandell 1996, 224n11).

Her husband's name was Fortune Burnee, not William Burnee. There is no indication that he had abandoned his wife, since after her death he continued to interact with the Hassanamisco trustees on behalf of their daughter (*Mass. Archives* 32:246-247). Sarah was not really elderly at the time of her death: she bore a child in 1744. Arguments over payment of the expenses for her illness and funeral continued for several years.

[96]For example, two separate 1745 court records mentionedIsrael Romneymarsh of Grafton , Peter Lawrence (Place of Small Stones 36; citing Worcester County Justice of Peace Records 2:161), Bethia Printer, and "Sampson Indian servant to Benjamin Chapin" (Worcester County Justice of Peace Records 2:160; Place of Small Stones 36; Kawashima 1986, 167 [misquoted the original]; Kawashima 1986, 285n70 citing Sessions Records, Worcester, 1737-1757, 160, 167). Bethia appeared in the guardians' records, being a member of one of the families with an interest in the fund, though one receipt indicated that she was living at Worcester rather than Grafton (Earle Papers). Sampson was not mentioned in the trustees' reports until his 1756 marriage to another Hassanamisco

During the mid-18th century, the Hassanamisco families continued to make various intra-family transactions (Earle Papers; A Place of Small Stones n.d., 34-35; citing Worcester Registry of Deeds 19:445-446, Worcester Registry of Deeds 18:405), but the pace of land dispersal accelerated. One more will, that of Moses Printer, Jr., bequeathed acreage to a non-Indian (Mandell 1996, 121; citing WCP 51; Mandell 1996, 224n15). However, the continuing reduction in the amount of land held by the Hassanamisco families was primarily the result of direct sales to non-Indians made with permission of the guardians and the legislature. Each permit to sell generated a long series of documents (for details, see the draft technical report for petitioner #69A). The sales were made for a variety of reasons. Some sellers advanced a desire for their own economic improvement. Other sales were made on the basis of need (for details, see the draft technical report for petitioner #69A).

The continuing economic and population ties between Natick and Grafton are clear in the records.[97] Mary Tom, and three other Indian women identified by a side note as residing at Grafton (Patience Lawrence, Easter Lawrence, Sarah Lawrence), signed their names in 1760 to a certificate testifying to the value of Stratton Mill to the community of Natick (*Mass. Archives* 33:143). As late as 1767, Grafton Indians were making successful claims to inheritance of land at Natick. On May 27, Esther (Lawrence) Freeborn of Paxton was named as one of the claimants of Natick land sold by Patty Pegun under a mistaken claim of ownership; Mary (Tom) Hurd of Grafton was also named as one of the claimants of Natick land sold by Patty Pegun, a Natick Indian, who had conceived it to be her property (*Mass Archives* 33:418-419). The rightful heirs appearing, her claim and sale were invalid, so she petitioned for permission to sell other land to settle the matter.[98] Petitioner #69A also has members who descend from an Indian woman named Lydia Bowman.[99] She has not, however, been linked to the mid-18th century Indian Bowman family that moved from Natick to Worcester County (see Nipmuc GTKY File, BAR).

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woman, Elizabeth Abraham. About 1747, Mary (Printer) Tom and her sister Bethia Printer joined the church in Natick (Mandell 1996), after which Bethia disappeared from the records.

[97]Some Natick families moved permanently to Worcester County during the 18th century, but did not settle at either Grafton or Dudley. One of these families, Wiser, had documented descendants who were identified as Indians in Worcester County records as late as the 1830's. However, it has no known descendants in either Nipmuc petitioner, #69A or #69B (see Nipmuc GTKY File, BAR). In the 1760's, a Sarah Wiser occasionally appeared in the records of the Grafton trustees (Earle Papers), but by virtue of her membership in the Hassanamisco Printer family.

[98]The claim must have risen through the mothers of Esther and Mary, the sisters Sarah (Printer) Lawrence and Mary (Printer) Tom Thomas Pogenit. The document contains no explanation why Esther's sister, Patience (Lawrence) Gimby, did not appear as a claimant.

The legislative documents from the 1780's relating to Elizabeth (Brooks) Senah, a Natick Indian residing at Dudley, have been discussed in the draft technical report for petition #69B.

[99]November 9, 1784, poor relief; Heps Bow; Hepsebeth Bowman for sundries and attendance on her mother; Lydia Indian; Lydia Bowman (Rice, *Records of Town Meetings, 1784-1800* 1890, 30-32, 91).

Mandell gave the date of Ezra Stiles' visit to Grafton as 1762,[100] stating that he saw "the burying place & Graves of 60 or more Indians" in Grafton, but that there was "now not a Male Ind. in the town, & perh. 5 Squaws who marry Negroes" (Stiles 1916, 203). The following year, Stiles noted "four Indian families in the enclave, including four men, five women, six boys, and seven girls" (Mandell 1996, 190, 235n131). If this represented the total number of residents, there were by the end of the Seven Years War, only 22 persons resident on the Hassanamisco lands at Grafton. Stiles' enumeration should be compared to the statistics from the 1765 census of Worcester County, Massachusetts (see below).

In regard to the issue of Nipmuc population beyond the boundaries of Hassanamisco itself, several statistical census compilations from the 1760's and 1770's provided limited information about the numbers of Indians known to have been residing in central Massachusetts, northeastern Connecticut, and northwestern Rhode Island. Unfortunately, none of them indicated tribal affiliations for the Indians enumerated, nor did they provide any indication of whether the Indians were maintaining tribal relations. The petitioner did not submit, nor did BIA researchers locate, instructions issued to enumerators in any of these instances showing how Indian identity was to be determined and recorded.

Omitting statistics for Dudley, which were not included in the published version, the 1765 census of Worcester County, Massachusetts, showed 34 Indians (15 male and 19 female), of whom 14 were in Grafton, as follows:

1765 census of Massachusetts, Worcester Co.
Indian Population

Town	Male Indians	Female Indians
Worcester	4	5
Lancaster	1	0
Shrewsbury	0	1
Westborough	1	3
Sturbridge	2	1
Hardwick	1	1
Grafton	6	8
Dudley [omitted from this manuscript; see *Mass. Archives*, Volume 58]		

(Benton 1905, 45; towns not included above reported no Indian population).

The two following charts, for Windham County, Connecticut, and selected towns of Providence County, and Kent County, Rhode Island, provide no tribal identification for the Indians enumerated. It is probable that at least a portion of them were not Nipmuc, particularly in light of the Indian surnames listed in the more detailed version of the Rhode Island 1774 census (Bartlett 1969).

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[100]Other writers have given the date of Stiles visit as 1764 (Speck 1943, 52; *Collections of the Massachusetts Historical Society* 1809, 10:105).

January 1, 1774
Indian Population of Windham County, Connecticut

Towns	Males under 20	Females under 20	Males over 20	Females over 20	Total
Canterbury	1	1	7	2	11
Coventry			2		2
Pomfret	2	4	3	2	12
Killingly	2	4	1	5	12
Lebanon	9	5	4	3	21
Mansfield	3	6	1	2	12
Plainfield	9	8	3	5	25
Voluntown	2	3		1	6
Windham	2	7	3	7	19
Woodstock	13	9	7	9	38
	43	47	31	37	158

(The Number of Indians in Connecticut. From "An Account of the Number of Inhabitants" in that Colony, taken January 1, 1774, and Published by Order of the General Assembly, *Collections of the Massachusetts State Historical Society* 1809, 10:118).

Rhode Island Census, 1774
Towns of Providence Co. and Kent Counties most likely to have included Nipmucs

Towns	Male over 16	Male under 16	Female over 16	Female under 16	Total
Providence	10	16	23	19	68
Warwick	15	33	26	15	88
E. Greenwich	5	7	11	8	31
Smithfield	8	7	4	4	23
Scituate	1	3	3	1	8
Coventry	4	1	4	3	12
Cumberland	0	0	2	1	3
Cranston	8	4	3	5	20
N. Providence	1	3	1	2	7

(The Number of Indians in Rhode-Island. From an "Account of the Number of Inhabitants in that Colony" Taken Between the 4th of May and the 14th of June 1774, and Ordered to be Printed by the General Assembly, *Collections of the Massachusetts Historical Society* 1809, 10:119).

For the period from 1763 to 1776, the format of the trustees reports and accounts for this period changed little from those of the preceding years. As time went on, the names listed reflected marriages and remarriages, births and deaths, but the basic nature of the information was consistent (Earle Papers). A major function of the trustees' records continued to be tracking the division and consolidation of claims to shares in the funds that resulted from the changes in family composition over time. They also continued to supervise land sales. During this period, appeals for charitable grants also began to appear in the records of the legislature.[101]

[101] For details, consult the draft technical report for petitioner #69A.

The records indicated only two episodes of more general import than the distribution of proceeds from the funds. On July 17, 1764, Indian Land boundaries were renewed, of a 120-acre farm (Earle Papers). In April 1771, Ephraim Sherman, of Grafton, submitted a petition to the General Court which stated that the Indian population was greatly reduced, and there was only one male Indian left at Hassanamisco (*Mass. Archives* 33:535; Mandell 1996, 168). Sherman therefore requested that the Town might "take back part of the room in the meeting-house set aside for the Indians in 1740, as the Indians are steadily diminishing in number" (*Mass. Archives* 33:525-526; *Journals of the House of Representatives of Massachusetts 1770-1771* 1978, 193). The petition, with the report of a committee of both houses, was heard April 10, 1771 (*Journals of the House of Representatives of Massachusetts 1770-1771* 1978, 202). On April 19, 1771, it was:

> Resolved that the petition of the Town of Grafton, signed Ephraim Shearman, be so far granted, as that the Guardians of the Hassanamisco Indians be and hereby are directed and impower'd to repair to the Meeting-House in Grafton at the Charge of said Town, notify said Indians, hear what they may have to object; and if it shall appear to the said Guardians that the town of Grafton may be accommodated with some Part of the Room in said House that in the year 1740 was by the General Court assigned said Indians, without any Prejudice to them, then said Guardians assign and set off for the Use of said Town, such Part of said Room as they shall judge proper: Taking particular Care to leave sufficient Room for the Accommodation of said Indians. This Resolve to be in Force till the further Order of this Court, and no longer. Sent down for Concurrence (*Journals of the House of Representatives of Massachusetts 1770-1771* 1978, 229).

A #69A petition researcher stated that on March 17, 1772, the Hassanamisco guardians paid out interest money owed the Grafton Indians, there being no record at the State Archives of another payment until 1792 (A Place of Small Stones n.d., 46). However, the Massachusetts Archives contain data on payments made in May, 1772 (*Mass. Archives* 33:552; *Journals of the House of Representatives of Massachusetts 1772-1773* 1980, 171, 202). By 1776, however, the payments were seriously in arrears. In that year, Patience Gimby, whose sister died four years earlier, petitioned the General Court because she needed 20 pounds controlled by the guardians to care for her "sick family having buried three children who died of consumption and having been a long time sick." She asked that the General Court instruct the guardians to pay her the inheritance money from her sister (A Place of Small Stones n.d., 46-47).

The cessation of interest payments to the families holding shares in the Hassanamisco funds after 1772 led to the filing, on December 5, 1775, of "A Petition from the Indians in Grafton, praying for Relief" (*Journals of the House of Representatives of Massachusetts 1775-1776* 1972, 15). A month later, the petition for replacement of the trustees contained new details (Nipmuc #69 Pet. Narr. 1984, 67):

> On the petition of Elizabeth Sampson and others, Indian Inhabitants of Grafton, praying to be relieved respecting their Income by the Interest Money in the Hands

> of the Guardians of that Tribe; Resolved, that whereas the Hon. Artemas Ward, Esq; one of their present Guardians is necessarily employed in the Continental Army, and the others have neglected to relieve those Indians, it is become necessary that new Guardians should be appointed, who shall by such Appointment be vested with the same Power in all Matters respecting the Property of those Indians as the present Guardians have. Sent up for Concurrence (*Journals of the House of Representatives of Massachusetts 1775-1776* 1983, 161; see also Earle Papers; copy 22 October 1859).

The petition was heard on January 26, 1776 (*Journals of the House of Representatives of Massachusetts 1775-1776* 1983, 210; Earle Papers; copy 22 October 1859), and resulted in the appointment of new guardians: Edward Rawson, Esq.; Capt. Stephen Maynard, and Deacon Willis Hall; *Journals of the House of Representatives of Massachusetts 1775-1776* 1983, 214-215). Elizabeth Sampson, however, petitioned again on March 15, "with respect to a certain sum of Money, and Interest of another Sum, which she supposes she has a right to receive from the Trustees to the Indians in said Town," and the House of Representatives referred the matter to the committee (*Journals of the House of Representatives of Massachusetts 1776* 1984, 9).[102] On April 19, the House:

> Resolved, that the present Trustees, lately appointed by this court to manage the Indians Affairs of Grafton, be, and hereby are directed to make Enquiry, as soon as may be conveniently, whether the five Pounds and Interest, as mentioned by the Petitioner, be really due from the former Trustees; and if so, that they improve proper Methods as the Law directs for the recovery of Debts, to procure said Money for the Use and Benefit of the said Petitioner. Further Resolved, That the present Trustees aforesaid be, and hereby are directed to distribute the Interest Money of Andrew Abraham, deceased, among all the Posterity of said Andrew Abraham, deceased, or to pay to Elizabeth Samson, only, according to the Order and Desire of said Andrew Abraham, as shall to them appear most just and reasonable. Sent up for Concurrence (*Journals of the House of Representatives of Massachusetts 1776* 1984, 155; Earle Papers; copy October 22, 1859, giving the date as April 20, 1776).

Apparently, the growing exigencies resulting from prosecution of the American Revolution prevented follow-up on this resolution, because no data was located concerning the results. If the items in the record represent the totality of the available evidence, the Hassanamisco trustees' accounts for the decade 1776-1785 were essentially nonexistent. Their absence can be, to some extent, compensated for by other types of record. Between the end of the Seven Years War and the end of the Revolution, several estates pertaining to Hassanamisco Indians were

[102] 1776 April 11, Ordered, that Capt. Ward, Doctor Fletcher and Mr. Johnson of Lynn, be of the Committee on the Petition of the Grafton Indians, in the room of Mr. Crane, Mr. Putnam and Mr. Fairfield, absent (*Journals of the House of Representatives of Massachusetts 1776* 1984, 115).

probated in Worcester County, and land sales were recorded. Various Hassanamisco Indians pursued legal actions against one another in the county court system.[103]

Two of the three sons of Abigail Printer died in or during the Revolution. One other man who had a hereditary interest in the Hassanamisco funds, Joseph Aaron, son of Sarah Muckamaug, survived the war. The petition indicated that numerous Nipmuc men were serving in the American army as of 1777, namely Joseph Aaron, Joseph Anthony, David Abraham, Andrew Brown, Benjamin Wiser, Isaac Johns, David Johns, and Samuel Johns (Nipmuc #69 Pet. Suppl. 1987, Issue #3; A Place of Small Stones n.d., 47). The petition submitted no evidence, and BIA researchers located no evidence, to indicate that the three men named Johns were Nipmuc, although a man named Isaac Johns did appear in later records as the husband of a Hassanamisco woman.

In December 1778, at Alstead, New Hampshire, David Abraham signed his will, which would be probated February 3, 1785, in Worcester County, Massachusetts. He named several relatives and also made a bequest to two non-Indians, Joseph Prentice and Solomon Prentice, sons of Henry Prentice of Grafton (A Place of Small Stones n.d., 48-49; citing Worcester Probate Registry 19:315). On February 20, 1785, Fortune Burnee objected to Solomon Prentice as executor of the estate of David Abraham on the grounds that he had a living son "witch is the soul [*sic*] heir to the said Abram's estate" (A Place of Small Stones n.d., 49).[104] However, the Worcester County Probate Court allowed the will to be probated on March 1, 1785. Joseph Aaron, 40 years old, Indian of Grafton, enlisted in the Worcester County troops, continental army, in 1778 (A Place of Small Stones n.d., 47; citing *Massachusetts Soldiers & Sailors of the Revolutionary War* 1901,1:1-2). The same year, Joseph Aaron of Grafton, labourer, was dismissed from further appearance at court relative to debts (A Place of Small Stones n.d., 47; citing Worcester County Justice of the Peace Records 4:429). Several non-Indian spouses of women who were later identified as Nipmuc, but who did not have an interest in the Hassanamisco funds, also served in the Revolution.[105]

In the Articles of Confederation, adopted March 1, 1781, Article IX: Congress reserved right and power of managing the affairs with the "Indians, not members of any of the states, provided

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[103]For further details, see the draft technical report for petitioner #69A.

[104]This would have been Fortune Burnee Jr., son of Fortune Burnee and Abigail (Printer) Abraham Anthony Burnee. Abigail was dead by this date, as Fortune Burnee had remarried in 1778 to a non-Indian woman (*Grafton Vital Records* 1906, 178, 313; Baldwin, *Mendon Vital Records* 1920, 258).

The estate was appraised by Shilomith Stow, Benjamin Goddard & Joseph Whipple totalled 242 lbs. 1 s. 10 p., including "all the land that is set off to Joseph Anthony who is now dead which said David is heir to" (A Place of Small Stones n.d., 49; citing Worcester Probate Registry 8:132).

[105]Jeffrey Hemenway, husband of Hepsibah Bowman, a marriage which did not take place until after the close of the Revolution (see Nipmuc GTKY File, BAR); Jacob Woodland, second husband of Molly (Piggin) Pollock Woodland (NARA M-804, File W17469), again a marriage which occurred after the Revolution.

that the legislative right of any state within its own limits be not infringed or violated" (Reese c1980, [38]). This provision had no impact on the way Massachusetts interacted with the Indians within its own borders.

One scholar has recently described the situation in the 1780's in the following words:

> . . . by 1780, a few Indian communities existed as loose networks of families living near their former reserves or in neighborhoods of the growing cities. They lacked communal land but retained common accounts from the sale of all or much of their land during the previous century. Members of the Natick, Hassanamisco, and Punkapoag communities could draw funds from the accounts when necessary for medical bills or other needs. Their moneys were often invested, sometimes quite badly, by state-appointed guardians in an effort to sustain the accounts. Over several generations these families and their connections faded into the often undifferentiated sea of "people of color" (Mandell 1996, 206).
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> By the end of the colonial period, the descendants of the original inhabitants of eastern Massachusetts had developed a new sense of themselves and their community, as demographic, economic, and social pressures reshaped old ties and kinship loyalties into a modern ethnic identity. Families and individuals were no longer part of the bear or beaver clans, nor members of the Nipmuc, Massachusett, or Wampanoag tribes. The old boundaries were shattered by Anglo-American political and economic dominance and dissolved by intermarriage and market forces. A new pan-Indian identity emerged, distinct from notions of race, political allegiances, or even residence. Ironically, the dominant pattern of intermarriage meant that matrilineal descent replaced bilateral or patrilineal descent as the primary route of Indian ancestry. A regional Indian ethnic network emerged by the Revolution, largely invisible to whites, as scattered families and communities came together through marriages with outsiders, or migrated to obtain work, sell goods, or find better places to live. The surviving native enclaves acknowledged their responsibilities as centers for this new network. While population decline and vanishing enclaves seemed to point to the doom of natives in Massachusetts, Indians were able to build a new community that would ensure their survival (Mandell 1996, 202).

Hassanamisco under the Restructured Trusteeship, 1785-1861. In 1786, marriages between Indians and whites were for the first time expressly forbidden in Massachusetts. Unlike the 1705 enactment, the new law prohibited interracial marriages between whites and Africans, mulattos, *or* Indians and set a penalty of fifty pounds. It also declared such marriages null and void, but eliminated the penalty against fornication (Kawashima 1986, 99). The effect of this act was later limited by decisions of the Massachusetts Supreme Court, which both ruled that interracial marriages which were valid in the state where they were entered into, such as Rhode Island, were

recognized as valid by Massachusetts, and made very narrow definitions of the racial terminology in the 1786 act.

After the passage of a decade, on June 10, 1785, the Hassanamisco Indians resumed their complaints against the guardians, in the "Petition of the Indians of Hassanamisco, alias Grafton, to the General Court of the Commonwealth of Massachusetts now sitting in Boston." They asserted:

> That whereas our honourable Court has appointed Trustees over us in order to pay us our interest money that is due to us by the sale of our lands in Hassanamisco alias Grafton--which interest we your petitioners were to receive annually for ever--which we did receive up until within this seven years last past, & now this six or seven years, last past have not received one quarter part of our interest due to us. . . . pray the honourable Court . . . point a way whereby we may receive our interest that is kept from us (Earle Papers).

The petition was signed by: Joseph Aaron, Sarah Burnee her X mark, Forten Burnee his X mark, Elletheer Samson her X mark, Ceasar Gimbee his X mark, Submit Worcemugg her X mark. Two of these signers were a former spouse (Fortune Burnee) and a spouse (Ceasar Gimbee) of women with hereditary interests in the funds. The House of Representatives passed a resolution on October 29, 1785. The Senate concurred November 5, 1785 (Earle Papers).[106] However, the situation remained unresolved. On February 29, 1788:

> The Committee of both houses appointed to go to Grafton to settle the matter between the Grafton Indians & their Trustees, have attended that service & notified all parties & after a full hearing of the matter have settled the accounts between them, & are unanimously of the opinion, that the said Trustees have done well in all respects by the said Indians as the nature of the matter would admit of - all which is submitted. Seth Washburn per order (Earle Papers, copy 22 October 1859).

Esther (Lawrence) Stebbins Freeborn was the first of the Hassanamisco descendants to cash out her share in the fund, in 1788 (Nipmuc #69 Pet. Narr. 1984, 68; A Place of Small Stones n.d., 50; *Earle Report* 1861, 92). She had married successively two non-Indians, Peter Stebbins and Sharp Freeborn, and resided in Paxton, Massachusetts. One scholar recently stated that in 1790 she "renewed" her ties to Hassanamisco, even though she stayed in Paxton (Mandell 1996, 191; citing *Mass. Archives* 33:538; Hassanamisco accounts, Unpassed Senate Legislation, no.

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[106]November 5, 1785. "On petition of Joseph Aaron & others, for the payt. of their interest of the money which arose from the sale of their lands, now in hands of their Guardians - Resolved that the said Trustees be and they are hereby directed to lay their accounts respecting said Joseph & others) before the General Court on the second Wednesday of their next sitting for examination" -- There is no record that the accounts were presented at that time (Earle Papers; copy 22 October 1859).

1671/52, 1793, Massachusetts Archives; Mandell 1996, 235n140). However, the only connection that can be determined from the records was that the son of her second marriage was appointed as guardian to his minor cousins, the sons of Caesar and Patience (Lawrence) Gimbee (Mandell 1996, 191; citing WCP 23875). This could equally well be interpreted as a purely family arrangement, rather than a renewal of tribal ties.

The 1788 committee report did not settle the matter.[107] In subsequent years, the new trustees would bring action for malfeasance against their predecessors' handling of the funds.[108] After 1800, there was considerable turnover in the personnel of the trustees.[109] The 1984 Nipmuc Petition narrative indicated that no trustees' reports were extant from 1813 through 1828 or from 1832 to 1841 (Nipmuc #69 Pet. Narr. 1984, 69-70; probably based on *Earle Report* 1861, 94-95), but these have subsequently been located (see below). On February 29, 1828, by a resolve of the legislature, the governor and council were authorized to appropriate money "from time to time, as necessity may require" for use by all future Trustees of the Hassanamisco or Grafton Indians (MA State Archives). On January 13, 1831, a local historian preparing a history of the Town of Sutton, Massachusetts, utilized the Hassanamisco records held by the current guardian (Earle Papers).

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[107]On June 14, 1790, "The House proceeded by ballot to the choice of two Trustees of the Grafton Indians in the room of Mr Willis Hall who has resigned that trust. & Captain Stephen Maynard who has removed out of this Commonwealth - and Benjamin Haywood Esq. & Capt. Isaac Harrington were chosen." The Senate concurred (Earle Papers; copy 22 October 1859). Edward Rawson continued to serve with the two newly elected trustees.

Doughton indicated that in 1796 "new guardians" were appointed for the Hassanamesit Indians upon finding "that so large a part of the remaining fund had become unproductive" that only $58.06 in interest money was available for the Indians (A Place of Small Stones 51). However, the three trustees elected in 1790, Benjamin Heywood, Edward Rawson, and Isaac Harrington, were still serving on May 9, 1800 (Earle Papers). An assessors report dated January 11, 1801, at Grafton, was signed by Wm. Brigham. Timo. Sherman, and Thaddeus Read (Earle Papers). On April 17, 1801, the Grafton Indian trustees sold land to Timothy Sherman (Earle Papers).

This was the first Hassanamisco land sale after the passage of the Federal Trade and Intercourse Act on July 22, 1790 (Reese c1980, [39]).

[108]In April of 1794, the Hassanamisco trustees obtained an execution for "almost four hundred dollars" owing to the fund by one of the trustees. This matter was not settled until 1803, at which point the fund amounted to $1,043.85 1/2. Prior to this repayment, the fund had produced only $58.06 in 1796 and $51.41 as interest in 1797 (Earle Report 1861, 93). The much larger amount owed to the fund by another former trustee, Stephen Maynard, was classified as "desperate," *i.e.* written off, after he died (Earle Report 1861, 93). On the basis of accounts rendered by the trustees in 1807, Earle calculated that the amount of the debt owned by Maynard was $1,327.49 ½ (Earle Report 1861, 94).

[109]On February 9, 1801, Jonathan Woodbury and Eli Whitney were elected in place of Harrington and Rawson (Earle Papers). By September 8, 1807, Whitney had died: the surviving trustee was Benjamin Heywood (Earle Papers). In 1814, Heywood was replaced as trustee by Asa Goodell [the name was also written as Goodale] of Millbury (Nipmuc #69 Pet. Narr. 1984, 69), who in turn was replaced by Jonathan Leland at some time prior to June 13, 1821 (Earle Papers) and Cyrus Leland by June 11, 1825 (Earle Papers). In 1831, Cyrus Leland died (June 1831, received of Thaddeus Read administrator of the goods and estate of Cyrus Leland Esqr. late Trustee Deceased for the Hassanamisco or Grafton Indians, allowed by General Court at June Session; Earle Papers), to be replaced in 1832 by Moses Roberts (MA State Archives).

In 1832, the fund had $886.63 in notes and $119.09 in cash, for a total sum of $1005.72. Between 1832 and 1841, only $161.91 in interest was collected on the notes (*Earle Report* 1861, 95). Earle stated that the 1841 fund balance:

> . . . does not appear ever to have been accounted for. . . . The notes . . . are supposed to have become worthless, as several of the promisors are known to have been insolvent some years previously. There appears to have been great neglect of duty on the part of the trustees, both in making investments, without adequate security, and in omitting to collect the notes, or to have them properly secured, when it had become obvious that they were doubtful in character (Earle 1861, 96).

On March 22, 1839, an otherwise unidentified person named C. Hudson sent a memorial to the Governor of Massachusetts asking to whom the guardian of the Grafton Indians was accountable. Hudson stated that, "The Indians have some land of a good quality, and some money. They number at the present time about 20 persons" (MA State Archives). On April 9, 1839, a resolve of the legislature provided that the sum of $50.00 per year should be placed in the custody of the Judge of Probate, Worcester County, to be used at his discretion to administer to the needs of the Grafton Indians. This provision was to continue for ten years (Nipmuc #69 Pet. Narr. 1984, 72-73), and was renewed in 1849 (Nipmuc #69 Pet. Narr. 1984, 73).

By 1841, Charles Brigham was appointed guardian of the Grafton Indians (Nipmuc #69 Pet. Narr. 1984, 70). He continued to serve at least through 1857 (Earle Papers). According to the Earle Report, Brigham stated "that he was appointed without any funds, and accounts only for money received from subsequent sales of land, and from the treasurer of the Commonwealth" (Earle Report 1861, 96).

In 1858, the state legislature provided to the Probate Court at Worcester $200 to be used for the benefit of the tribe (Earle Report 1861, 98). The same year, the legislative committee of finance recommended that an additional $1,000 be placed with the Worcester County Probate Judge for the assistance of the Grafton Indians (Nipmuc Pet. Narr. 1984, 74). This resulted from a petition by Gilbert Walker requesting compensation "for the support of Benjamin Phillips, one of the tribe during his last illness" (Earle Report 1861, 98). Earle noted:

> . . . as showing the loose manner in which the special legislation in relation to the Indians has been transacted, that while these grants have been based on the obligation growing out of the loss of the fund, they have been made in terms, and on conditions, inconsistent with their application to meet that obligation. The fund was not a common one, belonging to the tribe, but a specific one, belonging to certain individuals in distinct and well-defined proportions, as much as do the stock and funds of a bank, a railroad, or an insurance company; and the other members of the tribe had no more right or interest in it, than the members of any other tribe, or than their white neighbors, yet the grants have been made, as if it

> was a common fund, to be applied to the general purposes of the tribe, as the circumstances or necessities of its members might require (Earle Report 1861, 98-99).[110]

For discussion of the individual families during this period, see under criterion 83.7(e). For further details, see the Nipmuc GTKY File (BAR) as well as the draft technical report for petitioner #69A. The family material mentioned in this historical overview is not as much specifically genealogical, as indicating the social circumstances under which the Hassanamisco Indians were living. The 1793 will of Fortune Burnee, the non-Indian widower of two different Hassanamisco women and remarried to his second non-Indian wife, followed the pattern of other 18th century wills made by men from the settlement, in that the major heir named was a non-Indian man. Three non-Indians witnessed Burnee's will. He gave his daughter, Sara Phillips, his child by one of his Nipmuc wives, one dollar as her full portion. He bequeathed the remainder to Shilomith Stow "to maintain me the said Fortune Burne and Sarah Burnee my present wife." It was probated on September 2, 1795, and upheld February 2, 1796 (A Place of Small Stones 50-51; citing Worcester Probate Registry 26:476, 27:148).[111]

During the first quarter of the 19th century, several more descendants of the Hassanamisco proprietary families chose to renounce their interest in the common fund in favor of receiving a one-time capital payment. These included Submit Wamsquam in 1807 (Earle Papers), but the fund was still providing her with support in 1809. Joseph Aaron's share was cashed out in 1809, after his death, according to terms of an arrangement he had made in 1797 (*Earle Report* 1861, 93). The payment in 1813 under a court judgment resulting from Fortune Burnee's will (see above) extinguished two and one-half of the original seven shares (*Earle Report* 1861, 93).

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[110]The legal terms of the financial obligations are not irrelevant to the modern situation, as will be seen by some of the discussions that have taken place within the last few years, within the Nipmuc Nation tribal council, concerning the Cisco land (Hassanamisco Reservation).

[111]After Fortune Burnee died in 1795, the Hassanamisco guardians refused to fulfill the will. Mandell stated that in 1811, after a lawsuit by the white man's heirs and a request by the town of Grafton for part of Burnee's estate to assist Indian paupers, the legislature ordered the funds to be divided between two claimants (Mandell 1996, 235n137; citing Resolves of 1811, Ch. 159, Passed Legislation, Massachusetts Archives).

The challenge to the will was brought on the grounds that he bequeathed Hassanamisco property and funds that he held in right of his prior Indian wives. According to the Earle Papers, the major claimant in the suit was a descendant of his second Hassanamisco wife, Abigail (Printer) Abraham Anthony Burnee, but the records indicate that his first Hassanamisco wife, Sarah (Muckamaug) Aaron Burnee, had left a daughter Abigail Aaron, aka Abigail Whipple, living in Providence, Rhode Island, whose two children were possible claimants to a share of the Hassanamisco fund (Letter, Timothy Paine to Joseph Aaron, 6/3/1771, Earle Papers). In the 1811 case, the plaintiff's name was Elizabeth Whipple. She lived in Rhode Island and the family made no other appearances in Hassanamisco records. If the Earle Papers were correct, the exact relationship of the claimant to the late Abigail Printer is not clear: the record of the court case was not submitted by the petitioner nor located by the BIA researcher.

Esther (Lawrence) Stebbins Freeborn died by 1806 (Worcester County, Massachusetts. Index to Probate Records, 1: Will 22322. Will of Esther Freeborn of Paxton, signed May 20, 1806; probated November 7, 1807). Her descendants were not legally entitled to shares in the Hassanamisco account after 1788. The status had nothing to do with the African-American ethnicity of Sharp Freeborn, as argued by Mandell (Mandell 1996, 192).[112] The descendants of Esther's first marriage to a white man, Peter Stebbins were also named in her will and also had no claim to the fund.[113]

By contrast, Esther's sister, Patience (Lawrence) Gimbee, who had died by 1796, retained her share in the fund, and, after her death, passed it on to her children (Earle Papers). The family's land transactions continued to be supervised by the trustees. Lucy (Gimbee) Hector, one of Patience's daughters, left two sons, Harry Arnold[114] and John Hector. The Gimbee, or Gimby, Hector, and Arnold names continued to appear frequently in Hassanamisco records throughout the 19th and 20th centuries.[115] One of Harry Arnold's daughters, Sarah Maria, married Samuel

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[112]Mandell was apparently unaware that Esther (Lawrence) Stebbins Freeborn had extinguished her rights to share in the Hassanamisco fund in 1788. He wrote:

> Elnathan and the two Gimbee boys were equally entitled under Massachusetts law to Hassanamisco funds, for both had an Indian mother and an African-American father--in fact, their mothers were sisters. Yet neither Elnathan nor any other Freeborn descendant ever claimed an Indian identity or tried to obtain money from the Hassanamisco account. Sharp Freeborn's descendants instead saw themselves as African-Americans, even when they cared for their Indian cousins. The ethnic boundaries that separated the Indian Gimbees from the African American Freeborns had a number of potential sources. The Hassanamiscos' boundary markers excluded the Freeborns because the family chose another place to live: Sharp Freeborn sold his Indian wife's land in Grafton, Esther remained in Paxton after his death, and their children and grandchildren never joined the enclave. And, of course, another major element in the New England Indian ethnic identity, as demonstrated by Elnathan's actions, was individual choice (Mandell 1996, 192).

[113]Her Stebbins descendants were listed as Hassanamiscos by Earle in 1861 (*Earle Report* 1861, Appendix), but he apparently knew nothing of the children of her second marriage.

[114]The description of land loss of the Grafton reservation provided to Frank G. Speck by Sarah M. Cisco in 1943 (Speck 1943, 50) bears no apparent relationship to the actual situation. The Indian land belonged to Harry Arnold's mother, Lucy Gimbee. Arnold's father cannot have been the "last full-blooded Hassanamisco Indian [who] died in 1825" nor was Harry Arnold born in 1825 (Speck 1943, 50)--he was born in 1788 and lived until 1851 (see Nipmuc GTKY File, BAR). Brigham and Goddard, to whom Ms. Cisco attributed the land loss in the 1820's (Speck 1943, 50), were involved with the situation 80-90 years earlier, in the second quarter of the 18th century, while Charles Brigham was not appointed trustee until 1841.

[115]December 30, 1841, Lucy Hector of Grafton and John Hector son of said Lucy, colored people, for $10.00 paid by Ezekiel Brigham, certain water privilege or privilege of the water in the well or reservoir which he made and now occupies on our premises (Nipmuc #69A Pet. Suppl. 1997; Cisco Archives, Box 4).

August 29, 1859, submission between Sweeney & Brigham (trustee) for Hassanamisco Indians, request signed by the following: Sarah M. Ciscoe, Patience P. Brown, William J. Brown, Samuel Cisco, "descendants of Harry Arnold" re: court case: "What right title and interest said Sweeney has as purchaser of the real estate

Cisco. The Cisco surname so closely associated with the modern reservation land in Grafton entered into Hassanamisco through her marriage. The current owners of the Hassanamisco Reservation in Grafton, Massachusetts, descend from this family.

The Brown/Gigger and Hector/Arnold/Cisco families are the only Hassanamisco proprietary families with descendants in the current membership of petitioner #69A, of which they comprise only a small percentage. Modern descendants of the Brown family in the membership of petitioner #69A descend from their daughter Lucinda Brown who married Josiah Gigger . The family resided primarily in Westborough, Massachusetts, and Gardner, Massachusetts. It received an extended notice in a late 19th-century local history (Forbes 1889).[116] Members of other original Hassanamisco proprietary families, such as Aletheah (Johns) Hazzard, survived into the late 19th and early 20th centuries and were mentioned in the records of the time. However, none of the other families have descendants in petitioner #69A, nor are they known to have left surviving descendants (for more detail, see the Nipmuc GTKY File, BAR).

Other than the trustees' reports, and legal records from the Massachusetts state legislature and Worcester County, there were few references to the Indians at Grafton in the first half of the 19th century. Jeremiah Spofford's *The Gazetteer of Massachusetts*, published at Newburyport in 1828, "casually mentions a report of the legislature which lists 'a few Indians at Grafton,' 'half a dozen' at Dudley and four at Mendon. These would all be Nipmuc" (Speck 1943. 51). Speck stated that, "later accounts give fourteen persons of mixed Indian and negro blood for 1830, the last of the 'pure Indians' having died about 1825" (Speck 1943, 52; no citation).[117]

On April 3, 1837, the Commonwealth of Massachusetts, House of Representatives produced a "Report of Special Committee of Legislature" on a petition of John Hector and others "describing themselves as descendants of the Hassanamisco Tribe of Indians" (Earle Papers). The report stated:

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formerly occupied by John Hector one of the Hassanamisco Indians in and unto a cart=way, lane, or passage-way mentioned in a certain partition of a tract of Indian lands situate on Brigham Hill (so called) in said Grafton, between said Hector and Harry Arnold one of said Indians. which partition was made by said Brigham under the authority of a resolve of the General Court of the Commonwealth of Massachusetts: Also what right title and interest the decendants of said Arnold have in and unto said land, cart=way or passage-way or to the occupancy thereof" (Massachusetts State Archives).

[116]Some of the 19th and early 20th century descendants of the Gimbee/Hector family were also named Brown, but do not appear to have been descendants of this Brown family.

[117]A detailed map of Southbridge, Massachusetts, dated 1830, indicated that the extreme southwest portion of the original township, extending into what is now Connecticut, in an area labeled "Woods," was the site of the Hatchet Lake Indian Reservation, which was abandoned about 1831 (*Scientific American*, "An Indian Relict Area," LX, February 1945, 153-154). For more information, see the discussion of Connecticut Indian families under 83.7(e).

> that the committee has not been "furnished with any satisfactory evidence that the petitioners are the lineal heirs of those whose lands were granted to the English. Whatever views should be entertained of the justice and equity of the claim presented to their consideration the Committee are unwilling to propose an appropriation of money without being assured by proper testimony that it will not be bestowed on a race with scarcly [*sic*] a drop of red blood to be squandered uselessly, or substantially given for the relief of some municipal corporation from the charge of its pauper dependants." . . . "Believing, although the evidence is so defective now, that the subject may deserve more full examination and future investigation," the committee recommend that it be referred to next General Court. Signed by William Lincoln (Earle Papers).

The Earle Papers contained only the report, but no copy of the original petition with signatures. The petitioner did not submit a copy of the petition, nor was one located by the BIA historian. Without a complete listing of the signatures, it was impossible for BIA researcher to analyze the validity of the report's comment on lack of evidence of lineal descent from the Hassanamisco proprietary families. However, John Hector, apparently the first signer, was without doubt a lineal descendant (see Nipmuc GTKY File, BAR).

On May 10, 1848, Massachusetts Senate's Joint Committee on Claims was instructed "to report the number and condition of the several tribes of Indians that receive aid from the Commonwealth, and also to consider, and report, what further legislation is necessary for their protection and welfare" (Senate No. 135, *Massachusetts Legislative Reports of 1848* (Boston, Wright & Potter, 1849; Nipmuc Pet. Suppl. 1987, Attachment 4).[118] The *Briggs' Report*'s information concerning the Chaubunagungamaug, or Dudley, group is to be found in the draft technical report for petition #69B. According to the preface by Governor George N. Briggs written February 21, 1849, the commissioners visited the "several tribes, and parts of tribes, of Indians, remaining within this Commonwealth, to examine into their condition and circumstances, and report to the next Legislature what legislation, in their opinion, is necessary in order best to promote the improvement and interests of said Indians" (*Briggs Report* 1849, 3).

[118]References to this document in the secondary literature are confusing, *cf.* Commissioners F.W. Bird, Whiting Griswold and Cyrus Weeks, February 1849, to MA Governor George N. Briggs, a document frequently called the "Briggs Report." F.W. Bird, W. Griswold, and C. Weekes, "Indians," House Report # 46, in *Mass. Legislative Reports of 1849*, hereafter Briggs Report (Boston: Wright & Potter, 1840) (Doughton, "Unseen Neighbors" 1997, 70). It was also cited by Doughton, "Unseen Neighbors" 1997, 69-70, as a report by Senator George Denny and called the Denny Report.

This report was cited by Plane and Button as the "Bird Report." They described it as an investigation commissioned by the Legislature in 1849, led by Francis W. Bird (Plane and Button 1993, 590). "Report of the Commissioners Relating to the Condition of the Indians in Massachusetts," 1849 House Document 46. "The men who served on the Indian commissions in the years from 1849 to 1862 had strong links to the abolitionist and radical Republican camp" (Plane and Button 1993, 592). "Francis W. Bird, the chair of the 1949 [*sic*] commission and a member of the 1869 commission, was an illustrious Massachusetts Republican and a close advisor to the state's Radical Republican Senator, Charles Sumner" (Plane and Button 1993, 611n38).

The commissioners described their task and procedures in some detail (*Briggs Report* 1849, 4-5).[119] As far as is known, the original notes kept by these commissioners are not extant.

With the exception of Natick, which was not discussed in this report, they identified 847 Indians in the state.[120] For the Hassanamisco, the 1849 *Briggs Report* enumerated a total of 26 individuals, divided into five families; 12 males; 14 females. It stated that about 2/3 of the number resided on "the territory," which was described as 25 acres, owned by individuals, in Grafton (*Briggs Report* 1849, 44). Descriptively, the commissioners commented:

> Generally, the Grafton Indians are industrious, temperate, and comfortable. They had formerly a respectable fund; but it was totally lost, while in the hands of a former trustee. By the resolve of April 9, 1839, an appropriation of $50 00 annually, for ten years, was placed in the hands of the judge of probate, for Worcester County, to be applied, at his discretion for their benefit. In addition to this sum, they have received from the State, in 1845, 30 dollars, and in 1847, 10 dollars. The State is still indebted to the tribe for the fund which was lost under her management.--Of course, this tribe has no separate schools, or preaching. Their children attend the public schools. They will soon undoubtedly lose their individuality and become merged in the general community.--Their annuity expires this year. If there should be a necessity of continuing it or any portion of it, it will be provided for, under the general recommendation we shall have the honor to submit towards the close of the report (*Briggs Report* 1849, 44).

The *Briggs Report*'s listing for the "Grafton Tribe" did not distinguish between non-Indian spouses, such as Gilbert Walker, and the actual lineal members. It also omitted several families, such as Gigger, known from the trustees' records to be Hassanamisco, whose descendants would be listed by the 1861 *Earle Report*.

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[119]"The duty imposed upon us by the first two clauses of the extract, recited from the Resolve, has proved far more laborious than was supposed, when its performance was commenced; especially the recommendation of measures "to promote the improvement and interests of the Indians," requires a wisdom to which we dare not claim, and involves a responsibility which we hesitate to meet" . . . "Unwilling, as we should have been, to have assumed the task, had we been aware of its difficulties and importance, we have yet endeavored to carry out, to the extent of our abilities, the intentions of the Legislature. We have visited all the tribes and parts of tribes of Indians in the Commonwealth, except, perhaps, a few scattered over the State, who have long since ceased to be the wards of the State, and who are, practically, merged in the general community. We have seen them in their dwellings and on their farms, in their school-houses and meeting-houses, have partaken of their hospitalities of bed and board, have become familiar with their private griefs and public grievances, . . . If we fail in making a satisfactory statement of their condition and wants, it will not be for want of opportunities of observation" (*Briggs Report* 1849, 4-5).

[120]More specifically, it identified 782 Indians "supported by the Commonwealth" including: 33 Troy or Fall River Indians; 51 Dudley; 2 Grafton; 100 Chappaquiddick and Christiantown on Martha's Vineyard; 250 as Gay Head, also from Martha's Vineyard; four as Punkapoag [Canton]; 30 Herring Pond or New Bedford; 312 Mashpee" (A Place of Small Stones n.d., 52; citing *Briggs Report* 1849).

All the Hassanamisco proprietary families listed on the 1849 *Briggs Report* were located in the 1850 Federal census with the exception of Zona (Leonard) Gimby, the widow of Moses Gimby, who had died January 30, 1850, prior to the 1850 enumeration (Worcester Deaths 1:9). The enumeration provided some evidence that the Hassanamisco proprietary families were interacting with other families ancestral to members of the #69A petitioner,[121] but most were geographically dispersed throughout Worcester County.[122] The sequence of census records, however, indicates that the geographical distributions were not entirely static. The 1855 Massachusetts State Census (Massachusetts State Archives, Reel #29) enumerated several changes and continued to show interrelationships.[123] In 1850 and subsequent census

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[121]On the basis of the birth and death records of his children, John Hector and his family has been living in Grafton from 1817 to 1842 (Grafton Vital Records 1906).

The 1850 U.S. Census showed Harry Arnold living at Grafton, Massachusetts, with his wife, daughter, a married son and his family, and a Cisco granddaughter (NARA M-432, Roll 342, 1850 U.S. Census, Town of Grafton, Worcester County, Massachusetts, 373, #15/15). His son-in-law Samuel Cisco and his nuclear family were living in Worcester, sharing a household with maternal Francis relatives, an unidentified couple with the Boston surname, and Laura Reed, the future wife of Edward Gimby (NARA M-432, Roll 342, 1850 U.S. Census, Worcester County, Massachusetts, 4th Ward, City of Worcester, 196-1964, #188/291). Harry Arnold's half-brother, John Hector, age 58, was also in the city of Worcester, sharing a household with Hepsibah Bowman's son Ebenezer Hemenway, his wife, and his children (NARA M-432, Roll 342, 1850 U.S. Census, Worcester County, Massachusetts, Town of Worcester, 155r, #[67]/111). Sarah (Boston) Walker was in a nuclear household with her husband and their adopted daughter (NARA M-432, Roll 342, 1850 U.S. Census, Worcester County, Massachusetts, City of Worcester, Second Ward, 126, #89/129).

[122]Andrew C. Brown, the son of Andrew and Hannah (Comacher) Brown, age 56, was living at Holden, Massachusetts, with his non-Indian wife and their daughter (NARA M-432, Roll 343, 1850 U.S. Census, Worcester County, Massachusetts, Town of Holden, 267, #15/17). His nephews Elbridge Gigger, age 36, and Dexter Gigger, age 29, were respectively at Gardner, Massachusetts (NARA M-432, Roll 340, 1850 U.S. Census, Worcester County, Massachusetts, Town of Gardner, #72/104), and Harvard, Massachusetts (NARA M-432, Roll 341, 1850 U.S. Census, Worcester County, Massachusetts, Town of Harvard, 344, #248/289).

Aletheah (Johns) Hazard was living with her husband at Uxbridge (NARA M-432, Roll 345, 1850 U.S. Census, Worcester County, Massachusetts, 384r, #236/237), while her brother-in-law, Samuel Hazzard, widower of a Hassanamisco woman, was living in the town of Douglas with his son and second wife (NARA M-432, Roll 341, 1850 U.S. Census, Worcester County, Massachusetts, 348, #210/244). Sarah (Stebbins) Wheeler, age 68, and her sister Esther Stebbins, age 62, were sharing a home in Leicester (NARA M-432, Roll 342, 1850 U.S. Census, Town of Leicester, 327, #279/299).

[123]The petitioner submitted no documentation from the Massachusetts state censuses. The BIA researcher, within the time limits of a site visit, reviewed them for the Towns of Grafton, Dudley, and Webster, and the City of Worcester, for 1855 and 1865. Unfortunately, time restraints did not permit reading the microfilm for all towns in Worcester County for these censuses.

Harry Arnold had died in 1851(Grafton, Massachusetts, Vital Records 6:95). His adult son and daughter-in-law had also died (Grafton, Massachusetts, Vital Records 1850, 52). The 1855 census showed that his daughter had returned to Grafton from Worcester with her husband, Samuel Cisco, and their family. The household included Sarah's widowed mother, a widowed Arnold niece, and Clarissa Bixby, sister of the second wife of Dudley/Webster Nipmuc James E. Belden (MA State Archives, Reel #29, 1855 State Census, Massachusetts, Worcester County, Grafton, #539/622). John Hector remained in Worcester, with his married son William in his household (MA State Archives, 1855 State Census Massachusetts, Reel #31, Worcester County, City of Worcester (second enumeration sequence), #166/352). William H. Hector had married a relative of his uncle Harry Arnold's

enumerations through 1920, many of the households of Hassanamisco descendants were enumerated as W[hite], B[lack], or M[ulatto] for ethnicity, rather than I[ndian]. If any generalization can be made, it is that the families were more likely to be enumerated as Indian after the publication of the Earle Report in 1861. The census records indicate that identified Hassanamisco and off-reservation Nipmuc continued to live in the general geographical region of central Worcester County, Massachusetts. There is no pattern of distinct residential settlements of Hassanamisco descendants apparent and the census records provide no tribal identifications. For the census listings of the "Dudley Indians" as a group, see the proposed finding for petitioner #69B.

In 1858, the state legislature provided to the Probate Court at Worcester $200 to be used for the benefit of the tribe (Earle Report 1861, 98). The same year, the legislative committee of finance recommended that an additional $1,000 be placed with the Worcester County Probate Judge for the assistance of the Grafton Indians (Nipmuc Pet. Narr. 1984, 74). This resulted from a petition by Gilbert Walker requesting compensation "for the support of Benjamin Phillips, one of the tribe during his last illness" (Earle Report 1861, 98). Earle noted:

> . . . as showing the loose manner in which the special legislation in relation to the Indians has been transacted, . . . they have been made in terms, and on conditions, inconsistent with their application to meet that obligation. . . . and the other members of the tribe had no more right or interest in [the fund], than the members of any other tribe, or than their white neighbors, yet the grants have been made, as if it was a common fund, to be applied to the general purposes of the tribe, as the circumstances or necessities of its members might require (*Earle Report* 1861, 98-99).

Most, but not all, of the descendants of the Hassanamisco families that would be listed in the 1861 *Earle Report* were located on the 1860 U.S. census (NARA M-653).[124] The exceptions

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wife: Lydia Jane Francis, daughter of John and Diana (Leonard) Francis (see Nipmuc GTKY File, BAR). John Hector's son Moses a C. Hector, with his wife Martha and Lucretia Reed, age 19, also remained in Worcester (Reel #31, City of Worcester (second numbering sequence), #33/74: #178/173). Lucretia Reed would shortly marry one of Moses Hector's brothers: Asa Hector, colored, 22, shoemaker, of Worcester, born in Grafton, son of John Hector and Susan (Toney) Hector, 1st; to Lucretia M. Reed, colored, 19, of Worcester, born in Worcester, parents Charles Reed & Melissa Reed, 1st, Sept. 22, 1855 (Worcester Marriages 1:106).

Sarah (Boston) Walker and her husband were also still in Worcester, where their household included Deborah Brown's daughter Elizabeth, age 19, and several persons whose connection to the family is unknown (MA State Archives, 1855 State Census Massachusetts, Reel #31, Worcester County, City of Worcester, #173/235).

[124]Andrew C. Brown, a 64 year old farmer, and his wife were still living in Holden (NARA M-653, Roll 531, 1860 U.S. Census, Worcester County, Massachusetts, 613, #272/314); Elizabeth Brown was head of a household that included her married son William Brown and his family in Framingham (NARA M-653, Roll 510, 1860 U.S. Census, Middlesex County, Massachusetts, Town of Framingham, 1060, #302/344); Elizabeth (Gigger) Hemenway and her brother Elbridge Gigger remained in Gardner, in households which contained only members of their immediate families (NARA M-653, Roll 531, 1860 U.S. Census, Worcester County, Massachusetts, Town of

were some families listed by Earle as living in Boston and Iowa. These families have no descendants in the membership of petitioner #69A.[125]

Hassanamisco from the Earle Report to 1900. The purpose of the investigation that resulted in the publication of the *Earle Report* (*Earle Report* 1861; sometimes cited in the secondary literature as *Massachusetts Senate Report No. 96*, 1861)[126] was, to a considerable extent, to ascertain the dimensions of the Commonwealth of Massachusetts' financial responsibility for the Indians residing within its boundaries and report to the Governor, for the information of the General Court to determine whether Massachusetts Indians "can, compatibly with their own good, and that of the other inhabitants of the State, be placed immediately and completely, or only gradually and partially, on the same legal footing as the other inhabitants of the Commonwealth" (A Place of Small Stones n.d., 54).[127] It was compiled by John Milton Earle, Massachusetts Commissioner of Indian Affairs, in response to an April 6, 1859, act of the legislature, and contained a fairly extensive section on the "Hassanamisco Indians" (*Earle Report* 1861, 87-101). The petition stated that this report included even those "remotely connected with the tribe" (Nipmuc #69 Pet. Narr. 1984, 95). Earle's correspondence and notes,

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Gardner, 101-102, #414/512; 197m /462/574). Sarah (Stebbins) Wheeler and Esther Stebbins were still living together in Leicester (NARA M-653, Roll 531, 1860 U.S. Census, Worcester County, Massachusetts, Town of Leicester, 229, #455/501). Elizabeth Gigger's husband, Henry B. Hemenway, was from Littleton, Massachusetts, son of Seipia and Lucy Hemenway. No relationship to Jeffrey Hemenway, husband of Hepsibah Bowman/Crosman, has been identified, although a Cipio Heamonway was living next door to Jeffrey in 1790 (Heads of Families 1790: Massachusetts 1908, 244).

[125]Samuel and Sarah (Arnold) Cisco were living in Grafton, Massachusetts, in 1860, with their children, an orphaned Arnold niece, and a woman named Clara Cisco (apparently the Clarissa Bixby who had been living with them five years earlier) (NARA M-653, Roll 528, 1860 U.S. Census, Worcester County, Massachusetts, Town of Grafton, 457, #870/907). This was the only household in Grafton that could be identified as containing descendants of any Hassanamisco proprietary family.

John Hector, age 58, was still living Worcester with his wife, a daughter, and the family of a married son (NARA M-653, Roll 527, 1860 U.S. Census, Worcester County, Massachusetts, City of Worcester, Ward 7, 221, #1233/1670); one of his sons, John Hector [jr.] was in Boston (NARA M-653, Roll 521, 1860 U.S. Census, Suffolk County, Massachusetts, City of Boston, Ward 6, 903, #1359/1920), but two others, William A. Hector and Asa E. Hector, remained in Worcester (NARA M-653, Roll 527, 1860 U.S. Census, Worcester County, Massachusetts, Ward 1, City of Worcester, 17, #73/133; Roll 532, 3 Ward, city of Worcester, 270, #79/99). Moses C. Hector was not located in 1860, but his widow Martha would appear on the 1870 census (NARA M-593, Roll 659, 1870 U.S. Census, Worcester County, Massachusetts, City of Worcester, Ward 7, 430, #52/92). The household of Sarah Walker was in the City of Worcester, Ward 2 (NARA M-653, Roll 527, 1860 U.S. Census, Worcester County, Massachusetts, 2 Ward City of Worcester, 92, #421/610).

[126]Earle, John Milton, Indian Commissioner, "Report to the Governor and Council, Concerning the Indians of the Commonwealth, Under the Act of April 6, 1859," Senate Document No. 96. Boston: William White, Printer to the State, 1861. Copy of report (Nipmuc Pet. Suppl. 1987, Attachment 5); extract of report (A Place of Small Stones n.d., 54-58).

[127]The data in the *Earle Report* specifically pertaining to the Chaubunagungamaug, or Dudley, Nipmuc group is to be found in the draft technical report for Petition #69B.

compiled during his investigation, primarily in 1859 (Earle Papers),[128] provide background information beyond that in the published report. The length of the Hassanamisco section of the report may reflect the fact that about 1859, J.M. Earle[129] took possession of the 18th-century Hassanamisco records (Earle Papers).[130] The report stated:

> The Hassanamisco, Hassanamessett, or Grafton Indians, as they are variously called, and as known in the legislation of the State, are the descendants of the seven original proprietors of Hassanamisco, or Grafton, where they resided, and where each of the seven families had a reservation. Two or three of these original families have become extinct, and the descendants of some of the others, if any survive, cannot now be traced. At this time, one family only remains on the heritage of its fathers, and that family retains less than three acres, out of all their former domain. All the other families have left Grafton, and the greater number, following the current of emigration in that region, have settled in Worcester. In addition to those who would now be entitled to a right in the proprietary fund, if it still remained, are certain others of Indian descent, claiming to be Hassanamiscoes, whose descent cannot be satisfactorily determined.[131] They are probably descendants of other Indians than the proprietors of the town, or of some of those whose interest in the fund was extinguished in the last century or early part of the present (Earle Report 1861, 87-88) [footnote added].

Earle "recognized as descendants of the ancient proprietors" 20 families, which contained 33 males and 40 females, for a total of 73 individuals. However only 56 were "natives," while the other 17 were "foreigners" who had married in. By age division, there were: 13 under 5; 6 from 5-10; 8 from 10-15; 39 from 21-50; 6 from 50-70; and 1 over 70. By including those "not

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[128]Letter, E.W. Mixer, Webster, to Earle, June 8, 1859; letter, David K. Porter to Earle, July 14, 1859; letter concerning Piggin family from Thompson, Connecticut, to Earle, June 9, 1859; letters, Luke Lyman of Northampton, Massachusetts to Earle, July 11, 1859 and August 4, 1859; letters, Asher Joslin to Earle, August 4, 1859, and September 18, 1859; letter, Warren, Massachusetts, town clerk to Earle, July 29, 1859; letters, South Gardner, Massachusetts, to Earle, July 30, 1859, August 27, 1859, and September 6, 1859; Asher Joslin to Earle, October 31, 1860; attempts to locate members of the Humphrey family ranged as far as Eastford, Connecticut, and Johnson, Rhode Island.

[129]"John Milton Earle, whose report offered the most sympathetic and detailed accounting of Massachusetts' Indians, was a Quaker. He served previously as the editor of the anti-slavery newspaper, the *Worcester Spy*" (Plane and Button 1993, 611n38).

[130]On July 26 of that year, Charles Brigham as Trustee of the Grafton Indians, wrote to the Secretary of the Commonwealth requesting return of documents used by the [Massachusetts] Commissioner of Indian Affairs (MA State Archives, Grafton Indian Accounts). However, the records remain with the John Milton Earle Papers deposited at the American Antiquarian Society, Worcester, Massachusetts (Earle Papers).

131This was the Hemenway/Johnson family. They were descendants of an 18th-century Worcester County Indian woman named Lydia Bowman (see above).

recognized as descendants of the ancient proprietors,"[132] Earle reached a total of 26 families, with 41 males and 49 females, for a total of total 90 individuals of whom 70 were "natives," and 20 were "foreigners." Of the total: 18 were under 5 years of age; 7 were 5-10, 9 were 10-21; 46 were 21-50; 9 were 50-70; and 1 was over 70 (Earle Report 1861, 88).

The majority of the space in the report was devoted to critically detailing the handling of the funds by the trustees over time (*Earle Report* 1861, 89-100. His summary of the situation read:

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[132]The Federal census from 1790-1840 showed the Hemenway family's presence in Worcester. On the 1790 census, Jeffrey Heamonway, was in Worcester Town, Worcester County, Massachusetts, with a household of five free persons of color (*Heads of Families, 1790 Census, Massachusetts* 1908, 244). In 1800, he was listed as Jeffrey Hemmingway in Worcester, with a household of six free persons of color (NARA M-32, Roll 16, 1800 U.S. Census, Worcester County, Massachusetts, Town of Worcester, p. 182). In the 1810 census, he was in Worcester as Jefry Hemingway with a household of five free persons of color, listed as residing near Dinah Jeffery [Jefferson], the mother of Harry Arnold's wife (NARA M-252, Roll 22, 1810 U.S. Census, Worcester County, Massachusetts, Town of Worcester, p. 7).

By the taking of the 1820 census, Jeffrey had died. His widow was listed as Hepsey Hemenway in Worcester, Massachusetts. As had been the case ten years earlier, she was living near Dinah Jefferson (NARA M033, Roll 55, 1820 U.S. Census, Worcester County, Massachusetts, Town of Worcester, p. 107). Hepsibah Hemenway was not listed in the 1830 census, but was probably the female aged 55-100 in the household of her son Ebenezer Hemineway, which contained six free persons of color (NARA M-19, Roll 68, 1830 U.S. Census, Worcester County, Massachusetts, Town of Worcester, p. 318). In 1840, she was listed as H. Hemonway, in Worcester, head of a free persons of color household of nine persons (probably herself and Ebenezer's family) (NARA M-704, Roll 199, 1840 U.S. Census, Worcester County, Massachusetts, Town of Worcester, Frame 0322). She died in 1847 (Worcester County, Massachusetts, Probate 1848. Administration 28973).

In 1850, Hepsibah (Bowman/Crosman) Hemenway's son, Ebenezer Hemenway, and his family were sharing a household with the family of Hassanamisco proprietary descendant John Hector (NARA M-432, Roll 342, 1850 U.S. Census, Worcester County, Massachusetts, Town of Worcester, 155-155r, #67/110). Hepsibah's daughter Lydia (Hemenway) Johnson was living alone in Worcester (NARA M-432, Roll 342, 1850 U.S. Census, Worcester County, Massachusetts, 4th Ward, City of Worcester, 197, #194/300). Lydia's son, James J. Johnson, was nearby (NARA M-432, Roll 342, 1850 U.S. Census, Worcester County, Massachusetts, 4th Ward, City of Worcester, 195r, #182/284).

Lydia (Hemenway) Johnson died in 1850 (see Nipmuc GTKY File, BAR). The 1855 Massachusetts State Census showed her son, James J. Johnson, and his wife were sharing their household with her married sister, Cordelia (Vickers) Ross (Massachusetts State Archives, 1855 State Census Massachusetts, Reel #31, Worcester County, City of Worcester (second numbering sequence), #33/74). Ebenezer Hemenway and his family were also listed in Worcester, but some distance away (Massachusetts State Archives, 1855 State Census Massachusetts, $331 #31, Worcester County, City of Worcester (fourth numbering sequence), #56/84). In 1860, James J. Johnson remained in Worcester: his household contained only members of his immediate family (NARA M-653, Roll 527, 1860 U.S. Census, Worcester County, Massachusetts, Ward 2 city of Worcester, 77, #324/484). His uncle, Ebenezer Hemenway, was again in a different ward of the city (NARA M-653, Roll 527, 1860 U.S. Census, Worcester County, Massachusetts, Ward 7 City of Worcester, 219-220, #1224/1658).

The census records for 1850, 1855, and 1860 provided no identifiable separate listings for Hannah Hemenway, sister of Lydia (Hemenway) Johnson and Ebenezer Hemenway. However, a later newspaper article indicated that she was a lifelong resident of the city (*Worcester Telegram*, August 28, 1890).

> . . . while appropriations by the State for various purposes, have been made for almost all the other tribes, some of them requiring a considerable amount every year, this tribe has never been a tax upon the government for one cent.
>
> In their personal and social condition, their intelligence, education, and general character, the Hassanamiscoes will compare favorably with any other tribe in the State. They are, as a whole, an orderly, industrious, and moral people. Only one case of habitual intemperance is known to exist among them, and that is a man not an Indian, who belongs to the tribe only by having intermarried with one of their women. Within the last twenty years, but one case of illegitimacy has occurred, and that was under a promise of marriage, and the young woman has, aside from that occurrence, sustained a good character. In consequence of that, she has required assistance from the town; and this is the only case known, where any member of the tribe has received such aid. Several of them are now growing old, and one of them has already received assistance from the appropriation in the hands of the judge of probate and insolvency, and will require constant aid from some source, to enable him to sustain life. About $700 of the last year's appropriation remains, and no more will be required, at present, if the judge is satisfied that he can draw on the principal thereof for such purposes (*Earle Report* 1861, 99).

Earle then surveyed the private landholdings of the individual families (*Earle Report* 1861, 100), noting that only Sarah Maria (Arnold) Cisco still held any part of the original reserved lands at Grafton--the remainder represented subsequent real estate purchases in Worcester, Holden, and Framingham (*Earle Report* 1861, 100).[133] In summation, Earle concluded that:

> This tribe, having no common territory, but living scattered among other people of their respective vicinities, have, of course, no municipal, educational or religious organization, but their educational and religious advantages are the same as those of others among whom they live, and so far as is known, they avail themselves thereof about in the same proportion that other people do. Probably about one-half of them are citizens in the towns where they reside, while the remainder have retained their legal relation of wards of the State (*Earle Report* 1861, 100-101).

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[133]May 13, 1857, John T. Sweeney of Grafton, $700 paid by Charles Brigham, of said Grafton, Trustee for the Grafton Tribe of Indians, and more particular for John Hector one of said Tribe, convey unto Charles Brigham as Trustee, a certain tract of parcel of land, with a barn thereon standing containing about 4000 square feet, southerly side of Chandler Street in the City of Worcester (Earle Papers).

One letter from the BIA referenced "letters and land titles for the 1858 distribution of land to the remaining Hassanamisco group. They were each given a parcel of land in the towns in which they lived. For further reference to it, look at the public documents around that time period. The public library in Worcester has them all" (Letter of J. Kay Davis to "Dear Rob" [no further identification of this individual] 11/13/1996). The BIA did not receive any data from the petitioner concerning this matter, nor did the BIA historian working on the technical report find any mention of such a distribution in the records.

> There is little property held by individuals of this tribe, aside from the small parcels of real estate already referred to. The men, being mostly mechanics and laborers, generally obtain a comfortable support for their families, and live much as other people do in their condition of life. Under the circumstances thus presented, no good reason is apparent, why the right of citizenship should not, at once be granted to them, and they be placed on the same legal footing as other inhabitants of the Commonwealth (*Earle Report* 1961, 101).

In 1862, Massachusetts made all self-supporting Indians dwelling off the plantations citizens; those residing on plantations were allowed to petition as individuals for enfranchisement (Plane and Button 1993, 591). After the end of the Civil War, in 1869 a Joint Special Commission on Indian Affairs of the legislature produced a "Report on the Indians of the Commonwealth," *1869 House Document 483* (Massachusetts State Library, Special Collections, State House, Boston, MA).[134] In accordance with its recommendations, on June 23, 1869, the Massachusetts Legislature passed the Act of Enfranchisement providing that "all Indians and people of color, heretofore known and called Indians, within this Commonwealth, are hereby made and declared to be citizens of the Commonwealth, and entitled to all the rights, privileges and immunities and subject to all the duties and liabilities to which citizens . . . are entitled" (A Place of Small Stones n.d., 59).

After the date of the Earle Report, the BIA found no evidence that any descendants of Esther (Lawrence) Stebbins Freeborn maintained contact with the remaining families of Hassanamisco proprietary descendants or other Nipmuc Indians. Neither was there evidence of any further contact of the families at Grafton or Worcester with the Hassanamisco descendants who lived in Framingham, Massachusetts, although the 1865 Massachusetts State census did provide data concerning some other connections among families ancestral to petitioner #69A.[135] For the post-civil-war period, there were no longer Hassanamisco funds under state supervision.

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[134]Plane and Button say a joint special commission led by Rodney French for the House and N.J. Holden for the Senate, which included Francis W. Bird, to "investigate the number and circumstances of Indians and Indian-descendants in the state" (Plane and Button 1993, 590).

[135] In the 1865 state census, only the family of Samuel and Sarah Maria (Arnold) Cisco was in Grafton, identified as "IW&N" (Massachusetts State Archives, Reel #34, Worcester County, Massachu-setts, Grafton, #458/536). In the City of Worcester, a daughter of Mary (Curliss) Vickers was residing in the household of Asa E. Hector, whose wife was a daughter of Charles Reed (Massachusetts State Archives, Reel #37, City of Worcester, Ward 3, #326/569). The household of Gilbert and Sarah Walker had a household which included Elizabeth (Brown) Barber and Augustus Toney, who would soon marry Esther J. Vickers (Massachusetts State Archives, Reel #31, Worces-ter, #173/235). James J. Johnson, of the Hemenway family line, and his wife Mary Ann Vickers were also in Worcester (#37, Ward 2, #379/386). Alethea (Johns) Hazard, descendant of Hassanamisco proprietars, shared a household in Oxford with her widowed sister-in-law Diana/Anna (Hazard) Vickers (#35, #206/250) (1865 Massachusetts State Census (Massachusetts State Archives, 1865 State Census Massachusetts, Reel 31, Reel 33, Reel 34, Reel 35, Reel 36).

The 1870 atlas of Worcester County, Massachusetts, contained a map of Town of Grafton. It showed Brigham Hill, C. Brigham, and S. Sisco [*sic*] on the side of the road closer to Goddard Pond. It did not identify an Indian settlement (*Atlas of Worcester County* 1971 [1870], 82).

In 1889, Harriette Merrifield Forbes published *The Hundredth Town: Glimpses of Life in Westborough, 1717-1817* (Forbes 1889).[136] Forbes mentioned at some length several families of the Hassanamisco descendants, as well as some of their collateral relatives. While incorrect in details, her essay provided a good reflection of what was popularly known to non-Indian neighbors in the later 19th century. A newspaper article, "Indian Families Who Lived in This Vicinity," written 12 years later discussed another group of families ancestral to petitioner #69A. There was no overlap with or mention of the families that Forbes had mentioned. The author, Mrs. Joseph L. Woods, formerly of Brimfield, Hampden County, Massachusetts, was the daughter of an early resident, Sanders Allen (*Warren Herald*, June 18, 1897; Nipmuc #69B Supplement 4/28/97). Her article, primarily on the Dorus/Nedson group, was a historical retrospective on the 1830's era.

For the period subsequent to 1900, see the evaluation under the individual mandatory criteria. As noted in the introduction to the proposed finding, while there clearly was a historical Hassanamisco band and reservation, and as indicated in the proposed finding for petitioner #69B, there clearly was a historical Chaubunagungamaug band and reservation, the evidence in the record shows that although many members of the current petitioners descend from these historical Nipmuc Indians, the current petitioners have not documented continuity as an entity or entities with the historical Indian groups from whom their members, in part, descend.

SUMMARY UNDER THE CRITERIA 83.7(a-g)

Executive Summary. In this case, the general arguments under the criteria were presented in the 1984 petition. Petitioner #69A has not presented additional specific arguments which pertain to it alone. The Summary under the Criteria addresses petition materials submitted in 1984, 1987, 1995, and 1997, which contain materials presenting different arguments in favor of the acknowledgment of petitioner #69A as defined in three different ways: as the Hassanamisco Reservation; as a joint organization encompassing the Hassanamisco and Chaunbunagungamaug Bands (or the Grafton and Dudley/Webster reservations); and the petitioner's current definition of itself as an organization of the descendants of all historical Nipmuc bands. It has also been necessary to address the 1996 split between #69A and #69B. The changing nature of the petitioner since 1980 has required that the Summary under the Criteria be, to some extent, diffuse rather than tightly focused.

[136]This was summarized by Eva Butler in her appendix to Speck (Speck 1947), but not accurately.

Criterion 83.7(a). There have been regular external identifications of the Hassanamisco Reservation, and associated external definitions of a Hassanamisco Nipmuc entity, from1900 to the present. Many of the mentions of the reservation specified that it was the property of only one family, but others indicated that a Hassanamisco entity continued to exist in addition to the reservation itself. Between 1900 and the late 1970's, there were no external identifications of any continuing Chaubunagungamaug or Dudley/Webster Band (for more detail, see the proposed finding for petition #69B). Only since 1992 have there been identifications of a Nipmuc entity that comprised more than one or both of the preceding groups. The petitioner does not meet criterion 83.7(a).

Criterion 83.7(b). Evaluation of petitioner #69A under criterion 83.7(b) involves the evaluation of three distinct entities: (1) the historical Hassanamisco Band; (2) a joint entity that existed between about 1978 and 1996 comprising descendants of the historical Hassanamisco Band, descendants of the historical Chaubunagungamaug Band, and descendants of some off-reservation Nipmuc families; and (3) the petitioner under its current definition, comprising all persons whom it considers to be of Nipmuc heritage.

Under (1), there is sufficient evidence that the historical Hassanamisco Band retained community from colonial times until the period of the American Revolution, as a majority of its population lived on the reservation in Grafton, Massachusetts. From the American Revolution until the mid-19th century, there is limited evidence concerning continuing social ties among the Hassanamisco proprietary families. From the mid-19th century to the present, most of the evidence in the record pertains only to the Cisco extended family, and demonstrates only occasional social interaction between the Ciscos and the descendants of the other Hassanamisco proprietary families, as well as between the Ciscos and the families on Earle's 1861 "Supplementary List" continuing at least until the 1950's. From the mid-19th century to the present, the documented level of social interaction among the descendants of the historical Hassanamisco Band does not meet 83.7(b). There was, for example, no evidence of contact between the Cisco descendants and the Gigger descendants between the late 1930's and 1997, a period of nearly 60 years.

Under (2), the evidence in the record shows no direct social interaction between the Hassanamisco Nipmuc and the Chaubunagungamaug Nipmuc families between the 1730's and the 1920's – a period of nearly two centuries. From the 1920's through the 1970's, the evidence in the record showed occasional social interaction between Hassanamisco descendants and Chaubunagungamaug descendants, most frequently in the context of pan-Indian or intertribal activities. From 1978 through 1996, the evidence in the record showed interaction between some Hassanamisco descendants and some Chaubunagungamaug descendants primarily in the context of the formally established Nipmuc organization, and comprising primarily the leaders of the subgroups. On the basis of precedent, this type of limited interaction is not sufficient in scope to establish community under 83.7(b) during any time period.

Under (3), there is limited evidence in the 18th century that there continued to be social interaction among off-reservation Nipmuc families in south central Massachusetts, northeastern Connecticut, and northwestern Rhode Island. There is some evidence that the off-reservation

Nipmuc upon occasion intermarried with both Hassanamisco descendants and Chaubunagungamaug descendants, although there is only one instance, from the 1730's, of direct interaction between Hassanamisco and Chaubunagungamaug (see above, under (2)). There is minimal evidence that these contacts continued to be maintained during the first half of the 19th century. Beginning with the 1850 census, there is more evidence that there were limited social ties in the forms of intermarriages and shared households between off-reservation Nipmuc families and Hassanamisco descendants, and off-reservation Nipmuc families and Chaubunagungamaug descendants, but still no evidence of direct interaction between the descendants of the two reservations. That is, the documents indicate that the limited social ties that both the Hassanamisco descendants and the Chaubunagungamaug descendants maintained with various off-reservation Indian families did not extend to interaction with one another. In the first half of the 20th century, the only evidence for interaction is limited to pan-Indian and intertribal events, and the contacts shown involved only a few individuals. From 1950 through 1978, there is insufficient evidence of significant social ties among the families antecedent to the current membership; from 1978 through 1989, the petitioning group was defined with a much small membership circle that the current organization (see above, under (2)). The evidence indicates that the current membership of petitioner #69A is to a considerable extent the result of a deliberate recruitment effort undertaken from 1989 through 1994, and has brought many families that had no significant social ties prior to that time into the organization called the Nipmuc Nation.

Therefore, the petitioner does not meet criterion 83.7(b).

Criterion 83.7(c). Evaluation of petitioner #69A under criterion 83.7(c) involves the evaluation of three distinct entities: (1) the historical Hassanamisco Band; (2) a joint entity that existed between about 1978 and 1996 comprising descendants of the historical Hassanamisco Band, descendants of the historical Chaubunagungamaug Band, and descendants of some off-reservation Nipmuc families; and (3) the petitioner under its current definition, comprising all persons whom it considers to be of Nipmuc heritage.

Under (1), documentation concerning the historical Hassanamisco Band centered on the reservation in Grafton, Massachusetts, provided sufficient evidence of internal political authority or influence from the colonial period to the end of the Revolutionary War through the carryover provisions of § 83.7(b)(2). From 1790 to 1869, there was not sufficient direct evidence of political authority, while the evidence for community was not strong enough to provide for carryover under § 83.7(b)(2). Since 1869, the evidence indicates that the Cisco family, owners of the remaining "Hassanamisco reservation" property in Grafton, Massachusetts, existed primarily as a single extended family, with only occasional contact with descendants of other Hassanamisco proprietary families and without the exercise of political influence or authority among the descendants of the proprietary families, or between the descendants of the proprietary families and the descendants of the families on Earle's 1861 "Hassanamisco Supplementary" list.

Under (2), the evidence in the record indicates that from about 1978 through 1996, for the entity that was petitioner #69, there may have been some form of political influence and authority that extended to a limited portion of the group's membership, primarily those persons active under the leadership of Walter A. Vickers, on the one hand, and Edwin W. Morse, Sr., on the other hand. However, there is no evidence in the record that this limited political influence or authority extended to the greatly increased membership that resulted from the activities of NTAP between 1989 and 1994. The evidence in the record does not show that there was any political influence or authority exercised among the group antecedent to Mr. Morse's organization from 1891 to the late 1970's (see proposed finding for petitioner #69B). Further, from the late 19th century to the late 1970's, the evidence in the record does not show that there was significant political influence or authority that comprehended both the Hassanamisco and the Chaubunagungamaug descendants.

Under (3), the record does not indicate that from colonial times to the present, any significant political influence or authority has been exercised among the entirety of the wider body of descendants of the colonial Nipmuc bands as a whole – this is what petitioner #69A, as of 1997, defines as the historical tribe from which it claims continuity.

Therefore, petitioner #69A does not meet criterion 83.7(c).

Criterion 83.7(d). The petitioner meets this criterion.

Criterion 83.7(e). The petitioner meets 83.7(e)(2), having submitted a current membership list certified by the governing body. Under 83.7(e)(1), descent from the historical tribe, petitioner #69A shows 8 per cent of its membership descending from Hassanamisco, 30 per cent of its membership descending from Dudley/Webster (Chaubunagungamaug), and 16 percent of the membership descending from non-reservation Nipmuc. On the other hand, 31 per cent of the membership are documented to be in-laws or collateral relatives of identified Nipmuc, but without documented Nipmuc ancestry, while an additional 11 percent of its membership falls in a line which asserts, but has not documented, descent from the former Indian "praying town" of Natick (1 percent of the membership is unascribed to any family line; 3 percent are not fully documented). Thus, as of the issuance of the proposed finding, only 54 per cent of the petitioner's members have documented descent from the historical Nipmuc tribe in the widest definition under 25 CFR Part 83. On the basis of precedent, this does not meet 83.7(e). Therefore, the petitioner does not meet 83.7(e).

Criterion 83.7(f). The petitioner meets this criterion.

Criterion 83.7(g). The petitioner meets this criterion.

Petition Review Process. This finding was completed under the terms of the Assistant Secretary's directive of February 7, 2000 (AS-IA 2/7/2000) which made procedural changes in the handling of petitions for Federal acknowledgment by the BIA. The directive applied to all

future proposed findings, including those in progress, except the Little Shell Chippewa, which was close to completion. In particular, this finding focuses on evaluating the petitioner's specific conclusions and description of the group concerning maintenance of a tribal community up until the present. Because evaluation of this petition was begun under the previous internal procedures, this finding includes some analyses which go beyond evaluation of the specific positions of the petitioner.

Procedures. Evidence submitted by The Nipmuc Nation (hereinafter the petitioner) and obtained through other interested parties and independent research by the Acknowledgment staff demonstrates that the petitioner does not meet all seven criteria required for Federal acknowledgment. Specifically, the petitioner does not meet criteria 83.7(a), 83.7(b), 83.7(c), and 83.7(e). In accordance with the regulations set forth in 25 CFR Part 83, failure to meet any one of the seven criteria requires a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

This is a proposed finding based on available evidence, and, as such, does not preclude the submission of other evidence to the contrary during the 180-day comment period which follows publication of this finding. Such new evidence may result in a change in the conclusions reached in the proposed finding. The final determination, which will be published separately after the receipt of the comments, will be based on both the new evidence submitted in response to the proposed finding and the original evidence used in formulating the proposed finding.

In the summary of evidence which follows, each criterion has been reproduced in boldface type as it appears in the regulations. Summary statements of the evidence relied upon follow the respective criteria.

83.7(a) The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900. Evidence that the group's character as an Indian entity has from time to time been denied shall not be considered to be conclusive evidence that this criterion has not been met.

The petition was originally filed on behalf of the Nipmuc Tribal Council, Hassanamisco Reservation, in 1980. The letter of intent was assigned #69. The petitioner's self-definition subsequently expanded to include first (1984-1987 petition) both the Hassanamisco (Grafton) and Chaubunagungamaug (Dudley/Webster) historical Nipmuc bands. The petitioner now states that it represents, "not only Hassanamisco and Chaubunagunagamaug, but other members of the Nipmuc Nation, including members from Dudley-Webster, Natick, Quinsigamond, and our brothers and sisters from the Connecticut bands in Thompson, Putnum [*sic*], Hartford, and other

parts of the Nipmuc traditional homelands" (Luster to DeMarce 12/26/1996; Nipmuc Pet. #69A Suppl. 1/21/1997).

The 1984-1987 petition for Federal acknowledgment for petitioner #69 dealt with the lack of identification of an Indian entity at Dudley/Webster throughout much of the 20th century by presenting the argument that the petition was on behalf of both Hassanamisco and Chaubunagungamaug, and that therefore, it was adequate to show documentation for Hassanamisco (Grafton) when there was none for Chaubunagungamaug (Dudley/Webster) and *vice versa*. Petitioner #69 divided in May 1996 through withdrawal of petitioner #69B, which uses the name "Chaubunagungamaug Band, Nipmuck Nation." However, the large majority of the descendants of the Chaubunagungamaug, or Dudley/Webster, reservation remain members of the current petitioner, #69A (see detailed discussion under criterion 83.7(e)). The issue of external identifications for Chaubunagungamaug from 1900 to the present has been covered in the proposed finding and charts for petitioner #69B, which are incorporated here by reference.

The current #69A petition has added to the body of documentation submitted in 1984-1987 considerable information pertaining to external identifications of Hassanamisco, but little additional data pertaining to external identifications of the Dudley/Webster descendants as an entity from 1900 to the present. Neither has it added documentation pertaining to external identifications of any of its other claimed antecedent groups from 1900 to the present, nor external identifications of its identified claimed antecedents as a whole as distinguished from their individual subgroups or component parts.

The BIA researcher's methodology was to examine the totality of the documentation in the record that might be construed as pertaining to criterion 83.7(a), and determine which items did provide external identification and which did not. If any forms of evidence, singly or in combination, do constitute such identification, they enable the petitioner to meet criterion 83.7(a) as of that date. All of the possible evidence identified in all the petition submissions, whether or not it contributed toward petitioner #69 and petitioner #69A's meeting criterion 83.7(a), has been listed in the accompanying chart for criterion 83.7(a).

Petitioner #69A also submitted a considerable amount of material from the records kept by the Cisco family that has not been evaluated individually because it does not constitute identification of an Indian entity. This includes such documents as invitations to ceremonial events addressed to individuals, proclamations of "Indian Day" by the Governors of Massachusetts, or replies to letters from Federal or State officials which merely include the Hassanamisco Reservation as part of the address, without any reference to an entity in the body of the correspondence. From 1924 to the present, except during World War II, there has been an annual powwow or Indian Fair on the Hassanamisco Reservation, usually in early July or early August, with regular newspaper coverage of the events. An article in 1926 mentioned attendance of about 500. The size of the Hassanamisco Band or Nipmuc Tribe cannot be extrapolated from this, as the events were intertribal and open to the public. Some of the flyers had data indicating the possibility of external identifications, such as the one for July 4, 1925, which indicated that, "Selectman John

Fleming will speak in behalf of Grafton. Ex-Councilman Charles E. Scott will speak in behalf of Worcester." The actual statements were not included in the submission; if located, they might provide external identification of an entity.

From the 1890's through the first decade of the 20th century, several Hassanamisco descendants received continuing annuities from the State of Massachusetts. The multiple annuities, provided to members of at least three separate family lines, did not specifically identify the existence of an Indian entity. Conversely, they did not identify the recipients just as descendants of a tribe formerly under the supervision of the State, but did, for example, refer to Althea Hazard as "a member of the Hassanamisco Tribe of Indians" (*Mass. Resolves* 1898).

In 1902, the *Boston Sunday Post* and *New York Sun* published articles on Hassanamisco as, "[w]hat is probably the smallest Indian reservation in the United States," describing it as "two acres and a half lying on top of Brigham's Hill in the town of Grafton" (Nipmuc #69 Pet. Narr. 1984, 128; Indian Ward of the State Last Member of Hassanamiscos, *Boston Sunday Post*, March 23, 1902; Last of John Eliot's Indians, *New York Sun*, March 30, 1902). Both referenced Patience Fidelia (Arnold) Clinton, stating that she had been born there. "For the last twenty-nine years, however, she has been living in Providence, where her husband was employed. He died about a year ago last January, and now she has come back to the house which will furnish her shelter as long as she lives" (Nipmuc #69 Pet. Narr. 1984, 128).

Frederick W. Hodge's 1907 *Handbook of American Indians North of Mexico* (Hodge 1907) contained only a historical notice concerning the Nipmuc, with no reference to any events subsequent to King Philip's War (Hodge 1907, 2:74-75). James Mooney's, *Aboriginal Population America North of Mexico* (Mooney 1928, 4) listed the Nipmuc as extinct by 1907 (Speck 1943, 51). Thus, neither publication identified a contemporary entity or entities.

A March 28, 1920, article in the *Worcester Telegram* described Delia Brown (Cisco) Hazzard under the title, "Last of Indian Tribe Clings to Tribal Home," mentioning her parentage, her brother James Lemuel Cisco, and the Cisco land as ". . . probably the only tract of land in Massachusetts that has never changed ownership" (Nipmuc #69 Pet. Narr. 1984, 129-130). It mentioned the "almost extinct Hassanamesit tribe," the origin of the Cisco family as Hassanamisco and specified that the Hassanamisco had been a branch of the Nipmuc (Nipmuc #69 Pet. Narr. 1984, 130). It is of particular value as an external identification in that it was published several years before the Bicknell initiatives (see discussion under criterion 83.7(c)) and was not generated by the publicity associated with Bicknell's Algonquin Indian Council of New England, but provides no identification of a wider Nipmuc entity antecedent to petitioner #69A.

The next series of articles was associated with the Bicknell initiatives (Nipmuc #69 Pet. Narr. 1984, 134-135, 138; "Descendants of Redskins to Hold Pow-Wow," hand-identified and dated as Cranston paper, Monday, December 10, 1923; *Worcester Telegram*, January 27, 1924; *Worcester Daily Telegram* June 30, 1924; July 8, 1924; *Evening Bulletin*, Providence, Rhode

Island, August 8, 1924; October 8, 1924). "Tribe Guards Dwindling Domain" discussed the history of the proprietorship, and Lemuel Ciscoe and his sister Delia Hazzard as surviving representatives of the historical tribe,as well as several members "of the new generation," (*Worcester Telegram* 1/27/1924), while "Town of Grafton Can Boast" identified the tribal members then living within the town limits of Grafton (c. 1926).

In 1930, the Massachusetts Bay Colony Tercentenary Commission placed a historical marker on Brigham Hill, in Grafton, in front of the Hassanamisco Reservation (Nipmuc 369 Pet. Nar. 1984, 156, 174). The text reads: "1630 - 1930 Indian Reservation. These Four [*sic*] and one-half acres have never belonged to the white man, having been set aside in 1726 as an Indian Reservation by the forty proprietors who purchased the praying Indian town of Hassanamesit" (Massachusetts Bay Colony Tercentenary Commission). The marker referenced only the history of the site.

In 1937, a petition to provide a $500 per year annuity to Sarah M. (Cisco) Sullivan and her daughter, Zara, introduced into the Massachusetts State Legislature; it bore nearly 200 signatures of non-Indians in the Grafton area "on the basis that the state had despoiled their ancestors of their rightful property" (Ask Pension for Grafton Indians, [*Worcester Telegram*], hand-dated 12/8/1937; Nipmuc #69A Pet. Suppl. 4/21/1997). The bill, sponsored by Senator P. Eugene Casey (D) of Milford, and Rep. Nathan Rosefeld (R) of Milford and Christopher J. Tyrrell (R) of Westboro. It failed of passage, as did a subsequent bill (Annuities Refused, hand-identified *Worcester Daily Telegram,* 6/13/1941; Nipmuc Pet. #69A Suppl. 6/1997). While the petition is on behalf of two individuals, it indicates awareness upon the part of local residents of the existence of an Indian entity, however attenuated in size, in Grafton.

Anthropologist Frank Speck's visit to the Nipmuc in 1943, and subsequent publication, focused exclusively on Hassanamisco. He did not visit or interview any of the Dudley/Webster descendants, and quoted Sarah (Cisco) Sullivan as making only the vaguest reference to them (Speck 1943, 54). It did not reference any wider Nipmuc entity at all. It provided a list of "Hassanamisco families known to have resided on the reservation in the span of Mrs. Sullivan's memory," (Speck 1943, 54). The anthropologist's summation was that: "Group solidarity has vanished at the far end of acculturation, but one must admit that the group, though interfused and obscured, is one consciously apart in name and identity" (Speck 1943, 51-52).

In 1949, a Library of Congress researcher compiled a survey of surviving Indian groups in the Eastern United States (Gilbert 1949). It stated: "The Hassanamisco Band of Nipmuc are still to be found scattered in various towns of central Massachusetts (Grafton, Worcester, Boston, Gardner, Mendon), and there are a few at Mystic, Conn., and Blackstone, R.I. . . . The Nipmuc still cling tenaciously to their Indian identity and are set apart from Whites of the underprivileged class and also from mulattoes and Negroes. Apart from their traditions there is nothing in their manner of life which would set them apart. They are employed in skilled crafts and industries and in government offices" (Gilbert 1949, 410). This notice was, essentially, a summation of Speck's 1943 article.

A program for the1950 powwow at Grafton (Program, Hassanamisco Powwow, 7/4/1950) showed the occurrence of an intertribal activity on the grounds of the Hassanamisco Reservation. Another program tentatively dated as 1953 specified that the event was sponsored by the "Worcester Department of the National Algonquin Indian Council" and that participants were the United Association for Advancement of American Indians; the Narragansett Indian Council; the Nipmunck Indian Council of Worcester; and the National Congress of American Indians (Indian Fair to be held at Hassanamisco Reservation," August 17-18 [1953?]). These provided no identification of a Nipmuc entity broader than an entity associated with the reservation, nor did they describe other organizations c0-hosting the event as part of a Hassanamisco entity. The "Nipmunck [*sic*] Indian Council of Worcester" was not described, but may have been the organization chartered by the State of Massachusetts in 1950 (see criterion 83.7(c) for a more detailed discussion of the conflicts between the Sarah M. (Cisco) Sullivan and this group in the early 1950's). Other newspaper articles from the 1950's covered the regular powwows held on the Hassanamisco reservation, identifying Hassanamisco as an entity in passing (Indians Will Gather in Reservation Area, *Worcester Gazette*, 7/30/1957; Grafton Indian Fair Pushes Corn, unidentified newspaper article, hand-dated 7/7/1958).

At various points during the first half of the 20th century, the Hassanamisco Reservation was a member of such American Indian groups as the Coalition of Eastern Native Americans, Inc., the United Association for the Advance of American Indians, the National Congress of American Indians, and the American Indian Children's Fund (Nipmuc #69 Pet. Narr. 1984, 174; Nipmuc #69 Pet. 1984, Ex. 8, Ex. 11). The petition asserted that, [t]o most of these organizations regular membership fees were paid and there was an ongoing exchange of correspondence" (Nipmuc #69 Pet. Narr. 1984, 174). Some of the items cited by the petition appear, however, to have been charitable donations rather than memberships. At least one group, the Degree of Pocahontas, was a lodge rather than an American Indian organization. The CENA and NCAI documents, however, indicated that the entity accepted for membership in these intertribal organizations was the "Hassanamisco Tribe" or the "Hassanamisco Reservation," not the "Nipmuc Tribal Council" as indicated in the petition narrative.

During the 1960's, a number of newspaper articles identified, in passing, the Hassanamisco Reservation in Grafton, and the members of the Hassanamisco Band, as an Indian entity (c. 1960, unidentified newspaper article by Ted Ashby, Grafton, on Sarah M. (Cisco) Sullivan, Cisco Archives, Box 1; Indians Open Annual Fair on Reservation in Grafton, *Worcester Daily Telegram*, 7/3/1960; Margaret Lincoln, Hassanamisco Hoe-down; Indians Hold Pow-wow in Grafton, *Wo-cester Daily Telegram,* 7/4/1961; Indians Commemorated, *Worcester Daily Telegram*," 8/12/1964; Stephen Claypole, Rare Ritual; Wedding Ceremony Highlights 3-Day Grafton Indian Fair, unidentified newspaper article hand-dated 7/5/965; Barbara Rocco, 3-Day Celebration on Grafton Reservation, unidentified newspaper article 1965 (Cisco Archives, Box 1); Roy Johnson, Crafton Indians Not Paid for Land, *Boston Sunday Globe*, 2/14/1965; Annual Events, Hassanamisco Indian Fair, *Grafton Daily News; Blackstone Valley News-Tribune*, 6/28/1968). These articles were designed to report on events – they were not feature articles covering the group as such. There are occasional references, such as to Zara Cisco Brough being

the only occupant of the reservation and one of the 20 remaining "descendants of the Hassanamisco tribe" (Rocco 1965, Cisco Archives Box 1). Generally, however, the reportage pertained to intertribal events held on the reservation grounds. The Lincoln article provided somewhat greater depth, discussing the role of the Hassanamisco in formulating a statement of purpose for Eastern United States Indians to be presented to the National Congress for American Indians (Lincoln 7/4/1961). Johnson's 1965 mention of the "Hassanamisco Indian tribe" as a currently existing entity with approximately 200 members, in addition to its retrospective history of the reservation, also provided more detail than the average (Johnson 2/14/1965).

A letter of the Governor of Massachusetts proclaimed the Massachusetts Commission on Indian Affairs in 1974. A 1976 state document listed the governing bodies: "WHEREAS, the Tribal Councils of the Nipmuc, Mashpee and the Gay Head Wampanoag Tribes are the recognized governing bodies, respectively, of the Nipmuc Tribe, the Mashpee Tribe, and the Gay Head Wampanoag Tribe, and exercise substantial governmental functions . . . ." (Dukakis 1976, 3; Nipmuc Pet. #69B Suppl. 2/28/1997, folder 1970). A gubernatorial executive order, July 8, 1976, indicated that State agencies should deal ". . . with the Hassanamisco Nipmuc Tribal Council on matters affecting the Nipmuc Tribe" (Nipmuc #69 Pet. Narr. 1984, 185). The external identification by the State pertained to the Hassanamisco Nipmuc Tribal Council. Zara CiscoeBrough was appointed to serve on the Massachusetts Commission on Indian Affairs on October 30, 1974.

In 1974, Chandler Whipple published *The Indian and the White Man in Massachusetts and Rhode Island* (Whipple [1974]). This book mentioned the Hassanamisco reservation (Whipple 1974, 132-133). It got the acreage wrong, said that it had an original longhouse built in 1590 [*sic*; other petition materials indicate that it was constructed in 1962], that the longhouse contained an "Indian/Colonial Research Library," and mentioned the annual "Indian fair and pageant." Whipple indicated that there were "approximately 400 Nipmucks scattered about the United States." Whipple's discussion, errors and all, focused only on the Hassanamisco Reservation. The only reference to Chaubunagungamaug was to the era of King Philip's War, and a modern sign by the lake (Whipple 1974, 107).

Newspaper articles published during the early 1970's focused primarily on the activities of Zara CiscoeBrough and on intertribal events held on the Hassanamisco reservation grounds. They are a representative selection from a larger number of similar newspaper articles in the record (Princess White Flower Asks . . ., *Worcester Sunday Telegram*, 6/6/1971; Sylvia Glickman, An Indian Name Well Deserved, unidentified newspaper article, hand-dated 11/19/1974; Lincoln R. McKie, Land Claim: Indian Sign on City, *Worcester Telegram*, 12/19/1976). The Glickman article included description of an external identification by the local Parks Superintendent and an interview with Zara CiscoeBrough at the Hassanamisco Reservation. Glickman specifically identified the "Hassanamisco Band of Nipmuc Indians" and described the reservation (Glickman 11/19/1974).

A 1979 article described the proposal that the Nipmuc Tribal Council had submitted to the Massachusetts Department of Administration and Finance on July 13, 1977, for 500 acres of the Grafton State Hospital (Grafton Indian Leader Sees Native American Commune, *Worcester Telegram*, March 15, 1979. Nipmuc Pet. Narr. 1984, 188; Cisco Archives Box 3). It identified Zara CiscoeBrough as chairman of the Massachusetts Commission on Indian Affairs. In the interview, she mentioned that "most residents" of her proposed commune would be members of the "Nipmuc tribe," but added that any Indians would be welcome, and referred to a "homeland" for "Worcester County Indians" (Grafton Leader 3/17/1979). In a subsequent article, it was mentioned that Hassanamisco was even more of a minority than most American Indians; having only 30 members (Nancy Sheehan, American Indian Fair Offers Look at Heritage, *Worcester Telegram*, hand-dated 1981? 1987?).

By the early 1980's, the newspaper coverage began to reflect the newly organized Chaubunagungamaug Band as well as Hassanamisco (Felice J. Freyer, Looking to the Past: Nipmucks Search for an Identity, unidentified newspaper article, hand-dated 12/22/1981; Nipmuc #69B Supplement 3/28/1997; Chaubunagungamauggs, Hassanamesits Bury Hatchet, *Worcester Telegram*, 8/16/1982; Teresa M. Hanafin, Giving Thanks, Nipmuc-Style, *The Evening Gazette and Worcester Telegram*, 11/18-19/1982; Nipmucks in New England: Yesterday and Today, *Resource: A Guide to Creative & Wholistic Products & Services* Fall 1989, 3, 8-9, 22-23). The Freyer article dealt almost entirely with the Morse family, which is now primarily enrolled in petitioner #69B. The August 16, 1982, article, however, identified the existence of both the Hassanamisco and the Chaubunagungamaug Bands, as did the Hanafin article (Hanafin 11/18-19/1982), which contained the statement: "The Hassanamesits are just one band of the Nipmucs; there are others, like the Chaubunagungamauggs [*sic*] of the Webster-Dudley-Oxford area . . . Clans survive from Littleton in the north to Slatersville, R. I. in the south" (Hanafin 11/18-19-1982). The article provided no description of the other surviving "clans," but provided an estimate of about 350 members. For additional external identifications of the Chaubunagungamaug Band (or Clan, or Council) from 1980 to the present, see the charts prepared for petitioner #69B.

In 1986, a letter from Governor Michael Dukakis, appointing Lucyann Swenson to the Massachusetts Commission on Indian Affairs, term to expire October 30, 1986 (Dukakis to Swenson 5/9/1984; Nipmuc Pet. #69B Suppl. June 1997), identified the joint group during the period when the Hassanamisco and Chaubunagungamaug councils were cooperating on the Federal acknowledgment petition and other initiatives.

The petitioner has received ANA grants since at least 1991, based on its Nipmuc identity. These have been status clarification grants for purposes of preparation of the Federal acknowledgment petition. (Nipmuc #69A Pet. Suppl. June 1997.) These grants were issued to the current petitioner, which from 1991 through 1996 included petitioner #69B.

The following series of articles is a sampling of coverage from the 1990's (James Dempsey, Indians 'love' of the land still flourishes, *Worcester Telegram and Gazette*, 4/27/1992; Clive

McFarlane, Nipmuc Celebration to Honor Heritage, unidentified newspaper article, 10/2/1992; Richard Duckett, Celebrating 9,5000 years: Members of Nipmuc tribe are Proud 'Survivors': Nipmuc Tribe Celebrates its Survival, *Sunday Telegram* 10/4/1992; George Snell, Nipmucs Strive for Recognition, *Telegram & Gazette*, 2/15/1993; Jennifer Greaney, Nipmucs push for national recognition, *Telegram & Gazette* 12/28/1993; Jean Laquidara Hill, Federal petition split: Chiefs' quarrel divides Nipmucs, *Telegram & Gazette* 1996?). The Dempsey article specifically referenced the existence of both the Chaubunagungamaug Band and Hassanamisco, but did not reference any other Nipmuc subgroups, stating specifically: "Only two original bands have survived, Hassanamiscos and Chaubunagungamaugs." The McFarlane article indicated that according to the Nipmuc Tribal Acknowledgment Project, there were about 2,000 people of "Nipmuc heritage" in the region.

A 1990 article mentioned : Peter Silva, Jr., a member of the "Silver Arrow Clan of the Hassanamesit Nipmucs of Grafton, Massachusetts;" Wise Owl, "the chief of the Chaubunagungamaug Nipmuc Indian Council of Webster, Massachusetts" and his daughter Little Star; also Little Crow Henries, Spotted Eagle; Dr. Thomas Lewis Doughton, director of the New England Native American Institute and "member of the Pegan Band of Nipmucs" (Westfield, Massachusetts, Native American Cultural Committee's Valuing Differences Network. Native American Cultural Celebration, April 1990). The "Pegan Band of Nipmucs" is not referenced elsewhere in the petition record. Generally, however, this article referenced the subgroups associated with petitioner #69 as of 1990. At least since 1992, petitioner #69A has, at least at times, contained all the elements currently represented. Identifications of #69 from 1992-1996, and of #69A from 1996-1999, therefore constitute external identifications of the current petitioner.

Summation. Part of the petitioning group, namely the Hassanamisco Reservation and the Cisco family, has been identified as an Indian entity on a substantially continuous basis since 1900. However, the petitioner asserts that it is, and has been, more than Hassanamisco alone. See the charts prepared for petition #69B for analysis that there has not been identification of Dudley/Webster "as an American Indian entity on a substantially continuous basis since 1900" (83.7(a)). The record contains no external identifications as an Indian entity of any portions of the current petitioner's antecedent groups other than Hassanamisco and Chaubunagungamaug from 1900 to 1990. The record contains external identifications as an Indian entity of an associated Hassanamisco and Chaubunagungamaug entity only since 1980, nor were there external identifications encompassing or including the any wider Nipmuc group until after 1990.

Therefore, petitioner #69A as a whole has not been identified on a substantially continuous basis as an American Indian entity from 1900 to the present. The petitioner therefore does not meet the requirements of criterion 83.7(a).

83.7(b) A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.

Historical Community: Methodology. The regulations provide that, "*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). Prior decisions indicate that for the time span from the colonial period to the 19th century, evaluation of community has not been tied to the specific forms of evidence listed in 83.7(b), but rather was evaluated more generally, under the provisions of the definition of community in 83.1. This approach should be seen in the light of the preamble to the regulations, which states that some commenters to the 1994 regulations:

> saw [the 1994 25 CFR Part 83] revision and the revised definition of community as requiring a demonstration of specific details of interactions in the historical past, and thus as creating an impossible burden . . . A detailed description of individual social relationships has not been required in past acknowledgment decisions where historical community has been demonstrated successfully and is not required here . . . further, the language added to § 83.6 clarifies that the nature and limitations of the historical record will be taken into account (59 FR 38, 2/25/1994, 9287).

The relevant language follows:

> Evaluation of petitions shall take into account historical situations and time periods for which evidence is demonstrably limited or not available. The limitations inherent in demonstrating the historical existence of community and political influence or authority shall also be taken into account. Existence of community and political influence or authority shall be demonstrated on a substantially continuous basis, but this demonstration does not require meeting these criteria at every point in time . . . " (83.6(e)).

For the period from first contact through the mid 19th-century, the evidence pertaining to the Hassanamisco, or Grafton, Indians, and the non-reservation families with descendants in the current petitioner, has been summarized above in the historical orientation. For the period from first contact through 1891, the evidence pertaining to the Chaubunagungamaug, or Dudley/Webster, Indians has been summarized in the "historical orientation" section of the summary under the criteria for petitioner #69B, and is cross-referenced from that document to this one because there are also Dudley/Webster Nipmuc descendants in petitioner #69A. This approach was chosen because, although evidence primarily applicable to 83.7(b) and 83.7(c) has been discussed separately below in the evaluation under the criteria, the essential requirement of the Federal acknowledgment regulations under 83.7 is that of tribal continuity. Tribal continuity

is evaluated by examination of evidence of existence of community and political processes over time and descent from the historic tribe. For earlier historical periods, where the nature of the record limits the documentation, the continuity can be seen more clearly by looking at combined evidence than by attempting to discern whether an individual item provides the level of information to show that the petitioner meets a specific criterion at a certain date. This summary discussion of some of the evidence for community between first sustained contact and the mid 19th century draws on the historical overview, presenting selected "high points" in more or less chronological order to show how the evidence is being evaluated. It is to be read together with the overview, which describes the overall evidence for continuity of tribal existence. It is also to be read together with the summary discussion of criterion 83.7(c), which describes some of the evidence for political influence, because much of the specific evidence cited provides evidence for both community and political influence. Under the regulations, evidence about historical political influence can be used as evidence to establish historical community (83.7(b)(1)(ix)) and vice versa (83.7(c)(1)(iv)).

Petitioner #69 originally, at time of filing of the letter of intent, asserted continuity from the Hassanamisco Reservation, Town of Grafton, Worcester County, Massachusetts. The petitioner subsequently, at the time of the 1984 petition, asserted continuity both from Hassanamisco and from the Dudley/Webster, or Chaubunagungamaug Band of Nipmuc Indians. The current petitioner, #69A, now asserts continuity not only with Nipmuc Indians descended from the Hassanamisco (Grafton) and Chaubunagungamaug (Dudley/Webster) reservations, but also with the descendants of other Nipmuc bands and "praying towns" that existed in the 17th century but subsequently ceased to exist as organized entities. To the extent that petitioner #69A also asserts continuity from the historical Chaubunagungamaug Band, the proposed finding and charts prepared for evaluation of petition #69B will also be relevant for evaluating #69A. They will not be prepared in duplicate for #69A, but will be appended to evaluation of this petition. It is the intent of the Assistant Secretary - Indian Affairs to issue the proposed findings simultaneously.

The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000). The following analysis reviews the pertinent evidence in the record created by petitions #69, #69A, and #69B as it pertains to the historical Nipmuc tribe in the early contact period, the historical Hassanamisco, or Grafton, reservation for the period from first contact until the early 18th century and the petitioner's immediate antecedents from the early 18th century to the present, for the purpose of determining whether petitioner #69A meets criterion 83.7(b). The preparation of the recommendation for this decision was begun by BIA researchers more than two years prior to the issuance of the directive, but was completed under the provisions of the directive. It is, therefore, something of a hybrid, as indicated by references to the draft technical reports for petitioner #69A and petitioner #69B, which were not finalized because of the directive. Under the provisions of the directive, the BIA's researchers did not do extensive new analysis.

For the earlier period, the evidence concerning community has been evaluated by broad developmental stages. The isolated documents must also be interpreted in light of the general continuity of the band's population as shown by a wide variety of other documents (in addition to the "Historical Overview" section above, see the draft technical report for petitioner #69A, supplemented, in so far as it pertains to the petitioner's members who descend from the historical Chaubunagungamaug Band, by the "Historical Overview" section of the Summary under the Criteria for the proposed finding issued for petitioner #69B and the draft technical report for petitioner #69B).

From First Sustained Contact to 1675. Prior Federal acknowledgment decisions did not address in detail the evidence available from the 17th century or classify it into the categories detailed in 83.7(b)(1)(i-ix). The nature of the historical record does not make such an enterprise possible. The material available for this period consists primarily of historical narratives, mainly by modern anthropologists, pertaining to Colonial contact, and giving limited information, only from an external viewpoint, concerning the aboriginal community (Salwen 1978, Russell 1980,Mandell 1996, Bragdon 1996; Johnson 1995; Humes 1952, Reese c1980; Connole 1976; Dacey 1995; Savage 1996 *Massachusetts Archives*, *Colonial Records of Massachusetts*; Gookin 1836 [1972], Gookin 1792 [1970]; Hoadley 1868, Hoadley 1870, Hoadly 1873; O'Callaghan 1854). The most extended series of relevant records is that generated by Massachusetts, consisting of the microfilmed records in the Massachusetts Archives and the published series of *Massachusetts Colonial Records*. Some material is also to be found in the published Connecticut colonial records and the New York colonial documents. Scholars have provided varying descriptions of the organization of the prehistoric and early historic Nipmuc. One modern scholar has stated that, ". . . the Nipmucks . . . added up to not much more than the changing sum of whichever interior villages chose to work together at a given time" (Bourne 1990, 126; see also Salisbury 1990, 92). Nonetheless, records of colony actions and actions of other tribes from first contact through 1675 clearly identified a Nipmuc cultural body, with identifiable bands or villages which had identifiable leaders, and which occupied a defined territory.

In the 1670's, missionaries, primarily John Eliot, began the organization of some of the Nipmuc of what are now central Worcester County, Massachusetts, and northeastern Windham County, Connecticut, into "praying towns" (Salisbury 1990, 92). One of these was at the foot of Lake Chaubunagungamaug, or Webster Lake. Massachusetts' Superintendent of Indian Affairs, Daniel Gookin described it in 1674 as occupied by Black James, and consisting of about nine families, constituting 45 individuals (see also Salisbury 1990; Johnson 1995; Place of Small Stones (Nipmuc Pet. #69A); Humes 1952, Reese c1980; Mandell 1996, Leavens Papers n.d.; Gookin 1836 [1972], Gookin 1792 [1970], Earle Report 1861, Larned 1874, 1). The most extensive information concerning the situation within these "praying town" settlements comes from the report of a journey undertaken by Eliot and Daniel Gookin in the autumn of 1674 (Gookin 1792 cited in *Earle Report* 1861, 102; Larned 1874, 1:7-8).

Precedent does not require detailed information concerning the internal community of the historic tribes which were predecessors of petitioners in the pre-contact and early contact periods. Under precedents for evaluating tribes in early years of contact with Europeans, before substantial cultural and political changes had occurred (Narragansett PF 1982, 1; Mohegan PF 1989, 2), this is sufficient evidence to demonstrate that 83.7(b) is met for the undifferentiated historical Nipmuc tribe as a whole, predecessor group to the later historical Hassanamisco or Grafton and Chaubunagungamaug or Dudley/Webster Bands, for the period prior to 1675. The evidence in the record also shows the existence of the Hassanamisco and Chaubunagungamaug Bands by the 1675 date.

1675-1785. For evaluation of the data from this period specifically pertaining to Chaubunagungamaug, or Dudley/Webster, see the Summary under the Criteria for petitioner #69B.

Records generated by military actions during King Philip's War, 1675-1676, named the Nipmuc villages at Hassanamisco, Chaubunagungamaug and Wabaquasset (Leach 1958, 205-207, 211). Toward the end of the war, there was also data pertaining to the placement of children from the Nipmuc bands (A Place of Small Stones, n.d.; *Transactions of the Colonial Society of Massachusetts* 1916-1917, 19:25-28). While not sufficient in itself to meet criterion 83.7(b), it has been evaluated as supporting evidence in connection with other evidence showing the existence of a named, collective, Indian entity for a period of more than 50 years. Evidence also indicates that after the disruptions caused by the war, smaller settlements of Nipmucs resumed residence in the pre-war villages in Connecticut (Larned 1874, 1:11, 1:13).

For a period of years after King Philip's War, the General Court of Massachusetts Bay required that all of the Indians within the boundaries of the colony be confined to stipulated locations. The surviving Hassanamisco Indians were assigned to Natick (Gookin 1972, 532-533). Although they attempted to plant crops at Hassanamessit in 1677, continuing Mohawk raids made this dangerous (Mandell 1996, 26). As late as 1684, Eliot noted that he held only occasional, seasonal prayer meetings outside of the four surviving official settlements (Mandell 1996, 36; citing Eliot to Boyle 185; Mandell 1996, 212n48).

In 1681, the Massachusetts commissioners reported that of the land in the Nipmuc Country, the middle part above Sherborne and Marlborough was claimed by "the Hassanamessett men now resident at Natick," as well as other Indians from Natick and Punkapoag. Several of the reported land claims were overlapping (Mandell 1996, 44-45; *Records of the Colony of Massachusetts Bay* 5:328-329). The identification of "Hassanamessit men" at Natick indicates that even during the period when Hassanamisco itself had no permanent settlement, its former residents remained an identifiable segment within the Indian population of Massachusetts.

Aside from the obvious close relationship with the other Indians at Natick that emerges from these documents, they provide little data concerning ongoing contacts between the Hassanamisco and the descendants of other Nipmuc bands that existed prior to King Philip's

War. In 1695, the Massachusetts Bay legislature, in light of the hostilities associated with King William's War, placed restrictions on the moment of Indians at Hassanamisset (Reese c1980, [30] Massachusetts Archives 30, 358-359, 368, 377; Mandell 1996, 39-40; Place of Small Stones n..d.). This confirms that there were Indians residing at Hassanamisco at this date, but provides no information about them and does not indicate who they were. It can be used as corroborative evidence in combination with other documentation.

In 1698, Grindal Rawson and Samuel Danforth's visitation of Indian congregations in Massachusetts reported: "At Hassanamisco are 5 families, unto whom James Printer stands related as teacher" (Rawson and Danforth 1809, 134). The visitation did not mention any of the other former Nipmuc praying towns of Worcester County, Massachusetts, or Windham County, Connecticut (Rawson and Danforth 1809, 129-134), although other evidence indicates that they were in existence. The position of James the Printer as teacher combined with the enumeration of the five families indicates that there was again a Nipmuc settlement at Hassanamisco by 1698, although we do not know its constituent membership. The data does not show any connection between Hassanamisco and the other Nipmuc in Worcester County, Massachusetts, or Windham County, Connecticut, nor indicate that there was any common leadership for or coordination among the settlements.

Between 1704 and 1708, in connection with Queen Anne's War, the General Court of Massachusetts restricted the Indians at Natick, Punkapoag, and Hassanamessit, "to prevent the sd Indians from travelling or hunting beyond the bounds and Limits then set them" (Mandell 1996, 67. In 1705, "the province published and sent to all Indian villages a book of laws in both the Massachusett and English languages . . . ." (Mandell 1996, 71). On July 12, 1706, an order was issued by the General Court that the treasury advance subsistence for the friendly Indians of Natick, Puncapoag (Canton), and Hassanamisco (Grafton) who were confined to their plantations by order of the governor (Mass. Archives. 31, 11). This confirms that there were Indians residing at Hassanamisco at this date, but provides no information about them and does not indicate who they were. It can be used as corroborative evidence in combination with other documentation.

According to one of the petitioner's researchers, James the Printer of Hassanamesit, who had attended the Indian Annex school at Harvard college and was apprenticed in 1659 to learn printing (assisting John Eliot in the translation and publication of the Indian version of the Bible), published an Indian language psalter and the Gospel according to John in 1709 (Place of Small Stones 25). Mandell's statement that, "Printer died in 1712, leaving Hassanamisset without any obvious religious leader" (Mandell 1996, 36; Mandell 1996, 212n45), is apparently an inference from his position as teacher in 1698. BIA researchers did not locate documentation to support Mandell's contention that, "While the two Nipmuc towns (Chabanakongkomun and Hassanamisset) were isolated from English authority until the 1720s, family networks continued to bind these 'traditional' Indians to their 'reformed' brethen in Natick. The Hassanamisset leader, James Printer, occasionally traveled to Boston to help translate and print Algonquian-language publications, no doubt staying in Natick along the way (Mandell 1996, 57; citing

Kellaway, New England Company, 240-41, 244; Mandell 1996 215n39). The documents do not in themselves provide any data concerning community under 83.7(b). In July of 1712, the New England Company's commissioners decided that the "miserable Condition of the Indians at Natick" could best be solved "by Suitable Encouragement to endeavour to bring the Indians from Punkapog, and Hassanamisco, and such other near adjacent places as may have Scattering Indians in them; unto a Cohabitation at Natick" (Mandell 1996, 57; citing Commissioners' Minutes 3 July 1712, SPG, ms. 7953; Mandell 1996, 215n43). In February 1713, the SPG commissioners again discussed a plan to combine the three Indian towns, but nothing resulted (Mandell 1996, 58). The actions of the Society for the Promotion of the Gospel show the existence of an entity at Hassanamisco, but do not provide any information concerning the size or composition of the settlement. This is not in itself adequate to meet 83.7(b), but can be used as supporting evidence in combination with other documentation.

Several of the transactions involving the land of the Hassanamisco Indians between 1715 and 1722, such as the mentions of construction of a bridge over the Blackstone River and the erection of a grist mill, reflected the increasing movement of English settlers into the region (Earle Papers; *Journals of the House of Representatives of Massachusetts 1715-1717,* 1919; *Journals of the House of Representatives of Massachusetts 1718-1720*, 1921; Kawashima 1986; *Acts & Resolves* 9, 665; *Acts & Resolves* 12, 58-59; *Journals of the House of Representatives of Massachusetts 1718-1720*, 1921, 140, 142, 361; *Journals of the House of Representatives of Massachusetts 1721-1722*, 18, 140; *Journals of the House of Representatives of Massachusetts 1722-1723,* 1923, 58; *Acts & Resolves* 10, Ch. 231; Ch. 288; Mandell 1996; Place of Small Stones, n.d., 26). While many of these settlers were clearly anxious to take possession of the Hassanamisco reserved lands, the House of Representatives of Massachusetts was not, as late as June of 1722, allowing it to occur. On June 29, 1722, the House of Representatives "read and dismissed" a petition from Benjamin Willard and other English settlers requesting a license to "hire the Indian Plantation at Hasanamisco for 999 years" (*Journals of the House of Representatives of Massachusetts 1722-1723,* 1923, 58). The negotiations concerning the land sales indicate the presence of a residential settlement of Indians at Hassanamisco in this period. They provide no information concerning the existence of community within some wider Nipmuc entity antecedent to petitioner #69A, nor any data concerning the relationship between the settlements at Grafton and Dudley/Webster.

It is not clear whether the renewal of French/Indian conflict had a direct impact on the changed handling of Hassanamisco by the Massachusetts House of Representatives, since some of the matters they granted later in 1722, such as permission for the bridge and grist mill, had been initiated earlier. The service of Hassanamisco soldiers in the same company as soldiers from Natick (*Massachusetts Archives* 31; Leach 1988; Place of Small Stones n.d.; *Acts & Resolves* 10) may indicate the continued maintenance of social ties between these two Indian settlements in the 1720's. This is not of direct relevance to the petition, as no Natick descendants have been identified within the petitioner's membership. There were no soldiers from Dudley/Webster or other Nipmuc groups identified in this company.

On June 5, 1725, a group of colonists petitioned to purchase the Indian lands at Hassanamisco that had been granted by the General Court in 1654. This was accompanied by a petition of the Indian proprietors requesting that they be allowed to sell (*Journals of the House of Representatives of Massachusetts 1724-1726* 1925, 29-30). The order of the House of Representatives that three of its members should ". . . be a Committee to repair to Hassanamisco, and discourse with the Indians there, and inform themselves, whether (as is represented) they are really desirous to dispose of their Lands, and if so, they carefully view the Land, and report to this Court at their next Session, the Quality and Circumstances thereof, and who are the just Proprietors, in order to its being Sold (if this Court shall judge it fit) to such as will give most for it" (*Journals of the House of Representatives of Massachusetts 1724-1726*, 1925, 33) indicated the presence of an Indian settlement. Subsequent records created by the Grafton guardians pertained to these proprietary families and their legal heirs. These records provide data concerning Hassanamisco only, but not for a wider Nipmuc entity antecedent to petitioner #69A, nor any data pertaining to the relationship between the settlements at Grafton and Dudley/Webster.

Mandell argued that the Hassanamisco Indians were, ". . . clearly seen as social outcasts by whites in the town, for (unlike the Indians of Natick) none ever served as a Grafton town officer. The Nipmuc survivors in the town remained, willingly or not (but clearly contrary to the General Court's desires), a distinct community that continued to have a social and cultural life separate from that of the white Grafton inhabitants" (Mandell 1996, 107; citing *Mass. Archives* 31:234-35; *Acts & Resolves 1739-40*, Ch. 45, 26 June 1739; Mandell 1996, 222n117). By contrast, Mandell elsewhere argued that the division of the Hassanamisco land into severalty (allotments) with share interests in the trust funds also divided among the individual families, tended to undermine the communal nature of the settlement: ". . . the trust fund undermined the Hassanamisco community by becoming their only material and legal tie. The Indians increasingly dealt with their white neighbors and the provincial government as families instead of as a larger group" (Mandell 1996, 89; citing Mass. Archives 31, 117; Mandell 1996, 220n37). Assertions in a secondary work, whether a positive or negative evaluation of a petitioner's level of community, if they are not clearly borne out by the primary documentation, do not have dispositive evidentiary value under 83.7(b). The records of the Hassanamisco guardians, as preserved in the Earle Papers, indicate that they functioned as guardians of more than just the trust fund (Earle Papers; *Acts & Resolves XI: 1726-1734, 1729/1730, Chapter 58*). There is some positive evidence of community: the will of the childless Joshua Misco left some property to establish a fund for charitable relief of needy Indians (Place of Small Stones n.d., 29).

The original documents do not confirm Mandell's statement that the Hassanamisco were social outcasts -- Sarah (Robbins) Muckamaug , the Nipmuc widow of a non-Hassanamisco Indian, married a local Englishman in 1741 (*Grafton Vital Records* 1906),[137] while the wishes expressed

[137] The number of marriages in this period was too small to permit the drawing of conclusions concerning community: in the case of Andrew Abraham and Abigail Printer, two Hassanamiscos married one another, but she subsequently, as a widow, married a non-Indian. Mary Printer married Zechariah Tom, an Indian from Natick

by the will of Ami Printer, written on April 4, 1741, were carried out by his non-Indian executors and his estate probated in Worcester County in the ordinary manner (Worcester Co., Massachusetts, Index to Probate Records Vol. 2). For some time, at least, the Hassanamisco participated in the legal affairs of Worcester County. In 1732, "Upon complaint of a Hassanamisco Indian widow, the Worcester Sessions Court in 1732 tried a Sutton man for selling strong drink to the Indians and duly fined him, accepting fully the testimony of the Indian widow" (Kawashima 1986, 83). Such materials provide background data pertaining to the continuing existence of an Indian entity at Hassanamisco, but focus primarily on the Indians' interaction with the non-Indian community.

In 1733, one of the adult Printer men was referred to as "the Rev. Mr. Printer of Hassanamisco" and was invited to be present at the ordination of the new pastor of the joint Indian/white church at Chaugunagungamaug/Dudley (Mandell 1986, 84). The indication concerning Printer's invitation to the church dedication at Dudley provides some indication that these two settlements had some ties to one another. However, the evidentiary force of this as showing continuing ties of community between the Indian communities under 83.7(b) should not be overestimated. Several other local ministers, all non-Indian, were invited to the dedication at Dudley. Thus the invitation appears to have been based on common church affiliation rather than tribal connections.

Toward the end of the 1730's, a dispute apparently arose concerning the obligations of the non-Indian landowners of Grafton under the original purchase agreement. The first indication was the May 30, 1739, petition of Samuel Chandler and others that Indian rights at Hassanamisco be upheld (*Mass. Archives* 113:736-738). This oddly antedated the petition that it apparently opposed, submitted December 26, 1739, requesting the transfer of the obligations to the Indians from the proprietors to the town (*Mass. Archives* 114:460-462).

Mandell's argument that Misco's disposition of his real estate to a non-Indian male friend reflected an overall acceptance of gender-based views of the inheritance by the Hassanamisco Indians is not borne out by the June 22, 1738, petition of the Grafton Indians objecting to the bequest. They asked the General Court to pass a resolution preventing Indians lands from passing to non-Indians (*Acts & Resolves XII: 1734-1741*; 1737/38, Chapter 44). On December 12, 1738, committee of the General Court reviewed the Misco will. Having heard everyone, including Misco's mother, the committee decided that the will was valid and should be recorded. However, it provided that Brigham should pay 60 pounds into a fund for Misco's family, and another 60 pounds to be applied "for a school master in Grafton that shall teach the Indians Natives there dwelling to read" (*Acts & Resolves: XII; 1734-1741*: 1737/38: Chapter 104). This indicates the continued existence of a residential settlement and, by the joint protest, of a community prepared to protect its own interests, with enough children to justify the establishment of a school in the eyes of the General Court.

(Earle Papers).

Records from the 1730's and 1740's show the Indian families at Hassanamisco farming real estate, owning cattle and swine, and sharing in many of the forms of material property customary in rural New England at the time (Mandell 1996, 97; citing WCP 41125; Mandell 1996, 221n67; Mass. Archives 31, 301, 304-307b, 370; Mandell 1996, 120). During this period, at least some of the persons entitled to Hassanamisco funds, and regularly receiving them, were not residents. On May 12, 1738, Joseph Aaron, son of Sarah (Indian) [Sarah Muckamaug] was born at Cumberland, Providence County, Rhode Island (Arnold 3:72). However, as indicated by Joseph Aaron's later residence at Hassanamisco, this off-reservation residence does not necessarily signify the severing of social ties. The records of land sales do not provide any definitive answer concerning the maintenance of community under 83.7(b), although it provides some data concerning the lifestyle of the Hassanamisco Indians.

Mandell gave the date of Ezra Stiles' visit to Grafton as 1762, stating that he saw "the burying place & Graves of 60 or more Indians" in Grafton. Under the heading of 1764, Stiles said that there was "now not a Male Ind. in the town, & perh. 5 Squaws who marry Negroes." According to Mandell, the following year, Stiles noted "four Indian families in the enclave, including four men, five women, six boys, and seven girls" (Mandell 1996, 190; citing Dexter, *Itineraries of Ezra Stiles*, 203, 262; Mandell 1996, 235n131). If this represented the total number of residents, there were by the end of the Seven Years War, only 22 persons resident on the Hassanamisco lands at Grafton.

By the mid-18th century, the limitations of the Hassanamisco trustees' records as a source of Nipmuc history become very apparent. Increasingly, they did not reflect a residential village or an agricultural settlement, but rather were tracking descendants of the original proprietors, whether they any longer lived at Grafton or not, and keeping account of the partition of the shares among the claimants. Conversely, other records begin to indicate that there were Indian residents at Hassanamisco who never appeared in the trustees' records because they did not descend from the proprietary families and had no interest in the funds. Documented family ties indicate that there was social interaction among the various Indian families in Worcester County, as well as between the Worcester County Indian families and the Natick Indians, in the mid-18th century (*Mass. Archives* 33, 124-126, 143). The data in the record is not sufficient in itself to permit a finding of community. It may be used as supporting evidence for links beyond the individual reservations. The format of the trustees' reports and accounts for this period changed little from those of the preceding years. As time went on, the names listed reflected marriages and remarriages, births and deaths, but the basic nature of the information consistently pertained to payments to individuals and family groups. The records indicated only two episodes of more general import than the distribution of proceeds from the funds. On July 17, 1764, Indian Land boundaries were renewed, of a 120 acre farm (Earle Papers). In April 1771, Ephraim Sherman, of Grafton, submitted a petition to the General Court which stated that the Indian population was greatly reduced, and there was only one male Indian left at Hassanamisco (*Mass. Archives* 33:535; Mandell 1996, 168). Sherman therefore requested that the Town might "take back part of the room in the meeting-house set aside for the Indians in 1740, as the Indians are steadily diminishing in number," which was authorized with limitations by the House of Representatives

(*Mass. Archives* 33:525-526; *Journals of the House of Representatives of Massachusetts 1770-1771* 1978, 193, 229).

Several other statistical census compilations from the 1760's and 1770's provided limited information about the numbers of Indians known to have been residing in central Massachusetts, northeastern Connecticut, and northwestern Rhode Island. Unfortunately, none of them indicated tribal affiliations for the Indians enumerated, nor did they provide any indication of whether the Indians were maintaining tribal relations. The petitioner did not submit nor did BIA researchers locate instructions issued to enumerators in any of these instances showing how Indian identity was to be determined and recorded. The 1765 census of Worcester County, Massachusetts (statistics only, no names listed) showed 34 Indians, of whom 14 were in Grafton (Benton 1905, 45). The 1774 compilations for Connecticut and Rhode Island also provided statistics only, without names or tribal affiliations.

A scholar has recently argued that:

> . . . by 1780, a few Indian communities existed as loose networks of families living near their former reserves or in neighborhoods of the growing cities. They lacked communal land but retained common accounts from the sale of all or much of their land during the previous century. Members of the Natick, Hassanamisco, and Punkapoag communities could draw funds from the accounts when necessary for medical bills or other needs. Their moneys were often invested, sometimes quite badly, by state-appointed guardians in an effort to sustain the accounts. Over several generations these families and their connections faded into the often undifferentiated sea of "people of color" (Mandell 1996, 206).

This analysis is too general to provide a basis for evaluation under 83.7(b). In the case of the Hassanamisco descendants, enough information is available in the historical record to reach a more detailed conclusion. While there was extensive out-marriage, there is no indication that this specific community lost its sense of identity by the era of the American Revolution.

Throughout this period, the evidence shows Hassanamisco, as such, meeting 83.7(b), particularly with evidence under the provisions of 83.7(b)(1)(viii), "[t]he persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name." The same is true, separately, for Chaubunagungamaug during this period. The evidence in the record, however, is not sufficient to show that these two groupings constituted a single community, or that they maintained significant social interaction with the non-reservation Nipmuc families that provide a portion of the ancestry of the current petitioner.

1785-1869. For evaluation of the data from this period specifically pertaining to Chaubunagungamaug, or Dudley/Webster, continuing to the date of 1891, see the Summary under the Criteria for petitioner #69B, which is incorporated here by cross-reference.

The alphabetized summaries of church records and civil vital records from Grafton and other Towns of Worcester County for the late 18th and first half of the 19th centuries list numerous marriages and baptisms of individuals identified as Indian. The church and vital records provide data only on individuals and do not describe an Indian community, whether at the Hassanamisco settlement or extending more widely. Taken together with other evidence such as the guardians' reports, they strengthen the other evidence indicating that a community continued to exist. They do not name a collective entity, so do not apply under 83.7(b)(1)(viii).

When the account records of the Hassanamisco trustees resumed in 1790, they continued to be, in essence, lists of names and amounts paid out, as had been the case in the mid-18th century. The information included a significant number of petitions for permission to sell land (Earle Papers). While the hiatus in the reports meant that some births, marriages, and deaths had not been tracked specifically, the records did specify in right of whom the payee had an interest in the funds in many cases (see draft technical report on Petitioner #69A, pp. 115-124, BAR). In one instance, during this period, a non-proprietary Indian dealt with the State Legislature through the Grafton guardians (Earle Papers). They show that several more heirs of proprietary families exchanged their fund shares for lump sum payments (Earle Report 1861, 93; Earle Papers). They had no data concerning social ties between Grafton and Dudley/Webster, or between the Hassanamisco and non-reservation Nipmuc.

In 1837, the legislature produced a report was on a petition of John Hector and others "describing themselves as descendants of the Hassanamisco Tribe of Indians" (Commonwealth of Massachusetts, House of Representatives. Report of Special Committee of Legislature 4/3/1837; Earle Papers). The report stated that the committee had not been "furnished with any satisfactory evidence that the petitioners are the lineal heirs of those whose lands were granted to the English. Whatever views should be entertained of the justice and equity of the claim presented to their consideration the Committee are unwilling to propose an appropriation of money without being assured by proper testimony that it will not be bestowed on a race with scarcly [*sic*] a drop of red blood to be squandered uselessly, or substantially given for the relief of some municipal corporation from the charge of its pauper dependants." . . . "Believing, although the evidence is so defective now, that the subject may deserve more full examination and future investigation," the committee recommend that it be referred to next General Court (Earle Papers). The report, in specifically expressing scepticism that there continued to be Hassanamisco descendants, does not contribute to meeting 83.7(b) even under the limited provisions of 83.7(b)(1)(viii).

On March 22, 1839, an otherwise unidentified person named C. Hudson sent a memorial to the Governor of Massachusetts asking to whom the guardian of the Grafton Indians was accountable. Hudson stated that, "The Indians have some land of a good quality, and some money. They number at the present time about 20 persons" (MA State Archives). This mention is far less detailed than the descriptions of the Eastern Pequot settlements by Dwight and Morse from the first half of the 19th century (EP PF 2000, 73; PEP PF 2000, 73-74). On April 9, 1839, a resolve of the legislature provided that the sum of $50.00 per year should be placed in the

custody of the Judge of Probate, Worcester County, to be used at his discretion to administer to the needs of the Grafton Indians. This provision was to continue for ten years (Nipmuc #69 Pet. Narr. 1984, 72-73), and was renewed in 1849 (Nipmuc #69 Pet. Narr. 1984, 73).

The 1849 *Briggs Report* identified both Grafton or Hassanamisco and Dudley (*Briggs Report* 1849, 5-6). For a discussion of the report's specific information concerning the 51 Indians who constituted "The Dudley Tribe" (*Briggs Report* 1849, 42-44), see the draft technical report for petition #69B. For its description of Hassanamisco, see the Historical Orientation section, above.[138] The evidence it presented meets criterion 83.7(b) for Hassanamisco and for Dudley/Webster separately for the 1840's, but not for a wider Nipmuc entity antecedent to petitioner #69A.

The Federal census records for 1850 and 1860, as well as the Massachusetts State census for 1855, provided limited information indicating that certain Nipmuc families were sharing households, and thus maintaining social ties, across family lines (see Historical Orientation section, above). While they confirmed that only the Cisco family remained in Grafton, those Hassanamisco families living nearby in the city of Worcester knew both one another and certain off-reservation Nipmuc families. The census records indicate that identified Hassanamisco and off-reservation Nipmuc continued to live in the general geographical region of central Worcester County, Massachusetts. There is no pattern of distinct residential settlements of Hassanamisco descendants apparent and the census records provide no tribal identifications. For the census listings of the "Dudley Indians" as a group, see the proposed finding for petitioner #69B.

The Boston/Phillips/Walker interconnection mentioned in the 1858 appropriation from the State Legislature (*Earle Report* 1861, 98-99) pertains to a Hassanamisco line which has no descendants in the current petitioner. However, the legislation does provide indication that an entity or, in Earle's 1861 terminology a "tribe," existed, contributing to Hassanamisco's meeting criterion 83.7(b) with evidence under (b)(1)(viii), "[t]he persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name."

A report for the State legislature presented in 1861 by Massachusetts Commissioner of Indian Affairs John Milton Earle (*Earle Report* 1861) provided evidence of community under 83.7(b) for both Hassanamisco and Dudley/Webster separately, but did not provide evidence for community within any wider Nipmuc entity antecedent to petitioner #69A. In connection with the issue of "foreigners," Massachusetts Superintendent of Indian Affairs John Milton Earle summarized the character of the Hassanamisco (Grafton) tribe as "descendants of the seven original proprietors," noting that two or three of the original families were distinct and that the descendants of others "cannot be traced" (*Earle Report* 1861, 87-88). He also commented

[138]Briefly, for Hassanamisco, it enumerated a total of 26 individuals, divided into five families; 12 males; 14 females. It stated that about 2/3 of the number resided on "the territory," which was described as 25 acres, owned by individuals, in Grafton (Briggs Report 1849, 44). It did not distinguish between non-Indian spouses and the actual lineal members. It omitted several known families of Hassanamisco descendants.

specifically on the process of assimilation: "At this time, one family only remains on the heritage of its fathers, and that family retains less than three acres, out of all their former domain. All the other families have left Grafton, and the greater number, following the current of emigration in that region, have settled in Worcester" (*Earle Report* 1861, 87-88; see also *Earle Report* 1861, 101). His general summation was that:

> . . . this [Hassanamisco] tribe has never been a tax upon the government for one cent . . . . In their personal and social condition, their intelligence, education, and general character, the Hassanamiscoes will compare favorably with any other tribe in the State. They are, as a whole, an orderly, industrious, and moral people . . . . Several of them are now growing old, ..." (*Earle Report* 1861, 99).

In regard to those persons whom he included on the "Supplementary List" for Hassanamisco, Earle remarked:

> In addition to those would now be entitled to a right in the proprietary fund, if it still remained, are certain others of Indian descent, claiming to be Hassanamiscoes, whose descent cannot be satisfactorily determined. They are probably descendants of other Indians than the proprietors of the town, or of some of those whose interest in the fund was extinguished in the last century or early part of the present (*Earle Report* 1861, 87-88)

A scholar has recently summarized the situation as of the mid-19th century as follows:

> By the middle of the century, only one Hassanamisco family remained in Grafton, most had lived for generations in other towns, and some were recorded (perhaps by their own preference) as "colored" rather than "Indian." When a family formed by generations of intermarriages left an Indian enclave, and little remained of the lands that had helped cement the community, the way was open for parents and their children for abandon their Indian ties. They lacked the support of a cohesive, settled community, and were hard put to survive more than one or two generations (Mandell 1996, 206-207; citing 1861 Senate Report 96; Mandell 1996, 237n7).

An interpretation of the evidence in a modern secondary work is not dispositive under 83.7(b). Social community was not necessarily coterminous with tribal membership. It is entirely possible that as the result of marriages with non-Indians, some tribal members may have come to have stronger social ties in the wider non-Indian community than with other descendants of the historical tribe. Both of these aspects must be taken into consideration in analyzing a petition under the 25 CFR Part 83 regulations. It should also be noted that people can develop social ties on the basis of other associations than those of tribal membership and kinship. The documents pertaining to the #69A ancestral families during the 19th century indicate that many of the men, including ancestors on non-Indian lines, had common experiences such as military service in the

Union Army and work in the shoemaking industry. The BIA researcher noted the presence of, but did not for purposes of this proposed finding undertake an analysis of, these non-affinal and non-consanguineal social ties among the petitioner's ancestors.

However, the census data from 1860 (Federal) and 1865 (State) showed more continuing connections among some of Nipmuc families than Mandell assumed. The 1865 Massachusetts State census showed residential interconnection among the various family lines, between surviving Hassanamisco proprietary families, Hassanamisco "Supplementary List" families, some Dudley/Webster families, and some off-reservation Nipmuc families (see the Historical Orientation section). This provides evidence indicating that these specific families were maintaining social ties in the 1860's. The data in the record is not, however, sufficient to demonstrate that a majority of the #69A ancestral families were maintaining such social ties in the 1860's. While it is not sufficient to refute Mandell's conclusion that after 1780, "[o]ver several generations these [Hassanamisco] families and their connections faded into the often undifferentiated sea of 'people of color'" (Mandell 1996, 206), the discernible residential pattern does cast doubt upon its validity. The limited material extracted from this census is not sufficient in itself to show that the petitioner meets criterion 83.7(b). Combined with other evidence, it does contribute to showing it.

Throughout this period from the end of the American Revolution to 1869, there is evidence for Hassanamisco only under the provisions of 83.7(b)(1)(viii), "[t]he persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name." For Chaubunagungamaug during this period, see the proposed finding for petitioner #69B. There is not, however, other evidence for Hassanamisco with which this single form can be combined. Additionally, the evidence in the record is not sufficient to show that these two groupings constituted a single community (the petitioner did not present an argument that it represents two tribes which subsequently amalgamated and functioned as a unit), or that either or both of the reservation populations maintained significant social interaction with the non-reservation Nipmuc families that provide a portion of the ancestry of the current petitioner.

1869-1970. The census data from 1870 through 1920 continued to show more continuing connections among some of Nipmuc families than Mandell had assumed (Mandell 1996, 206-207). The analysis undertaken for petitioner #69A included all families considered in the history of the petitioner other than the Dudley/Webster descendants (for those, see the proposed finding for petitioner #69B). While some, such as the Hector family of Worcester, now have only a few descendants in the petitioner's membership, and these were not included on prior 20th-century Nipmuc membership lists, they nevertheless, in the second half of the 19th century, served as connectors among various of the other family lines currently important in petitioner #69A. The material presented in the draft technical report for petitioner #69A was abbreviated, designed to show geographical locations and such inter-family ties as were reflected by the census data. Social connections which can be seen to develop after the Civil War among those families living in the city of Worcester do not necessarily imply that equivalent ties existed in earlier generations of these families.

An 1865 resolve in favor of John Hector, a member of the Hassanamisco Tribe of Indians, and another 1865 resolve in favor of Samuel Ciscoe [*sic*] and others, members of the Hassanamisco Tribe of Indians, and the annual trustees' account for the same year, with an 1867 petition from Sarah M. (Arnold) Cisco and her sister Patience Fidelia (Arnold) Clinton to the General Court of the Commonwealth for a grant, with report of guardian, 1867, continued to identify individuals as members, as did a January 9, 1869, letter from Sarah M. (Arnold) Cisco to Esq. Slocomb desiring him to write a petition "to draw more land as long as it is bounded by the river and set off on Brigham Hill for the Indians. "As long as I claim to be a descendant of the Hassanamisco Tribe of Indians of Grafton and I have been informed that Sweny cannot hold this land close by me wich [*sic*] he bought of John Hecktor . . ." (Cisco Archives, Box 3). These materials, which predated the 1869 act which extended citizenship to Massachusetts' Indians, continued to identify individuals as members of a collective Hassanamisco entity for which the state had some responsibility. However, all the individuals identified were members of the single Arnold/Cisco extended family, so the data provided no evidence concerning the maintenance of community among a wider body of Nipmuc descendants or Hassanamisco descendants.

After the 1869 enfranchisement act, Massachusetts retained limited continuing state responsibility for some of the former reservation populations: for example, in Worcester county, some members of the Hassanamisco Nipmuc continued as individuals to receive annuities into the early 20th century (*Acts & Resolves* 1887; Nipmuc #69 Pet. Narr. 1984, 124-126, 128; *Mass Resolves* 1895, Chap. 44; *Resolves* 1895, Chap. 96; *Mass. Resolves* 1896, Chap. 28; *Mass. Resolves* 1898; *New York Sun* 1902; *Mass. Resolves* 1908, Chap. 16; *Mass. Resolves* 1909; Chief Clerk, Office of the Secretary, Commonwealth of Massachusetts, to Delia Brown (Cisco) Green Holley Hazzard, 4/3/1913 (Cisco Archives, Box 1). These resolves all pertained to passage by the Massachusetts state legislature of various sums of money and/or annuities for individuals described as "of the Hassanamisco Tribe of Indians" (*Acts and Resolves* 1887) or "a member of the Hassanamisco Tribe of Indians." These documents do not indicate the presence of an Indian community, as they deal only with individuals. The 1913 letter from the State made the specific point that the 1869 enfranchisement act had ended any obligations that that State had (Donahue to Hazzard 4/30/1913). The BIA researchers located no evidence that such annuities were provided to any of the Dudley/Webster Indians, or to any of the off-reservation Nipmuc ancestral families, during the period from 1869 to 1913.

Two documents kept by the Cisco family indicated that they participated in social events attended by other families with Nipmuc ancestry (1882, Special Dance, Grand Army Hall. Committee: R.B. Hazard ; 1883 November 29, Grand Thanksgiving Ball, Grand Army Hall, Johnson Drum and Fife Corps, Grand Army Hall. J.J. Johnson; T.B. Clash; Fife Major Geo. M. Wilson; both Cisco Archives, Box 4). However, these events were sponsored by organizations of Civil War veterans and were also attended by non-Nipmucs. The nature of the events, combined with the overall membership of the Civil War regiments, indicates that they were not evidence for Nipmuc community under 83.7(b).

Most of Harriette Merrifield Forbes' (Forbes 1889) discussion was retrospective. She mentioned at some length several families of the Hassanamisco descendants, as well as some of their collateral relatives. While incorrect in details, her comments provided a reflection of what was popularly recollected by non-Indian neighbors in the later 19th century. Of her own contemporaries, she mentioned only the two daughters of Deborah (Brown) Pease, one of whom lived in Worcester, and the two daughters of Harry Arnold in Grafton, specifically naming Sarah Maria (Arnold) Cisco and her husband (Forbes 1889, 180). The narrative in Forbes did not provide any evidence concerning community under 83.7(b) in regard to those Nipmuc living at the time she wrote.

Several members of #69A ancestral families submitted Kansas Claims under the Brothertown [New York Indians] Act of 1898. For example, BIA Special Agent Guion Miller summarized: "Mary Ann Johnson, Worcester, Mass. . . Applicant is a Narragansett Indian born in Massachusetts in 1850. Claims through her mother who was a Narragansett Indian, born in Rhode Island. Grandparents were Narragansett and Mohegans, and resided in Rhode Island and Massachusetts" (NARA RG 75, Entry 904, Guion Miller Report on Rejected Kansas Claims, #3329). Her husband, Alexander H. Johnson, identified himself as a Narragansett Indian, born at New Bedford, Massachusetts, and claiming through a Narragansett mother born at Charlestown, Rhode Island (NARA RG 75, Entry 904, Guion Miller Report on Rejected Kansas Claims, #3330). Neither the petitioner nor the BIA researcher analyzed these applications in depth. It is possible that analysis of witnesses, etc., might develop some information concerning patterns of social connection among the ancestral families of petitioner #69A that filed these applications. However, since the claims were filed on the basis of Narragansett or Brothertown ancestry, rather than on the basis of the applicants' Nipmuc ancestry, any ties shown may have no relevance to the maintenance of community for the petitioner under 83.7(b).

The Cisco family's records included an invitation, dated May 26, 1912, requesting honor of presence of Mr. and Mrs. R.B. Hazard at the 80th birthday of Lucinda B. Cummings (Cisco Archives, Box 4). Mrs. Cummings was a daughter of Ebenezer Hemenway (and thus descended from a family on Earle's 1861 "Supplementary List" for Hassanamisco),[139] while Hazard would later be associated with Sarah M. Cisco in various Worcester Indian organizations.

The petitioner submitted records kept by Sarah Maria (Cisco) Sullivan pertaining to various Indian organizations and clubs to which she belonged. The earliest of these was the "Mohawk Club," organized in Worcester, Massachusetts, on May 30, 1914, at the home of Mr. and Mrs. Eugene Shepard: Sarah M. Cisco, president; Mrs. David Brown vice president; Miss A.L. Van Allen secretary; Miss Florence Shepard, assistant secretary; Mrs. George H. Siscoe, treasurer; and Mr. Eugene Shepard, reporter (Nipmuc Pet. #69A Suppl. 4/21/97). Of these, Mrs. David

[139]A newspaper account of a party given on her 73rd birthday said that in 1852 she moved to Boston, where she was married the same year to Francis W. Cummings. After six years in Boston, she returned briefly to Worcester, moved to New Haven and stayed there eight years, then returned to Worcester in 1866 (*The Telegram*, undated [probably 1905]; Nipmuc Pet. #69A Office Files).

Brown and Miss A.L. Van Allen have not been identified as having prior ties to Nipmuc families. The Shepard family were relatives of the second wife of Asa E. Hector (see above). Other members of the club identified in later minutes also have no known prior ties to the Nipmuc families (Nipmuc Pet. #69A Suppl. 4/21/97). The interests of the club did appear to have an Indian orientation as well as a general social orientation, but the membership was far broader than the "List of Hassanamiscos Still Living" dated 12/13/1923 (see under 83.7(e)).

This club may have been part of the developing New England pan-Indian movement, as the minutes or the organizational meeting indicated that Mrs. Alfred M. Fuller and Mrs. Irene Brown of Providence "gave interesting talks concerning the Mohawk club in Providence." The Shepard family, at whose home the club met, had Indian ancestry from Hampden County, Massachusetts, and Windham County, Connecticut. During later meetings, while other Hassanamisco descendants, including Hemenway family members, and some Chaubunagungamaug descendants such as the Wilsons and Beldens were voted into membership, so were numerous persons with no known connection, however remote, to the identified Nipmuc families (Mohawk Club, Minutes, 9/2/1914). See the draft technical report for #69A, pp. 165-167, for further details. While the material indicates that some Nipmuc descendants knew one another and were interacting socially, it does not show that they were maintaining community, in that these social ties were occurring within a wider "Indian interest" organization. The same is true of the records associated with formation of the Algonquin Indian Council of New England under the leadership of Thomas Bicknell (McMullen 1994; Cisco Archives, Box 1, Box 4, Box 5), which are discussed in more detail under criterion 83.7(c).

On December 30, 1923, John Braxton, describing himself as "Chief of Nipmuc," provided to Bicknell "as complete a list, as possible, of names of the Nipmug [*sic*] tribe," which was in fact a list of 37 members of the Belden family, whom he described as "lineal descendents of Black James" (Nipmuc #69 Pet. Response 1987, Attachment 8; Nipmuc #69 Pet. Response 1994, Ex.). Braxton was listed as a Nipmuc "tribal sachem" on the original Algonquin Indian Council letterhead (McMullen 1994, n13). The 1984 petition commented that Braxton's, "exact connection with the Dudley-Webster band is a matter of some conjecture. He appears on none of the tribal lists of the time" (Nipmuc #69 Pet. Narr. 1984, 135), which indicates that the Nipmuc leaders of the 1970's and early 1980's, whether Hassanamisco, Chaubunagungamaug, or off-reservation, had not maintained social ties with the Belden descendants. The list that Braxton submitted was of only one family line. While it provides useful genealogical information, it does not provide evidence of community under 83.7(b).

During 1924 and 1925, Bicknell's major involvement was with Hassanamisco (Nipmuc #69 Pet. Narr. 1984, 137), but one photograph submitted indicated the participation of at least three Dudley/Webster Indian descendants from the Jaha family line (Nipmuc #69A Pet. Suppl.). These three same women, Ethel (Blackstone) Lewis, Lydia Dyer Willard Blackstone, and Rebecca Willard Blackstone, throughout the 1920's and 1930's, corresponded with Sarah Maria

(Cisco) Sullivan at Grafton (Nipmuc Pet. #69A Suppl., Cisco Papers).[140] The correspondence between the Jaha descendants and Sarah Maria (Cisco) Sullivan does indicate the existence of some social interaction within the group antecedent to petitioner #69A during the 1920's and 1930's. During these years, the record also includes correspondence between some of the Gigger family at Gardner (Hassanamisco) and Mrs. Sullivan (Cisco Archives, Box 5).[141] The present level of documentation does not permit a conclusion as to whether this correspondence represented the continuance of pre-existing ties of community, or new acquaintanceship made in the context of Bicknell's pan-Indian organization for the New England tribes.

Of these items, the most significant is a January 15, 1933, letter from Ethel Lewis, of Woonsocket, Rhode Island, excusing herself for not having stopped to see Sarah (Cisco) Sullivan's mother while on a trip to Vermont. She wrote:

> I wonder how you are succeeding with the Indian Society you wrote about forming. I certainly hope you will have good backing and find plenty of members who will pull together. You asked if I would be one of them but I shall have to decline the honor, for you know I am not pure Indian. My mother's mother was a full blooded Indian while her father was a mulatto; I have no record of my fathers parentage and so far as I know no record of my Grandmother Jaha's parentage so you see I could not very well join your group and meet with the requirements (Lewis to Sullivan 1/15/1933; Cisco, Box 5).

The nature of the letter from Mrs. Lewis indicates that the unnamed organization which Sarah (Cisco) Sullivan was forming was by invitation – more in the nature of a social club. Therefore, while the existence of the letter shows some interaction between a Cisco descendant (Hassanamisco) and a Jaha descendant (Dudley/Webster), it does not indicate that there had been

[140] April 14, 1928, letter, Rebecca W. Blackstone to Sarah M. Ciscoe, re: meeting in Milford, program (Cisco Archives, Box 4); July 26, 1929, letter of Rebekah W. Blackstone, Woonsocket, RI, to Sarah M. (Cisco) Sullivan (Cisco Archives, Box 1); May 26, 1932, line from Ethel Lewis and Rebekah Blackstone to Sarah (Cisco) Sullivan: our dear mother passed away Wednesday at noon; funeral at 2:30 from the Baptist Woonsocket with burial in Uxbridge (Cisco Archives, Box 4); June 5, 1932, letter from Rebekah Blackstone to Sarah (Cisco) Sullivan sending her mother's obituary and funeral notice. "You wrote Mother sometime after your Father's funeral telling her non of the Providence or Woonsocket Indians came to the funeral. . . . Ethel & I went to the Indian meeting following your Father's death and found only about 1/2 dozen people there every one was sick" (Cisco Archives, Box 4); June 6, 1936, letter of Rebekah W. Blackstone, Woonsocket, RI, to Sarah M. (Cisco) Sullivan: reference to funeral of James Lemuel Cisco; her mother had wanted them to bring her, but neither one could make it; sending gladiola bulbs for his grave; "do you get down to any of the Indian meetings," announcement in "Narragansett Dawn"; how is your sister? Ethel and I are quite well (Cisco Archives, Box 1).

[141] Letter from Mrs. James Murray, Dorchester, MA, to Sarah M. Ciscoe, asking if her father, Mr. Elbridge G. Gigger of Gardner, MA, age 79, could go along to "your outing in RI in Oct. My father isn't used to travelling very much alone, and as you know Gardner Mass. is quite a distance to Providence" (Murray to Ciscoe c. 1927?; Cisco Archives, Box 5); 1940 September 23, 1940, letter of Mildred M. (Gigger) Murray, Gardner, MA, to Sarah M. (Cisco) Sullivan (Cisco Archives, Box 1).

a general maintenance of social ties. Throughout the 1930's, when other branches of the Dudley/Webster Henries descendants were appearing in historical pageants and otherwise receiving newspaper coverage as descendants of the Dudley/Webster reservation (see proposed finding for petition #69B), there is no evidence to indicate that they were associated either with the Hassanamisco at Grafton or with other Dudley/Webster families such as the Jaha who corresponded with the Ciscos.

The Wilson [Pegan] family were Dudley/Webster descendants who had moved to Worcester. From the 1920's onward, there is some evidence that they maintained social ties with the Cisco family. Like the Jaha/Cisco correspondence of this period, the limited indications in these documents do suggest that at least some minimal level of interaction was maintained between some Nipmuc families descended from the different reservations and subgroups. The evidence in the record, however, is not sufficient to show that there was a level of community that meets the requirements of 83.7(b). About 1930, Sarah M. Cisco Sullivan, as "Corresponding Secretary," wrote to the Select Men and Officers of Grafton:

> You will please understand this is to prevent other Desendants of these Indians from coming here and thinking they have a right to stay as long as they please and when they please. They way you had the Tablet read Given to the Indians I am afraid they will think gives all the Desendants of Hassanamisco Indians a right here. There realy are several living in Boston, Worcester, Gardner, Oxford and other places find. We have entertained Several of them here at times; but we re still Poor and can't have them walking in on us at any time and staying as long as they please. The first year come here some of them come so often my Sundays was all taken up. I was obliged to work cooking all Day Sunday as well as work out all the week. Had to finaly apply for license to open Tea Rooms. Have debts to ketch up this year. We are very Glad to have People call and by the time the Tablet is up hope to have someone here All the time to receive callers. Whoever started this we apreciate their good intentions very much and will look forward to the tablet being erected" (Sullivan to Select Men c.1930; Cisco Archives, Box 1). [emphasis and spelling as in original]

This letter has been dated to 1930 on the basis of internal evidence, since it pertains to the placement of a historical marker at the entrance to the reservation property on Brigham Hill in Grafton, which did take place in 1930. If anything, it tends to emphasize that Mrs. Sullivan regarded the reservation as personal rather than tribal property, and other Nipmuc descendants as sometimes unwelcome guests. By contrast, it also indicates that these people regarded themselves as having some justification for "walking in on us at any time and staying as long as they please." It does not refer in any way to a Nipmuc group broader than the Hassanamisco descendants that might be considered antecedent to petitioner #69A.

Another letter from the 1930's also confirmed her primary interest in Hassanamisco. Mrs. Sullivan stated that she was trying to write a history of the Hassanamisco Indians of Grafton.

She stated that, "the Hassanamisco Indians who left Grafton mostly did so to get a living somhow. Quite a few of them are living but are very scattered. Annie Barber of Worcester, Mabel Hamilton & her two Daughter, Fred Belding, the Giggers of Gardner, Brown Girls Worcester. Quite a few others scattered here and there. However some of our Family have always remained on this place . . . ." (Sullivan to District Supervisor, Writer's Project [WPA]; Cisco Archives, Box 2). The letter indicates that Mrs. Sullivan was familiar with a number of Hassanamisco descendants, but, aside from the mention of the Belden family, does not provide any data concerning social ties within a wider Nipmuc entity antecedent to petitioner #69A.

Mrs. Sullivan provided the same perspective to anthropologist Frank Speck for his 1943 article concerning the Hassanamisco Nipmuc:

> The internal dissension characteristic of most small communities in America, both Indian and English, may be held responsible for certain "family troubles" that caused some Nipmuc to "move off by themselves and settle at Dudley," according to Sarah Cisco. Further information upon the constituency of this group of Nipmuc is entirely lacking as yet. Sarah Cisco knew little of them herself. She was acquainted only with the Wilson family there (Speck 1943, 54; see also Nipmuc #69 Pet. Narr. 1984, 116-117).

This indicated that Mrs. Sullivan was not familiar with the early history of the Dudley/Webster reservation, and did not realize that the settlement there had been separate from Hassanamisco since the 17th century. As in her letter to the WPA, Mrs. Sullivan counted the Belden family among the Hassanamisco,[142] while not mentioning the Jaha descendants from Dudley/Webster with whom she corresponded. In regard to community among the Hassanamisco, Speck summarized: "Group solidarity has vanished at the far end of acculturation, but one must admit that the group, though interfused and obscured, is one consciously apart in name and identity" (Speck 1943, 51-52).

William Gilbert's 1949 publication for the Library of Congress (Gilbert 1949) was a summary of the Speck article and provided no new data concerning community. A newspaper article published the same year (Ivan Sandrof, Last Indian in Grafton, *Worcester Sunday Telegram, Parade Magazine*, 1948; Nipmuc #69 Pet. Narr. 1984, 116-117) focused primarily on one individual, Sarah (Cisco) Sullivan. Neither Gilbert nor Sandrof provides evidence that any group antecedent to petitioner #69A meets community under 83.7(b) during the 1940's. Neither did the miscellaneous correspondence between Sarah M. (Cisco) Sullivan and the National Algonquin Indian Council between 1949-1952 (Cisco Archives, Box 1; Nipmuc #69A Pet.

[142]"The Hassanamisco families known to have resided on the reservation in the span of Mrs. Sullivan's memory are the following. Those marked with an asterisk are extinct by name. *Misco, *Boston, *Printer, *Muckamaug, *Abraham, *Arnold are the forebears of still existing families bearing the names Barber, Gigger (Gidger), Hector, Hemmway, Hamilton, Scott, Tony, Gimbey, Brown, Moore, Peters, Lewis, Belden, Curliss, Williams, and Cisco (Sisco)" (Speck 1943, 54).

Suppl. 4/21/1997). [43] It was this group that obtained a charter against Mrs. Sullivan's wishes in 1950 (Nipmuc Tribe Revived," *Worcester Telegram* 6/21/1950, Nipmuc #69B Supplement 3/28/97; Sullivan to Dever 5/15/1950, Cisco Archives, Box 1).[144] Subsequently, during the 1950's, some of its members corresponded with Mrs. Sullivan's daughter, Zara CiscoeBrough (Hazzard and Moffitt to CiscoeBrough 7/12/1956, Cisco Archives, Box 1; Hazard to CiscoeBrough 6/19/1957, Cisco Archives, Box 1; Hazard to CiscoeBrough 7/22/1957, Ciscoe Archives, Box 1). Although some Hassanamisco Nipmuc descendants and a few Dudley/ Webster Nipmuc descendants participated in it, the records of this intertribal organization provide no evidence that any group antecedent to petitioner #69A meets community under criterion 83.7(b).

The material regarding activities at the Hassanamisco Reservation during the 1940's and 1950's does not provide positive evidence of the maintenance of community among a wider Nipmuc group antecedent to petitioner #69A. There was only one mention, in 1950, of any individual from the Dudley/Webster lineage of Sprague/Henries in connection with activities at Hassanamisco.[145] This single mention provided no positive evidence concerning community within the antecedents of the current petitioner. In addition to Sarah (Cisco) Sullivan and Zara CiscoeBrough themselves, the 1953 [?] Indian Fair at the Hassanamisco Reservation to celebrate Massachusetts Indian Day was sponsored by the Worcester County Department of the National

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[143]The membership of the Worcester County Department of the National Algonquin Indian Council of New England, as listed in 1949, did not appear to be tribal in nature: Meeting opened at the abode of Mrs. Sarah Sisco Sullivan, Hassanamisco Reservation, Princess Sweet Flower. Carl O. Bates ("Chief Sun Cloud"); Clarence B. Smith ("Chief Red Bird"), Lillian B. King (Bright Star), secretary; Mrs. Branchaud; Maurice D. Brooks (Swift Dove), treasurer); Mrs. Mays (Morning Star); Mr. Moffitt ("Chief Warring Pine"), Mrs. Moffett, Mr. Yates (Nipmuc #69A Suppl. 4/21/1997). Mrs. Sullivan and Mrs. Mays were Hassanamisco; the known ancestors of the others were not identified as Nipmuc of Worcester County in 19th century records.

[144]The charter was not issued to a "Nipmuc Tribe," but to a Worcester County Chapter of the National Algonquin Indian Council of New England. For more data, see the discussion under criterion 83.7(c).

The only other Nipmuc member of the group of "Real Indians" associated with Sarah M. Cisco Sullivan in her objection to the Moffitt initiative in 1950 was George M. Wilson, who identified himself as a Pegan Nipmuc (Cisco Archives, Box 1). Otherwise, the group associated with her consisted of an intertribal group of Indians who resided in Worcester County.

Another submission, from about 1947, was a hand-dated photo, was marked: "Possibly in headdress George Munroe Wilson; boy seated in lap Charles Richardson." This provided no evidence of social ties across kinship lines, as the persons, if correctly identified, were grandfather and grandson.

[145]The participants were listed as: "Chief Red Bird," Clarence Smith, Narragansett Tribe; "Chief Sun Cloud," Carl Bates, Pequoit Tribe; Princess Wild Flower, Doris Bates, Pequoit Tribe; Princess Dawn, Lois Mayo [Mays], Hansanamisco Tribe; "Chief Eagle Eye," Charles E. Hazzard, Narragansett Tribe; Princess Teatta, Thersa Pecham, Narragansett Tribe; Princess Morning Sun, Jessie L. Mayo, Hansanamisco Tribe; Princess Morning Star, Elizabeth Morse, Nipmuc Tribe; Brave Fire Brand, Harry E. Bates, Pequoit Tribe; Sun Cyild, Elain F. Coggswall, Narragansett Tribe; Princess Sweet Flower, Sarah M. Cisco Sullivan, Hansanamisco Tribe; "Chief Night Hawk," Phillip Pecham, Narragansett Tribe; Negonshahu Up shu, Charles Solomon Wells, Narragansett Tribe (Program, Pow-Wow, Grafton, Mass. 7/4/1950).

Algonquin Indian Council, with participants as the United Association for Advancement of American Indians; Narragansett Indian Council; Nipmunck [*sic*] Indian Council of Worcester; National Congress of American Indians. The 1954 program was sponsored by the Worcester County Department of National Algonquin Council in conjunction with Sarah (Cisco) Sullivan and Zara CiscoeBrough. The 1959 program stated that, "Food will be on sale by Cisco Family Group. Miss Anna Mays, Chairman."

The material submitted by the petitioner for the 1960's continued to indicate that events at the Hassanamisco Reservation were continued to be sponsored by a combination of the Cisco family, intertribal organizations, and non-Indians.[146] The 1961 Hassanamisco Reservation schedule of events listed an intertribal committee: Narragansett, Cherokee, Pueblo-Narragansett, Catawba, and "adopted Narragansett." Zara CiscoeBrough was identified as Hassanamisco-Narragansett. In 1965, the Rocco article identified Zara CiscoeBrough as the only occupant of the reservation and "one of the 20 remaining descendants of the Hassanamisco tribe" (Rocco, 3-Day Celebration on Grafton Reservation, unidentified newspaper article hand-dated 1965; Cisco Archives, Box 1). The 1969 flyer identified the committee as being from the North American Indian Club, Connecticut; Shinnecock Reservation, Long Island; Princess Red Wing of Seven Crescents, Rhode Island; Winnebago; Narragansett; and Androscogin from Maine. The only Nipmuc listed was "Princess White Flower - Hassanamisco - hostess" (Indian Fair, Hassanamisco Reservation, 7/4-5/1969). These records show intertribal ties, but provide no evidence of community within a Nipmuc group antecedent to petitioner #69A. Some limited correspondence in the Cisco family records indicates that there was continuing communication with some of the non-Nipmuc Indian families who had been part of the 1950's organization in Worcester (Hazard to CiscoeBrough 7/20/1962; 4/3/1964; Archacki to CiscoeBrough 1968, Cisco Archives, Box 1). Overall, the evidence in the record for the period from the 1940's through the 1960's showed only minimal contact among Nipmuc across family lines.

The Period Since 1970: Methodology. The paucity of arguments made by the petitioner about the period since 1970 under 83.7(b) (see description below), together with other factors, required the BIA to make some decisions about how to proceed with the evaluation. On the one hand, the directive stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (AS-IA 2/11/2000, 65 *Federal Register* 7052). This, of course, suggested that a very limited examination be conducted of the Nipmuc petitioner during the period since 1970.

[146]Records re: Hassanamisco Reservation activities; programs and flyers, 1960, 1961, 1966, 1967, 1968, 1969; Indians Open Annual Fair on Reservation, *Worcester Telegram* 7/3/1960; Margaret Lincoln, Hassanamisco Hoedown; Indians Hold Powwow in Grafton, *Worcester Daily Telegram* 7/4/1961; 1962 longhouse construction (Nipmuc #69 Pet. Narr. 1984, 168-172); Roy Johnson, Could Use Money for Museum: Grafton Indians Not Paid for Land, *Boston Sunday Globe* 2/14/1965; Stephen Claypole, Rare Rituals: Wedding Ceremony Highlights 3-Day Grafton Indian Fair, *Worcester Telegram* 7/5/1965; (Cisco Archives, Box 1).

On the other hand, the BIA had begun work on the #69A petitioner before the directive was published and thus in January 2000, found itself with data that existed outside the limitations stated in the directive. Consistent with the directive, the field interview data collected by the BIA anthropologist (see description below) was utilized only for purposes of evaluation of the petitioner's data and position and not to develop alternative positions which might demonstrate that the petitioner met the requirements of the regulations. Completion of the finding within the expected time frames meant that the BIA anthropologist who finished the examination of the #69A petition only reviewed the data from the field interviews, but did not conduct a detailed analysis of the data. As a result, the interviews contain additional information which may, based on a detailed analysis of the transcripts and supplementation by additional interviews and documentation, help demonstrate past and present community and political process not found to have been shown by the petitioner. Alternatively, there may be data in the field interviews which conflicts with the petitioner's arguments. This said, it should be pointed out that the interview transcripts were read in their entirety, and after this brief review, it was determined that they contained little, if any, evidence of community and political influence or authority. The petitioner did not submit transcripts or tapes of any interviews that it may have conducted.

In a peer review meeting of April 19, 2000, questions about how the Nipmuc team was to proceed were addressed in light of these factors. A commitment was made to address in the proposed finding all materials in the record that pertain to each criterion in a limited fashion, regardless of whether argumentation and/or analysis accompanied these materials. In accordance with the directive, though, it was decided that extensive new analysis would not be conducted, and alternative positions would not be developed.

The Petitioner's Arguments. The 1984 petition narrative (Nipmuc #69 Pet. Narr. 1984) was supplemented to a limited extent by the narrative portion of the Petition Supplement by Dr. Stephen J. Reno (Nipmuc #69 Pet. Response 1987). The sources for the statements of the position of the Nipmuc petitioner are primarily the initial petition narrative submitted by #69 (Nipmuc #69 Pet. Narr 1984) and the narrative portion of the OD response (Nipmuc #69 Pet. Resp. 1987). The petition narratives were written before there was a split in the petitioning group, a split which resulted in two separate petitioners, #69A and #69B. Despite the fact that the petition narratives do not mention the split and thus the narratives only awkwardly fit the petitioner, the petitioner (#69A) chose to retain the petition narratives, as did Petitioner #69B. Since the split took place in the mid-1990's, the petitioner (#69A) has sent in additional materials and documentation.

In these narratives, the petitioner makes very few claims about whether and how it meets 83.7(b) for the period since 1970. In fact, the petitioner makes very few claims about anything having to do with the history and existence of the group or even with individual members of the group during the period since 1970. The petitioner did not describe the #69 modern community. Almost all of the petitioner's arguments about the period since 1970 involved only the 1980's and were targeted more to criterion 83.7(c) than to 83.7(b). The petition researcher argued that "[s]ince 1978, there has been a dramatic increase of tribal activity generally" and a "broadening

of the base of tribal participation" (Nipmuc #69 Pet. Narr. 1984, 191-192). There was not sufficient supporting evidence to conclude that there has been an increase either in the amount of "activity" or in the "base" of member "participation" since 1978 for #69 and #69A. What is clear, as was described briefly above and at length elsewhere in this proposed finding, is that there has been an increase in the number of #69 and #69A members. The petitioner provided hardly any evidence to show that these members actually have been part of a Nipmuc community or have been participating in Nipmuc political process. The petitioner, too, failed to show that the larger, post-1978 Nipmuc group has been more active than, for example, the group that may have existed during the mid- to late 1970's under the leadership of Zara CiscoeBrough.

In addition to the arguments about the period since 1970 that the petitioner provided in its 1984 submission, the petitioner provided arguments about this period in the 1987 petition supplement, most pertaining to the 1980's. The first category of such claims involved the organizational structure and leadership of the group; the second, the activities of the group and of group members with a focus on meetings and gatherings.[147] For a discussion of organizational structure and leadership, see under criterion 83.7(c).

Sources Reviewed for Evaluation of Petitioner #69A under Criterion 83.7(b) since 1970. There is very little evidence in the petition presented by #69A that is pertinent to the issue of community during the period since 1970. In addition to the petition narratives (see below), the petitioner and third parties submitted other written and videotaped documentation that contained little or no accompanying analysis, explanation, or argumentation. This documentation includes but is not limited to personal correspondence (especially the correspondence of Zara CiscoeBrough), occasional issues of newsletters (*Nipmucspohke* and *Nipnet Notes*), newspaper clippings, and three videotapes from 1984, 1988, and 1997. The videotapes were simply entitled "Nipmuck Indians;" "Wedding Chief Red Fox: Sept 19, 1988;" and "Homecoming 9/13-14/97. Nipmuc Nation - Grafton, MA." Some of the individuals who appear in the first videotape, "Nipmuck Indians," were identified by captions. The other two videotapes, "Wedding Chief Red Fox: Sept 19, 1988," and "Homecoming 9/13-14/97. Nipmuc Nation - Grafton, MA," contained no such captions. This meant that, for each of the three tapes but less so for the first tape, it was impossible to identify which individuals were the leaders of the group or even which

[147]Nearly all of the gatherings at the Hassanamisco Reservation listed by the petitioner were annual fairs. For example, each year from 1990 to 1997, only one event – "Annual Native American Indian Fair" – was listed. There is no evidence that such events, which were probably attended by many non-Nipmucs, were events during which Nipmucs socialized with one another. Moreover, only four of the gatherings during this period may have been essentially Nipmuc events. These events took place during the period from 1979 to 1982 and were labeled, "Tribal Meeting - closed to the public," "constitution and by-laws signed by council chiefs," "Annual Meeting," and "meeting/election." It is possible that these events could provide evidence of community for the period between 1977 to approximately 1995. If the petitioner were to provide additional evidence, such as lists of members who participated in or even attended these activities, the petitioner might be able to demonstrate that there were significant relationships connecting individual members, that there was informal social interaction among group members which existed broadly, and possibly even that there was shared sacred or secular ritual activity that encompassed most of the group.

were members of the group. The attempt at such an identification was further complicated by the fact that, according to statements made by leaders of the other Nipmuc petitioning group (#69B), the events that appear on the Nipmuc videotape submissions were events that were not limited to Nipmucs but rather were events that were public and intertribal (see Interview with Lucyann Swenson 7/22/98).

The petitioner submitted Hassanamisco Nipmuc Council meeting minutes beginning in 1969, but containing only two more meetings prior to 1978. The meetings do not appear to be frequent and regular until the late 1970's, and there is another gap in coverage from 1985 through 1996. Some minutes of meetings other than council meetings were also submitted. The minutes provided documentation mainly for evaluation under 83.7(c)and are described there in more detail, but were also considered for 83.7(b).

Additionally, the sources available included audiotapes of BAR field interviews. These audiotapes were made during a five day period from June 29, 1998 to July 3, 1998. They consisted of interviews with at least six members of the #69A petitioning group: Ron Henries, Conrad Luster, Jim Lewis, Walter Vickers, Bruce Curless, and Lois Boyd. Almost all of those interviewed were former or current #69A leaders, and the general focus of the interviews was to look for evidence regarding the social and political activities of the petitioner's members during this century, especially during the past fifty years (1950 to 1998).[148]

The petitioner created a table of documented events and gatherings at Hassanamesit Reservation which it submitted with selected documentation of Nipmuc people's involvement. Table Six covered the years from 1936 to 1997. The table listed in chronological order 30 gatherings that have taken place from 1977 to 1997 on the Hassanamisco Reservation. Nearly all of the gatherings were annual fairs. For example, each year from 1990 to 1997, only one event – "Annual Native American Indian Fair" – was listed.

BIA Definition of Crucial Questions Pertaining to #69 and #69A under Criterion 83.7(b) during the Period Since 1970. The first period of recent Nipmuc history during which there seems to have been an expansion of the membership of the group, raising questions about the extent of connectedness of the new members to a Nipmuc community and group, seems to have followed an increase in the activities of Zara CiscoeBrough in the 1970's (as late as 1978, the only Nipmuc organization was the Hassanamisco Reservation Foundation, which she had headed since 1961). During the 1970's, Ms. CiscoeBrough, who was then the sole resident of the land that is called the Hassanamisco reservation, expanded her activities from merely staging intertribal events such as powwows to 1) providing a one-time disbursement of money for food and clothing to Nipmuc descendants; 2) trying to enlarge the "reservation" by procuring land from the state that was not being used by the state (Grafton State Hospital land); 3) successfully procuring scholarships from the state for Nipmuc descendants; and 4) successfully gaining

[148]The BIA interviews with #69A leaders provided little information pertinent to the question of community in the since 1970. A full transcription of the interviews might provide more data.

representation for Nipmucs on the state's Commission for Indian Affairs. These efforts on the part of Ms. CiscoeBrough seem to have been oriented not only to providing for Nipmuc descendants but also to mobilizing and organizing them.

Minutes of council meetings during the mid-1970's, together with other evidence, suggest that, during the mid-1970's, there were not more than fifty persons active in the group headed by Zara CiscoeBrough. By the end of the 1970's, after she had begun pursuing the efforts mentioned above, there were more than 200 Nipmuc members, including children (Nipmuc #69 Pet. Narr. 1987, 10; Nipmuc List 1977/1979). A BAR interview with Mr. Edwin Morse, Sr., who joined her group in 1977 when he was 49 years old, suggests that other Nipmucs may also have joined the group during this period. Speaking broadly about his life history, Mr. Morse described how, specifically, he joined the group:

> Back then [in the 1920's and 1930's when he was a child], we knew we was Chaubunagungamaug. We knew we came from South Woodstock, CT. We knew that was in Dudley. So, uh, *but we had nobody to do anything*. And then when we got older we found out everything we had to know. About 21 years ago. That's when we stared to push forward as Chaubunagungamaug. But we didn't know uh. And then, as far as joining anything we – Zara's sister[149] – she was giving out, I think it was $175 for clothing, $125 for food to all Nipmucks. You go down there, and you sign your name on the dotted line, and you were automatically on the tribal roll [emphasis added; footnote added].

At that point, Mr. Morse was asked, "So she [Ms. CiscoeBrough] was just signing up anybody who came by?" He replied, "Anybody that came by. Said they was a Nipmuck." Here it should be pointed out that, when Mr. Morse chronicled his life history in this part of the interview and elsewhere in the interview, he strongly suggested that he had not been part of any Nipmuc community or group before he joined Zara's group (see also #69B PF).

The #69 petitioner did not provide any explanation of the events and circumstances surrounding the apparent expansion of its membership during the late 1970's. It also did not provide any material or documentation to show that these new members were maintaining tribal relations before or after they formally enrolled in the organization headed by Zara CiscoeBrough. It is vital that the petitioner provide such explanations and documentation. In the absence of such material, it appears that, like Edwin Morse Sr. and his extended family (consisting of some of Mr. Morse's sisters and their children and grandchildren), the other Nipmucs who joined in the late 1970's were not significantly connected to a Nipmuc community prior to joining the group.

Before highlighting the second period of expansion in the #69 and #69A membership during the period since 1970, which raises the same questions about the connectedness of new members as

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[149]According to the petitioner's genealogies, Zara CiscoeBrough was an only child.

does the first period of expansion, another point should be made about the incorporation of Edwin Morse, Sr. and his family into Zara CiscoeBrough's group in the late 1970's. That is, these new members – the Morse family – were not inconsequential additions to the #69 group. Rather, they were critical additions, changing the very character of the group by and through their participation (see #69B Proposed Finding) and probably also by and through their mere inclusion. There is not enough information in the record to permit an evaluation of the nature of the impact that others who joined during the 1970's had on the nature of the group headed by Zara CiscoeBrough.

The evidence strongly suggests that, after joining the group in about 1977, Mr. Morse and his family became central figures in recent Nipmuc history. Mr. Morse and his daughter, Ms. Lucyann Swenson, became progressively more involved in the CiscoeBrough group until they were participating as leaders by serving on its council. As an extension of this involvement, Mr. Morse formed his own Nipmuc subgroup in the 1980's or, by his account, in 1979. For years he and members of his family functioned as a subgroup under the "parent" group of #69. More specifically, they defined themselves as a band – or, as they sometimes said, "clan" – that was part of a larger "confederacy" or "union" of Nipmucks. In May 1996, Mr. Morse's subgroup formally separated from the "parent" group. This was the beginning of the existence of #69B, the Chaubunagungamaug band, as an independent entity. Mr. Morse is now "Chief for Life," and his daughter, "Clanmother for Life" of this separate Nipmuc group.

If the late 1970's was a period of expansion in the membership of the group that became the original petitioner (#69) and later #69A, it was not the only such period in recent Nipmuc history. A second effort, this one larger and more aggressive, took place from 1984 to 1997, most intensively from 1989 to 1992. The 1984 petition was quite explicit about this effort. It stated:

> The band [Chaubunagungamaug, now #69B] is also interested in contacting remaining members of the original twenty-two or so Nipmuc bands that existed prior to King Phillip's War. Through genealogical research and contacts through known families, efforts to identify and bring into association these "lost" tribal members are well underway (Nipmuc #69 Pet. Narr. 1984, 196).

Taking the lead in this effort during the early 1990's was an organization called the Nipmuc Tribal Acknowledgment Project (NTAP), a project which from 1989 through 1994 was charged with preparing the Nipmuc petition for Federal acknowledgment. The petitioner submitted almost no information about NTAP. Moreover, third party submissions and data from BAR interviews with #69A leaders produced conflicting information about NTAP. Nevertheless, the record does contain, among other things, several flyers published by NTAP which announce meetings in Providence, Rhode Island (August 22, 1990); Worcester, Massachusetts (December 15, 1990; June 25, 1990; and July 9, 1991); and Woodstock, Connecticut (September 18, 1990). This evidence strongly suggests that NTAP tried to recruit Nipmuc descendants from across New England for membership in the Nipmuc group.

The record contains membership lists submitted by the petitioner that suggest that these efforts on the part of NTAP to recruit and "bring into association" "lost" members during the 1990's were successful. The lists indicate that there was a significant expansion in the #69 membership during the 1990's. Only about ten years after the number of members of the Hassanamisco band and the Chabunagungamaug band *combined* was cited as "more than 200" (Nipmuc #69 Pet. Resp. 1987, 10), the membership list of the current petitioner -- the Nipmuc Nation -- contained more than 1,600 members (Nipmuc #69A, 1997 Membership List). More than 1,000 of the members on the 1997 list were not on the membership list that was submitted in 1996. Indeed, the lists indicate that, from 1996 to 1997, there was a 177 per cent increase in the membership.

The petitioner has not explained the nature of the relationship between these new members and the Nipmuc membership as of the submission of the 1984 petition (Nipmuc List 1977/1979; Nipmuc List 1981). The petitioner has not provided evidence that these new members are significantly connected to a Nipmuc community and group. At present, the evidence indicates that the two expansions of the #69A membership during the period since 1970 reflect the incorporation of individuals whose ancestors had ceased to maintain tribal relations.

The 25 CFR Part 83 regulations require petitioners to demonstrate that a predominant portion of the petitioning group comprised a distinct community from historical times to the present (83.7(b)) and that it has maintained political influence or authority over its members from historical times to the present (83.7(c)). Significant fluctuations in membership do not always indicate the absence of community or of political influence or authority. In this case, though, these fluctuations appear to provide evidence for a lack of community and political authority. The petitioner's membership requirements have undergone not simply incremental but radical changes (see discussion under criterion 83.7(e)). Moreover, many of the more than 1,000 new names that were added to the membership list as a result of a change in membership requirements in the mid-1990's, for example, do not appear on attendance lists for meetings from the late 1960's to the late 1990's, in correspondence from the 1970's and 1980's, or in any of the other material and documentation submitted by the petitioner in support of its petition. This suggests that many, if not most, of these individuals were not part of a Nipmuc community before or after their enrollment in the group.

Evaluation of the Petitioner's Community since 1970 under Criterion 83.7(b).

The 1970's. Overall, the evidence in the record from 1970 through 1977 showed only minimal contact among Nipmuc across family lines. While Walter Vickers was associating with the Hassanamisco group by the later 1970's, as the Wilson family continued to do, there was no indication that communication between the Cisco family and the Jaha descendants had continued between the 1930's and the evidence of contact in 1977, nor any that the Ciscos had continued to maintain communication with the Gigger descendants.

Some letters from 1977 through 1981 provide the first indication of the development of communication between the Sprague/Henries and Sprague/Henries/Morse family lines (members of which are now included in both petitioner #69A and petitioner #69B) and Zara CiscoeBrough (Hopewell to CiscoeBrough 2/5/1977; Hopewell to CiscoeBrough 4/21/1978; Hopewell to CiscoeBrough c. July 1981; Cisco Archives, Box 1).[150] The 1977 letter represented the first known contact between the Morse family and the Hassanamisco since the listing of Elizabeth (Henries) Morse on the 1950 pow-wow program (see above). The letter from Hopewell to CiscoeBrough dated about July 1981 adds to the confusion in evaluation whether or not community existed within the #69 petitioner, in that Hopewell mentioned her mother by name, but did not admit to being a sibling of Edwin W. Morse, Sr.

For nearly twenty years of the period since 1970 (1977-1996), Mr. Edwin Morse, Sr. and members of his extended family, consisting of some of his sisters and their children and grandchildren, were members of the original petitioning group (#69). Because the members of the current #69B petitioner were part of #69 for so much of the period since 1970, an evaluation of whether #69B meets 83.7(b) for the period since 1970 not only is relevant to #69B itself, but also a part of the evaluation of whether #69A meets 83.7(b) for the period since 1970.

The #69B proposed finding concluded that Mr. Morse and members of his group did not meet 83.7(b) for the period since 1970. It concluded, first, that #69B did not provide sufficient evidence to show that a predominant portion of its 212-member group comprised a distinct community from the 1970's to 1998. For this period, it found that there existed data, particularly from the audiotaped BAR interviews with #69B leaders but also from other sources, that strongly suggested that many, if not most, of #69B members who were not part of Mr. Morse's extended family as was defined above did not even know one another before the late 1970's or in some cases the 1980's. As such, these members could not, of course, have enjoyed significant social relationships with one another prior to that part of the period since 1970. For more detailed information about the conclusions that were drawn about whether #69B meets 83.7(b) for the period since 1970, the reader is referred to the #69B proposed finding.

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[150]The April 21, 1978, letter is entirely on the topic of allocation of money from the Boston Indian Council – presumably associated with CiscoeBrough's service as Boston Indian Council outreach director in Worcester – and eligibility to receive it (see: Indian-Aid Programs Discontinued, unidentified newspaper article, hand-dated November 16, 1979, Nipmuc #69B Pet. Suppl. 3/28/1997).

The newspaper coverage for the earlier 1970's remained similar to that for the 1960's.[151] The committee for the Indian Fair listed for July 4-5, 1970, was in part non-Indian; the publicity committee was entirely non-Indian. Ann Mays was a Hassanamisco, and chairman of the food committee. The Blickman article in 1974 focused almost entirely on Zara CiscoeBrough. These records show intertribal ties, but provide no evidence of community within a Nipmuc group antecedent to petitioner #69A, while during the 1960's, and continuing into the 1970's, the Hassanamisco group was defined as including the Cisco family's Shinnecock relatives, to whom it was related through a paternal, non-Nipmuc genealogical connection.

The minutes of a "Joint Meeting: Legal Heirs of Hassanamisco, and the Nipmucs" are dated May 14, 1977 and indicate that the meeting was organized by Zara CiscoeBrough. The minutes allude to the efforts of the group to obtain Grafton State Hospital land, organize a fair, establish an Indian Center in Worcester "for all the natives in the Worcester area," and respond to a recent article in a newspaper that was said to have stated that all Nipmucs were dead. Joseph (Walter) Vickers Jr., Anna Mays, Sheila Cisco, Samuel Cisco, Charlie Richardson, Carol Palavra, Robin Palavra, Brent Palavra, Walter Vickers Sr., Emma White, Marylou Willoughby, Lois Ann Wilcox, Horace Cisco, Lillian Wells, Charlie Hamilton, Carol Vickers, Robin Vickers, Pam Vickers, and Michelle Vickers attended the meeting. Most, if not all, of these nineteen individuals were, or still are, members of the petitioning group. Their attendance at this meeting, together with the implication in the document that they were working together on the four separate projects mentioned above, suggests that there may have been significant social relationships connecting individual members and significant rates of informal social interaction among at least these nineteen group members for the late 1970's. The evidence in the record does not indicate how Mr. Vickers, now the chairperson of #69A, became associated with Zara CiscoeBrough.

Another document dated less than four months later in September 1977 could provide evidence that an even larger number of Nipmucs knew one another and were part of a distinct Nipmuc community if the petitioner were to submit additional material and documentation about the event mentioned in the document. The petition, signed by 37 Nipmucs "who are vitally interested in Nipmuc New Town Creation," was part of a failed effort by Nipmucs to obtain land from the state of Massachusetts. The petition was presented by Zara CiscoeBrough to an administrator in the Massachusetts State government. The petitioner submitted a copy of the petition and an accompanying letter.

It is impossible to determine whether the 37 individuals knew one another and were part of a distinct Nipmuc community that wished to obtain land for their community; or whether Zara

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[151]Records re Hassanamisco Reservation activities; Indian Fair/Pow-wow programs and flyers 1970, 1973, 1974, 1975; 1642 Returns to Grafton for a Spell, *Worcester Daily Telegram* 7/6/1970; Princess White Flower Asks, "What's Wrong With Beads and Trinkets," *Worcester Sunday Telegram* 6/6/1971; Sylvia Blickman, An Indian Name Well Deserved, unidentified newspaper article 11/19/1974; I thee wed..wed..wed, *Worcester Sunday Telegram* 7/5/1979.

CiscoeBrough simply circulated a petition and invited almost anyone who supported such a project to sign his or her name. If the latter was the case, many of the signatories to the petition may not have known one another at all, much less have been part of a distinct Nipmuc community. If the petitioner were to submit additional material and documentation to show that the September petition signers who were not on the list of attendees of the May 14, 1977 meeting had significant social relationships and significant rates of informal social interaction with one another and with the nineteen individuals who attended the May 14 meeting, the petitioner may be able to show that all 37 petition signatories were part of a distinct Nipmuc community.

The record includes an agenda of a "special meeting of the Nipmuc Tribe" and indicates that the meeting took place on June 3, 1978, at Belmont Community School in Worcester, Massachusetts. Additional information or documentation about this meeting may help the petitioner show that it meets 83.7(b) for the late 1970's. In particular, the petitioner may wish to address the relationship of the June 3, 1978, meeting to the roster of attendees at a meeting that took place on June 8, 1978, and that was attended by 49 people, including Zara CiscoeBrough. While the roster does not identify the nature or type of the meeting, the separately submitted minutes indicate that it was a meeting of the Hassanamisco Nipmuc Tribal Council (Nipmuc Tribal Council, Hassanamisco Band, Minutes 6/8/1978). A number of members of the Morse family (now primarily affiliated with petitioner #69B) attended this meeting. This is the earliest evidence in the record concerning the Morse family's participation in the Nipmuc organization led by Zara CiscoeBrough. The 49 attendees were a significant portion of the approximately 220 persons on the 1977/1979 membership list.[152] The roster does show that by 1978, there was at least some social interaction among almost 50 people, most of whom were Nipmucs. The petitioner may wish to submit additional evidence to show how these members of the future petitioner #69 met criterion 83.7(b) in the late 1970's.

The minutes of council meetings in the late 1970's provide some evidence that a portion of the membership knew one another and experienced some social interaction, at least while at meetings, during the last years of the 1970's. The minutes in themselves do not, however, show the breadth of interaction necessary to demonstrate that the petitioner meets 83.7(b) for this period.

Some of the correspondence to and from Zara CiscoeBrough suggests that there was indeed some informal social interaction between Ms. CiscoeBrough and members of the group during the 1970's. For example, in a letter "Lou" dated March 27, 1977, Ms. CiscoeBrough writes:

[152]The 49 persons would not show the breadth of participation of Nipmucs that would be expected of a group that now has more than 1,600 individuals on its membership list. The issue of the dramatic change in the nature of the petitioner's membership since 1989 is addressed under criteria 83.7(b) and 83.7(e).

For the 1977/1979 membership list, see also the discussion under criterion 83.7(e). Compiled by Zara CiscoeBrought, it made a distinctions among legal heirs to the reservation, other Hassanamisco tribal members, and other Nipmuc.

> a very interesting thing has happened but some of the Nipmuc Pegans from the area of Webster Lake tell me they have documents dating back to the 1600s plus mention of a Trust Fund - Land areas and Family Trees. The grandfather was George Wilson. He was our medicine man and in fact picked my Indian name.

The petitioner did not provide analysis of correspondence to and from Zara CiscoeBrough. Such analysis may show that there were significant social relationships and informal social interaction connecting Zara CiscoeBrough with individual members. Other correspondence that is in the record and that could be analyzed to help the petitioner show that Ms. CiscoeBrough was significantly connected to specific members of the group is a set of letters addressed to Ms. CiscoeBrough. These letters ask for assistance, "Indian cards," and other things from Ms. CiscoeBrough. One letter is from "Darlene" to "Cousin Zara" and is dated August 19, 1977. Darlene identifies herself as a Dartmouth College student and asks Zara whether there are any "tribal monies" to help pay for her studies. Another letter is from Edith Hopewell and is dated April 21, 1978. Ms. Hopewell acknowledges receipt from Ms. CiscoeBrough of a $15.00 food voucher three years ago and requests additional assistance. These letters provide evidence of social interaction.

To meet 83.7(b) for the period since 1970, the petitioner would also have to show that individual members were connected with *one another* and not simply with Ms. CiscoeBrough. Additional correspondence, oral histories or other accounts of Nipmuc activities may provide such evidence. The petitioner should be mindful of the fact that, even if, through an analysis of these letters, it is able to show that Ms. CiscoeBrough was significantly connected to a predominant portion of the group, it still needs to show that members were significantly connected to one another. In preparing the evidence, analysis, and argumentation to show this, it might be helpful if the petitioner would orient its submission toward showing that what held together the group during the 1970's was not only the connections between Ms. CiscoeBrough and individual Nipmucs but also the connections among other Nipmucs across family and subgroup lines. The petitioner should show social interaction as existing broadly among the members of the group. The evidence now in the record does not demonstrate that there was a Nipmuc community in the 1970's.

The 1980's. A November 13, 1980, letter from Ronald G. Henries to Zara Ciscoe Brough (Henries to CiscoeBrough 11/13/1980; Cisco Archives, Box 2) indicated that it was a first contact: "I was informed that you may be of assistance to me in my efforts in attempting to find my tribal affiliation. I am providing you with as much information as I presently have on my family history . . . " listing on a separate sheet his relationship to Elizabeth (Henries) Morse of Worcester, Massachusetts, and Charles Henries Sr. of Dayville, Connecticut (Henries to CiscoeBrough 11/13/1980).[153] Henries, a first cousin of Edwin Morse Sr., was 48 years old at

[153]By 1984, Henries was one of the "contacts" listed for the Nipmuc acknowledgment petition (see above, Administrative Chronology of the Petition). He currently serves on the council of #69A.

the time he sent this letter. This appears to parallel the experience of Morse himself a few years earlier in joining a Nipmuc group with which he had not previously maintained social ties.

The petition mentioned an "Algonquin Indian School" that was claimed to have been started in 1981 at Providence, Rhode Island by "seven Algonquins," four of whom were described as Nipmucs. These were Little Crow (Ronald George Henries, Sr.), Spotted Eagle (Kenneth Brown), Little Star (Ruth Marie Bessette), and Loving One (Lucyann Swenson). No additional information was received about this school. All four of the "Nipmucs" mentioned as founders of the school were then or later members of #69.[154] The brief mention of the Algonquin Indian School currently in the record is not sufficient to show community under 83.7(b). If the petitioner can submit additional information that shows that the Algonquin Indian School was a distinct community social institution which involved the participation of much or most of the membership, for example, it would help the petitioner to show community for the duration of the school's existence.

The petitioner submitted a letter from Edith Hopewell to Zara CiscoeBrough (dated to 1981 on the basis of internal evidence) that is relevant to an evaluation of whether the petitioner meets 83.7(b) for the 1980's. Ms. Hopewell mentions Mr. Edwin Morse, Sr. and at least some members of his extended family (who are the core family of petitioner #69B), saying:

> Enclosed find papers I tried to call you about. They are very defamitory [*sic*] to you and all our kind. They are holding a meeting 7/23/81 at their father's house in Dudley to form their own committees and chief, etc. which I know they haven't the power to do, and she should be told by you or someone in authority she is not a "Princess," her father or anyone close to was never a chief as in my case . . . All these people who are forming their own clan as they say needn't ever come to me again for help. I've helped them every year for 6 years now . . . They have only admitted to being Indian after they got $250.00 from the Indian fund.

The letter does not suggest that anyone other than members of Mr. Morse's extended family as was defined above were included among "all these people who are forming their own clan." The description of the formation of the here-unnamed organization that became the Nipmuck Indian Council of Chaubunagungamaug does not provide evidence of community under 83.7(b). However, the letter suggests that Ms. Hopewell and members of the Morse family knew one another and that their relationship(s) was (were) significant. If their relationship(s) was (were) not significant, it is unlikely but nevertheless possible that Ms. Hopewell would not have responded to the actions of the Morse family with such strong emotions.

[154]Kenneth Brown was active in pan-Indian activities in southern New England, and also appears in records pertaining to Narragansetts and Pequots. The petitioner did not submit documentation showing what his Nipmuc ancestry may have been, and he died prior to compilation of the membership list the BIA evaluated for the proposed finding.

Complicating the question of whether the 1981 letter provides evidence of community is the fact that Ms. Hopewell is Mr. Morse's sister. Oddly, Ms. Hopewell makes no indication that she is aware that Mr. Morse is her full brother. The BIA has always assumed that primary kin maintain contact with one another. This assumption would, of course, make this document of little, if any, utility for showing a connection between the #69B subgroup, on the one hand, and other members of the petitioning group, on the other. The petitioner did not provide any analysis of the above letter from Ms. Hopewell to Ms. CiscoeBrough. In the absence of this analysis and of any additional information about this document, it does not provide any information that shows community. If the petitioner can submit evidence that the level of informal internal communication (gossip) reflected in the letter existed more widely among the Nipmuc antecedents of petitioner #69A as a whole, it would contribute to a showing of community under 83.7(b).

The record contains a number of newspaper articles that pertain to community during the 1980's. Some of these articles appeared in *The Worcester Telegram*, *The Patriot*, and *The Webster Times*, among other papers. Almost all the papers were from towns in Massachusetts or Connecticut. The articles included important references to activities and events organized by #69 or in which members of #69 (both those now in #69A and those now in #69B) participated, including powwows, food distributions, a film showing, and a parade. Though these newspaper articles do not demonstrate that the recorded activities encompassed most of the group, they do show that, during the 1980's, there existed activities that encompassed at least a portion of the group. To demonstrate that the petitioner meets 83.7(b) for the 1980's, the petitioner should submit evidence that shows that a predominant portion of the group was involved in these activities during the 1980's, if this evidence exists.

One article is hand-dated December 22, 1981, and is from an unidentified newspaper. It is entitled, "Looking to the Past: Nipmucks Search for an Identity," by Felice J. Freyer (Nipmuc #69B Suppl. 3/28/1997). Freyer summarized the Federal acknowledgment process and interviewed the petition researcher for the Nipmuc group. Among other things, Freyer reports that the Nipmuc's petition researcher told her: "Any anthropologist worth his salt will say the group (the Nipmuck tribe) has disappeared entirely" (Freyer 1981, 15). From the article it seems likely that Ms. Freyer did indeed interview the Nipmuc petition researcher. Even so, it is possible that Ms. Freyer or the editor of the publication misquoted the Nipmuc's researcher. To be sure, the researcher does not claim in the petition narrative that he found that the Nipmuc group had "disappeared entirely." As such, no conclusions can be drawn from this article about whether the petitioner meets 83.7(b) for the 1980's.

Another unidentified, undated, article appears from its contents to have been published about 1985. It is entitled, "Fair Held on Reservation: Indian Heritage Celebrated" by Lorene Lamothe of the Telegram Staff (Nipmuc #69B Pet. Suppl. 3/28/1997). Lamothe estimated that about 800 Indians and non-Indians gathered at Grafton at the Hassanamisco Reservation for the 31st annual American Indian Fair organized by the Nipmuc Indian Council. The attendees included "Chief Natachaman (the Hunter) of the Hassanamisco tribe aka Walter Vickers of Northboro; Joseph

Vickers, his father; Anna Mays (Princess Sea Flower); Princess Winona of the Passamaquoddy Tribe; Princess Loving One, aka Dolly Swenson of Sutton, last year appointed by Gov. Michael S. Dukakis as commissioner on Indian affairs." This article provides some evidence that there was informal social interaction among some members of #69 in the mid-1980's. To meet 83.7(b), though, the petitioner needs to show that such interaction and/or shared activity encompassed not just a few leaders but *most* of the group. Social interaction must be shown to have existed broadly among members of the group. While the article does state that 800 attended the fair, without a list of people in attendance, the conclusion cannot be reached that any of them beyond those specifically mentioned were members of the petitioning group, particularly since the article itself stated that non-Indians and one Passamoquoddy were among those who attended.

The only other evidence submitted by the petitioner that was relevant to the issue of community during the 1980's were two videotapes. The first of the two videotapes is entitled "Nipmuck Indians" and is a tape of a show that appeared on Worcester cable television in 1984. It presented Nipmuc history and, to a lesser extent, Nipmuc contemporary life to a general audience. There is footage of the land that was donated to the #69B group in 1982, short interviews with members of the group, and group events and activities. The tape shows informal social interaction, and seems as though it might provide some evidence of community for the mid-1980's. Several problems, however, prevent the BIA from treating this tape as evidence of community for the mid-1980's. First, not all persons who appear on the tape are identified, and thus cannot be confirmed as members of the petitioning group. Second, the tape does not demonstrate that the social interaction that it documents existed broadly among the members of the group and that activities that are also documented on the tape encompassed most of the group. If, during the mid-1980's, social interaction existed broadly among group members and certain activities encompassed most of the group, the petitioner should submit material and evidence clearly to demonstrate this. For the 1980's, the petitioner might begin this work by creating a written narrative to accompany the tape. The written narrative should identify ALL of the individuals who appear on the tape; analyze the rate of informal social interaction among members, whether or not these members appear on the tape; and/or provide documentation of group members who participate in the activities portrayed and mentioned on the tape, regardless of whether these individuals appear on the tape.

The other videotape was simply labeled, "Wedding Chief Red Fox: Sept 19, 1988." This tape provides footage of a Nipmuc gathering in 1988 that included a powwow and that culminated in the wedding of Edwin Morse, Jr., who was a member of the petitioning group during the time the tape was made, to an unidentified woman. From the tape, it is impossible to identify which individuals are the leaders of the petitioning group, with the exception of Edwin Morse, Jr., or even which are members of the group. Particularly since Nipmuc leaders have described their gatherings as open to the public and intertribal in nature (see Interview with Lucyann Swenson, 7/22/98), no conclusions can be drawn about whether the petitioner meets 83.7(b) from this submission. If the petitioner wishes to use this tape as evidence that it meets 83.7(b), it needs to

provide a written narrative and analysis of the gathering that, at a minimum, identifies the individuals who appear on the tape.

In sum, for petitioner #69B (which was a subgroup of #69 from the late 1970's to the mid-1990's), there exists some evidence that, during the 1980's, subgroup members were part of a distinct community but not necessarily a community that included other #69 members (see also #69B PF). Without additional material and documentation, this evidence is not sufficient to conclude that the #69B subgroup and/or the subgroup as part of the larger group meets 83.7(b) for the 1980's.

For the rest of the #69 group, to establish that a predominant portion of the group comprised a distinct community during this decade, the petitioner needs to submit additional information and documentation. The evidence now in the record pertaining to the 1980's is very limited and does not demonstrate that the antecedents of #69A as a whole constituted a community during the 1980's.

The 1990's. After its incorporation in 1989, the Nipmuc Tribal Acknowledgment Project (NTAP) assumed responsibility for the Nipmuc petition. It appears to have interpreted its responsibility as being the identification and inclusion of all Nipmuc descendants in the petitioner.[155] Among the documents that the petitioner submitted were notes of a meeting identified as the "Annual Nipmuk business meeting" at Friendly House in Worcester, Massachusetts. According to the notes, this meeting took place on November 24, 1991, with 300 people in attendance. Without further information, it is impossible to determine whether this meeting is a meeting of the petitioning group. It may have been a NTAP meeting or a public information meeting. No list of those attending is in the record. If the petitioner wishes to claim that the November 1991 meeting, which was attended by 300 people was a meeting of the membership of petitioner #69, it should provide additional information. If it can be determined that the meeting was a #69 meeting, the high level of attendance at the event might provide evidence that the event encompassed most or all of the petitioning group and that there was informal social interaction which existed broadly among #69 members during the early 1990's. On the other hand, if it was an informational meeting attended primarily by interested members of the general public, the number of attendees would have no relevance to whether the petitioner meets 83.7(b).

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[155]For a more extensive discussion of NTAP, see criterion 83.7(c). NTAP flyers announced meetings to find Nipmuc descendants in Providence, Rhode Island (August 22, 1990); Worcester, Massachusetts (December 15, 1990; June 25, 1990; and July 9, 1991); and Woodstock, Connecticut (September 18, 1990). The flyers provide evidence that NTAP tried to recruit Nipmucs from across New England for membership in the Nipmuc group or for other purposes. As the documents indicate, a goal of these meetings in Massachusetts, Rhode Island and Connecticut was to "find" Nipmuc descendants. This, of course, suggests that any and all of those who might be "found" through such a process would not previously have been part of a Nipmuc community or group. The evidence how in the record does not show whether, or how many of, the persons "found" by NTAP have become members of #69A.

In 1992, a newspaper article by Clive McFarlane entitled "Nipmuc celebration to honor heritage: Event tomorrow on Worcester common,"appeared. The article mentioned Thomas Doughton and noted that NTAP reported that there "are now" about 2,000 people of Nipmuc heritage in the region, most of them living in Massachusetts, Connecticut and Rhode Island. The McFarlane article does not explain the nature of the relationship between, on the one hand, these "2,000 people of Nipmuc heritage," and, on the other, a Nipmuc community or the Nipmuc organizations that existed under the leadership of Zara CiscoeBrough and Edwin W. Morse Sr. The petitioner did not submit any information to clarify this relationship. All or part of these 2,000 people could be part of an existing Nipmuc community; or they could be individuals and/or descendants of individuals who had long since ceased to maintain tribal relations. The article thus provides no evidence concerning the existence of a Nipmuc community antecedent to petitioner #69A.

A letter dated June 5, 1995. Mr. Henries enclosed a newspaper article which states that powwows are held every summer by the Hassanamisco Band (Henries to BIA 6/5/1995). The article stated that these events were opened up to the public in 1954[156] and raise funds for the group, helping maintain the 4-1/2 acre [*sic*] "reservation." The article reported that, for the 1995 powwow, the Full Circle Drum Society came up from Connecticut and that the "Nipmuc medicine man" was Ronald L. Messier.[157] To use the 1995 article as evidence for community, the petitioner needs to submit additional information showing that these powwows encompassed most of the group and were more than intertribal activities largely attended by non-Nipmuc. Alternatively or concomitantly, the petitioner needs to submit additional information and documentation to show that these events demonstrate significant social relationships connecting individual members, significant rates of informal social interaction which exist broadly among the members of the group, and/or a significant degree of shared or cooperative labor among the membership.

There were copies of newsletters for Nipmucs, *Nipmucspohke*[158] and *Nipnet Notes*, in the record. The petitioner provided no analysis of these documents. One of the issues of *Nipmucspohke* was undated but probably was published in 1997. The editor is identified as Cheryl Magos, and the city from which the newsletter is sent out is identified as Branchburg, New Jersey. The editor noted that the newsletter is not affiliated with #69A or #69B, but it probably is sent to more than

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[156]Evidence indicates that they had been open to the public since at least 1924.

[157]No one of this name appears on any Nipmuc membership list, nor is anyone of this name included in the Nipmuc genealogical records submitted for petitions #69, #69A, or #69B.

[158]Information submitted by #69 officer, Ron Little Crow Henries, in 1995, together the newsletters themselves, shed some additional light on *Nipmucspohke*. The submission indicates three things: 1) The newsletter was started as late as 1994 and thus cannot provide evidence of whether the petitioner meets 83.7(b) for a very long period of time; 2) if the mailing list even includes members of the petitioning group, the mailing list extends far beyond the boundaries of the petitioning group and thus the newsletter is of dubious value for evaluating the petitioner; and 3) the newsletter is not an instrument of the petitioning group.

a few members of #69A and therefore may serve to help connect members of the group with one another. The same can be said of *Nipnet Notes* which was published by NTAP beginning in January 1991. In the absence of any analysis from the petitioner of these newsletters, as well as in the absence of any additional information about these newsletters, such as mailing lists, lists of group members who have made submissions to the newsletter (such as letters to the editor), and other data that might indicate that the newsletter provides a vehicle through which the recipients act as a community, it cannot be concluded that the newsletters provide evidence of community for the mid-1990's. The petitioner is invited to submit additional information and documentation about these newsletters if it believes that the newsletters can help show that it meets 83.7(b) for the mid-1990's. It is unlikely, but possible, that the newsletters can be mined for positive evidence of community.

An article in the *Southbridge Evening News* dated August 19, 1996 reported that 400 people attended "the Vickers - Curless family reunion." Attendees were said to include the descendants of Samuel [*sic*] Vickers and Mary Curless, who, it continued, married in 1814. The article described Mary (Curless) Vickers as of Nipmuc and Narragansett ancestry. The site of the reunion was the Westville Lake Recreation Area. No additional information was received about this event, such as lists of #69A members who attended or descriptions of interactions between members of the petitioning group. If the petitioner were to provide such information and documentation, with this event it might be able to show that, for the mid-1990's, there were significant social relationships connecting individual members beyond an extended family, and there were significant rates of informal social interaction which existed broadly among the members of the group.

One [1997] issue of *Nipmucspohke* reported that more than 70 Nipmucs attended the general meeting on June 14 at the Hassanamesit reservation in Grafton. At this meeting, it was announced that a Community Survey would be conducted to "fill in gaps between 1920 and 1970."[159] It was also announced that the rolls of Hassanamesit, NTAP and Chaubunagungamaug were being combined.[160] Membership on the "central roll" was alleged to be approximately 1,800. Almost no descriptions, particularly for the late 1990's, were received of the modern #69A community and group. Therefore, the accuracy of this description of events that appeared in *Nipmucspohke* cannot be evaluated. More to the point, from this description the question of whether the petitioner meets 83.7(b) for the 1990's or any other part of the period since 1970 cannot be evaluated.

It was also impossible to evaluate whether the petitioner meets 83.7(b) for the late 1990's using the videotape submission by the petitioner entitled, "Homecoming 9/13 - 14/97. Nipmuc Nation

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[159]This item was not completed and submitted by the petitioner prior to the cutoff date for submissions used for the proposed finding.

[160]The BIA has no information concerning the relationship of this announced combination of the three lists to the "1640 Roll" of October 1997 submitted by #69A and evaluated for this proposed finding.

- Grafton, MA." This tape presents footage on a gathering that took place in September of 1997 on the Hassanamisco Reservation. The tape documents the various activities that were organized for the children and the fact that an outdoor exhibit of photographs was set up alongside the circular clearing that served as a dancing ground during the event. Also presented in the tape is a woman weaving, children and adults dancing, and dozens of people laughing, talking and eating. From the tape, it is impossible to identify which individuals are the leaders of #69A or even which are members of the group. Particularly since Nipmuc leaders have described their gatherings as open to the public and intertribal in nature (see Interview with Lucyann Swenson, 7/22/98), no conclusions can be reached about #69A political authority or influence from this submission.

For petitioner #69B (which was a subgroup of #69 from the late 1970's to 1996), there exists some evidence that, from 1990 to 1996, subgroup members were part of a distinct community but not necessarily a community that included other #69 members (see also #69B PF). However, without additional material and documentation, this evidence is not sufficient to conclude that the subgroup and/or the subgroup as part of the larger group meets 83.7(b) for the period from 1990 to 1996.

For the rest of the #69 group as a whole, and for #69A since May 1996, there is some evidence that at least some members comprised a distinct community during the 1990's. To establish that a predominant portion of the group comprised a distinct community during this decade, the petitioner needs to submit additional information and documentation. The evidence for the 1990's now in the record is limited and not of the type needed to show community.

Summation. Evaluation of petitioner #69A under criterion 83.7(c) involves, in reality, the evaluation of three distinct entities: (1) the historical Hassanamisco Band; (2) a joint entity that existed between about 1978 and 1996 comprising descendants of the historical Hassanamisco Band, the descendants of the historical Chaubunagungamaug Band, and the descendants of some off-reservation Nipmuc families; and (3) the petitioner under its current definition, comprising all persons whom it considers to be of Nipmuc heritage.

Under (1), there is sufficient evidence under § 83.7(b)(2) that the historical Hassanamisco group, centered on the reservation in Grafton, Massachusetts, maintained community from colonial times until the end of the American Revolution, as a majority of its population lived on the reservation. From the post-Revolutionary period, 1785/1790, until the mid-19th century, there was not sufficient direct evidence of political authority, while the evidence for community was not strong enough to provide for carryover under § 83.7(b)(2). From the mid-19th century to the present, most of the evidence in the record pertains only to the Cisco extended family and demonstrates only occasional social interaction between the Ciscos and the descendants of the other Hassanamisco proprietary families, as well as between the Ciscos and the families on Earle's 1861 "Supplementary List" continuing at least until the 1950's. There is a lack of evidence concerning any social interaction across family lines and among the members of the group during this time period. There was, for example, no evidence of contact between the

Cisco descendants and the Gigger descendants between the late 1930's and 1997, a period of nearly 60 years. From the mid-19th century to the present, the documented level of social interaction among the descendants of the historical Hassanamisco Band, outside of the Cisco family itself, does not meet 83.7(b).

Under (2), the evidence in the record shows no direct social interaction between the Hassanamisco Nipmuc and the Chaubunagungamaug Nipmuc families between the 1730's and the 1920's – a period of nearly two centuries. From the 1920's through the 1970's, the evidence in the record showed occasional social interaction between Hassanamisco descendants and Chaubunagungamaug descendants, most frequently in the context of pan-Indian or intertribal activities. From 1978 through 1996, the evidence in the record showed interaction between some Hassanamisco descendants and some Chaubunagungamaug descendants primarily in the context of the formally established Nipmuc organization, and comprising primarily the leaders of the subgroups. On the basis of precedent, this limited interaction, both in extent and in type, is not sufficient to establish community under 83.7(b).

Under (3), there is limited evidence in the 18th century that there continued to be social interaction among off-reservation Nipmuc families in south central Massachusetts, northeastern Connecticut, and northwestern Rhode Island. There is some evidence that the off-reservation Nipmuc upon occasion intermarried with both Hassanamisco descendants and Chaubunagungamaug descendants, although there is no evidence that there was direct interaction between the families of those two settlements (see above, under (2)). There is minimal evidence that these contacts continued to be maintained in the first half of the 19th century. Beginning with the 1850 census, there is more evidence that there were limited social ties in the forms of intermarriages and shared households between off-reservation Nipmuc families and Hassanamisco descendants, and off-reservation Nipmuc families and Chaubunagungamaug descendants, but still no clear evidence of direct interaction between the descendants of the two reservations. That is, the documents indicate that the limited social ties maintained by both the Hassanamisco descendants and the Chaubunagungamaug descendants were with various off-reservation Nipmuc Indian families rather than with one another. In the first half of the 20th century, evidence for interaction is limited to pan-Indian and intertribal events, and the contacts shown involved only a few individuals. From 1950 through 1978, there is little evidence of significant social ties among the families antecedent to the current membership; from 1978 through 1989, the petitioning group was defined with a much smaller membership circle that the current organization (see above, under (2)). The evidence indicates that the current membership of petitioner #69A is to a considerable extent the result of a deliberate recruitment effort undertaken from 1989 through 1994, and has brought many families that had no significant social ties prior to that time into the organization called the Nipmuc Nation.

Therefore, petitioner #69A does not meet criterion 83.7(b).

83.7(c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.

The petitioner, #69A, is a continuation of petitioner #69. At time of filing of the letter of intent, petitioner #69 asserted continuity from the Hassanamisco Reservation, Town of Grafton, Worcester County, Massachusetts. It subsequently, at the time of the 1984 petition, asserted continuity both from Hassanamisco and from the former Dudley/Webster reservation in the Town of Webster, Worcester County, Massachusetts, otherwise known as the Chaubunagungamaug Band of Nipmuck Indians. The current petitioner, #69A, now asserts continuity not only with Indians of the Hassanamisco (Grafton) and Chaubunagungamaug (Dudley/Webster) reservations, but also with the descendants of other Nipmuc bands and "praying towns" that existed in the 17th century.

To the extent that petitioner #69A asserts continuity from the historical Chaubunagungamaug Band, the proposed finding for criterion 83.7(c) prepared for evaluation of petition #69B is also relevant for evaluating criterion 83.7(c) for #69A, and is hereby incorporated by cross-reference. It is the intent of the Assistant Secretary - Indian Affairs to issue the proposed findings simultaneously. By and large, the data concerning Chaubunagungamaug, or Dudley/Webster, from the late 17th through the late 19th century provided evidence concerning political influence or authority within that particular group as relevant to criterion 83.7(c), but did not indicate that there was any continuing political influence or authority for a broader antecedent Nipmuc entity which petitioner #69A now claims as the historical tribe from which it asserts continuity.

The historical Nipmuc tribe of the contact era, the ultimate predecessor group from which petitioner #69A evolved, and its successor bands have been in sustained contact with non-Indian settlers since the 1640's — a period of 350 years. The historical Nipmuc tribe was located in central Worcester County, Massachusetts, in the geographical region of New England. This is a location in which, since colonial times, a substantial number of written records, whether colonial or local, state or Federal, civil or ecclesiastical, have been both generated and preserved. The materials submitted in evidence in regard to criterion 83.7(c) are extensive, but cannot be said to be comprehensive for all time periods. The preamble to the 25 CFR Part 83 regulations noted that in acknowledgment cases:

> . . . the primary question is usually whether the level of evidence is high enough, even in the absence of negative evidence, to demonstrate meeting a criterion, for example, showing that political authority has been exercised. In many cases, evidence is too fragmentary to reach a conclusion or is absent entirely. . . languge has been added to § 83.6 codifying current practices by stating that facts are considered established if the available evidence demonstrates a reasonable likelihood of their validity. The section further indicates that a criterion is not met if the available evidence is too limited to establish it, even if there is no

> evidence contradicting the facts asserted by the petitioner . . . It has been the Department's experience that claimed "gaps" in the historical record often represent deficiencies in the petitioner's research even in easily accessible records (59 FR 38 2/25/1994, 9280-9281).

The regulations provide that political process "is to be understood in the context of the history, culture, and social organization of the group" (25 CFR 83.1, 59 FR 9293). The precedents in prior Federal acknowledgment decisions indicated that for the time span from the colonial period to the 19th century, evaluation of political influence or authority had not been tied to the specific forms of evidence listed in 83.7(c), but rather was evaluated much more briefly, and generally, under the provisions of the definition of political influence or authority in 83.1. The relevant language follows:

> Evaluation of petitions shall take into account historical situations and time periods for which evidence is demonstrably limited or not available. The limitations inherent in demonstrating the historical existence of community and political influence or authority shall also be taken into account. Existence of community and political influence or authority shall be demonstrated on a substantially continuous basis, but this demonstration does not require meeting these criteria at every point in time . . . (83.6(e)).

On February 11, 2000, the Assistant Secretary - Indian Affairs issued a directive modifying the internal procedures by which the Bureau of Indian Affairs staff evaluates petitions for Federal acknowledgment (AS-IA 2/11/2000). The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (AS-IA 2/11/2000; 65 *Federal Register* 7052). Petitioner #69A did not present any specific arguments pertaining to how it meets criterion 83.7(c), aside from those in the 1984 narrative (Nipmuc #69 Pet. Narr. 1984) and 1987 Response (Nipmuc #69 Pet. Response 1987). The following analysis, therefore, reviews the pertinent evidence in the record created by petitions #69, #69A, and #69B as it pertains to the historical Nipmuc tribe in the early contact period and the historical Hassanamisco, or Grafton, reservation for the period from the colonial period to the present. It cross-references the data for Chaubunagungamaug (Dudley/Webster) presented in the proposed finding for #69B, indicating the extent to which the argumentation presented in the 1984 narrative can be validated. In light of the petitioner's current broader definition of its origins, the attached charts also indicate what material is in the record in regard to the other Nipmuc bands and their possible continuity as political entities from first contact to the present. The BIA had begun evaluation of this petition prior to the issuance of the directive. Therefore, a draft technical report exists in addition to the charts.

Historical Political Influence and Authority. In many instances, for the pre-20th century portion of the historical development of the Nipmuc tribe, the individual documents can be interpreted

only in the broader and more general context of its relationship to the colony and State of Massachusetts. From 1685 through 1869/1870, the colony and State, in some form, supervised reservations for both the Hassanamisco (Grafton) and the Chaubunagungamaug (Dudley/Webster) groups. The petitioner also includes within its claimed antecedents various other families from central Massachusetts and northeastern Connecticut. From the colonial period through 1869, the context for administration of the reservations was set by the legislation passed by Massachusetts and the administrative systems established by that legislation. The documents generated, by their very nature and purpose, showed less about the internal structure of the tribe's politics and/or leadership than they showed about the tribe's external relationships with the non-Indian administrative authorities. The isolated political documents must also be interpreted in light of the general continuity of the populations of the two reservations as shown by a wide variety of other documents.

For the period from first contact through the mid-19th century, the broader evidence pertaining to the Hassanamisco and the off-reservation Nipmuc Indians has been summarized above, in the "Historical Orientation." This approach was chosen because, although the primarily applicable evidence for 83.7(c) is evaluated here, the essential requirement of the Federal acknowledgment regulations under 83.7 is that of tribal continuity. For earlier historical periods, where the nature of the record limits the documentation, the continuity can be seen more clearly by looking at combined evidence than by attempting to discern whether an individual item provides the level of information to show that the petitioner meets the criterion at a certain date. For some periods, one kind of evidence is available; for other periods, other types of evidence. This summary discussion of the major evidence for political authority or influence between first sustained contact and the mid-19th century draws on the historical overview, presenting selected "high points" in more or less chronological order to show how the evidence is being evaluated. It is to be read together with the overview, which describes the overall evidence of tribal existence. It is also to be read together with the summary discussion of criterion 83.7(b), which describes some of the evidence for community, because much of the specific documentation cited provides evidence for both community and political influence.

From First Sustained Contact to 1675. Scholars' comments concerning the Nipmuc Indians at the time of first sustained contact tend to be general (Salwen 1978, 173-174). The authorities indicate that these groups were politically decentralized: "There were other units . . . that seem to have normally functioned as almost completely independent local communities, without lasting political ties to any of their neighbors. Names like Nipmuck . . . sometimes appear in the literature as designations for large 'tribes' or 'confederacies' (Speck 1928a:pl. 20; Swanton 1952), but this usage does not seem to fit the seventeenth-century situation" (Salwen 1978, 173; citing Day 1962, Day 1969; see also Leach 1958, 73). Another modern scholar has stated that, ". . . the Nipmucks . . . added up to not much more than the changing sum of whichever interior villages chose to work together at a given time" (Bourne 1990, 126). The Federal acknowledgment regulations do not require that a historical tribe at the time of first contact have had a formal centralized governmental structure above the band or village level (Miami PF 1990, 7).

Historians and anthropologists have also published a number of general statements indicating that the 17th-century Nipmuc were not wholly independent, such as Johnson's comment that, "Apparently, the Nipmucks had lost some of their tribal autonomy when certain of their villages began paying tribute to the Pequot, Narragansett, Massachusett and Pennacook" (Johnson 1995, 28). Larned indicated that in the 17th century, the Wabbaquassets in what is now Woodstock, Windham County, Connecticut, owed a varying allegiance to the Pequots, to Uncas of the Mohegans, or to the Narragansetts, depending on who was in power (Larned 1874, 1:4), while Bragdon stated "the Pequots did have influence among . . . the Nipmuck as far as Quinabaag (near Dudley, Massachusetts)" (Bragdon 1996, 25). Within the boundaries of modern Massachusetts: "Apparently, even a few Nipmuck sagamores paid allegiance to the Wampanoag sachem" (Johnson 1995, 9). From another perspective, Russell commented that, "the power of the Mohawks by no means ended at the Connecticut River. Their emissaries collected tribute among the scattered Nipmuck villages of central Massachusetts, . . . (Russell 1980, 187). The issue for this finding is whether the subjugation of Nipmuc bands in the 17th century to various other New England Algonquian tribes has significant impact for Federal acknowledgment. The question of "autonomy" from other tribes in the colonial period was addressed by the AS-IA in the Mohegan final determination, concluding that temporary, fluctuating subjection to other tribes did not negate the existence of tribal autonomy. The precedents clearly indicate that the acknowledgment process allows for the historical combination and division of tribal subgroups and bands, and that temporary subjection to another Indian tribe does not result in a permanent cessation of tribal autonomy (Mohegan PF 1989, 26-27; Narragansett FD, 48 Federal Register 29 2/10/1983, 6177; Narragansett PF 1982, 2). The events of the 17th century do not indicate that the petitioner fails to meet the "autonomous entity" requirement under 83.7(c).

Historical records and narratives indicate that several Nipmuc leaders executed a formal act of submission to the English in May 1668 (*Mass. Archives* 30:146; Place of Small Stones n.d., 5-6), and that after King Philip's War, the Hassanamisco reservation was under the direct administration of Massachusetts, first as a British colony and then, after the American Revolution, until the 1869 Act of Enfranchisement, as a state. The 1668 document was of limited effect and pertained to the dispute over the claim to suzerainty over the southern Nipmuc villages (around Chaubunagungamaug and in modern Connecticut) asserted by the Narragansett chief. This issue is discussed in much greater detail in the draft technical report prepared for petition #69B. If the signer "Watasakompanin" was the man subsequently identified by Gookin as Wattasacompanum, residing at Hassanamesit,[161] and if "Asukosnogest" was an attempt to spell that place name, then the Hassanamisco participated in this submission by the "Native Indians sagamores and people of the Nipmucks inhabiting within the bounds of the pattens of Massachusetts and near adjoining unto the English towns of Mendon and Marlborough" (Place of Small Stones n.d., 5-6).

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[161] ". . . my chief assistant, . . . ruler of the Nipmuck Indians, a grave and pious man, of the chief sachem's blood of the Nipmuc country. He resides at Hassanamessit: . . ." (Gookin 1792, 84 [reprint 1970]).

The discussions of the establishment of the "praying towns" by missionary John Eliot also fall generally under this topic of autonomy (see discussion in the "Historical Overview" section, above). In the Mohegan case, the Attorney General of the State of Connecticut argued that supervision by the colonial and state authorities indicated the petitioner did not meet the requirement that: "The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present" (83.7(c)), saying that ". . . the Mohegan had their affairs governed by a group of overseers appointed by the State of Connecticut, . . . [and therefore] the MT did not meet the 'autonomous entity' requirement of Criterion c" (Mohegan PF 1989, 26). The AS-IA concluded: "[T]he autonomy requirement is solely concerned with autonomy from other Indian tribes, not non-Indian systems of government that were imposed on the Mohegan by the state of Connecticut . . . " (Mohegan PF 1989, 26-27; for related precedents, see Narragansett PF 1982, 11; Narragansett PF 1982, 2; Gay Head PF, 4). As long as the State was dealing with a group as a group which had named leaders or the evidence shows that the group was acting in concert, thus exercising political influence internally, the petitioners meet the "autonomy" requirement of 83.7(c).

Precedent does not require detailed information concerning the internal political processes of the historic tribes which were predecessors of petitioners in the early contact periods. The documentation in the record meets criterion 83.7(c) for the loosely organized Nipmuc historic tribe as a whole and for the Nipmuc "Praying Towns,", predecessors of the later Hassanamisco (Grafton) and Chaubunagungamaug (Dudley/Webster) reservations, for the period prior to 1675.

1675-1785. The activities of the Hassanamessit (Hassanamisco) Indians, both in alliance with and in opposition to Massachusetts forces, are referenced on a number of occasions during the course of King Philip's War (Gookin 1972, 443, 450-451, 475-477, 480-481, 489, 502-508; Metcalf 1880, 65-66; Mandell 1996, 26; Leach 1953, 213-214, citing *Mass. Archives* 30:207, 216; 5 MHC V, 14, and Gookin 1972, 527-529). None of the mentions of Hassanamisco during the war provide any clear description of political authority or influence. It cannot be determined whether the group which took refuge at Mendon did so as a consequence of a group decision, or simply because they were refugees. There is no indication whether the presence of James the Printer in Philip's camp was as a representative of the band, or simply as an individual. The sources are silent on the relevant topics. For some time after the end of the war, the remaining Hassanamesit Indians were at Natick (Place of Small Stones n.d, 15). As of 1677, Hassanamessit had not been reoccupied (Place of Small Stones n.d, 17), partly because of continuing Mohawk raids (Mandell 1996, 26)

In 1679, a Nipmuc residing in London, named John Wampus or Woampus and describing himself as "Sachem of Hassanamesit," in right of his deceased father, in one case sold, and the second case willed, substantial tracts of land at Hassanamisco. The deed was to Englishmen; the will divided the land he claimed between three Indians and two Englishmen, Pratt and Blake (Place of Small Stones, n.d.; Humes 1952). Neither the deed nor the will was enforced, and later both were challenged by other Hassanamisco Nipmuc. While the documents provide some marginal information concerning claims to leadership, they do not indicate that Wampus

exercised political authority or influence. John Awassamog, one of the legatees, was primarily identified with Natick (Mass. Archives 30, 257-257a; Metcalf 1880, 105).

On May 11, 1681, the General Court of the Massachusetts Bay Colony authorized William Stoughton and Joseph Dudley to investigate land titles in Nipmuc country (Records of the Colony of Massachusetts Bay 5:315). The investigation continued into the autumn, with the commissioners filing a report to the General Court on October 17. They reported that the "middle part" of the future Worcester County, Massacvsetts, above Sherborne and Marlborough, was claimed by the "Hassanamesit men now resident at Natick, but interrupted by the claim of the executors of John Wampas" (Records of the Colony of Massachusetts Bay 5:328-329). This material does indicate that the Hassanamisco Indians who were still at Natick after the disruptions of King Philip's War remained an identifiable body of people. They were not, however, identified by name, nor does this document indicate that there were leaders exercising political authority or influence.

The aftermath of the John Wampus deed and will mentioned above directly pertained to the documents concerning Hassanamisco during the 1680's, because several Indians from Natick complained to the General Court that a group of colonists were claiming the lands of Hassananemesit ir right of them. In 1684, the General Court indicated that it did not know of any land to which John Wampus (Wampas) had a true and legal right (Mandell 1996, 45). The documents do not indicate the direct participation of any Hassanamisco leadership as such. Other evidence indicates that on May 27, 1685, James the Printer was still at Natick (Place of Small Stones n.d. 24-25, citing *Mass. Archives* 30;287; *Mass Archives* 30, 300). On August 25, 1686, several parties entered into a partition agreement to settle conflicting territorial claims on land conveyed by John Wampas. It was signed by nine white men and ten Indians. The Indian plantation at Hassanamisco was to be four miles square located exactly in the center of the tract which was eight miles square. In addition to Hassanamisco, the Indians were to have one thousand acres extending from the westernmost corner of Quinsigamond Pond, with permanent fishing rights in the pond, and all lands between the eight mile tract and Natick (Humes 1952, 36). The data in the record does not provide the names of the Indians signing or indicate whether they were acting on behalf of Hassanamisco as such, or as individual heirs. It does provide data indicating that Hassanamisco was still regarded as a locality to which the families who resided there before King Philip's War had legal rights, which were confirmed by the agreement.

In 1690, the Massachusetts General Court ordered that all Indians in the Bay Colony go to either Natick or Punkapoag. The use of the word "go" in the 1690 order may imply that Hassanamisco had been resettled by this date, but does not say so. Reese also stated that in 1694, the General Court of the Province of Massachusetts Bay enacted legislation "for the better rule and government of the Indians in their several places and plantations" (Reese c1980, [30]). "One year later the legislature reconfirmed the restrictions for Hassanamisset and imposed the same on Chabanakongkoman" (Mandell 1996, 39-40; citing *Mass. Archives* 30:358-59, 368, Mandell

1996, 212n59). The 1695 order which mentioned Hassanamisco implied that a settlement was there, and that the Hassanamisco Indians had not gone back to Natick.

Doughton indicated that the resettlement of Hassanamisco did not take place until 1698 (Place of Small Stones n.d., 25), but the actual document does not indicate that 1698 was the date of resettlement, but only the date of the report (Grindal and Rawson 1809, 134). In 1698, Grindal Rawson and Samuel Danforth's visitation of Indian congregations in Massachusetts reported: "At Hassanamisco are 5 families, unto whom James Printer stands related as teacher" (Rawson and Danforth 1809, 134). The visitation did not mention any of the other former Nipmuc praying towns of Worcester County, Massachusetts, or Windham County, Connecticut (Rawson and Danforth 1809, 129-134), although other evidence indicates that they were in existence. The position of James the Printer as teacher indicates that he may have been exercising some leadership functions at Hassanamisco as of 1698, but does not confirm it. The data does not show any connection between Hassanamisco and the other Nipmuc in Worcester County, Massachusetts, or Windham County, Connecticut, nor indicate that there was any common leadership for or coordination among the settlements. The evidence for the period from 1676 to 1698 is not sufficient in itself to meet 83.7(c) for Hassanamisco, but may be used in connection with other evidence to show the existence of named leaders, and of political influence or authority. The evidence for the period from 1676 to 1698 is not sufficient to suggest political influence or authority within a wider Nipmuc entity antecedent to petitioner #69A.

The claims under the Wampas deed were revived in 1702 (*Mass. Archives* 113:233; *Mass. Archives* 113; 319-322). On May 15, 1704, the Governor and General Assembly finally ratified the deed to land purchased of John Wampus in 1679 (Humes 1952, 37). The 1704 ratification reserved the Hassanamisco tract itself for the Indians, in accord with the 1686 agreement (see above). The second of the petitions submitted in 1702 was for erection of a township, but one paragraph specifically concerned purchase or reserve of "a tract of land 4 miles square commonly called Hassanemiscock, about 8 miles distant from Mendon, now in the possession of about 8 families of Indians . . . ." (*Mass. Archives* 113, 319-322). The second petition was not granted. These documents provided no data concerning the exercise of political authority or internal political influence among the Indians at Hassanamisco.

In connection with the military activities of Queen Anne's War, on April 21, 1704, the General Court issued an order that the Indians were not to go more than a mile outside the bounds of their respective plantations (*Mass Archives* 30, 493b; Melvoin 1989, 229). On July 12, 1706, the General Court ordered that the treasury advance subsistence for the "friendly Indians of Natick, Puncapog, and Hassanamisco who are confined to their plantations by order of the governor" (*Mass. Archives* 31, 11). The actions of the General Court show the existence of an entity at Hassanamisco, but do not provide any data concerning the exercise of political authority or influence within that entity.

In 1709, James the Printer, of Hassanamesit, published an Indian language psalter and the Gospel according to John (Place of Small Stones 25; no source citation; see also Mandell 1996,

57; citing Kellaway, New England Company, 240-41, 244; Mandell 1996 215n39). A scholar recently wrote that, "Printer died in 1712, leaving Hassanamisset without any obvious religious leader" (Mandell 1996, 36; citing Adam Winthrop, Boston, to Joseph Williams, London, 10 Nov. 1712, SPG ms. 7955, letter 19a; Mandell 1996, 212n45). This argument is not directly confirmed by the evidence, and possibly constituted an inference from the 1698 report that he held a position as teacher at Hassanamisco. Printer's publishing activity does not in itself provide any data concerning any leadership that he may have exercised at Hassanamisco.

In July of 1712, the New England Company's commissioners decided that the "miserable Condition of the Indians at Natick" could best be solved "by Suitable Encouragement to endeavour [*sic*] to bring the Indians from Punkapog, and Hassanamisco, and such other near adjacent places as may have Scattering Indians in them; unto a Cohabitation at Natick" (Mandell 1996, 57; citing Commissioners' Minutes 3 July 1712, SPG, ms. 7953; Mandell 1996, 215n43). In February 1713, the SPG commissioners again discussed a plan to combine the three Indian towns, but nothing resulted (Mandell 1996, 58). The actions of the Society for the Promotion of the Gospel show the existence of an entity at Hassanamisco, but do not provide any data concerning the exercise of political authority or influence within that entity.

From 1715 (*Journals of the House of Representatives of Massachusetts 1715-1717* 1919, 1:14, 60) to 1720, the House of Representatives of Massachusetts dealt with a sequence of land transactions, and proposed land transactions, by the Hassanamisco Indians (Earle Papers; *Journals of the House of Representatives of Massachusetts 1718-1720*, 1921, 140, 142, 361; Kawashima 1986; *Acts & Resolves* 9, 665; *Acts & Resolves* 12, 58-59; *Journals of the House of Representatives of Massachusetts 1721-1722*, 18, 140; *Journals of the House of Representatives of Massachusetts 1722-1723,* 1923, 58; *Acts & Resolves* 10, Chapter 231; Chapter 288; Mandell 1996; Place of Small Stones, n.d., 26.). Most of these transactions did not provide data concerning the exercise of political authority or influence. The only one that gave indication of it was the June 13, 1719, report on running the boundary between the Town of Sutton and the Indian plantation of Hassanamisco. A petition was presented by George Misco, Moses Printer, and Amy Printer, Jun. asking that the report not be accepted "inasmuch as it Intrenches upon the Indian plantation of Hassanamisco and takes away part of their improvement." There was a negative vote on the report (*Journals of the House of Representatives of Massachusetts 1718-1720,* 1821, 142; see also Kawashima 1986, 66, 264n86; *Acts & Resolves* 9, 665; *Acts & Resolves* 12, 58-59).

On June 5, 1725, a group of English colonists presented to the Massachusetts House of Representatives a petition to purchase the Indian lands at Hassanamisco that had been granted by the General Court in 1654. This was accompanied by a petition of the Indian proprietors requesting that they be allowed to sell (*Journals of the House of Representatives of Massachusetts 1724-1726* 1925, 29-30). On June 6, the House of Representatives did not concur in the petition, but ordered a committee "to repair to Hassanamisco, and discourse with the Indians there, and inform themselves, whether (as is represented) they are really desirous to dispose of their Lands, and if so, they carefully view the Land, and report to this Court at their

next Session, the Quality and Circumstances thereof, and who are the just Proprietors, in order to its being Sold (if this Court shall judge it fit) to such as will give most for it" (*Journals of the House of Representatives of Massachusetts 1724-1726* 1925, 33, 94, 126, 246). This transaction provides indirect evidence that there may have been leadership within the Hassanamisco community, but it is possible that the committee was intended to "discourse with" the proprietary families, independent of whether or not their members acted as community leaders. It is unfortunate that the actual committee report is not in the record.[162]

For some time, at least, the Hassanamisco participated in the legal affairs of Worcester County. In 1732, "[u]pon complaint of a Hassanamisco Indian widow, the Worcester Sessions Court in 1732 tried a Sutton man for selling strong drink to the Indians and duly fined him, accepting fully the testimony of the Indian widow" (Kawashima 1986, 83). In 1733, one of the adult Printer men was referred to as "the Rev. Mr. Printer of Hassanamisco" and invited to be present at the ordination of the new pastor of the joint Indian/white church at Chaugunagungamaug/ Dudley (Mandell 1986, 84). Toward the end of the 1730's, a dispute apparently arose concerning the obligations of the non-Indian landowners of Grafton under the original purchase agreement. The first indication was the May 30, 1739, petition of Samuel Chandler and others that Indian rights at Hassanamisco be upheld (*Mass. Archives* 113:736-738). This oddly antedated the petition that it apparently opposed, submitted December 26, 1739, requesting the transfer of the obligations to the Indians from the proprietors to the town (*Mass. Archives* 114:460-462). The death of Ami Printer (the "Rev. Mr. Printer" mentioned in 1733) in July 1741 (*Mass. Archives* 17:869) deprived the Hassanamisco group of its apparent leader. These materials provide background data pertaining to the continuing existence of an Indian group at Hassanamisco, but no specific information pertaining to political authority or influence within it.

In 1743, the Hassanamisco trustees, "called the legislature's attention to the Indians' 'Incapacity [and] also of the Indisposition to Act or contrive for their own benefit,' and urged the assembly 'to bring both their persons Lands & Moneys under some New & better Regulation'" (Mandell 1996, 144; citing *Mass. Archives* 31:455; Mandell 1996, 227n125; Earle Papers). The year following, on February 8, 1743/1744, the Indians at Grafton complained that they had "been kept out of our Interest Money almost Two years last past by which means we have been great Soufferours" (Mandell 1996, 146).[163] The petition also requested that the General Court appoint

[162]Another petition for liberty to purchase lands from the Indian proprietors at Hassanamisco was filed in May 1725 (*Mass. Archives* 113:673-676), and a third on June 3, 1726 (*Mass. Archives* 113:679-680). The act permitting white settlers to purchase 7,500 of the 8,000 acres of the reserved Hassanamisco lands was passed January 15, 1727 (*Mass. Archives* 113:746-748). Most of the legal technicalities were completed within the year 1727 (Earle Papers; *Mass. Archives* 113, 736-738; Suffolk County Registry of Deeds, Lib. 42, Folio 206; Pierce, History of Grafton, 1879). The process of allotting shares in the 500 acres still reserved to the Indian proprietary families continued through 1730. Seven families received shares on April 29, 1728 (Earle Papers).

[163]Petition requesting new guardians: Andrew-Abram/Abraham, Peter Larrnce, Moses Printer, Sarah Printer, Debora Mischo, Christian Mischo, Sara Robbins [with individualized marks] (*Mass. Archives* 31:476-477; also *Acts & Resolves* XIII: 1743/1744: chapter 227).

different trustees, preferably living closer to the settlement, so that the proprietary families could collect their annual interest payments without "such great expence of Time and Travel" (Mandell 1996, 148). The General Court did appoint a new set of trustees (Earle Papers; *Acts & Resolves* XIII: 1743/1744: Chapter 282). The petition indicates that the Hassanamisco Indians had sufficient internal political authority or influence to arrange for its composition and presentation.

The Hassanamisco trustees' or guardians' records for 1746-1785 (Earle Papers) focus almost entirely on individuals, families, and petitions for the sale of lands by individuals and families. While providing some background information concerning tribal continuity, they contain no data concerning political influence or authority under 83.7(c). The records indicated only two episodes of more general import than the distribution of proceeds from the funds. On July 17, 1764, Indian land boundaries of a 120-acre farm were renewed (Earle Papers). In April 1771, Ephraim Sherman, of Grafton, submitted a petition to the General Court which stated that the Indian population was greatly reduced, and there was only one male Indian left at Hassanamisco (*Mass. Archives* 33:535; Mandell 1996, 168). Sherman therefore requested that the Town might "take back part of the room in the meeting-house set aside for the Indians in 1740, as the Indians are steadily diminishing in number," which was authorized with limitations by the House of Representatives (*Mass. Archives* 33:525-526; *Journals of the House of Representatives of Massachusetts 1770-1771* 1978, 193, 229). An absence of leadership cannot be inferred from the minimal population of adult males, since the next petition's first signer was a woman.

The cessation of interest payments to the families holding shares in the Hassanamisco funds after 1772 led to the filing, on December 5, 1775, of "A Petition from the Indians in Grafton, praying for Relief" (*Journals of the House of Representatives of Massachusetts 1775-1776* 1972, 15; A Place of Small Stones n.d., 46; Nipmuc #69 Pet. Narr. 1984, 67).[164] The petition resulted in the appointment of new guardians (*Journals of the House of Representatives of Massachusetts 1775-1776* 1983, 210, 214-215). It indicates that there was sufficient internal authority or influence among the Hassanamisco Indians to arrange for its composition and presentation. The pre-Revolutionary documents meet 83.7(c) for Hassanamisco alone, but not for Hassanamisco in combination with Chaubunagungamaug, nor for the wider antecedents of petitioner #69A.

Additionally, for the 18th century through the end of the American Revolution, as described in the Historical Overview section, Hassanamisco itself had a documented settlement with the majority of its population residing there (excluding such acceptable exceptions as military

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[164]"On the petition of Elizabeth Sampson and others, Indian Inhabitants of Grafton, praying to be relieved respecting their Income by the Interest Money in the Hands of the Guardians of that Tribe; Resolved, that whereas the Hon. Artemas Ward, Esq; one of their present Guardians is necessarily employed in the Continental Army, and the others have neglected to relieve those Indians, it is become necessary that new Guardians should be appointed, who shall by such Appointment be vested with the same Power in all Matters respecting the Property of those Indians as the present Guardians have. Sent up for Concurrence" (*Journals of the House of Representatives of Massachusetts 1775-1776* 1983, 161).

Other petitions from this time period pertained to the rights of individuals or families (*Journals of the House of Representatives of Massachusetts 1776,* 1984, 9, 155; Earle Papers).

service). Therefore, Hassanamisco itself would meet 83.7(c) by carryover from 83.7(b)(2)(i). The same is true for Chaubunagungamaug (see proposed finding for petitioner #69B). However, the documentation does not indicate that for the two reservations in combination, or for the wider antecedents of the petitioner as a whole, a sufficient level of community existed in the 18th century to permit carryover from 83.7(b)(2) to 83.7(c).

1785-1869. On June 10, 1785, the Hassanamisco Indians resumed their complaints against the guardians, in the "Petition of the Indians of Hassanamisco, alias Grafton, to the General Court of the Commonwealth of Massachusetts now sitting in Boston" (Earle Papers). The petition indicates sufficient internal authority or influence to arrange for its composition and presentation and demonstrates that Hassanamisco, as an individual group, meets 83.7(c) for the 1780's. It does not provide documentation for the wider antecedents claimed by petitioner #69A.

While providing background data concerning the continuing existence of the reservation, the Hassanamisco trustees' records from 1790-1849 did not provide any evidence concerning political influence or authority within the Hassanamisco group under criterion 83.7(c).

On April 3, 1837, the Commonwealth of Massachusetts, House of Representatives produced a "Report of Special Committee of Legislature" on a petition of John Hector and others "describing themselves as descendants of the Hassanamisco Tribe of Indians" (Earle Papers). The report stated that the committee had not been: "furnished with any satisfactory evidence that the petitioners are the lineal heirs of those whose lands were granted to the English " and stated that it was " unwilling to propose an appropriation of money without being assured by proper testimony that it will not be bestowed on a race with scarcly [*sic*] a drop of red blood to be squandered uselessly, or substantially given for the relief of some municipal corporation from the charge of its pauper dependants," recommending that the petition be referred to next General Court. Signed by William Lincoln (Earle Papers). The Earle Papers contained only the report, but no copy of the original petition with signatures. The petitioner did not submit a copy of the petition, nor was one located by the BIA historian. Without a complete listing of the signatures, it was impossible for BIA researcher to analyze the validity of the report's comment on lack of evidence of lineal descent from the Hassanamisco proprietary families. However, John Hector, apparently the first signer, was without doubt a lineal descendant (see Nipmuc GTKY File, BAR). If a copy of this petition could be located, its contents might meet 83.7(c) for Hassanamisco for the 1837 date.

The 1849 *Briggs Report* provided no evidence concerning political influence or authority under 83.7(c). Descriptively, the commissioners commented: "Of course, this tribe has no separate schools, or preaching. Their children attend the public schools. They will soon undoubtedly lose their individuality and become merged in the general community" (*Briggs Report* 1849, 44).

A similar conclusion was reached by the 1861 *Earle Report*, which also provided no evidence concerning political influence or authority (*Earle Report* 1861, 100-101). The majority of the space in the report was devoted to critically detailing the handling of the funds by the trustees

over time (Earle Report 1861, 89-100). It did not name leaders, and specifically indicated that the tribe maintained no institutions, such as a church or a school, through which informal leadership might have been exercised.[165] Neither the *Briggs Report* nor the *Earle Report* provided information concerning connections between Hassanamisco and Dudley/Webster, nor between the reservation and off-reservation Nipmuc families. Similarly, the 1869 act, or detribalization legislation, provided no data concerning political influence or authority within the affected tribes (Massachusetts Act of Enfranchisement; Plane and Button 1993; Nipmuc #69 Pet. Narr. 1984, 95).

Petitions #69, #69A, and #69B have not presented documents reflecting the existence of internal political authority or influence within the group antecedent to the current petitioner from the beginning of the 19th century through the 1869 Act of Enfranchisement. BIA researchers located none in a survey of published documents, but have no way to ascertain whether there was, in fact, no positive unpublished documentation for this period, or whether the petitioners simply have not submitted such documentation as may exist.

1869-1970. Throughout this period, the information obtained concerning the surviving descendants of the Hassanamisco proprietary families indicated that the Commonwealth of Massachusetts did not deal with them as a tribal entity, but as individuals and families. Additionally, the evidence provided little indication that the various Hassanamisco family lines interacted with one another, or that they were maintaining tribal ties. Throughout this period, there is no evidence that any common political influence or authority was exercised between the Hassanamisco descendants and the Chaubunagungamaug descendants, nor any common political influence or authority was exercised within any wider Nipmuc entity antecedent to petitioner #69A.

The majority of the evidence for this period pertained to the Arnold/Cisco family.[166] As had been reported by Earle in 1861, the Cisco property consisted of part of the original Hassanamisco reservation at Grafton, being a small plot with a house, located on part of Brigham Hill, near Goddard Pond (now Lake Ripple), valued $600 to $700 (Nipmuc #69 Pet. Narr. 1984, 12).

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[165]"The Hassanamisco, Hassanamessett, or Grafton Indians, as they are variously called, and as known in the legislation of the State, are the descendants of the seven original proprietors of Hassanamisco, or Grafton, where they resided, and where each of the seven families had a reservation. Two or three of these original families have become extinct, and the descendants of some of the others, if any survive, cannot now be traced. At this time, one family only remains on the heritage of its fathers, and that family retains less than three acres, out of all their former domain. All the other families have left Grafton, and the greater number, following the current of emigration in that region, have settled in Worcester" (*Earle Report* 1861, 87-88).

[166]The records from this period collected and maintained by Sarah M. (Cisco) Sullivan and Zara CiscoeBrough consisted primarily of private family documents, such as the January 29, 1864, letter from Phidelia Clinton [Patience Fidelia (Arnold) Brown Clinton], at Springfield, to her sister at Grafton (Cisco Archives, Box 1), or the June 13, 1886, letter from Sarah M. (Arnold) Cisco to her daughter (Cisco Archives, Box 4).

This property is that which today continues to be identified as the Hassanamisco Reservation in Grafton.

Lucy Gimbee, descendant of one of the Hassanamisco proprietary families, was the direct ancestress of the Arnold/Cisco family. Individual descendants of Lucy Gimbee continued to petition the legislature for benefits, and on occasion did receive appropriations. The first group of these were dated prior to the 1869 act which extended citizenship to Massachusetts Indians.[167] The remainder of the annuity grants to Hassanamisco descendants occurred after 1887, continuing into the early 20th century, and included not only the Gimbee descendants (*Acts & Resolves* 1887; Nipmuc #69 Pet. Narr. 1984, 124-125, 128), but also members of the Gigger family (*Mass. Resolves* 1895, Chap. 95, Chap. 96; *Mass. Resolves* 1896, Chap. 28; *Mass. Resolves* 1908, Chap. 16; *Mass. Resolves* 1909; *Gardner News*, March 13, 1909) and Aletheah (Johns) Hazzard (*Mass. Resolves* 1898).

The 1984 petition cited several letters from the 1880's as indicating that there was a tribal organization which conducted regular elections (Nipmuc #69 Pet. Narr. 1984, 119-120).[168] No copies of these were submitted with either the 1984 petition or the 1987 supplement, nor did the

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[167]March 16, 1865, Resolve in favor of John Hector, a member of the Hassanamisco Tribe of Indians (*Acts and Resolves* Chap. 9; Nipmuc #69 Pet. Suppl. 1994, Ex.); 1865, petition of Samuel Ciscoe and others to legislature for compensation (Nipmuc #69 Pet. Narr. 1984, 74); resolve in favor of Samuel Ciscoe and others, members of the Hassanamisco Tribe of Indians, April 4, 1865 (*Acts and Resolves Passed by the General Court of Massachusetts* 1865, 678, Chapter 31; *Legislative Documents*, House 174, 1865); May 1, 1865, annual report of Henry Chapin, relative to his account with the Hassanamisco Indians (*Journal of the House* 321-322; Nipmuc #69 Pet. Suppl. 1994, Ex.; report May 5, 1865, *Journal of the House* 334-335).

In 1867, Sarah M. (Arnold) Cisco and her sister Patience Fidelia (Arnold) Clinton petitioned the General Court of the Commonwealth for a grant of $200 for repair of their house; guardian stated that the amount was excessive and $400 had already been spent on the house; petition was denied (Nipmuc #69 Pet. Narr. 1984, 124; citing correspondence of Herbert Donahue to Delia Cisco Hazzard, 30 April 1913; January 9, 1869, Sarah M. (Arnold) Cisco wrote to Esq. Slocomb, desiring him to write a petition "to draw more land as long as it is bounded by the river an set of on Brigham Hill for the Indians. As long as I claim to be a descendant of the Hassanamisco Tribe of Indians of Grafton and I have been informed that Sweny cannot hold this land close by me wich he bought of John Hecktor . . . ." (Nipmuc #69A Pet. Suppl.; Cisco Archives, Box 3).

[168]June 12, 1884, Sarah M. (Arnold) Cisco to daughter Delia Brown (Cisco): letter mentioning that one of the family who had been intending to come to Grafton for "election day" had recently died (Nipmuc #69 Pet. Narr. 1984, 119); 1885, letter from Sarah M. (Arnold) Cisco saying no election would be held that year (Nipmuc #69 Pet. Narr. 1984, 119); 1887, letter of Sarah M. (Arnold) Cisco saying there had been a large gathering of the tribe for election day; she was tired for looking after so many people (Nipmuc #69 Pet. Narr. 1987, 120). The 1984 petition also quoted later oral history information from Zara CiscoeBrough that:

> a central feature of the election process was the use of a special cake made of corn meal, honey, dried fruit, and maple syrup. It was cut into two-inch squares; when a particular motion or candidate was put before the assembled group, all eligible voters were offered the cake; to take a piece indicated a positive vote; to decline a piece indicated a negative vote; persons married to Nipmucs but not themselves Nipmuc were not eligible to vote (Nipmuc #69 Pet. Narr. 1984, 120).

BIA researcher locate copies in the extensive Cisco archival material submitted by petitioner #69A in 1997.

In 1904 January, Sarah M. Ciscoe wrote to the Department of the Interior advancing Hassanamisco claims to lands in the Grafton area (Nipmuc #69 Pet. Narr. 1984, 131). The response was that the Federal Government had neither record of nor obligation to the tribe (Nipmuc #69 Pet. Narr. 1984, 132).

In 1913, Delia Brown (Cisco) Green Holley Hazzard requested that the Legislature direct the Selectmen of the Town of Grafton to provide funds to restore the house at 80 Brigham Hill Road. The secretary to the Legislature, Frank J. Donahue, replied that the fund appropriated in 1867 had been completely spent by 1888, and the 1869 enfranchisement act had ended any such obligations (Nipmuc Pet. Narr. 1984, 125-126; Letter from Chief Clerk, Office of the Secretary, The Commonwealth of Massachusetts, 30 April 1913 (Cisco, Box 1)). In 1914, Delia (Cisco) Hazzard repeated request. State Auditor Frank H. Pope said such assistance could be granted only by the legislature, and referred to the Legislature's recent decision to grant an annuity in the amount of $150 per year to her brother, James Lemuel Cisco, payable to the Town of Grafton, to be expended for his benefit for the rest of his natural life (Nipmuc Pet. Narr. 1984, 126).

Aside from the census records and vital records, there was little evidence available concerning the activities of the families ancestral to today's #69A members who were not descendants of either the Hassanamisco proprietary families or the Dudley/Webster reservation during this period. A 1900 *Senate Hearing, New York and Rhode Island Indians, 1900* (Narragansett Pet. File, BAR), did contain a list of Massachusetts residents claiming to be Narragansett heirs, dated 5 August 1897. Some of the names pertained to #69A ancestors: Mrs. Angenette Goins, Mrs. Senetz Morris,[169] Joseph H. Johnson, Henry L. Dorous, Edith Vickers, Mr. Monroe J. Vickers, Mrs. Emma Vickers, Olin D. Vickers, Almon Vickers, Albert Vickers, Mr. James J. Johnson, Mrs. Hannah E. Louden, Mrs. Mary A. Johnson,[170] Edwin Vickers, Joseph Hazard, Mrs. A. Hazard, Mrs. C. Clash, Chandler Vickers, Mary Vickers, Sarah A. Davis (Hearing 1900, 110). Several descendants of these families also submitted Kansas Claims under the Brothertown Act of 1898 (NARA RG 75, Entries 903 and 904). The data located did not indicate any process of political influence or leadership which brought these families to submit these applications.

[169]Mrs. Sandy Morris (Susie Izanna (Arkless) Morris).

[170]She was a daughter of James J. and Mary Ann (Vickers) Johnson. Guion Miller summarized: Mary Ann Johnson, Worcester, Mass. . . Applicant is a Narragansett Indian born in Massachusetts in 1850. Claims through her mother who was a Narragansett Indian, born in Rhode Island. Grandparents were Narragansett and Mohegans, and resided in Rhode Island and Massachusetts (NARA RG 75, Entry 904, Guion Miller Report on Rejected Kansas Claims, #3329). Her husband, Alexander H. Johnson, identified himself as a Narragansett Indian, born at New Bedford, Massachusetts, and claiming through a Narragansett mother born at Charlestown, Rhode Island (NARA RG 75, entry 904, Guion Miller Report on Rejected Kansas Claims, #3330).

The petitioner submitted a number of records kept by Sarah Maria (Cisco) Sullivan pertaining to various Indian organizations and clubs to which she belonged. The earliest of these was the "Mohawk Club," organized in Worcester, Massachusetts, on May 30, 1914, at the home of Mr. and Mrs. Eugene Shepard. This club may have been part of the developing New England pan-Indian movement, as the minutes or the organizational meeting indicated that Mrs. Alfred M. Fuller and Mrs. Irene Brown of Providence "gave interesting talks concerning the Mohawk club in Providence."[171] The new organization elected as its officers: Sarah M. Cisco, president; Mrs. David Brown vice president; Miss A.L. Van Allen secretary; Miss Florence Shepard, assistant secretary; Mrs. George H. Siscoe, treasurer; and Mr. Eugene Shepard, reporter (Nipmuc Pet. #69A Suppl. 4/21/97).

Of these, Mrs. David Brown and Miss A.L. Van Allen have not been identified as having prior ties to Nipmuc families. The Shepard family were relatives of the second wife of Asa E. Hector (see above). Other members of the club identified in later minutes also have no known prior ties to the Nipmuc families, such as Miss Mary E. Lovett, Miss Florence Brown, Mrs. Green, Miss Elsie Johnson, Mr. Brown, and Miss A.M. Robinson[172] mentioned on June 4, 1914 (Nipmuc Pet. #69A Suppl. 4/21/97). The interests of the club did appear to have an Indian orientation as well as a general social orientation. During later meetings, while other Hassanamisco descendants and some Chaugunagungamaug descendants such as the Wilsons and Beldens were voted into membership, so were persons with no known ties to the Nipmuc families.[173]

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[171]The following undated list may pertain to the Providence organization, as none of the names overlapped with the remainder of Sarah M. Cisco's records: List of "Mohawk Club" members: Mrs. Irene Brown, Pres; Mrs. Wm. C. Gardner, Vice Pres; Miss Marion Gardner, Sec; Miss Marguerite Shepard Asst. Sec; Mrs. Martha Reason, Treas; Miss Olivia Holland, Miss Esther Lindsey, Miss Gertrude Lecount, Miss Marie Briggs, Miss Pauline Thorbes; Miss Irene Abrams, Miss Ethel Abrams, Miss Rachel Thomas, Mrs. Lillian Lewis, Mrs. Caroline Gardner, Mrs. Rosa Holland, Miss Morinne Nickles (Nipmuc Pet. #69A Suppl. 4/21/97).

[172]Listed on June 24 as Miss Susan A.M. Robinson.

[173]1914 June 24, Mohawk Club. The following joined the society: Hattie McKinley Anderson, Miss Susan A.M. Robinson; Mrs. Lena Wilson; Mrs. Sarah A. Jackson. The following Indian Work was suggested by members of the club .... July 1: Mr. Leslie Wilson taken into the society. "Indian names suggested by the various members: Wind Cloud, Hiawatha, Juanita & Minehaha." July 8, 1914: Mr. Walter Shepard taken in; Mrs. Lucinda Cummings name added to list of members as well as that of Mrs. George Brown. July 16, 1914: Miss Rose Nicins voted in; Mrs. Jessie Ciscoe Mays also voted in. July 14, 1914: it was decided to abandon the picnic to Nipmunck Park, and go instead on a private picnic to Lake Park. Aug. 5, 1914: the club decided to go to Providence on a clambake, upon the invitation of the Mohawk Club of that city. August 12, 1914: moved and seconded that we give up going on the track and go on the electric cars to Providence. August 19, 1914: Mr. Hazard, Mrs. Roberts and Mrs. Wilson were appointed a committee; next meeting at Mrs. Emma Roberts (Nipmuc Pet. #69A Suppl. 4/21/97).

1914, September 2: The following voted in: Mr. Howell Brooks, Mr. William Kennedy, Mr. George Stewart Jr., Miss Francis Schuyler & Mr. Leo Clyne. The following asked to be patronnesses of the Oct. 8th supper: Madam Ada Bell Griffin, Hannah Culley Brown, Mrs. Charles Brown, Mrs. Wm. Doughlas, Mrs. Wm. Kennard, Mrs. John Kennard, Mrs. Leslie Jones, Mrs. Benjamin Hawkins, Mrs. Ralph Potter, Mrs. Frank Wilson, Mrs. Peter Wilson, Mrs. Howard Wilson, Mrs. Herbert Wilson, Mrs. J.R. Brown, Mrs. Warren Hazzard, Mrs. Cora

The names associated with this organization did, however, come to include families such as Bates which had no prior association with the Nipmuc, but who would be involved in Nipmuc organizations in Worcester later, in the 1950's.[174] The organization continued essentially unchanged for the next few years.[175] The records contained no specific data to indicate as to why, in the 1920's, the name was changed to the "Nipmuc Club."

The [Algonquin] Indian Council of New England, which was particularly active from 1923 to 1926,[176] was formally organized on December 13, 1923, at Providence, Rhode Island (Nipmuc

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MacIntyre, Mrs. Benjamin Clough, Mrs. Charleston Lee, Mrs. R.T. Lee, Mrs. Elijah Laws, Mrs. Archibald Gunn, Mrs. Lillian Laws, Mrs. William Brooks, Mrs. James Belden, Mrs. John Anderson, Mrs. Nelson Scott, Mrs. Roswell Hazard, Mrs. Samuel Latham, Mrs. Louis Latham, Mrs. A.A. Nunally, Mrs. Felix Sams, Mrs. Joseph Small, Mrs. Herman Benners, Mrs. W.M. Coshburn, Mrs. Robert Tolson, Mrs. Hiram Geary, Miss Inez Thomas, Mrs. Isaac Perkins, Mrs. Edgar Jackson, Mrs. Nelson Harmon, Mrs. Ida Carey, Mrs. William Ringels (Nipmuc Pet. #69A Suppl. 4/21/97).

Mrs. Nelson Scott was possibly the wife of Agnes (Gimby) Scott's son, who had been born in 1890 (Worcester Vital Records 1890, 70). Mrs. Robert Tolson was the mother-in-law of Jennie (Johnson) Tolson, a Hemenway descendant. Mrs. Warren Hazzard was the wife of Roswell B. Hazzard's brother. The majority of the names listed, however, have no known connection, however remote, to previously identified Nipmuc families.

[174]1914 September 23: Mr. & Mrs. J.H. Brooks, Miss Catherine Cully and Mr. George E. Stewart signed their names for membership. Miss Emma Belden, Mr. Wm. Curliss, Mrs. Pegrum and Mrs. Pan Smith's names were brought in for membership.

1914? "Mohawk Club" in Worcester, MA. Members listed: Miss Sarah M. Ciscoe, George H. Ciscoe, Mrs. David Brown, Miss Anna L. Van Allen, Miss Mary E. Lovett, Eugene J. Shepard, Miss Florence M. Shepard, Mrs. Sarah Shepard, Hattie McKinly Anderson; Miss Susan A.M. Robinson; Mrs. Lena Wilson; Mrs. Sarah A. Jackson; Mrs. Lucinda B. Cummings, Mr. Amy Brown, Norman Hazard; Mrs. Emma J. Roberts; Mrs. Jenine Brooks; Mr. Howell Brooks; Miss Kathryne U. Cully; Mr. George E. Stewart; Mr. William Kennedy; f.C. Kennedy; Lottie B. Schuyler; Herbert A. Wilson; Mr. Raymond Jones; Rose M. Bates; Herbert A. Jackson (Nipmuc Pet. #69A Suppl. 4/21/97).

[175]May 7, 1916, Mohawk Club extends condolences upon death of Mary E. Lovett, a former member: signed: Sarah M. Ciscoe, Lula Van Allen, George H. Ciscoe, Mrs. Sarah Shepard, Eugene J. Shepard Jr.; Mr & Mrs. George Brown, Mrs. Howell Brooks, Mr. Fitzhugh Kennedy, William Kennedy, Raymond Jones, Mrs. Daniel Smith; February 21, 1917: New members voted into Mohawk club: Mr. Herbert A. Wilson, Mrs. L. Schuyler (Nipmuc Pet. #69A Suppl. 4/21/97).

[176]This was sometimes also called the Algonquin Council of New England, the Council of Native Indians of the New England Tribes of the Algonquin Nation, Council of the Indian Tribes of New England, or the New England Indian Council. For general background information on this topic, see Ann McMullen's "What's Wrong With This Picture?" (McMullen 1994). "In the 1920s, a number of non-academics were involved in researching Native New England history: Mathias Speiss (Connecticut), Thomas Bicknell (Rhode Island), Eva Butler (Connecticut), Fannie Eckstorm (Maine), and others . . . Thomas Bicknell, an amateur historian, began to organize a series of fifty to one hundred monuments to the Narragansetts in 1923 . . . Mathias Speiss forwarded Bicknell a letter he had received from a young Mohegan woman, Gladys Tantaquidgeon, suggesting a living memorial to help New England's Native people would be more appropriate . . . Bicknell immediately organized 'an Indian committee' to create a New England Indian Council, and sought advice from Frank Speck." Bicknell died in 1925 (McMullen 1994, 16). An August 4, 1924, letter from Sarah M. Cisco to Thomas Bicknell mentioned her attempt to draw up the family's history and referred to a recent visit of Frank Speck (Nipmuc #69 Pet. Narr. 1984, 141).

#69 Pet. Narr. 1984, 134), under the impetus of Thomas Bicknell. Bicknell's list of "tribal chiefs" included James Lemuel Ciscoe of the Hassanamiscos and John W. Braxton of the "Nipmucks" (Nipmuc #69 Pet. Narr. 1984, 135, 138).[177] This may be the source of the unverified assertion in the petition narrative that the Hassanamisco tribal council was formally constituted in 1923 (Nipmuc #69 Pet. Narr. 1984, 192). The "List of Hassanamiscos Still living" in the "Mohawk Club" records, dated December 13, 1923 (Nipmuc Pet. #69A Suppl. 4/21/1997), if the date is correct, may also have been associated with this initiative. The list was as follows:

Annie Barber a dec. [descendant of] Sarah Boston[178]
Agnes Gimby Scott[179]
Brown Girls x Mrs. Goldsbury[180]
Giggers & Hemanways Gardner
Beldings[181]

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[177]This was sometimes also called the Algonquin Council of New England, the Council of Native Indians of the New England Tribes of the Algonquin Nation, Council of the Indian Tribes of New England, or the New England Indian Council. For general background information on this topic, see Ann McMullen's article, "What's Wrong With This Picture?" (McMullen 1994). McMullen's discussion takes place in the context of her intent to, "use the development of the Indian Council of New England, a fraternal pan-Indian organization founded in Providence, Rhode Island in 1923, as a case study of the importance of regional culture studies and a view into mechanisms of cultural resurgence. Through a brief history of the Indian Council, its organization, and activities, I illustrate how New England's Native people reacted to dominary society--including race consciousness--using regional culture and pan-Indian symbols to gain local recognition" (McMullen 1994).

[178]She was actually a descendant of Andrew and Hannah (Comacher) Brown through their daughter Deborah Brown and granddaughter Elizabeth Brown. The confusion may have arisen because in 1865, Thomas and Elizabeth (Brown) Barber were sharing a household in Worcester, Massachusetts, with Gilbert and Sarah (Boston) Walker (MA State Archives, 1865 State Census Massachusetts, Reel #37, City of Worcester Ward #2, #444/647). A 1924 newspaper article also described her as a godchild of Sarah (Boston) Walker (Algonquin Indian Council Crowns Chief, *Worcester Daily Telegram* 6/30/1924 [hand-dated]), while an 1889 local history mentioned a friendship between Sarah Boston and Deborah Brown (Forbes 1889).

[179]She was a daughter of Edward and Laura (Reed) Gimby (see Nipmuc GTKY File, BAR). The precise genealogical connection of Edward Gimby to the Hassanamisco Gimby family has not yet been determined.

[180]See signatures on Sarah M. Cisco Sullivan's 1950 protest to the governor against the Nipmuc Council organized by William Moffitt: Martha Jane Brown - Hassnamisco of Worc.; Bernice Brown Goldsberry, " (Nipmuc #69A Suppl.). 1953 list by Sarah (Cisco) Sullivan: Agnes Scott whose Father was a Hassanamisco Indian lives at 25 Clayton St. 1st floor. On second floor at 25 Clayton St. lives Mable Hamilton whose Mother was a Hector. Direct descendant of John Hector half brother of Harry Arnold. I am especially proud of Mrs. Hamiltons [illegible]. Miss Brown and her sister Mrs. Goldsberry wife of Dr. Goldsberry. Miss . . . (Cisco Archives, Box 1).

[181]Carried on the Earle Report as descendants of the Dudley/Webster reservation.

Believe some Tonies[182]
Of Cisco & Arnold family
Jessie Mays & 2 daughters
Charles Clinton War Veteran Providence[183]
George H Cisco Mystic Conn 2 children
Mrs Cisco [Widow James L Cisco[184]
Samuel Croford Cisco
2 Sarahs (Nipmuc Pet. #69A Suppl. 4/21/1997).[185]

The establishment of the New England Algonquin Council by Bicknell was the direct incentive for the next development, the installation of James Lemuel Cisco as "Chief of the Hassanamisco Band" (for background, see *Worcester Telegram* 1/27/1924; Nipmuc #69 Pet. Narr. 1984, 141-142, 144; see also Tribe Guards Dwindling Domain in Grafton, Cisco Archives, Box 1). According to the newspaper report, on June 24, 1924, in the Grafton town hall, James Lemuel Ciscoe [*sic*], Worcester Street, "oldest living member of the Algonquin Indian Council of New England," was crowned "Big Chief" of the council. The article noted that he was a direct descendant of the Hassanamisco tribe, and that the event was attended by many townspeople as well as Indian descendants from all parts of Massachusetts and Rhode Island. The article mentioned his daughter Sarah Cisco, noting that he had four children, and also his sister as "Miss Delia Hazard." The program included a prayer by Hillman Mays, his son in law; a musical program by Emma and Anna Mays, granddaughters. The article stated that, "Miss Anne Barber, Worcester, a Godchild of Sarah Boston who was well known to the older residents of Grafton as one of the last pure blooded Indians in the town was seated on the stage" (Algonquin Indian Council Crowns Chief, *Worcester Daily Telegram* hand-dated 6/30/1924). An article from the Worcester paper on July 8, 1924, also reported the installation of James Lemuel Cisco, age 78,

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[182]Possibly a reference to the descendants of Augustus and Esther J. (Vickers) Toney, neither of whom was of Hassanamisco origin (see Nipmuc GTKY File, BAR). Augustus Toney was a collateral relative of two women who married Hassanamisco men, and in 1865 he was residing in the household of Gilbert and Sarah (Boston) Walker (MA State Archives, 1865 State Census Massachusetts, Reel #37, Worcester County, City of Worcester Ward #2, #444/647).

[183]Adopted son of Patience Fidelia (Arnold) Brown Clinton (see Nipmuc GTKY File, BAR).

[184]Emma J. (Ferris) Cisco, a Hassanamisco only by marriage (see Nipmuc GTKY File, BAR). This entry throws some doubt upon the date of the list as given in the Mohawk Club records, since this woman was not widowed until 1931.

[185]Sarah (Cisco) Sullivan compiled a very similar list of Hassanamisco descendants some years later: February 19, 1936, letter of Sarah M. (Cisco) to District Supervisor, Writers' Project, Mr. Bert J. Lowenburg. She is trying to write a history on the Hassanamisco Indians of Grafton. "the Hassanamisco Indians who left Grafton mostly did so to get a living somhow. Quite a few of them are living but are very scattered. Annie Barber of Worcester, Mabel Hamilton & her two Daughter, Fred Belding, the Giggers of Gardner, Brown Girls Worcester. Quite a few others scattered here and there. However some of our Family have always remained on this place . . . ." (Cisco Archives, Box 2).

as "big chief of the Algonquin Indian Council of New England" (To Be Crowned Big Chief, *Worcester Telegram* 7/8/1924). The *Evening Bulletin* of Providence, Rhode Island, on August 8, 1924, noted the recent elevation of James Cisco to "chief" at an event it described as "a gathering of other members of the Indian Council" (Nipmuc #69 Pet. Narr. 1984, 142).[186] All of the documentation pertaining to this 1924 installation of a "chief" stems from the Bicknell organization, and provides no evidence that political influence or authority was exercised within a continuing "Hassanamisco Band" as of the 1920's nor that there was such influence or authority extending to any wider Nipmuc entity antecedent to petitioner #69A.

The next body of data submitted by the petitioner pertained to activities at the "Cisco Homestead" (Hassanamisco Reservation, Grafton, Massachusetts). The first item, a newspaper article pertaining to plans under way for an "Indian Fair" to be held at the Hassanamisco Reservation on January 29, 1920, including an exhibition of Indian artifacts lent by Indians all over Worcester County, did antedate Bicknell's Algonquin Indian Council of New England (Nipmuc #69 Petition Narr. 1984, 130-131; citing *Worcester Telegram* 1/12/1920). The exhibits did not contain a copy of this article. The petition narrative also stated that in 1920, the Hassanamisco "election day" was moved to July 4 (Nipmuc #69 Pet. Narr. 1984, 119), again with no documentation for the statement.

From 1924 to the present, there has been an annual "pow-wow" or "Indian fair" on the Hassanamisco reservation every year except during World War II. These events have received regular newspaper coverage.[187] According to the petition, the Hassanamisco Nipmuc had an

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[186]See also an article concerning a "Grafton Powwow" which Bicknell attended (Planning for One Great Indian Nation, *Worcester Telegram*, Sunday magazine section, [c. 1924?]) and "Grafton conclave of a week ago," describing Lemuel Cisco's 78th birthday (Nipmuc #69 Pet. Suppl. 1994, Ex.); October 8, 1924, *The Evening Bulletin*, Providence, Rhode Island: "Descendants of New England Redskins Meet to Plan Spreading Their Organization Throughout Country." Photograph includes James Lemuel Cisco and his daughter Sarah M. Cisco (Nipmuc Pet. Narr. 1984, 136); October 12, 1924, Sarah Cisco to Bicknell re: pedigree of Gladys Tantaquidgeon (McMullen 1994, notes p. 4).

1925, photograph of Algonquin Indian Council, including James Lemuel Cisco, Sarah M. Cisco (Nipmuc #69 Pet. Narr. 1984, 137). Another copy of this photograph was annotated as including: Sarah Sullivan White flower Nipmuc, Ethel Blackstone Lewis Nipmuc, Lydia Dyer Willard Blackstone Nipmuc, Sarah Cisco Sullivan Nipmuc, Bessie Manning Wootanuskee Wampanoag-Gay Head, Minne Steele Narragansett, Clara Perry Peckham Nacomas Narragansett, Rebecca Willard Blackstone Tall Feather Nipmuc; James Cisco Nipmuc; Wild Horse Mashpee; Crazy Bull Sioux; Al Perry Stronghorse Narr; Ernest Onsley Rainbow Wampanoag, Frank Nichols "Chief Grey Eagle" Narragansett; William James High Eagle Wampanoag Mashpee-Gay Head, Leroy Perry Yellow Feather Wampanoag, Phil Peckham Narragansett; Ed Michaels "Chief Sunset" Narragansett.

1926, photograph of Algonquin Indian Council including James Lemuel Cisco, Sarah M. Cisco (Nipmuc #69 Pet. Narr. 1984, 143).

[187]July 4, 1925, flyer for "Hassonomisco Indian Celebration at Chief Lemuel Ciscoe's wigwam on Lake Ripple, North Grafton, Massachusetts." Committee: Miss Annie Barbour, President; Mrs. Jessie L. Mays, Vice President; Mrs. Agnes Scott, Assistant Treasurer; Mrs. Bertha Foreman, Secretary; Mrs. Lena Williams, Treasurer; Miss Sarah Cisco, Corresponding Secretary; July 5, 1925, "Grafton Scene of Gay Revelry by Indian Tribe," *Worcester Telegram*. It stated that the Indian reservation on Brigham Hill Road, home of Lemuel Cisco, "Chief of

annual meeting usually held in early July and an annual powwow usually held on the second Sunday in August (Nipmuc #69 Pet. Narr. 1984, 146). Some activities were also educational or commemorative in nature.[188]

The petition stated that Sarah M. (Cisco) Sullivan became "Hassanamisco sachem" in 1930, (Nipmuc Pet. Narr. 1984, 118),[189] but elsewhere gave 1931 as the death date of James Lemuel Cisco (Nipmuc Pet. Narr. 1984, 126). The genealogical documentation submitted by the petitioner gave the death date of James Lemuel Cisco as November 15, 1931, Worcester, Massachusetts.[190] Whether the date was 1930 or 1931, the petition documentation contained no evidence concerning any process by which Sarah Cisco may have been selected for such a position. Through the 1930's, most of the available documentation showed her acting on behalf of her immediate family and her own property[191] while the annual fairs on the reservation were

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the Hassanamisco tribe," was the site of a powwow, conducted partly in honor of his 80th birthday; there were several hundred guests (including from out of town, non-tribal members) (Nipmuc Pet. Narr. 1984, 144).

1926 May 21. 1926, the Hassanamisco . . . James L. Cisco at Grafton, birthday surprise; regular meeting; Mrs. Agnes Scott & Mrs. George Wilson; Mrs. Delia Hazzard; Mrs. Mays; Mrs. Williams; Mrs. A. Scott (Cisco Archives, Box 1); July 5, 1926: Hassanamisco Club, annual Pow Wow at the Cisco Homestead, Brigham Hill, Grafton, MA. Speakers, games, etc. Dinner for sale: salmon and peas, ham or corned beef, potato salad, rolls, dessert, iced tea, $1.00 per plate. Notes by Ethel Wilson mention this menu, Mrs. Webster, Mr. and Mrs. Hamilton (Cisco Archives, Box 1); 1926, unidentified newspaper article re: Grafton Indian reservation; it is an annual event of the tribe to hold a pow-wow at the reservation and this year over 500 Indians attended the celebration held on July 4 (Cisco Archives, Box 1).

August 14, 1929, "Hail to the Chief," *Worcester Telegram* (Nipmuc Pet. Narr. 1984, 144-145).

[188]March 9, 1928, Sarah Cisco of Grafton gives a talk on the history and customs of the Hassanamisco Indians to the Old Mendon Chapter, DAR and the Mendon Historical Society (Cisco Archives, Box 1).

[189]Possibly, but not clearly, referring to: "Last of the Grafton Indians," (*Worcester Sunday Telegram* 9/28/1930; no copy in petition documentation).

[190]Chief Cisco Dies in Grafton Home. Last of Hassanamisco Tribe of Indians Dead. Aged Indian, Last of Race, Succumbs at 85 (Unidentified newspaper obituary, one copy hand-dated 1931; other hand-dated and identified *Gazette*, 16 November 1931).

[191]Letter of Sarah M. Cisco Sullivan, "Corresponding Secretary," to Select Men and Officers of Grafton, Mrs. Frank H. Warren, c. 1930, concerning the reservation land, set aside in 1847 for Sarah Maria Arnold Cisco Cisco Archives, Box 1). See more extensive discussion under criterion 83.7(b).

November 6, 1934, Asst COIA sends copy of IRA to Sarah (Cisco) Sullivan, stating that it would not be practicable for the Office to extend relief to her and her daughter because they were under state jurisdiction (Cisco Archives, Box 2).

1937, petition to provide a $500 per year annuity to Sarah M. (Cisco) Sullivan and her daughter Zara introduced in the legislature; bore nearly 200 signatures of non-Indians in the Grafton area "on the basis that the State had despoiled their ancestors of their rightful property"; failed of passage (Nipmuc Pet. Narr. 1984, 126-127). Newspaper article (unidentified) hand-dated 8 December 1937 (Nipmuc Pet. #69A Suppl. 4/21/97).

1938, Sarah Maria Cisco Sullivan filed a claim with the Lake Quinsigamond Commission to all the land now covered by Lake Ripple in Grafton . . . (Sandrof 1948, 4).

depicted as open to the public.[192] From the 1940's through 1961, the evidence continued to be similar in nature: educational and civic events,[193] and Hassanamisco reservation events with intertribal, but not specifically Nipmuc, participation[194] that were open to the public (Program, Pow-Wow, Grafton, Mass., July 4, 1950; Indians will Gather in Reservation Area, *Worcester Gazette* 7/30/1957 Indian Day program 9/28/1957; Grafton Indian Fair Pushes Corn, unidentified newspaper article, hand-dated 7/7/1958; July 1-8, 1959, Indian Fair, Hassanamisco Reservation. Food will be on sale by Cisco Family group. Miss Anna Mays, Chairman; Hassanamisco Reservation, Indian Fair, flyer, July 2, 3, 4, 1960; Indians Open Annual Fair on Reservation in Grafton," *Worcester Daily Telegram.* 7/3/1960; Flyer, Indian Ceremonies at the Hassanamisco Indian Reservation, August 20-21, 1960, with numerous non-tribal names listed as participants; Margaret Lincoln, Hassanamisco Hoedown: Indians Hold Powwow in Grafton, *Worcester Daily Telegram.* 7/4/1961; see also the 1961 Hassanamisco Reservation schedule of events. Committee: "chief Painted Buffalo," Narragansett; "chief Jules One-Arrow,"[195] Cherokee; "chief Strong Horse," Pueblo-Narragansett; "chief Thunder Cloud," Catawba; Princess Zara, Hassanamisco-Narragansett; John Friendly Red Fox, adopted Narragansett).

For the period between 1949 and 1952, the petitioner submitted copies of miscellaneous correspondence between the National Algonquin Indian Council and Sarah Cisco Sullivan (Cisco Archives, Box 1; most of the letters photocopied with the signature missing off the bottom). The BIA did not locate any information concerning whether this represented a revival of activity on the part of the Bicknell organization of the 1920's or was a new organization with the same or similar name. A meeting of the Worcester County Department of the National Algonquin Indian Council of New England was held September 20, 1949 (Nipmuc Pet. #69A Suppl. 4/21/1997). At that date, Sarah (Cisco) Sullivan was a participant, for it was held at her

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[192]September 10, 1938, Hassanamisco Clambake; Hassanamisco Reservation -- Brigham Hill. Menu. Committee almost entirely non-Indian; Sarah M. Cisco Sullivan, Sarah M. Cisco Brough Indian Will Attend in Full Regalia.

The petition presented information concerning an August 8, 1940, "Indian Pow-Wow to Begin Aug. 31," *Putnam Patriot;* American Federation of Indians; on farm of Arthur Basto in Woodstock; held first the previous year. Indians from New York, Colorado, Massachusetts, Rhode Island, and Connecticut participated (Nipmuc Pet. #69B Pet. Suppl. 3/28/97). The article gave no indication of whether or not the Hassanamisco, or any other Nipmuc group, participated in this activity.

[193]c. 1944, photo, "Descendants of John Elliott's Praying Band," Nipmuc tribe; celebrating the 290 anniversary. Presented to your church by Sarah M. Cisco Sullivan.

[194]August 17-18, [1953?], Indian Fair to be held at Hassanamisco Reservation, Grafton, MA; celebrate Massachusetts Indian Day. Mrs. S.M. Cisco Sullivan. Worcester County Department of the National Algonquin Indian Council. Participants: United Association for Advancement of American Indians; Narragansett Indian Council; Nipmunck Indian Council of Worcester; National Congress of American Indians.

July 3, 4, 5, 1954, flyer, come and have fun at Indian Reservation, Grafton, Massachusetts; sponsored by the Worcester County Department of National Algonquin Council.

[195]Named in the 1961 by-laws of the Hassanamisco Reservation Foundation as Jules One-Arrow Heywood (Nipmuc Pet. 1984, Ex. 16).

house on the Hassanamisco Reservation. With the exception of Mrs. Sullivan's sister, Jessie (Cisco) Mays, the other participants were not Nipmuc.[196] At some point between September 20, 1949, and May 15, 1950, there was a split within this group. On that date, Sarah M. (Cisco) Sullivan wrote to Paul A. Dever, Governor of Massachusetts:

> Before any further damage may be done may we inform you that I, Sarah M. Cisco Sullivan and several other Indians of Worcester County did not know till today that William Moffitt, Jessie Mays and whoever else appeared before you at Boston requring a charter and acknowledging Mr. William Moffit as Sachem of the Nipmucks did not know or sanction any such Charter and do not acknowledge William Moffitt as any Sachem over us. I am Trustee of Old Indian Cemetery, elected in that office by 1232 people of the Town of Grafton . . . Had told William Moffit sometime ago I did not want him to use my name in any connected [*sic*] with that Council. I don't think my sister realized what she was doing . . . (Sullivan to Dever 5/15/1950; Cisco Archives, Box 1).

She listed as genuine Nipmuc descendants: Agnes L. Scott, age 80, Hassanamisco Indian, and Annie Barbour, age 84 years Hassanamisco Indian (Sullivan to Dever 5/15/1950; Cisco Archives, Box 1). The persons listed as among the charter members of the organization led by Moffitt, however, included her sister,[197] and other persons she had listed as Hassanamisco descendants at earlier dates (Nipmuc #69B Supplement 3/28/97).[198] On December 15, 1951, a meeting of the "Nipmuc Chapter" presented certificates to the two women that Sullivan had listed as "genuine" Nipmuc, Mrs. Agness [*sic*] Scott and Miss Annie Barbour, as well as to Clarence B. Smith (Cisco Archives, Box 1). On June 19, 1952, Mrs. Sullivan listed among her

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[196]Carl O. Bates ("Chief Sun Cloud"); Clarence B. Smith ("Chief Red Bird"), Lillian B. King (Bright Star), secretary; Mrs. Branchaud; Maurice D. Brooks (Swift Dove), treasurer; Mrs. Mays (Morning Star); Mr. Moffitt ("Chief Warring Pine"), Mrs. Moffett, Mr. Yates.

[197]Jessie (Cisco) Mays continued her affiliation with the organization headed by Moffitt at least until 1953: Nipmuc Chapter of Worcester, Inc.; affiliated with the Algonquin tribe of Rhode Island; will appear at the YWCA Fiesta; "Chief Tumbleweed"--Roswell W. Hazard--will head the group, assisted by Mrs. Walter H. Hamilton and Mrs. Jessie L. Mays (Indians also Will Assist, *Worcester Telegram* 2/12/1953; Nipmuc #69B Supplement 3/28/97).

[198]May 23, 1950, and June 20, 1950, newspaper articles re: chartering of Nipmuc organization in Worcester, MA. "William Alfred Moffitt, 7 Newport street, president; Jessie Louisa Mays, 38 Elliot street, treasurer; Lillian Brooks King, 59 Clayton street, secretary; Elizabeth Hazel Moffit, 7 Newport street, Mabel Idella Hamilton, 25 Clayton street, Roswell Hazard, 119 Fairhaven road, and George Monroe Wilson, 17 Orchard Street, directors." It indicated that William A. Moffitt had died during the week before June 20, 1950; his widow was Princes Warketa. Other members were Bright Star (Mrs. Lillian Brooks King); "Chief Tumbleweed" (Roswell W. [Webber] Hazard); Princess Morning Sun (Mrs. Jessie L. Mays); Princess Red Feather (Mrs. Walter J. Hamilton). With photograph in June 20 article (Nipmuc Tribe Revived, *Worcester Telegram* 6/21/1950; Nipmuc #69B Supplement 3/28/97).

"Group of Real Indians" some persons who had participated in the chartering of the chapter.[199] Mrs. Sullivan wrote:

> We do not wish to do wish to hurt [*sic*] any one or even their memory but have desided this Nipmuck Council might be doing us a lot of damage if we do not now let the State Oficialls know where we stand. Of coarse we could never allow Mrs. Moffitt over us. There are several More of us; but we are scattered over such a large Territory have desided it best to act at once (Sullivan 6/19/1952; Cisco Archives, Box 1). [spelling *sic*]

The documentation did not contain any specific information concerning a reconciliation between Mrs. Sullivan and the chartered organization, but the participation of the Worcester County chapter of the National Algonquin Indian Council in some of the Hassanamisco Indian fairs (see above) and other documentation from the mid-1950's (see footnote)[200] indicates that the conflict was in some way abated. The organization cannot, however, on the basis of the evidence in the record, be interpreted as having exercised any significant political influence or authority over either the Hassanamisco Nipmuc descendants, the Chaubunagungamaug Nipmuc descendants, or any wider Nipmuc group antecedent to petitioner #69A.

The petition noted that the Hassanamisco Reservation Foundation was formally established in 1961 and stated that the "by-laws of the Nipmuc Tribe, the first written document of its kind," provided for the election of tribal officers, regular business meetings, directives regarding the administration of tribal finances, the establishment of a library and museum for Indian artifacts, program for the development of traditional crafts; establishment of a scholarship fund to assist the education of members of the tribe (Nipmuc #69 Pet. Narr. 1984, 179). Later, the petition

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[199][Emma?] "Jane Brown, Hassanamisco of Worc.; Bernice Brown Goldsberry, Hassanamisco of Worcester; Carl O. Bates, Pequot & Mohegan, Worcester, MA; Harry E. Bates, Pequot & Morhegan, Worcester; Doris E. Bates, Pequot & Moheagan, Worcester; Clarence Bates Smith, Narragansett, Mohawk, Pequot; George M. Wilson, Pegans Nipmuck & Narragansett; William R. Yates; Blanche Bates, Pequot & Mohegan, Worcester, MA; George Lewis, Seminole" (Sullivan 6/19/1952; Cisco Archives, Box 1) [spelling *sic*].

[200]July 4, 1952, flyer, dinner, The Worcester County Department of National Algonquin Indian Council, with entertainment (Cisco, Archives, Box 3); July 12, 1956, letter, Roswell W. Hazzard ("Chief Tumble Weed") Acting Sachem and Elizabeth H. Moffitt (Princess Waketa) Squaw Sachem, The Nipmuck Indian Chapter of Worcester Massachusetts, Inc. to Mrs. Sarah Ciscoe Brough, 416 E. 65 Street, New York, NY: Your Aunt Jessie; "our group is affiliated with the National Algonquin Indian Council of Rhode Island," NCAI membership (Cisco Archives, Box 1); June 19, 1957, letter, Mrs. Mabel I. Hazard, Worcester, MA, to Sarah [Zara]: problems with the National Council of American Indians (Cisco Archives, Box 1); July 22, 1957, letter, Mrs. Mabel I. Hazard to Sarah [Zara]; didn't attend the recent meeting of the Nipmuck Indian Chapter but our Squaw Sachem Mrs. Elizabeth Moffitt read my minutes; glad to have you as a guest August 3; also agreed to attend the gathering to be held at the Reservation later in August (Cisco Archives, Box 1).

stated that the 1961 by-laws acknowledged the particular ownership of the Hassanamisco Reservation by members of the Cisco family (Nipmuc #69 Pet. Narr. 1984, 180-181).[201]

The presentation in the narrative petition was somewhat misleading, in that the document neither made reference to the existence of a Nipmuc Tribe nor represented an attempt to write by-laws for such an organization. The document itself is headed "Hassanamisco Reservation Foundation By--Laws" (Nipmuc #69 Pet. 1984, Ex. 16). Article I, Section A, specified that, "the working organization will be established as a Foundation known as Hassanamisco Reservation Foundation, headquarters being Hassanamisco Reservation---Grafton, Mass." (Nipmuc #69 Pet. 1984, Ex. 16).[202] The purposes involved arts and crafts, reservation programs, Indian museum, property and real-estate development, and a scholarship. Section C established a Cisco Family Fund as a trust fund that could be drawn upon "when medical or financial support is needed by any legal member of the Cisco Family," and the interest was "only to be drawn upon at the discretion of Family Members" (Nipmuc Pet. 1984, Ex. 16). Section D established a Cisco Monument Fund, and the remainder of the document was concerned with such items as the duties of the museum curator and arrangements for parking facilities (Nipmuc #69 Pet. 1984, Ex. 16). The Francis E Raymond scholarship was not for the benefit of members of the "Nipmuc Tribe," but rather for "Indian Scholarships of any nature deemed fit by the Committee" under

[201]The Nipmuc Nation council was still discussing the status of the Cisco property and heirs, as established by Zara CiscoeBrough in 1961 and 1978, as late as 1996. In a meeting of the Nipmuc Nation Tribal Council, April 11, 1996, the minutes indicated those present as Charles Hamilton, "Chief Natachaman" [Walter A. Vickers], Ray Cote, Don Gould, Ruth Bessette, Loving One [Lucyann "Dolly" Swenson], Moose [Edwin W. Morse Jr.], "Chief Wise Owl" [Edwin W. Morse Sr.], Pam Ellis, Conrad Luster, Running River [William W. Gould]. Guests: Kevin Quigley, Attorney; Sue Kessler, Secretary; Guy Conrad. The council members conducted the following discussion:

> Chief Natachaman [Walter A. Vickers]-- "Unfortunately, the legal heirs are the only ones that can live in the house. the legal heirs are the Cisco family. Tadd has gone to the Town Hall on that."
> Bill Gould [William W. Gould]-- "so in other words that reservation is limited to and excluding Nipmucs."
> . . .
> Bill Gould-- "Who are the Cisco's? Are they Nipmucs?"
> Moose [Edwin W. Morse Jr.]-- "Yes"
> Bill Gould-- "If they're Nipmucs, then that belongs to the Nipmuc Nation."
> Chief Natachaman-- "It was put in trust by Zara Cisco."
> Ron Henry [Ronald G. Henries Sr.]-- "Zara is not a Nipmuc, when you get to look at genealogy your going to see that. Your going to see a lot of things." (Nipmuc #69A Minutes 4/11/1996; Nipmuc Pet. #69B Suppl. June 1997).

[202]Article II, Section A, proved that "A Board of Directors will be established as consultants and will function only in that capacity as an Honorary Board" (Nipmuc #69 Pet. 1984, Ex. 16). The role of the board was very limited, for Article III, Section A, Paragraph 1 provided that "these By-Laws can be amended by vote of Board only with consent of the president and Chairman of Board" (Nipmuc #69 Pet. 1984, Ex. 16). Article II, Section B, provided that, "[t]he Cisco Family heirship rights prevail over all and it is understood that they may maintain and enforce their Family rights, except in financial matters which do not pertain to their direct property as previously established at this documented date" (Nipmuc Pet. 1984, Ex. 16).

Article III, Section F (Nipmuc #69 Pet. 984, Ex. 16). The officers were established as Zara Cisco Brough [*sic*], President, and Samuel C. Cisco, Vice President. The only other committee member who was Nipmuc was also a member of the Cisco family, namely Anna L. Mays on the Arts and Crafts Committee (Nipmuc #69 Pet. 1984, Ex. 16, [4]).

The year after the establishment of the Hassanamisco Reservation Foundation, in 1962, a longhouse was constructed on the Grafton reservation. It was dedicated in August (Nipmuc #69 Pet. Narr. 1984, 164-165). The petitioner submitted a photograph of 16 "tribal members" who attended this event, but provided no names (Nipmuc #69 Pet. Narr. 1984, 167). The petition also contained other unidentified photographs from the August 1962 powwow on the Grafton reservation (Nipmuc #69 Pet. Narr. 1984, 168-172). This was followed the next year by the dedication of the Hassanamisco Indian Museum on July 4 (1963 Summer Schedule, Hassanamisco Reservation Foundation). The petition stated that the same year, Sarah (Cisco) Sullivan died[203] and her daughter, Zara CiscoeBrough, was "blessed" as sachem (Nipmuc #69 Pet. Narr. 1984, 193). The petition provide no information on the persons by whom or the procedure by which Zara CiscoeBrough was chosen to fill the position.

For the remainder of the 1960's, most of the newspaper coverage pertained to the Indian fairs at Hassanamisco and to the museum.[204] The negotiations which took place from 1966 through 1968 concerning the preservation of Lake Ripple (Nipmuc #69 Pet. Narr. 1984, 177-179; Nipmuc #69 Pet. 1984, Ex. 15) were conducted in their capacity as landowners, not in the capacity of tribal leaders.

In 1969, the Bureau of Indian Affairs, United States Department of the Interior, wrote to Zara CiscoeBrough requesting data on the Hassanamisco Reservation (Nipmuc #69 Pet. Narr. 1984, 181-182). In her reply (see description above, under criterion 83.7(b)), she stated that : "our

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[203]Undated obituary, Sarah M. (Cisco) Sullivan (Cisco Archives, Box 1; Nipmuc #69A Pet. Suppl.).

[204]Indians Commemorate, *Worcester Daily Telegram* 8/12/1964; Roy Johnson, Could Use Money for Museum: Grafton Indians Not Paid for Land,*Boston Sunday Globe* 2/14/1965, 76-A; Stephen Claypole, Rare Rituals; Wedding Ceremony Highlights 3-Day Grafton Indian Fair, mentioning medicine man Owls Head, Chester Brown of Rhode Island; also "Chief Tumbleweed," Roswell Hazard of Boston ([*Worcester Telegram*] 7/5/1965).

July 7, 1965, newspaper article (partial) re: Grafton powwow, dedication of a plaque to "Princess Sweet Flower, deceased Chief of the Hassanamiscos and mother of the present chief, Princess White Flower" (Cisco Archives, Box 1); August 2, 1965, letter, R.W. Hazard to Zara CiscoeBrough: beadwork for her museum (Cisco Archives, Box 1); 1965, unidentified newspaper article, "3-Day Celebration on Grafton Reservation" by Barbara Rocco; Zara Ciscoe Brough, only occupant, one of the 20 remaining descendants of the Hassanamisco tribe (Cisco Archives, Box 1); 1966, Hassanamisco Reservation Schedule; Annual Events, Hassanamisco Indian Fair, *Grafton Daily News* 6/28/1967. Hassanamisco Indian Fair, The Blackstone Valley News-Tribune; July 1-3, 1967, flyer, annual Hassanamisco Indian Fair; 1968, listing of "Annual Indian Fair and Peace Council Committees" (Cisco Box 2); July 4-5, 1969, flyer, Indian Fair, Hassanamisco Reservation. "Chief Strong Horse," N. American Indian Club, Connecticut; "Chief Silva-Arrow" family, Shinnecock Res., Long Island; Princess Red Wing of Seven Crescents, Rhode Island; Princess Morning Star, Winnebago; Princess Tekkawitha, Narragansett; Princess Winona and Quequella, Androscogin, Maine; Princess White Flower - Hassanamisco - hostess.

original heirs to the reserve number about 20 but our 'second' family as we call them number 200 or more . . . Scattered from coast to coast it has been difficult to locate many of these people . . . We are now in contact with many of them . . . ." (Nipmuc #69 Pet. Narr. 1984, 182). The letter does not indicate that there was political influence or authority being exercised among a wider Nipmuc entity as of 1969.

Political Influence and Authority for the Period since 1970: Methodology. The approach taken by the BIA researchers to analyze the petitioner's political influence and authority since 1970 under the provisions of the directive (AS-IA 2/11/2000) has been parallel to that described above for criterion 83.7(b).

The Petitioner's Arguments. In 1984, the petition described the political organization and leadership of the Hassanamisco band as follows:

> The band council of the Hassanamesit is appointed by the chief in consultation, usually informally, with members of the band. Typically the chief appoints at least one member of each extended family to serve on the council as his advisor. In this way it is felt that all families will have adequate representation. Council members so serve until they die or relinquish their seats. Occasionally, disagreements will prompt a council member to resign. The chief is then empowered to appoint a replacement (Nipmuc #69 Pet. Resp. 1987, 8-9).

The petitioner provided no additional information or documentation, such as interviews with group members, to support these claims, and a subsequent submission presented a contradictory conclusion (Overview of Council Minutes -- Hassanamisco and Webster-Dudley; Nipmuc #69A Suppl. 6/1997). In 1987, the #69 petition stated concerning the larger umbrella organization that later became #69A: "The larger "Nipmuc Tribal Council has been composed of the two band chiefs; the sachem, who presides over all; and two additional representatives from each of the two band councils" (Nipmuc #69 Pet. Resp. 1987, 9). In the same discussion, the petition presented two statements about #69A leaders. The first was that Walter Vickers was "elected" as "chief for life." The second was that Zara CiscoeBrough claimed to be the current of an unbroken chain of sachems going back to James the Printer (Nipmuc #69 Pet. Resp. 1987, 9).[205]

The petition stated that there is an "annual August meeting at the reservation on Brigham Hill in Grafton." This meeting, he continued, "involves both bands." The first day, attendance is restricted to Nipmucs; the second day, the meeting is "open to the public" (Nipmuc #69 Pet. Resp. 1987, 7). The petition claimed that, at Hassanamesit, "Walter Vickers regularly convenes the band council" (Nipmuc #69 Pet. Resp. 1987, 7) and that these meetings, together with the annual August meeting in Grafton, are "supplemented by more informal gatherings" and that members at Hassanamesit attend the "weddings and funerals" of one another (Nipmuc #69 Pet.

[205]The evidence in the record indicated that Walter Vickers was appointed by Zara CiscoeBrough rather than elected. It contained no confirmation that Zara CiscoeBrough claimed an "unbroken" sachemship.

Resp. 1987, 7). Later, under the heading of present-day Nipmucs and the group as a whole, the petition referred to meetings in general and argued that the group's meetings were "frequent and well-attended" (Nipmuc #69 Pet. Resp. 1987, 10).

Finally, the petitioner provided analysis and arguments about the period since 1970 in a three-page document entitled "Overview of Council Minutes -- Hassanamisco and Webster-Dudley" (Nipmuc #69A Suppl. 6/1997). This document was accompanied by photocopies of minutes of council meetings.[206] As the title of the three-page document suggests, the document contained the petition researcher's analysis of the council meeting minutes. The first two pages are subtitled, "Hassanamisco," and present claims from what is termed "an initial review of the council minutes for the Hassanamisco Council." The third page is subtitled simply, "Webster-Dudley." The petitioner's analysis stated:

> there does not appears [*sic*] to be any formally organized council positions or elected council. Meetings are attended by members of the tribe though the meeting is not really presided over by any consistent individuals except for Zara Cisco Brough [*sic*] from 1969 to the early 1980's and Walter Vickers beginning in the early 1980's. Individual members do however take on special responsibilities, ie. Planning the annual fair, contact with state representatives (1/25/74; 1/12/80; 4/21/81; 1/22/83) (Overview of Council Minutes -- Hassanamisco and Webster-Dudley; Nipmuc #69A Suppl. 6/1997).[207] [footnote added]

The petitioner's analysis of the council minutes also contained a claim that "members of the Webster-Dudley group attended the Hassanamisco meetings until they instituted their own council in 1980 or 1981 (Overview of Council Minutes -- Hassanamisco and Webster-Dudley;

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[206]For a description, see below under "Major Documentary Sources."

[207]The minutes in the 1987 petition supplement confirm that there was no formally organized council positions or elected council. They also confirm that, except for Zara CiscoeBrough and Walter Vickers, the meetings were not presided over consistently by anyone other than Zara CiscoeBrough and later, Walter Vickers. Last, the minutes confirm that individual members took on "special responsibilities" during the four meetings cited by the petition researcher, meetings that span the years from 1974 to 1983. The minutes from these meetings show that 12 members took on special responsibilities. They were Anna Mays; Peter Silva, Sr.; David Silva; Horace Cisco; Mary Lou Will; Shelleigh Wilcox; George Wilson; Buster Richardson; Walter Vickers; "Mr. Warren;" Lois Wilcox, and Walter Bostic. In addition, two individuals who were listed as "Guests & Non-Members" on the attendance list of the meeting of January 12, 1980 could be said also to have taken on special responsibilities. They were Sue Goodman and Bonnie Woy. It should be noted that the minutes that, according to the petition researcher, were dated April 21, 1981 could not be located. The minutes that were dated April 20, 1981 were located, but these minutes did not show any members (or "Guests & Non-Members") taking on special responsibilities. In sum, the minutes of these meetings, together with the petitioner's analysis, provide evidence that each of the twelve members who took on special responsibilities during the meetings enjoyed a bilateral political relationship with the Nipmuc group at the time during which these meetings occurred.

Nipmuc #69A Suppl. 6/1997).[208] The document also made a series of claims about "issues" discussed during council meetings:

> It appears that the primary issues discussed at all of these council meetings were preparations for the annual fair and progress on the recognition project primarily under Dr. Reno. Other singular events includes [sic] a memorial for Zara in 1988, a re-interrment ceremony for Nipmuc skeletal remains, assisting individuals with tracing the Nipmuc heritage, tribal concerns such as housing and education bills (early 1980's) and discussions of council by-laws (Overview of Council Minutes -- Hassanamisco and Webster-Dudley, 2; Nipmuc #69A Suppl. 6/1997).

The major arguments presented by the petitioner will be addressed below in the evaluation.

Sources Reviewed for Evaluation of Petitioner #69A under Criterion 83.7(c) since 1970. The extant meeting minutes of the Hassanamisco Tribal Council begin in 1969 (Nipmuc Pet. #69A Tribal Office files). These minutes, together with a three-page document that was created by the petitioner, were submitted in June of 1997, and are discussed at some length elsewhere in this proposed finding. The earliest set of minutes was dated April 27, 1969. From the evidence submitted, the meetings do not appear to be frequent and regular until the late 1970's. The next earliest have a date that is nearly five years later (January 25, 1974) than the earliest minutes submitted, and the third earliest minutes have a date that is more than four years later (June 8, 1978) than the second earliest minutes submitted. It is after the June 8, 1978, meeting that the meeting minutes become more frequent and regular. Even so, there existed significant time periods for which no minutes of council meetings were submitted. The largest of these time periods was more than ten years: after the minutes of the meeting of November 11, 1985, there were no minutes of meetings submitted until the minutes of the meeting of February 2, 1996. Minutes from meetings held during this period may not exist: in the petition supplement (1987), the petition researcher declared that no minutes were being kept of the meetings of the "Hassanamisco Band Council."

The petitioner presented very little additional evidence that is pertinent to the question of whether the petitioner maintained political influence and authority over its members during the period since 1970. The evidence that it submitted included some letters, a number of newspaper clippings, and three videotapes (see descriptions of these above under criterion 83.7(b)). Almost no explanation or analysis accompanied these submissions. Accompanying these materials in the record are documents that were submitted by third parties, as well as documents that were located during BIA site visits. These were supplemented by audiotapes of the interview which the BIA anthropologist conducted with several leaders of petitioner #69A (see description above,

[208] A review of the council meeting minutes confirms this statement. The minutes did indeed indicate that Mr. Morse and members of his extended family, consisting of some of his sisters and their children and grandchildren, attended council meetings from the late 1970's, which is when Mr. Morse told BAR that he joined Zara's group, through early 1980's.

under criterion 83.7(b)). Little pertinent material for criterion 83.7(c) since 1970 was found in the audiotaped interviews, but it is possible that full transcriptions of the tapes would provide additional data.

BIA Definition of Crucial Questions. One crucial question for analysis of the political development of petitioner #69A since 1970 is its relation to the group now constituting petitioner #69B. For nearly twenty years of the period since 1970, Mr. Edwin Morse, Sr. and members of his extended family, consisting of some of his sisters and their children and grandchildren, were members of the joint petitioner (#69). Mr. Morse said that he joined Zara CiscoeBrough's group around 1977, and separated from them in 1996, when he and members of his extended family as was defined above, among other Nipmucks, decided to petition separately as #69B. Because the #69B group was part of #69 for so much of the period since 1970, an evaluation of whether #69B meets 83.7(c) for the modern period is not only relevant to itself, but also needs to be a part of the evaluation of whether #69A meets 83.7(c) for the period since 1970.[209]

In the #69B Proposed Finding, the #69B petitioner was encouraged to submit evidence to refute this suggestion that it was created as late as the late 1970's or early 1980's. This preliminary conclusion and the ability of the petitioner to refute it are significant. They are significant because 83.2(c) states, "Associations, organizations, corporations or groups of any character that have been formed in recent times may not be acknowledged under these regulations." For more detailed information about the conclusions that were drawn about whether #69B meets 83.7(c) for the period since 1970, the reader is referred to the #69B proposed finding.

Additionally, for the #69A petitioner, which was the #69 petitioner from the late 1970's to the mid-1990's, there exists some evidence that the officers and council did not maintain political influence or authority over a significant portion of the current petitioner's members.

Evaluation of the Petitioner's Political Authority and Influence since 1970 under Criterion 83.7(c).

1970's. During the first half of the 1970's, the newspaper reports, programs, and flyers for activities at the Hassanamisco Reservation did not show any more significant tribal activity than had been the case in the 1960's, either among the Hassanamisco descendants, between the Hassanamisco and the Dudley/Webster descendants, or among a wider Nipmuc entity antecedent

[209]The proposed finding for #69B concluded that the Nipmuck Council of Chaubunagungamaug did not meet 83.7(c) for the modern period. The primary problem with the #69B petition, particularly as regards an evaluation of whether the petitioner meets 83.7(c) during the period since 1970, was identified as the fact that the petitioner was a group that had been formed in recent times. In the discussion of whether #69B met criterion 83.7(c) for the period since 1970, the evidence in the record showed three things: 1) the Nipmuck Indian Council of Chaubunagungamaug was created in the late 1970's or early 1980's as a subgroup of a larger group (#69) and was created from members who, for the most part, had not been a part of any organized Nipmuc group until at least the 1970's; 2) it was founded by Mr. Edwin Morse, Sr. who subsequently declared himself "chief for life;" and 3) it became an independent entity (#69B) as late as the mid-1990's.

to petitioner #69A. than had been the case in the 1960's.[210] The committee for the Indian Fair listed for July 4-5, 1970 was in part non-Indian; the publicity committee was entirely non-Indian. Ann Mays was a Hassanamisco, and chairman of the food committee. As late as 1976, the activities of Zara CiscoeBrough also continued to be described primarily in the context of the reservation property itself.[211]

The petition narrative (Nipmuc #69 Pet. Narr. 1984) did not give a good overview of the transition that occurred in Nipmuc organizational structure and participation during the mid 1970's. On October 30, 1974, Governor Michael Dukakis appointed Zara CiscoeBrough as the Nipmuc Council representative on the newly established Massachusetts Commission on Indian Affairs.[212] The governor's subsequent July 8, 1976, proclamation stated, "WHEREAS, the Tribal Councils of the Nipmuc, Mashpee and the Gay Head Wampanoag Tribes are the recognized governing bodies respectively of the Nipmuc Tribe, the Mashpee Tribe, and the Gay Head Wampanoag Tribe, and exercise substantial governmental functions; . . . ." (Dukakis 1976; Nipmuc Pet. #69B Suppl. 2/28/1997, folder 1970). This proclamation specified that the reference pertained to the Hassanamisco Nipmuc Tribal Council (Dukakis 1976, 3). Dukakis appointed CiscoeBrough to a second term on May 1, 1978. The petition documentation includes only a small amount of data concerning the activities of the Massachusetts Commission on Indian Affairs. It is possible that its minutes and records would throw light on the evolution of the Nipmuc organizations from 1974 through the early 1980's.

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[210]1970, stamp-dated March 3, Zara Ciscoe Brough, letter to the editor, "The White Man's Pollution of Grafton;" July 4-5, 1970, Indian Fair, Hassanamisco Reservation. Publicity committee listed, all non-Indian. Indian food available under the direction of Ann Mays, Chairman; July 5, 1970, flyer, Indian Fair, Hassanamisco Reservation; 1642 Returns to Grafton for a Spell, *Worcester Daily Telegram* 7/6/1970.

Princess White Flower asks, 'what's wrong with beads and trinkets?', *Worcester Sunday Telegram* 6/6/1971.

1972, Grafton Town Hall, Office of Tax Assessor, identifies the Cisco property as "Commonwealth of Massachusetts Indian Reservation," tax-exempt (Nipmuc #69 Pet. Narr. 1984, 173). There was also a description of the Hassanamisco reservation in Whipple's *The Indian and the White Man in Massachusetts and Rhode Island* (Whipple 1974, 132-133).

July 1-4, 1973, Indian Fair, Hassanamisco Reservation, flyer.

July 7, 1974, Indian Fair, Hassanamisco Reservation.

July 5, 1975, flyer, Indian Fair, Hassanamisco Reservation.

[211]See also Lincoln R. McKie, Land Claim; Indian Sign On the City, 12/19/1976, unidentified newspaper article, [the author was identified as *Telegram* Staff], hand-dated 12/19/1976. It covered the views of Parks supt. Edward J. Struckus of Grafton in connection with the issue of the Gay Head claim on Martha's Vineyard, and included an interview with Zara Ciscoe Brough at the museum on the Hassanamisco Reservation, noting that she was serving on Massachusetts Commission on Indian Affairs.

[212]The following coverage appears to have been associated with this appointment: Sylvia Blickman, An Indian name well deserved, unidentified newspaper article 11/19/1974, re: Zara Ciscoe Brough; Grafton Woman Joins New Unit, *Worcester Gazette* 11/27/1974.

These two successive appointments provide evidence of the leadership of Ms. CiscoeBrough as a recognized spokesperson for and representative of Nipmucs, but the present level of documentation does not indicate that Zara CiscoeBrough was representing any group larger than that of the Cisco family members who were at that time the "Legal Heirs" of the Hassanamisco Reservation.[213] They do not, however, demonstrate that Ms. CiscoeBrough was actually speaking for or "representing" other Nipmucs (or a wider Nipmuc group). To meet 83.7(c), the petitioner must show not only that group leaders consider issues acted upon or actions taken to be of importance but also that most of a "membership" considers such issues acted upon or actions taken by leaders to be of importance. In sum, it must be demonstrated that there is a political connection between a leader and a membership.

At some point between 1974 and 1980, other Nipmuc descendants, in addition to the "Legal Heirs" of the Hassanamisco Reservation, began to participate more actively in the organization at Grafton. The minutes[214] of one meeting are entitled, "Joint Meeting: Legal Heirs of Hassanamisco, and the Nipmucs," dated May 14, 1977. They indicate that the meeting was organized by Zara CiscoeBrough and allude to the efforts of the group to obtain Grafton State Hospital land, organize a fair, establish an Indian Center in Worcester "for all the natives in the Worcester area," and respond to a recent article in a newspaper that was said to have stated that all Nipmucs were dead. The May 14, 1977, minutes contain a list of people who attended. Listed are Joseph (Walter) Vickers Jr.; Anna Mays; Sheila Cisco; Samuel Cisco; Charlie Richardson, Carol Palavra; Robin Palavra; Brent Palavra; Walter Vickers Sr.; Emma White; Marylou Willoughby; Lois Ann Wilcox; Horace Cisco; Lillian Wells; Charlie Hamilton; Carol Vickers; Robin Vickers; Pam Vickers; and Michelle Vickers. Several of these attendees were descended from Dudley/Webster Nipmuc families (Richardson and the Palavras), while the Vickers and Hamilton families represented an off-reservation Nipmuc line which had married

[213]For more detailed explanation of the meaning of the term "Legal Heirs" in regard to the 2 ½ acres of property at the Hassanamisco Reservation, consult the discussion of the petitioner's prior governing documents and prior membership lists. In using this terminology, the AS-IA is expressing no opinion concerning legal rights to the land.

[214]In regard to the question of whether the current petitioner (#69A) as a whole, including the Nipmuck Indian Council of Chaubunagungamaug, meets 83.7(c) for the 1970's, a major set of documents consists of the minutes from 1969 through 1979. The petitioner's analysis of these minutes consisted of only a three-page document of claims and general summaries which have very little bearing on the question of whether the petitioner meets 83.7(c) for the 1970's. The minutes provide some evidence that group leaders considered issues and took actions that they considered to be of importance. The minutes do not, however, show that most of the membership considered these issues and actions important. If the petitioner believes that it can use the minutes of meetings that took place during the 1970's to show that it meets 83.7(c) for the 1970's, it should provide additional analysis and argumentation. In preparing this, the petitioner should attempt to demonstrate clearly that most of the membership considered the issues and actions referenced in the minutes to be of importance. A political connection between leaders and the membership must be shown to have existed. The minutes may also indicate that group leaders undertook efforts to mobilize members and resources from members. To demonstrate that such efforts did indeed mobilize members and resources from members, the petitioner should provide additional material and documentation.

into the Dudley/Webster descendants. These minutes are the first document in evidence that shows a 20th-century participation in Nipmuc activities, on a political level, beyond the "Legal Heirs" of the Hassanamisco Reservation, *i.e.* the Cisco family itself. The Richardson family (Wilson/Pegan line) had associated with the Cisco family in Indian activities in Worcester since the early 20th century, but data concerning the procedure by which the Palavra family (Jaha line) and Vickers and Hamilton families (Curliss/Pegan line) came to attend this meeting of the Hassanamisco Council would be of use for understanding the petitioner's political development in the 1970's.

Most, if not all, of the nineteen attendees at the May 14, 1977, Hassanamisco Nipmuc Council meeting were, or still are, members of the petitioning group. Their attendance at this meeting, together with the implication in the document that they were working together with Ms. CiscoeBrough on the four separate projects mentioned above, suggest that these nineteen individuals may have established bilateral political relationships with Ms. CiscoeBrough's group. However, to clearly demonstrate that this was the case and that there was indeed knowledge, communication and involvement in political processes by these nineteen individuals, the petitioner needs to provide additional material and documentation.

Zara CiscoeBrough submitted a petition with the signatures of 37 members, with addresses, to the Governor of Massachusetts on September 2, 1977 (Nipmuc #69 Pet. Narr. 1984, 188). The signers included several members of the Vickers family, including Walter A. Vickers,[215] now leader of petitioner #69A, and additionally the signatures of Elizabeth R. (Henries) Morse and several of her children (including Edwin W. Morse, Sr., now leader of petitioner #69B) (Cisco Archives, Box 3). This petition is the first document in evidence that shows a 20th-century participation of the Sprague/Henries descent line from Dudley/Webster in Nipmuc activities on a political level. It related to July 13, 1977, proposal from the Nipmuc Tribal Council to the Massachusetts Department of Administration and Finance for 500 acres of the Grafton State Hospital (Nipmuc #69 Pet. Narr. 1984, 187).

Additional information concerning the initiation of and gathering of signatures for this petition might provide significant evidence of political process within a wider Nipmuc entity. The petitioner provided almost no information about the context of the September 1977 petition described above. The evidence in the record does not show whether Zara CiscoeBrough simply circulated this petition and invited almost anyone who supported such a project to sign his or her name. The minutes of the meeting of May 14, 1977, suggest that the nineteen individuals who attended the meeting may have been working together with Ms. CiscoeBrough to obtain the land which the petition requested. If this was the case, the petition document could provide evidence that the petition signatories had bilateral political relationships with Ms. CiscoeBrough's group and thus that there was a political connection between these Nipmucs and Ms. CiscoeBrough. It

[215]The evidence in the record does not show participation in Nipmuc affairs by the Vickers family prior to this petition. There is one flyer, dated August 15 (no year), stating: "Indian Fair, Hassanamisco Reservation. Food by Mays-Vickers."

would be useful for the petitioner to submit additional material and documentation to demonstrate show the existence of actual political processes in regard to the submission of this petition.

In January 1978, "By Laws, Hassanamisco Reservation, Grafton, Ma. 01519 Revised" were adopted (Nipmuc #69 Pet. Suppl. 1994, Ex.; By Laws 1978, unpaginated).[216] The "Forward of Purpose" indicated a generally cultural set of purposes for the organization, such as: "To show the native people the heritage of their ancestors and spread the knowledge to the strangers who came from other lands" and "that we in our niche shall become a part of history as people rather than a portrayal of savage aborigines" (By Laws 1978, [1]). Like the 1961 by-laws, these distinguished the legal rights of the Cisco family to the Hassanamisco Reservation property,[217] and made a clear distinction between Hassanamisco descendants and other Nipmuc.[218]

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[216]The copy submitted was signed at the bottom of each page by "Chief Matchaman" [Walter A. Vickers], Northboro, Massachusetts.

[217]Article I stated that a chairman, vice chairman, finance officer, secretary, recording secretary, and board of trustees "shall be appointed for lifetime offices" (By Laws 1978, [2]). Article II, "Legal Members (Trustees)," provided:

> Be it understood that Trustees (Directors) by so becoming are not entitled to legal rights to the Reservation, other than those Trustees who have Heirship Rights as actual Cisco (Printer) descendents [*sic*], namely as follows: Zara CiscoeBrough; Samuel C. Cisco; George H. Cisco; James W. Cisco; Emma White; Anna Mays; Michelle (Cisco) Titti; Lois Ann Wilcox, Michael Wilcox, Sheleigh Wilcox, Marylou Willoughby, William Willoughby Jr., Sheila Cisco, and their descendents [*sic*] (Nipmuc Pet. Suppl. 1994, Ex.; By Laws 1978, [2]).

Article XI, Section B stated:

> The Cisco Family (Printer) Heirship rights prevail and it is understood that they shall maintain and enforce their family rights except in financial matters which do not pertain to their direct property. Also to include only persons of Hassanamisco Blood and Tribal relationship (defined as tribal lineage and legal lineage, to enable them to carry on the Reservation as it now stands, in the event of the death or dis-interest of admitted legal heirs; and so that it will not revert to State or Town jurisdiction, but shall be maintained forever by the Hassanamisco Reservation Foundation (Trust) as a Memorial to the Hassanamisco Indian Tribe (By Laws 1978, [5]).

[218]Article III, "Board of Trustees (Directors)" specified that, "Each identifiable Hassanamisco shall function for Hassanamisco reservation under the adopted By Laws as follows":

> a. Hassanamisco Legal Heirs
> b. Hassanamisco Tribe (or Band)
> (1) Lifetime Officers
> (2) Trustees consist of all Hassanamisco over 18 (eighteen) years who so desire to serve in that capacity.
>
> Each of these people named above have 1 vote in Hassanamisco Affairs (By Laws 1978, [2]).

The petitioner presented a document which shows that the Board of Directors of the "Nipmuc-Hassanamisco Tribal Council" voted to have Zara CiscoeBrough and Anna M. Mays represent it at the National Conference on Indian Recognition, March 28-30, 1978.[219] This document is the earliest evidence in the record that shows a "tribal council" for the Hassanamisco as separate from the board of trustees of the foundation, and provides some evidence of political leadership and a functioning governing body for the Hassanamisco Band itself under the newly adopted 1978 by-laws. However, it does not show that petitioner #69A meets 83.7(c) for 1978 because the overall documentation in the record is not sufficient to show that the Hassanamisco Council maintained political influence or authority over a significant portion of the current petitioner's membership. The signers were members of the Hassanamisco Council rather than of a wider Nipmuc entity that included the future Chaubunagungamaug Nipmuck Council or any other representatives of a broader Nipmuc entity with which petitioner #69A now asserts continuity. The list of signers does indicate that by this date, Walter Vickers, now head of petitioner #69A, and his family were included in the Hassanamisco organization.

The record includes an agenda of a "special meeting of the Nipmuc Tribe" and indicates that the meeting took place on June 3, 1978, at Belmont Community School in Worcester, Massachusetts. Additional information or documentation about this meeting may help the petitioner show that it meets 83.7(c) for the late 1970's. In particular, the petitioner may wish to address the relationship of the June 3, 1978, meeting to the following document.

The record also contains a roster of attendees at a meeting that took place on June 8, 1978, and that was attended by 49 people, including Zara CiscoeBrough. While the roster does not identify the nature or type of the meeting, the separately submitted minutes indicate that it was a meeting of the Hassanamisco Nipmuc Tribal Council (Nipmuc Tribal Council, Hassanamisco Band,

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Articles IV-VIII covered the conduct of annual, regular, and special meetings. Article IX defined the procedure for committees, which "may be composed of Nipmuc Tribal Members, Hassanamisco Members, non-Indians or people who are natives of other tribes" (By Laws 1978, [4]). It did not establish any specific committees. Committee members were to be appointed by the Chairman of the Board, "nominated for a year or less," and have no voting power except in their particular committee. Article X set quorums for the annual meeting of the Board of Trustees as seven numbers, including the chairman; the quorum for special meetings as six members, including the chairman; and the quorum for regular meetings as 10 trustees, including the chairman (By Laws 1978, [4-5]). Article XI was headed "Laws and Finance." However, Section A covered amendments, providing, "That the By Laws can be amended only by vote of the Chairman and all Trustees" (By Laws 1978, [5]).

Article XI, Section C, provided for establishment of a Cisco Fund; Section D for the distribution of monies derived from reservation projects, and Section E for the establishment of a Hassanamisco Reservation Trust (By Laws 1978, [5]). Article XII, entitled "Future Planning," covered in its various sections arts and crafts, reservation programs and the museum, and future land use, including a library (By Laws 1978, [6-7]); Article XIII addressed the establishment of a Native American scholarship fund (By Laws 1978, [8]). The final page elaborated on some of the programs to be conducted by the Hassanamisco Reservation Trust.

[219]The individuals who signed this document include Anna M. Mays, George Cisco, Thula Cisco, Mary Willoughby, Lillian Viles, Joseph Vickers, Walter A. Vickers, Lois Ann Wilcox, and Emma L. White.

Minutes 6/8/1978). A number of members of the Morse family (now primarily affiliated with petitioner #69B) attended this meeting. This is the earliest evidence in the record concerning the Morse family's participation in the Nipmuc organization led by Zara CiscoeBrough. The 49 attendees were a significant portion of adults among the approximately 220 persons on the 1977/1979 membership list.[220] In 1979, Lucyann (Morse) Swenson was listed as a "regular member, absent" of the Hassanamisco Council (Nipmuc Tribal Council, Hassanamisco Band, Minutes 5/24/1979).[221] This evidence does not provide any data concerning political influence or authority exercised within the wider Nipmuc entity now claimed to have been antecedent to petitioner #69A, but only the participation of one extended family with Dudley/Webster antecedents, that of Edwin Morse Sr. If possible, the petitioner should supplement this set of minutes with documentation indicating that significantly more Nipmucs participated in the council meetings or in other gatherings of an organized Nipmuc group.

Although the evidence in the record is not clear, it appears that the expansion in participation during the late 1970's may have been to some extent connected to the question of eligibility to participate in the distribution of funds from the Boston Indian Council, upon which Zara CiscoeBrough was serving (Hopewell to CiscoeBrough; Cisco Archives, Box 3; Indian-Aid Programs Discontinued, unidentified newspaper article hand-dated 11/16/1979, Nipmuc #69B Pet. Suppl. 3/28/1997). These documents pertain to the distribution of Federal funding to two Worcester area programs. The nature of the "Boston Indian Council" and its possible connection to the Massachusetts Commission on Indian Affairs are not clear from the documentation in the record. There is no indication whether eligibility to receive this money was tied to membership in the Nipmuc Tribal Council, Hassanamisco Band. There is no indication that the distribution of these funds was shaped or designed by the wishes of the Nipmuc organization. In a follow-up to the 1977 petition (see above), a 1979 newspaper article stated that Zara CiscoeBrough was looking forward to the day when a portion of the old Grafton State Hospital land would house a "self-sufficient Indian community" (Grafton Indian Leader Sees Native American Commune, *Worcester Telegram*, 3/15/1979).

The petitioner provided almost no analysis of correspondence that is in the record to and from Zara CiscoeBrough for the 1970's. The review of this correspondence indicates that it may help the petitioner show that it meets 83.7(c) for part or all of this period. For example, in a letter from Ms. CiscoeBrough to "Lou" that is dated March 27, 1977, Ms. CiscoeBrough writes that

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[220]Although 49 persons was a significant portion of the adults in the 200+ member Nipmuc organization that existed from 1977-1984, this number would not show the breadth of participation of Nipmucs that would be expected of a group that now has more than 1,600 individuals on its membership list. The issue of the dramatic change in the nature of the petitioner's membership since 1989 is addressed under criteria 83.7(b) and 83.7(e).

For the 1977/1979 membership list, see also the discussion under criterion 83.7(e). Compiled by Zara CiscoeBrough, it made a distinctions among "legal heirs to the reservation," other Hassanamisco tribal members, and other Nipmuc.

[221]For documentation particularly focused upon the evolution of the Chaubunagungamaug or Dudley/Webster Band of Nipmuck Indians, see the proposed finding for petitioner #69B.

Mr. George Wilson "was our medicine man and in fact picked my Indian name." It is possible that this "medicine man" exerted a strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior, during the 1970's and other decades. If this was the case, the petitioner should make this argument and provide material and documentation to clearly demonstrate this.

Other correspondence that is in the record and that could also be used to show that the petitioner meets 83.7(c) for the 1970's is a set of letters addressed to Ms. CiscoeBrough. These letters ask for assistance, "Indian cards," and other things from Ms. CiscoeBrough. One letter is from "Darlene" to "Cousin Zara" and is dated August 19, 1977. Darlene identifies herself as a Dartmouth College student and asks Zara whether there are any "tribal monies" to help pay for her studies. Another letter is from Edith Hopewell and is dated April 21, 1978. Ms. Hopewell acknowledges receipt from Ms. CiscoeBrough of a $15.00 food voucher three years ago and requests additional assistance.

Partly because the letters suggest that Ms. CiscoeBrough distributed property such as scholarships, aid and "Indian cards," these letters suggest but by no means demonstrate that Ms. CiscoeBrough, as a Nipmuc leader, may have exerted a strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior, during the 1970's. If this was the case, the petitioner should provide the appropriate descriptions, analysis and documentation to clearly demonstrate this. Such a submission should be oriented toward demonstrating that the petitioner maintained political influence or authority over a great many Nipmucs, not just a few, if the petitioner maintained such influence or authority over any Nipmucs at all. It is important for this petitioner to demonstrate that the behavior of large numbers of Nipmucs was influenced or directed by Nipmuc leaders, or in this case perhaps only by Ms. CiscoeBrough, because the petitioner, unlike the group of approximately 220 persons recorded in the sources from the 1950's, is now made up of more than 1,600 members.

One way that the petitioner might be able to show that larger numbers of Nipmucs enjoyed a bilateral political relationship with Ms. CiscoeBrough's group during part or all of the period since 1970 is by expanding its treatment of "gatherings." The petitioner submitted a document that it had created for its petition, a table of documented events and gatherings at Hassanamesit Reservation, with selected documentation of the involvement of Nipmuc people. Table Six of this document covered the years from 1936 to 1997. In addition to other information that is not relevant to this discussion, the table lists in chronological order thirty gatherings that have taken place from 1977 to 1997 on the Hassanamisco Reservation.

Nearly all of the gatherings in the above document appear to be annual fairs. For example, each year from 1990 to 1997, only one event – "Annual Native American Indian Fair" – is listed. There is no evidence that such events, which were probably attended by many non-Nipmucs, were anything other than recreational. Only four of the gatherings during this period may have been more than recreational. These events took place in 1979 - 1982 and are labeled, "Tribal

Meeting - closed to the public," "constitution and by-laws signed by council chiefs," "Annual Meeting," and "meeting/election." Though the petitioner provided some analysis of council meetings, as was discussed elsewhere in this finding, the petitioner provided very little analysis of the above gatherings and fairs beyond arranging them in tabular form.

The petitioner needs to supplement the entries in this table with additional information and documentation. More specifically, the petitioner needs to show, for example, that the group was able to mobilize significant numbers of members for group purposes (e.g. for electing officers), that there existed widespread involvement in group political processes (e.g. through high voter turnout), and/or that most of the membership considered issues acted upon by group leaders to be of importance (e.g. through high levels of attendance at such meetings).

There exists some evidence that the Hassanamisco Nipmuc Council maintained limited political influence or authority over at least some of its members during some or all of the 1970's, and that the Nipmuck Indian Council of Chaubunagungamaug was organized and came to exercise some political influence or authority over its members during the last two years of the decade. This evidence, however, is also limited and is not sufficient to meet 83.7(c). The petitioner does not meet 83.7(c) for the 1970's.

1980's. In the April 22, 1980, letter of intent to petition for Federal acknowledgment, Zara CiscoeBrough signed "on behalf of the Nipmuc Tribal Council, Hassanamisco Reservation, Grafton, Massachusetts." The letter was co-signed by Ann Mays and Lois Wilcox, both also members of the Cisco family and Hassanamisco legal heirs (CiscoeBrough 4/22/1980.). It appears, in light of the May 24, 1979, minutes, that the Morse family was included in the Nipmuc Tribal Council at that date. It is not clear whether other Dudley/Webster Nipmuc descendants (aside from Pegan/Wilson) were, as of April 22, 1980, comprised within the definition of "Nipmuc Tribal Council, Hassanamisco Reservation." They were clearly so included by the time the documented petition was filed in 1984. The letter of intent provides evidence a Nipmuc group existed in 1980, but does not provide evidence that the group maintained political influence or authority over its members.

In the record was a set of at least four letters submitted by the other Nipmuc petitioner (#69B). At the time the letters were written, #69A and #69B were existing as a single group (#69). The first is a letter that is undated, but by internal evidence, it can be ascribed to July, 1982. It carries the return address of the leader of #69B. The second is a letter from Reno to Swenson that is dated July 14, 1982, and the third is a letter from Loving One (Womonausu) [Dolly Swenson] to "Mr. Lenny" that is dated July 18, 1982. Finally, there is a letter from Wilcox to Swenson dated April 30, 1985. These letters document the conflict between, on the one hand, one large extended family (the Morse family) and probably some other persons, and, on the other, what may have been the rest of the members of the petitioning group (#69). This conflict was resolved in part (and eventually) by the split of the original petitioning group (#69) into #69A and #69B. Nonetheless, together, these four letters provide evidence of the existence of

internal conflicts which show controversy over valued group goals, policies, processes and decisions. As such, they provide some evidence that the petitioner meets 83.7(c) for the 1980's.

Also in the record for the early 1980's is a mention made of an "Algonquin Indian School" that was claimed to have been started in 1981 at Providence, Rhode Island by "seven Algonquins." It was said that four of these Algonquins were Nipmucs. They were Little Crow (Ronald George Henries, Sr.), Spotted Eagle (Kenneth Brown), Little Star (Ruth Marie Bessette), and Loving One (Lucyann Swenson). Almost no additional information was received about this school. It was confirmed, however, that all four of the Nipmucs mentioned as founders of the school were members of the petitioning group. The evidence currently in the record indicates that this was an inter-tribal initiative rather than a project sponsored by the petitioner. The petitioner is encouraged to submit any information about the school that may be available if there is other data that would help demonstrate that it meets 83.7(c).

The petitioner submitted a 1981 letter to Zara CiscoeBrough from Edith Hopewell that provides some information concerning a developing rivalry between the group headed by Zara CiscoeBrough ant the Nipmuck Indian Council of Chaubunagungamaug, the predecessor of the current petitioner #69B (quoted above under criterion 83.7(b)). The statement that the new group met, "at their father's house," indicates that the organization being formed by Mr. Morse may have been comprised principally, if not exclusively, of his extended family (as the term was defined above). The petitioner did not provide any analysis of the above letter from Ms. Hopewell to Ms. CiscoeBrough. In the absence of this analysis and of any additional information concerning how the Hassanamisco Nipmuc Council responded, the letter does not provide evidence that the petitioner meets 83.7(c). The petitioner is invited to submit any and all information about the questions raised above about this document.

Shortly after the filing of the letter of intent, the Government received direct correspondence from Mrs. Edith Hopewell[222] opposing the activities of Edwin Morse[223] and Lucyann Swenson[224] in connection with the organization of the Chaubunagungamaug Band and their association with Zara CiscoeBrough during the prior three years (Hopewell to Federal Communications Commission, 8/9/1981; referred to BIA for reply) and indicating that her mother, "Elizabeth R. Henries," should be involved in the Federal acknowledgment process for the Nipmuc Indians (Hopewell to Dear Friend, 8/11/1981; Hopewell to Tribal Government Services, 10/9/1981). The BIA replied, indicating that Ms. Henries herself should contact the BIA directly if she

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[222]Sister of Edwin W. Morse, Sr. Mrs. Hopewell also used the names "Princess Half Moon" and "Yawampannamitt."

[223]Edwin W. Morse, Sr., also known as "Chief Wise Owl." He was a son of the Elizabeth R. Henries referred to in the Hopewell/Hayes correspondence: her married name was Elizabeth Rogers (Henries) Morse.

[224]Daughter of Edwin W. Morse, Sr. She is also known as Dolly Swenson, and as "Loving One."

wished to participate in the process (Hayes to Hopewell, 10/7/1981; Hayes to Hopewell, 11/16/1981).

The record contains a number of newspaper articles that pertain to the question of whether the petitioner maintained political influence or authority over its members during the 1980's. Almost all the papers were from towns in Massachusetts or Connecticut. The articles include references to activities and events organized by #69 or in which members of #69 participated, including powwows, food distributions, a film showing, and a parade. Though these newspaper articles do not demonstrate that the recorded activities encompassed most of the group, they do show that, during the 1980's, there existed activities that encompassed at least a portion of the group. As such, to varying degrees, the articles provide some evidence that a Nipmuc group was able to mobilize at least some members for group purposes, that at least some of the members considered issues acted upon or actions taken by group leaders to be of importance, and that there was at least some knowledge and communication between leaders, on the one hand, and members, on the other, during the 1980's.

One article is hand-dated December 22, 1981, and is unidentified. It is entitled, "Looking to the Past: Nipmucks Search for an Identity," by Felice J. Freyer. Freyer summarizes the Federal acknowledgment process and quotes from her interview with Dr. Stephen J. Reno, the #69 petition researcher. Among other things, Freyer reports that the Nipmucs' petition researcher told her: "Any anthropologist worth his salt will say the group (the Nipmuck tribe) has disappeared entirely" (Freyer 1981, 15; Nipmuc #69B Pet. Suppl. 3/28/1997). It is possible that Ms. Freyer or the editor of the publication misquoted the Nipmuc's researcher. In the 1984 narrative, Reno did not indicate that he found that the Nipmuc group had "disappeared entirely." As such, no conclusions can be drawn from this article about whether the petitioner meets 83.7(c) for the 1980's.

Another article entitled, "Fair Held on Reservation: Indian Heritage Celebrated" by Lorene Lamothe of the Telegram Staff, was unidentified and undated, but from its contents it seems to have been published in 1985. Lamothe claims that, at Grafton, about 800 Indians and non-Indians gathered at the Hassanamisco Reservation for the 31st annual American Indian Fair organized by the Nipmuc Indian Council. The author mentions, among other things, that attendees included "Chief Natachaman (the Hunter) of the Hassanamisco tribe aka Walter Vickers of Northboro; Joseph Vickers, his father; Anna Mays (Princess Sea Flower); Princess Winona of the Passamaquoddy Tribe; Princess Loving One, aka Dolly Swenson of Sutton, last year appointed by Gov. Michael S. Dukakis as commissioner on Indian affairs." This article suggests that in the mid-1980's, the petitioner may have had substantial attendance at events it sponsored. Without a list of people in attendance, however, the conclusion cannot be reached that any of the attendees beyond those specifically mentioned were members of the petitioning group. Without additional information about this event, this document does not provide evidence that the petitioner meets 83.7(c) for the 1980's.

The first of the two videotaped submissions that pertain to the 1980's is entitled "Nipmuck Indians" and is dated 1984. The tape reproduces a show that appeared on Worcester cable television. Nipmuc history and, less so, Nipmuc contemporary life are presented for a general audience. There is footage of the land that was donated to the #69B group in 1982, as well as short interviews with members of the group, and group events and activities. Not all persons who appear on the tape are identified, and thus cannot be confirmed as members of the petitioning group, whether now in #69A or #69B. The tape provides some evidence of individual political leadership and of a functioning Nipmuc governing body, but does not show that there is a political connection between the membership and leaders. It might provide evidence that petitioner #69 meets 83.7(c) for the mid-1980's if the petitioner addresses these problems. The petitioner might begin this work by creating a written narrative to accompany the tape.

The other videotape was simply labeled, "Wedding Chief Red Fox: Sept 19, 1988." From the tape, it is impossible to identify which individuals are the leaders of the petitioning group, with the exception of Edwin Morse, Jr., or even which are members of the group. Particularly since Nipmuc leaders have described their gatherings as open to the public and intertribal in nature (See Interview with Lucyann Swenson, 7/22/98), no conclusions can be drawn from this tape about whether the petitioner #69 exercised political influence or authority over its members, whether it may be by mobilizing significant numbers of members and significant resources from members for these gatherings; or by demonstrating that, through these gatherings, there exists widespread knowledge, communication and involvement in political processes by most of the membership. If the petitioner wishes to use this tape as evidence that it meets 83.7(c), it needs to provide a written narrative and analysis of the gathering that, at a minimum, identifies the individuals who appear on the tape.

There exists some evidence that #69B subgroup, which was a subgroup of #69 from the late 1970's to the mid-1990's, meets 83.7(c) for the 1980's (see the proposed finding for petitioner #69B). This evidence is not sufficient to conclude that the #69B subgroup in itself or as part of the larger group meets 83.7(c) for the 1980's.

The same can be said for the rest of the #69 group: though very limited evidence concerning criterion 83.7(c) for the 1980's is in the record, this evidence does not show that the petitioner meets 83.7(c) for the 1980's.

The 1990's. There was very little evidence in the record for petitioner #69A regarding criterion 83.7(c) for the 1990's. The evidence included, among other documents, various newspaper articles, records of meetings, minutes of council meetings, a videotape that was made by the petitioner, and copies of two newsletters entitled, *Nipmucspohke* and *Nipnet Notes*.

One of the newspaper articles in the record was published in 1992, and is entitled, "Nipmuc celebration to honor heritage: Event tomorrow on Worcester common," by Clive McFarlane. The article mentioned Thomas Doughton by name and noted that The Nipmuc Tribal

Acknowledgment Project (NTAP) reported that there "are now" about 2,000 people of "Nipmuc heritage" in the region, most of them living in Massachusetts, Connecticut and Rhode Island. To understand this article, it is critical that NTAP be reintroduced. This project, which was charged with preparing the Nipmuc petition for federal acknowledgment, was incorporated in 1989. As the petitioner submitted almost no information about NTAP, the BIA's understanding of the organization is quite limited. Furthermore, third party submissions and data from BIA interviews with #69A leaders produced conflicting information about NTAP.

The record contains several flyers published by NTAP which have a bearing on the question of whether the petitioner meets 83.7(c) for the 1990's. These flyers announced five meetings in three states to find Nipmuc descendants: in Providence, Rhode Island (August 22, 1990); Worcester, Massachusetts (December 15, 1990; June 25, 1990; and July 9, 1991); and Woodstock, Connecticut (September 18, 1990). The flyers probably were a continuation of what the 1984 petition described as "efforts to identify and bring into association 'lost' tribal members" (Nipmuc #69 Pet. Narr. 1984: 196). The flyers provide some evidence that NTAP tried to recruit Nipmucs from across New England for membership in the Nipmuc group or for other purposes. As the documents indicate, a goal of these meetings in Massachusetts, Rhode Island and Connecticut was to "find" Nipmuc descendants. This, of course, suggests that any and all of those who might be "found" through such a process would not previously have had a bilateral political relationship with the leadership of petitioner #69.

There is no evidence now in the record that permits a determination of whether the individuals who were located through such a process were or were not part of a Nipmuc entity. Nor can it be determined whether today there may exist a political connection between the individuals "located" during the early1990's and the current leadership of #69A. If the petitioner were to provide information about the relationship to the #69 of both the individuals who were located through NTAP's search for Nipmuc descendants and the members that it added in the 1990's, the additional data might permit such a determination.[225]

The McFarlane article does not explain the nature of the relationship between the "2,000 people of Nipmuc heritage," and petitioner #69 as it existed prior to the formation of NTAP in 1989. The petitioner did not submit any information to clarify this relationship. It is possible that a substantial portion of the persons of "Nipmuc heritage" had long since ceased to maintain tribal relations. In other words, there may not be any political connection at all between the leaders of #69 as it existed before 1989 and part or all of these people.

It is probable that at least some of the 2,000 individuals joined the petitioning group in the 1990's. The 1995 membership of #69 was much larger than the 1984 membership of #69; more than half of the 1,602 members on the 1997 membership list of #69A were not on the #69 membership list that was submitted in 1995 (see discussion under criterion 83.7(e)). However,

[225]For a possible basis for this numerical estimate, see the "1992 Nipmuc Census" compiled by NTAP and discussed under criterion 83.7(e).

without confirmation that the approximated number of 2,000 can be tied to the names listed on the "1992 Nipmuc Census," the McFarlane article does not provide usable evidence concerning criterion 83.7(c).

Among the documents that the petitioner submitted were notes of a meeting identified as the "Annual Nipmuk business meeting" at Friendly House in Worcester, Massachusetts. According to the notes, this meeting took place on November 24, 1991. It is indicated that 300 people attended the meeting. The notes do not indicate whether this was a NTAP meeting or a tribal meeting: thus they did not provide sufficient information to determine whether they provide evidence that the petitioner meets 83.7(c) for the 1990's. If the petitioner wishes to claim that the November 1991 meeting was indeed a #69 meeting, or a Hassanamisco Band meeting, it should provide additional information. If it can be shown that the meeting was a tribal meeting of a group antecedent to #69A, the high level of attendance might provide evidence that, during the early 1990's, much of the membership considered issues acted upon or actions taken by group leaders to be of importance, and/or that there was widespread knowledge, communication and involvement of #69A members in political processes. If the petitioner wishes to submit such material, it might focus on describing and documenting the specific ways by which the members who attended actually participated in the meeting.

In March of 1994, the BIA received an extensive letter concerning these internal disputes from three members (Swenson, Magos,[226] and Black Eagle Sun to Record [*sic*] 3/10/1994). In this letter, Ms. Swenson and Ms. Magos claimed that Mr. Morse's group (now #69B), Mr. Vickers's group (now #69A), and NTAP were "factions" of a larger Nipmuc group. One of the signers, Edwin W. Morse Sr.'s daughter Lucyann Swenson, a member of the Chaubunagungamaug Band council, joined in questioning the validity of the election of Edwin Morse or "Chief Wise Owl," but also maintained that Walter Vickers and Hassanamisco Band did not have a state-recognized council, while NTAP was not functioning in accordance with its own bylaws.[227] During this period, however, Morse and his family continued as members of the Nipmuc Nation council.[228]

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[226]Cheryl Magos is the editor of a newsletter for Nipmucs (*Nipmucspohke*) in which she has claimed that the newsletter is affiliated with neither group (see above).

[227]See also Dolly Loving One Swenson to "My Nipmuck Brothers and Sisters" 3/11/1994; registered mail to Attorney Virginia Baylon, Bruce Curless-Commissioner, Lucille Dawson-ANA, Charles Little Fox Hamilton, Ron Little Crow Henries, Edwin Red Fox Morse Jr., Edwin Wise Owl Morse Sr., Mr. Nelson and Mr. Conrad (Casino) Ms. Holly Record-Indian Affairs, BIA (Edwin W. Morse Sr. [Wise Owl] to Kay Davis, BIA 12/10/1994).

[228]Listing of Nipmuc Council, names, addresses, phone numbers; submitted by Cossingham: James Cossingham, Ray Cote, Bill Gould, Don Gould, Conrad Luster, Ruth Bessette, Ron Henries, Edwin Morse ("Chief Wise Owl"), Edwin Morse, Jr. ("Chief Red Fox"), Lucyann Swenson)("Dolly") (Loving One), Pam Ellis, Charles Hamilton ("Chief Little Fox"), Mary Ann Hendricks, Pam Vickers, Walter A. Vickers ("Chief Natachaman"); Law Offices of Alan, Scott, Herman 3/--/1995.

A newspaper article concerning the powwows are held every summer by the Hassanamisco Band (unidentified; enclosed in R. Henries to BIA 6/5/1995) stated that these events were opened up to the public in 1954[229] and raised funds to help maintain the 4-1/2 acre "reservation." The article reported that, for the 1995 powwow, the Full Circle Drum Society came up from Connecticut and that the "Nipmuc medicine man" was Ronald L. Messier.[230] The article is descriptive and does not provide evidence that the petitioner was able to mobilize significant numbers of members and significant resources from its members for the powwows.[231]

After the minutes of the meeting of November 11, 1985, there were no minutes of meetings submitted until the minutes of the meeting of February 2, 1996. Minutes from meetings held during this period may not exist. In the petition supplement (1987), the petition researcher declared that no minutes were being kept of the meetings of the "Hassanamisco Band Council." Thus, with respect to this submission of minutes, there is a period of only three years for the 1990's on which the petitioner can draw to show that it meets 83.7(c) after 1990. The claims and summaries that were provided by the petitioner have very little bearing on the 1990's. If the petitioner believes that it can use the minutes to show that it meets 83.7(c) for the 1990's, it should provide the required analysis and argumentation.[232]

The record contains copies of issues of newsletters for Nipmucs, *Nipmucspohke* and *Nipnet Notes*. *Nipnet Notes*, which appears to have begun publication in 1991, states that it is published by NTAP. Even so, it was probably sent to more than a few people who are now members of #69A. In one of the issues of *Nipmucspohke*, an issue that was undated but from its contents probably was published in 1997, the editor is identified as Cheryl Magos, and the city from

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[229]This is incorrect: they had been regularly open to the public since 1924.

[230]This surname has never appeared in the genealogical records or membership lists of petitioner #69, #69A, or #69B.

[231]If the petitioner was able to mobilize significant numbers of members for these events, it should provide documentation of the number of individuals who participated, including the names of those participants who were members of the petitioning group and how, specifically, these members participated (e.g. by helping advertise the event, by cooking, and/or by providing clean-up). If the petitioner was able to mobilize significant resources from members for these events, it should provide specific examples of how and for what purposes this was done. For example, the article mentions that the Full Circle Drum Society came up from Connecticut to play at the 1995 powwow. If the leaders of the petitioning group solicited donations from members to pay for the Drum Society to play during the powwow, the petitioner should describe and document this.

[232]In the interest of providing "road maps" to the petitioner, however, it should be pointed out that a review of the minutes indicated that group leaders considered issues and took actions that they regarded as important. The minutes do not, however, show that most of the membership considered these issues and actions important. In preparing its analysis and argumentation of these minutes, the petitioner should keep this in mind and provide evidence to demonstrate that most of the membership considered the issues and actions referenced in the minutes to be of importance. Similarly, the minutes may also indicate that group leaders undertook efforts to mobilize members and resources from members. To demonstrate that such efforts did indeed mobilize members and resources from members, the petitioner should provide the required additional material and documentation.

which the newsletter is sent out is identified as Branchburg, New Jersey.[233] The editor notes that the newsletter is not affiliated with #69A or #69B. Even so, this newsletter probably is sent to more than a few members of #69A. In the absence of any analysis of these newsletters by the petitioner,[234] as well as in the absence of any additional information about these newsletters, they do not provide evidence that the petitioner meets 83.7(c) for the 1990's.

In one copy of the newsletter, *Nipmucspohke*, which appears from its contents to have been published in 1997, there is a report that more than seventy Nipmucs attended the general meeting on June 14 at the Hassanamesit reservation in Grafton. At this meeting, it was announced that a Community Survey would be conducted to "fill in gaps between 1920 and 1970." It was also announced that the rolls of Hassanamesit, NTAP, and Chaubunagungamaug were combined. Membership on the "central roll" was alleged to be approximately 1,800. Almost no descriptions, particularly for the late 1990's, were received of the modern #69A group. Therefore, the accuracy of this description of events that was published in *Nipmucspohke* cannot be evaluated. The petitioner is strongly encouraged to submit such material and to explain, for example, the claim in this article that the "rolls" of three Nipmuc groups or organizations were combined.

BIA received a third party submission, consisting of a letter and enclosures, from Gordon Ward to Senator John Kerry that was dated August 23, 1999. The enclosure makes reference to a "duly announced meeting of the Nipmuc people at Grafton" where "the so-called Interim Tribal Council responded to demands from the people that a permanent government had to be elected." It was explained that the Nipmuc "fragmented over a number of years of various entities claiming to be the tribal government." A temporary solution to this problem/ issue, particularly in light of the requirement that Nipmucs affirm their desire to be on the membership list, was to fashion a provisional consent form saying not only that they wished to be on the membership list but also that they recognized the current government as the legitimate government until a permanent council could be elected. Sufficient information to evaluate the claims made in this submission was not received.

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[233]Information submitted by Ron Little Crow Henries, in 1995, together with copies of the newsletters themselves, indicate three things about *Nipmucspohke*: 1) the newsletter was started as late as 1994 and thus cannot provide evidence of whether the petitioner meets 83.7(c) prior to that date 2) the mailing list extends far beyond the boundaries of the petitioning group and thus the newsletter is of dubious value for evaluating the petitioner; and 3) the newsletter is not an instrument of the petitioning group.

[234]The petitioner provided almost no analysis of these newsletters. It is unlikely that these newsletters contain evidence that the petitioner has maintained political influence or authority over its members. If, however, the petitioner wishes to argue that it meets 83.7(c) through evidence that includes one or both of these publications, it could try to show, for example, that one or both of the newsletters mobilize members and significant resources from members. It could document how many members volunteer to write articles for the paper, provide funds to support it, and/or distribute copies to members. Alternatively, the petitioner could argue that one or both of the newsletters show that members are involved in political processes by identifying, for example, debates over group issues that might appear in successive issues of the paper.

It was impossible to evaluate whether the petitioner meets 83.7(c) for the late 1990's using the videotape submission by the petitioner entitled, "Homecoming 9/13 - 14/97. Nipmuc Nation - Grafton, MA." From the tape, it is impossible to identify which individuals are the leaders of #69A or even which are members of the group. Particularly since Nipmuc leaders have described their gatherings as open to the public and intertribal in nature (see Interview with Lucyann Swenson, 7/22/98), no conclusions can be drawn about whether the petitioner meets 83.7(c) from this submission.

The petitioner provided almost no information about its relationship to either #69B or to NTAP for the periods immediately before and after the decision of #69B to split from #69. Because bitter, faction-like conflicts can provide evidence that a group maintains political influence or authority over its members, the petitioner might choose to submit additional material concerning these controversies during the 1990's. For the period from 1990 to 1996, there exists some evidence of political influence and authority among the #69B subgroup, which was a subgroup of #69 from the late 1970's to 1996. This evidence is quite limited, however, and without additional material and documentation, the evidence is not sufficient to conclude that the #69B subgroup and/or the subgroup as part of the larger group meets 83.7(c) for this period (see also #69B PF).

The same can be said for the rest of the #69 group: though there exists some evidence of political influence for the period from 1990 to 1998, without additional material and documentation, this evidence is not sufficient to demonstrate that the #69B subgroup and/or the subgroup as part of the larger group meets 83.7(c) for this period. Because "a petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)), the petitioner does not meet 83.7(c) for the 1990's.

Summation. Evaluation of petitioner #69A under criterion 83.7(c) involves, in reality, the evaluation of three distinct entities: (1) the historical Hassanamisco Band; (2) a joint entity that existed between about 1978 and 1996 comprising descendants of the historical Hassanamisco Band, the descendants of the historical Chaubunagungamaug Band, and the descendants of some off-reservation Nipmuc families; and (3) the petitioner under its current definition, comprising all persons whom it considers to be of Nipmuc heritage.

Under (1), the evidence indicates that the historical Hassanamisco Band centered on the reservation at Grafton maintained internal political authority or influence to the end of the Revolutionary War through the carryover provisions of 83.7(b)(2). From 1790 to 1869, there was not sufficient evidence of political authority. Since 1869, the evidence indicates that the Cisco family, owners of the remaining "Hassanamisco reservation" property in Grafton, Massachusetts, existed primarily as a single extended family, with only occasional contact with descendants of other Hassanamisco proprietary families and without the exercise of significant political influence or authority among the descendants of the proprietary families, or between the descendants of the proprietary families and the descendants of the families on Earle's 1861 "Hassanamisco Supplementary" list.

Under (2), the evidence in the record indicates that from the late 1970's through 1996, the entity that was petitioner #69 has presented some evidence that there may have been some form of political influence and authority that extended to at least a limited portion of the group's membership, primarily those persons active under the leadership of Walter A. Vickers, on the one hand, and Edwin W. Morse, Sr., on the other hand. However, it has presented no evidence that this limited political influence or authority extended to the greatly increased membership that resulted from the activities of NTAP between 1989 and 1994. The evidence in the record does not show that there was any political influence or authority exercised among the group antecedent to Mr. Morse's organization from 1891 to the late 1970's (see proposed finding for petitioner #69B), or that from the late 19th century to the late 1970's, there was significant political influence or authority that comprehended both the Hassanamisco and the Chaubunagungamaug descendants.

Under (3), the record does not indicate that from colonial times to the present, any significant political influence or authority has been exercised among the entirety of the wider body of descendants of the colonial Nipmuc bands as a whole – this is what petitioner #69A, as of 1997, defines as the historical tribe from which it claims continuity.

Therefore, petitioner #69A does not meet criterion 83.7(c).

83.7(d) A copy of the group's present governing document, including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.

For a discussion of the Chaubunagungamaug Band governing documents, see the proposed finding for petition #69B. The portions pertinent to the joint enrollment history of petitioner #69A are repeated below under criterion 83.7(e).

Prior Governing Documents. In regard to prior governing documents of the Hassanamisco Band, for the Hassanamisco Reservation Foundation, established 1961, and the 1978 Hassanamisco Reservation Foundation By-laws, see the discussion above under criterion 83.7(c). The petition narrative stated that the "special status of the Cisco family" was affirmed by a set of 1979 By-laws of the Nipmuc Tribe (Nipmuc #69 Pet. Narr. 1984, 181). None of the petition submissions by #69, #69A, or #69B included a governing document of this date or title. It is possible that the reference represented a confusion with the 1978 By Laws of the Hassanamisco Reservation Foundation discussed above.

On November 21, 1983, both Walter A. Vickers and Edwin Morse, Sr. signed a "Governing Document of the Nipmuc Tribe" (Nipmuc #69 Pet. 1984, 220-220b). There is no indication that it was adopted by vote of the membership of either the Hassanamisco Band or the Chaubunagungamaug Band, nor did the document contain any provision for ratification. Article I, Name, stated: "The name of this organization is the Nipmuc Tribe (or Nation) consisting of a number of bands or clans of Indian people who have produced evidence of genealogical relationship to a family or ancestor known to be Nipmuc Indian" (Nipmuc #69 Pet. 1984, 220). The purpose of the organization was listed in the body of the document, under "Governing Structure," as:

> To preserve and promote the traditions, culture, and spiritual awareness of our ancestors.
>
> To restore pride and help bury the falsehoods and negative images that society and various media have fostered upon us.
>
> To assist the Nipmuc Indian in achieving a measure of economic and social self-sufficiency.
>
> To develop, recommend and support legislation concerning programs and policies that will best serve the Nipmuc Tribe (or Nation) and its members (Nipmuc #69 Pet. 1984, 220a, Article IV, Section 3).

It included Article II, Membership (discussed under criterion 83.7(e) under enrollment provisions); Article III, Meetings; Article IV, Governing Structure; and Article V, Revisions. It provided for an annual meeting with 10 days written advance notice, established any 15 members in attendance at a meeting as a quorum, established voting qualifications, prohibited proxy voting, and stated that "registration or identification cards" would be issued for "eligible members" (Nipmuc #69 Pet. 1984, 220a, Article III, Section 6).

Article IV, Section 1, stated that: "The governing structure of the Nipmuc Tribe (or Nation) shall be called the Tribal Council and shall consist of at least two (2) and not more than four (4) members from each band or clan whenever possible" (Nipmuc #69 Pet. 1984, 220a, Article IV, Section 1). Section 2 provided that a person eligible for membership on the Tribal Council "is one who is listed on the Tribal Roll of the band or clan that he/she is representing" and required that documented proof of "Indian ancestry" be presented to the Tribal Council (Nipmuc #69 Pet. 1984, 220a, Article IV, Section 2). It assigned all administrative and financial duties to the Tribal Council (Section 4), required that it meet at least once a month (Section 5) and constituted a majority of the council members attending any meeting as a quorum (Section 6). Each council member was entitled to one vote and there was to be no proxy voting (Section 7). Section 8 stated that, "Council members may be removed from the Tribal Council by their respective band or clan," and stated that such removal would not prohibit the remainder of the Council from proceeding with business (Nipmuc #69 Pet. 1984, 220a-220b). Article V provided that the constitution could be revised by a 2/3 vote of the Tribal Council at any regular or special

meeting, providing that 2/3 of the council members then in office were present, and that a copy of the revision had been furnished to each council member at least ten days before the meeting (Nipmuc #69 Pet. 1984, 200b).

The document did not name the "bands or clans" from which tribal council members were to be chosen, nor did it specify any mode for nominating the council members--whether it would be done at the annual meeting, or whether candidates would be chosen in advance by the bands. It did not determine the total number of council members. It did not provide for council officers, nor did it mention the idea of a tribal sachem as coordinator between the heads of the two bands as mentioned in the petition narrative (Nipmuc #69 Pet. 1984, 196-197). Apparently, while election to the council would be made by the overall membership at the annual meeting, each band could unilaterally remove one of its own members who had been elected to the council without input from the organization as a whole. There was no provision for consulting the general membership in regard to amendments.

Current Governing Document (NTAP "Constitution of the Nipmuc Nation," 1993; Nipmuc Pet. #69A Suppl. 1/21/1997, Attachment C). In the #69A supplementary submission of January 21, 1997, the cover letter to Attachment A stated: "This Constitution was voted on by members of the Nipmuc Nation, on February 21, 1993. Please note both Chief Wise Owl and Chief Walter Vickers approved this process and voting on this referenced date. See back pages" (Nipmuc Pet. #69A Suppl. 1/21/1997, Attachment A Cover Letter). The two back pages consisted of photocopies of ballots No. 25 and No. 146 (absentee), the first signed "Chief Wise Owl" and the second signed "Chief Matachaman Walter A Vickers." The cover letter indicated that Attachment C also contained "Certification of governing documents" (Luster to DeMarce n.d., [1], Nipmuc Pet. #69A Suppl. 1/21/1997), but no council certification of this constitution as the current effective governing document was included with the submission, the "certification" consisting only of embossing the seal of the Nipmuc Nation Tribal Office on each page of the printed constitution.

After the submission by #69A of a different constitution in October 1996 (see discussion below), a copy of the 1993 constitution, signed by the Nipmuc Nation Tribal Council, was enclosed in a mailing to the BIA dated May 2, 1997, received May 6, 1997 (Luster to DeMarce 5/2/1997). The signing consisted only of signatures on the last page of a copy of the constitution. There was no statement of certification and the signatures were undated. Signers were: Raymond Cote, Ronald G. Henries, Conrad L. Luster, Walter A. Vickers. Donald R. Gould, Running River [William W. Gould], Charles O. Hamilton, Pamela A. Ellis, and Pamela J. Vickers.

Exclusive of the cover page, the 1993 constitution is a ten-page document (pages unnumbered) consisting of a preamble and Section I, Tribal Membership; Section II, Tribal Government; Section III, Tribal Council Duties; Section IV, Ordinances and Resolutions; Section V, Voting; Section VI, Amendments. The preamble stated that the constitution was adopted ". . . to preserve the heritage of our ancestors, promote justice and safeguard our interest, secure lands

and resources, undertake economic and social development, and otherwise promote the self-sufficiency of our Tribe" (Nipmuc Nation Constitution 1993, [1]).

The provisions of Section I, Tribal Membership, are discussed under criterion 83.7(e). Section II defines the elective offices as Tribal Sachem, Tribal Council Chairperson, Tribal Vice Chairperson, and 13 Tribal Council members, to be "elected by the qualified voters of the Nipmuc nation" for two-year terms. "Candidates for the elective offices of the Nipmuc Nation shall be qualified members of the Nipmuc Nation and be nominated and seconded at a regular meeting immediately preceding the election to have their names placed on the ballot" (Constitution of the Nipmuc Nation 1993, [2], Section II.A, II.B).[235] The provisions of Section II also included election procedures (Paragraph B), an oath of office (Paragraph D), the filling of vacancies (Paragraph E), and resignations and removal from office (Paragraphs G and H). Further provisions specified the duties of the Tribal Sachem (Paragraph I) and the duties and procedures of the Tribal Council (Paragraph J; also Section III, Paragraphs A and B) (Constitution of the Nipmuc Nation 1993, [2-6]).

Section III, Paragraph C, provided for the election of a Tribal Clerk by the Tribal Council and prescribes the duties of the office; Paragraph D likewise for the election and duties of the Tribal Council Treasurer (Constitution of the Nipmuc Nation 1993, [6-7].

Section V establishes election procedures (Paragraph A) and defines qualified voters (Paragraph B), establishing a registration procedure (Paragraph C). It prohibits proxy voting (Paragraph D) and provides for the registration of shut-in or absentee voters (Paragraphs E and G) and absentee voting (Paragraphs F and H-K) (Constitution of the Nipmuc Nation 1993, [7-9]). For amendment procedures, Section VI provides, in full:

> This Constitution may be amended by a vote of twenty-three (23) of the Nations [*sic*] members present at a regular or special meeting called for that purpose providing:
>
> a) the meeting and the proposed changes have been warned by a notice sent to each member at least 10 days before the date of the meeting. A notice postmarked by U.S. mail shall be sufficient proof of notification.

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[235] In a letter to the BIA dated October 26, 1996, Walter A. Vickers described a system of representation quite different from this provision in the 1993 constitution:

> We would like to explain to you how the present Nipmuc Nation Tribal Council was seated. This council consists of representatives of the Nipmuc people based on the historical clan system. That is, the members of the present council represent their respective clans, their extended families having given them representational authority (Vickers to Reckord 10/26/1996, [2]).

> B) a quorum of the enfranchised members of the Nipmuc Nation be present at such meeting. For the purpose of this section, five percent (5%) of the enfranchised members of the Nipmuc Nation shall constitute a quorum (Constitution of the Nipmuc Nation 1993, [10]).

This provision, as written, provides that the constitution may be amended by a vote of 23 members, if a quorum is present at a properly called meeting. Strictly interpreted, this provision would mean that a vote of 23 members to amend would carry an amendment, even if the 23 constituted a minority of those voting.

As indicated above, at one point in the petitioning process, since the division between petitioner #69A and petitioner #69B in May 1996, the current petitioner, #69A, submitted a different governing document from that which had been adopted by the joint group under NTAP auspices in 1993. On October 26, 1996, Walter A. Vickers wrote to the BIA that, "We would like to give you a brief overview of the political process of the Nipmuc Nation that has culminated in the governing council of the Nipmuc Nation as well as the drafting of the enclosed certified governing document of the Nipmuc Nation" (Vickers to Reckord 10/26/1996).[236] A certification that accompanied the two enclosed copies of the 7-page "Constitution of the Nipmuc Nation" stated, "This document has been accepted by the Nipmuc Nation Tribal Council on October 28, 1996 and is certified to be the functioning governing document of the Nipmuc Nation" (Nipmuc Pet. #69A Suppl. 10/30/1996). The certification of one copy was signed by Running River, Wm. W. Gould; Charles A. Hamilton, Ronald G. Henries, James H. Cossingham, Conrad L. Luster, Pamela J. Vickers, Donald F. Gould, and Walter A. Vickers; the certification of the second copy was also signed by Pamela A. Ellis. In the October 26, 1996, letter, Vickers wrote:

> There have been several governing documents (Constitutions) that have been used by the Nipmuc Nation since approximately 1982. However, these documents had not heretofore been satisfactory documents in respect to representing all of the people (Vickers to Reckord 10/26/1996, [1]).
>
> On this date, the above situation has been remedied. A constitutional committee was formed for the purpose of drafting a new Constitution that would be a document representing the entire Nipmuc Nation, including all of the various bands and clans as well as the small number of members of the Nation who do not reside in the historic homelands of the Nipmuc. This committee consisted of

[236]The structure of this document included a preamble stating the purpose. Article 1 stated in its entirety that, "The Nipmuc Nation is the entity representing all individuals of Nipmuc heritage as defined within the Constitution." Article 2 defined the constitution; Article 3 established the principal place of business; Article 4 covered the duties and powers of the Nipmuc Nation Tribal Council. Article 5 discussed the tribal council: composition, eligibility, terms of office, council officers, duties and responsibilities of officers, vacancies and removal, and meetings. Article 6. Membership will be discussed below criterion 83.7(e). Article 7 covered meetings; article 8, amendments, article 9, recall, and article 10, severability (Constitution of the Nipmuc Nation 1996).

> individuals who were both members and non-members of the present Nipmuc Nation Tribal Council. Representatives from bands including, but not limited to, Hassanamesit, Chaubunagungamaug, Natick, and Quinsigamond were actively involved in the revamping of the Constitution (Vickers to Reckord 10/26/1996, [1]).

Vickers did not identify the names of the individuals who served on the committee that drafted the constitution certified on October 28, 1996. He did state that petitioner #69A proposed to hold a tribal constitutional convention within six months to one year from the date of his letter, which would consider recommendations for additions to or revamping of the constitution, ratification of the "Constitution of the Nipmuc Nation," determine the number of representatives necessary for each geographical area based on the "Homeland Model of Representation that has been adopted,"[237] and prepare for the election of a council under the new constitution (Vickers to Reckord 10/26/1996, [1-2]).

The subsequent #69A supplement received by the BIA on January 21, 1997, re-submitted the 1993 Constitution of the Nipmuc Nation, discussed above, as the "certified" governing document, but without a certification signed by the council members. The BIA wrote to Walter A. Vickers requesting clarification of the situation (Reckord to Vickers 2/7/1997). On April 29, 1997, the Nipmuc Nation's designated contact for BIA researchers replied:

> 4. You also requested clarification on the Constitution. You have the Constitution prepared in 1992 [*sic*] which is the approved document. The revised draft sent to you in October 1996 — intended to update to current realities — was never ratified and was sent erroneously, prior to doing so. Again, we will have Council members sign this 1992 [*sic*] document and forward the original to you (Luster to Reckord 4/29/1997).

The copy of the 1993 constitution signed by the #69A council was enclosed in a letter dated May 2, 1997 (Luster to DeMarce 5/2/1997).

The petitioner meets criterion 83.7(d).

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[237]Article 5. Nipmuc Nation Tribal Council, Section 1. Composition stated:

> A homeland model will be used to determine representation. The Nipmuc Nation Tribal Council shall be composed of at least fifteen (15) and not more than twenty-one (21) men and women who are duly elected by the members of the Nipmuc Nation who are at 18 years of age [*sic*] or older. These individuals are "Voting Members", [*sic*] as referred to in this Constitution. Included in the total number of council members will be one (1) person who will represent all Nipmuc children, both Nipmuc residential and non-Nipmuc residential; one (1) person representing those Nipmuc people living outside the homeland; and one (1) person representing all Nipmuc Elders (Constitution of the Nipmuc Nation 1996, 2).

83.7(e)(1) **The petitioner's 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.**

83.7(e)(2) **The petitioner must provide an official membership list, separately certified by the group's governing body, of all known current members of the group. This list must include each member's full name (including maiden name), date of birth, and current residential address. The petitioner must also provide a copy of each available former list of members based on the group's own defined criteria, as well as a statement describing the circumstances surrounding the preparation of the current list and, insofar as possible, the circumstances surrounding the preparation of former lists.**

Evaluation under 83.7(e)(2). This subsection surveys the membership eligibility criteria and the membership and enrollment history of petitioner #69 from 1978 through 1996, and the membership and enrollment history of petitioner #69A from 1996 through June 1998. For a survey of these issues in greater detail, see the draft technical report prepared for petitioner #69A. The BIA genealogist began work on petitions #69A and #69B, incorporating prior submissions by petitioner #69, in 1997, prior to the January 7, 2000, directive changing procedures for handling petitions for Federal acknowledgment (AS-IA 2/7/2000). Because of the 20-year span of time covered by the various membership lists, the split within the petitioner, and the issue of overlapping enrollments, the BIA researcher prepared a database on Nipmuc membership which contained a listing of every individual who appeared on any of the lists submitted by the petitioner, whether or not on either of the current lists. In addition to name, maiden name, other prior names, names of parents, address, birth date, and ancestral family line claimed, the database contained a space for the identification number on each membership on which the individual had appeared (1977/1979, 1981, 1992 Nipmuc Census, 1995 (including the 1994 sample list), 1996 #69A, 1996 #69B, 1997 #69A, 1997 #69B), enabling an overview of each person's membership history. In order to eliminate duplicates, the database was correlated several times by such fields as date of birth and maiden name. In order to determine ancestral line for as many persons as possible, it was also correlated by residential address in order to ascribe children to the same line as the parent.

Eligibility Criteria 1977-1987. The 1978 Hassanamisco Reservation Foundation By Laws discussed under criterion 83.7(c) (By Laws 1978) made reference to "identified Hassanamisco" but provided no de:inition of how such persons were to be identified or documented. For the provisions in the 1981 [Chaubunagungamaug] Nipmuck Indian Council By-Laws (Nipmuc Response 1994, Ex. 6), see the proposed finding for #69B. The joint 1983 constitution, Article II, Membership, Section 1, provided that:

> Membership in the Tribe (or Nation) shall be determined on the basis of documented proof (birth or death certificate, etc.) of Indian ancestry. No specific blood quota need be met to be eligible for membership in the Nipmuc Tribe (or Nation) (Nipmuc Pet. 1984, 220).

The 1983 constitution did not specify that the Indian ancestry that qualified a person for membership be Nipmuc. However, when read in context of Article I's statement that the organization consisted of "a number of bands or clans of Indian people who have produced evidence of genealogical relationship to a family or ancestor known to be Nipmuc Indian" (Nipmuc Pet. 1984, 220), this requirement was implied. The 1983 constitution nowhere defined any documents which were regarded as acceptable documentation of earlier Nipmuc ancestry other than "birth or death certificate, etc."

Joint Membership 1977-1987.

1977-1979 "Nipmuc Tribal Roll Identification Card." The earliest membership list for the modern petitioner was submitted with the 1984 petition for #69 as Attachment 6 (Nipmuc List 1977-1979). It was a handwritten list of names, addresses, and identification numbers compiled by Zara CiscoeBrough.[238] The members of the Cisco family were the only persons descending from Earle's 1860 "Hassanamisco" list included. There were no descendants of the Gigger family, nor were there any descendants of Hepzibah (Bowman/Crosman) Hemenway from Earle's 1861 Hassanamisco Supplementary List. Neither of those lines would appear in the petitioner's membership until the mid-1990's (see below). The list did not include birth dates. No specific charts were attached. The persons listed were not identified by ancestral line, nor were their parents named. The BIA analysis of ancestral lines was done by matching persons on the 1977-1979 list to persons on later lists.

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[238]The 19 pages were unnumbered; the identification numbers were sequential. LH001 through LH013 were the members of the Cisco family, with the prefix indicating they were "legal heirs" to the Hassanamisco reservation. T014 through T023 included relatives of the Cisco family on the paternal line who are not documentable as Nipmuc and who are no longer on the current membership list of either #69A or #69B. T024 through T027 were assigned to the Vickers family and included Walter A. Vickers, now head of petitioner #69A, his father, his sister, and a cousin who has also served on the #69A council. Younger members of the Vickers family were listed subsequently, without the "T" prefix. The great majority of the persons listed without prefixes, from 028 to the end were descendants of Nipmuc who had lived on the Dudley/Webster reservation. Some were of families that never resided on either reservation. Through 099, the pages were headed 1977; from 100 through 206, the pages were headed 1978; from 207 through 246, the pages were headed 1979.

1981 "Federal Acknowledgment Project. Membership Roll of the Nipmuc Tribe: Hassanamisco & Chaubunagungamaugg [*sic*] Bands." This was the official membership list submitted by petitioner #69 with the 1984 petition (Nipmuc List 1981).[239] This gave a total of 239 individuals, but included several persons who were noted as deceased. Many addresses and birth dates were omitted. This list was accompanied by ancestry charts for most of the members. However, these were frequently incomplete, tracking only to a parent or grandparent, with no indication of the person claimed as the qualifying Nipmuc ancestor.[240] The petitioner did not submit an updated membership list with the 1987 Response.

Impact of NTAP on Membership, 1989-1992. The work of the Nipmuc Tribal Acknowledgment Project, incorporated in 1989, was funded by status clarification grants from the Administration for Native Americans (ANA) in the Department of Health and Human Services (HHS). The eligibility criteria it developed were contained in "The Nipmuc Tribal Acknowledgment Project: Verification of Nipmuc & Nipmuc Tribal Heritage." Procedural document. March 1991 (Nipmuc #69A Suppl. 1/21/1997, Exhibit N). The accompanying cover sheet stated that it was adopted in 1991 (Nipmuc Pet. #69A Supplement 1/21/1997, cover sheet to Exhibit-N 1,2). It had not been previously submitted to the BIA, *i.e.* it had not been included in the 1994 Response (Nipmuc #69 Response 1994), nor did it accompany the membership list submitted in 1995. There was no accompanying document to indicate how it had been adopted in 1991, or by what entity--by vote of the membership as a whole, by vote of the council, or by vote of the NTAP board. It was specifically incorporated into the membership provisions in 1993 through a provision of the Constitution of the Nipmuc Nation, Section I. Tribal Membership, Paragraph C. Status Verification. The "Verification" itself stated in the introductory paragraph that:

> Operating through a mandate from the Nipmuc Tribal Councils to continue and further a process of preparing and submitting to the Bureau of Indian Affairs a petition on behalf of the Nipmuc Indian Nation for federal tribal acknowledgment . . . the Project has put into place uniform standards by which the Project can certify the Nipmuc heritage of tribal members. These criteria which have developed over a two year period in close consultation with Nipmuc tribal elders

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[239]The forms listed only LH001 through 143 by membership number. The remaining 96 sheets had no membership numbers assigned. For purposes of the comparative membership database compiled by the BIA, these 96 persons were included as members with the "number" field coded as "xxxx."

[240]Genealogical research was apparently continuing after completion of the 1981 sheets. In November 1982, the "Nipmuck Notes" stated:

> Genealogical research indicates that there are still many people of Nipmuck decent [*sic*] who are not on the tribal roll. Any person of documented Nipmuck ancestry is eligible for inclusion in the genealogical tables being compiled by anthropologists Dr. Stephen Reno and Jane Dirks. Members of the Henries family or any known Nipmuck ancestry are invited to participate in tribal efforts to seek Federal recognition. Readers of Nipmuck decent [*sic*] can contact local clan members or write to Dr. Stephen J. Reno, Nipmuc Recognition Project, Office of the Provost, 96 Falmouth Street, Portland, Maine 04103 (Nipmuc Notes 1982b).

> are the ***mechanism employed, without exception, in all instances where individuals claim to be of the Nipmuc Tribe, of Nipmuc descent or of Nipmuc heritage*** (NTAP "Verification" 1991, 1) [emphasis in original].

These "uniform standards" were presumably those used for the construction of the 1992 "Nipmuc Census" compiled by NTAP and submitted by #69A in 1996 (see below). The "Verification stated:

> Because the tribal list being developed by the Nipmuc Tribal Acknowledgment Project will be incorporated into the Tribe's petition to the Bureau of Indian Affairs, the Nipmuc leadership has determined that each and every Nipmuc person's heritage should be certified by the Project program and that following completion of Project research, Status Registration Forms for Nipmuc people be submitted to the Massachusetts Commission on Indian Affairs (NTAP "Verification" 1991, 1).

It explained the procedures used as follows:

> Generally, status clarification projects can work in two ways (a) starting from historical lists of Indian people and tracing all their descendants forward and/ or (b) beginning with a current roster of tribal members and working backwards to historical Indian ancestors. The Research Department of the Nipmuc Tribal Acknowledgment Project has proceeded with this status clarification, undertaking (a) a tracing of historical Nipmucs forward and (b) a tracing of the contemporary tribal members family history backwards, . . . (NTAP "Verification" 1991, 2).

It then surveyed the work being done in archives, legislative records, vital records, court records, and Federal census records (NTAP "Verification" 1991, 2-5). It referenced a number of attachments which were not included with the 1997 submission (NTAP "Verification" 1991, 2, 3-4), although some of them, as described, appear to have been submitted in other contexts.[241] In the section on field work done in vital records, the "Verification" stated:

> Given that there existed a 'political' justification for calling Native American people 'colored', 'mulatto' 'mixed' or in numerous instances, simply 'black, 'brown', 'negro', etc., it is very important to review every single record for individual families. We have found that in the case of one individual family, for example, a marriage record may list a father as 'brown' and a mother as 'Indian', with offspring labelled everything from 'red' or 'Indian' to 'negro' while the

[241]The sets of abstracts from Vital records for Worcester, Oxford, and Sturbridge, in Massachusetts, and Woodstock and Putnam in Connecticut, for example, are among the #69A supplementary submissions. Others, such as the Attachment 16 mentioned which was "a sample of pages integrating all of the vital record information for Windham County, Connecticut" (NTAP "Verification" 1991, 4), have not been submitted.

> family always identified itself as 'Indian' or 'Nipmuc'. So, for this reason, it has been necessary to obtain all available documentation for entire families over a 150 to 200 year period searching out records citing people's Native American backgrounds (NTAP "Verification" 1991, 3) [punctuation and capitalization *sic*].

The "Verification" classified as secondary source materials historical newspaper notices (including obituaries published contemporary with the death of the individual), the Earle Report, and printed Massachusetts military records (NTAP "Verification" 1991, 5-6). This definition does not strictly match the standard historical and genealogical distinctions between primary and secondary sources.

The "Verification" also stated:

> While emphasizing the documentary/ evidentiary approach, the Project recognizes that in some instances individual Nipmucs may be lacking documents or it may not be possible for the program to confirm, through research, a Nipmuc heritage. Earlier in this century, births or deaths at home may not have been recorded in smaller towns. There are questions of marital status or parentage which must be dealt with respecting statutes governing confidentiality and a person's right to privacy (NTAP "Verification" 1991, 6).
>
> In these and other comparable cases, the program feels that the Nipmuc community as a community must be empowered to affirm a person's Nipmuc heritage. If documents are lacking or unavailable, the tribal leadership and our elders are consulted (NTAP "Verification" 1991, 6).

While it was not specifically specified, the wording of the paragraphs cited immediately above implied that the instances of affirmation of Nipmuc heritage applied to living individuals who, because of missing evidence or privacy concerns, were not able to document a connection to an identified Nipmuc ancestor. It did not appear to address the case of families claiming membership through an ancestor for whom no Nipmuc identity had been verified. It continued by stating that:

> The Nipmuc leadership has insisted on this rigorous documentary approach for establishing a list of **bona fide** heirs and assignees of the aboriginal Nipmuc Indian Tribe. Through this process, the Project is assisting the creation of a new Nipmuc tribal role [*sic*] able to withstand any potential challenges in state & federal [*sic*] courts and by the staff of the Bureau of Indians [*sic*] Affairs (NTAP Verification 1991, 7).

"1992 Nipmuc Census." This list was compiled at some time between 1989 and 1992 by the NTAP. The 1994 Nipmuc Response contained no documentation pertaining to the development of the "1992 Nipmuc Census." It did not mention the existence of the document nor did the

petitioner submit any information concerning the methodology which NTAP used to produce it, or the documentation which applicants submitted.[242] The #69A supplementary submission received by the BIA on October 30, 1996, contained an undated copy of this document containing 712 names (Nipmuc Census 1992a). "1992 Nipmuc Census" was handwritten at the top, and "This is not a tribal roll" was handwritten on the bottom portion of the first page. As every other page appeared to be missing from the printout, the BIA genealogist requested a complete copy from the Nipmuc Nation office. On November 4, 1996, Ms. Janis Weber transmitted a variant version of this document headed "Official List of Identified, Certified Men, Woman [*sic*] & Children As of 8/29/92, Complete Minus Some 16 Persons Not Here Included" (Nipmuc Census 1992b; Weber to DeMarce 11/4/1996, Enc.; BAR Admin. File #69A). One column was for the category "Clan."[243] One name was added to it in handwriting; several others were marked out by hand. Counting only the typed entries, it contained 1,323 names. However, the last page may have been missing, as it broke off in the middle of the surnames beginning with W. Some of the names on this version did not appear on the printout that had been sent in October 1996. It was not possible for the BIA to determine which version of the list (Nipmuc Census 1992a or Nipmuc Census 1992b) was later in date.

The clearest distinction between this product of the NTAP status clarification grants and the prior lists (Nipmuc List 1977-1979 and Nipmuc List 1981) was the number of people included. The prior lists both contained less than 250 individuals. The "1992 Nipmuc Census" had over 1,300 individuals. Since the "1992 Nipmuc Census" was completed before the adoption of the current eligibility standards contained in the constitution in November 1993, the BIA researchers attempted to gather information on the methodology by which this "1992 Nipmuc Census" was developed during their site visits. The BIA anthropologist asked former NTAP staff members whether the names were obtained through personal contacts, public meetings, newspaper advertisements, or other methods. The former NTAP director stated that they had possibly used some of all of the methods mentioned (BIA Interview 1998).

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[242]The #69A supplementary submission received by the BIA on January 21, 1997, contained, under the hand-labeled heading, Exhibit G through J, an undated 15-page document entitled "Nipmuc Tribal Census Maintenance Procedure." The membership procedures detailed in this document were much more elaborate than any others. They contained numerous provisions not contained in the 1993 constitution (see below). There was no indication whether this document provided the methodology for the compilation of the 1992 "Nipmuc Census," or whether it was developed at a later date. Neither did it indicate whether or not it had ever been officially adopted by the governing body of the Nipmuc Nation.

[243]They were listed as (in alphabetical order): Arkless/Reed, Belden, Brown/Curless, Brown/Thomas, Cisco, Curless, Curless/Jaha, Dorus/Hewitt, Henries, Jaha, Lewis, Lewis/Curless, Pegan, Pegan/Dorus, Ransom/Hazzard, Thomas/Brown, Vickers, Vickers/Clash, Vickers/Hewitt, Vickers/Toney, Webster/Lambert, White/Belden, White/Dorus, White/Garr (Nipmuc Census 1992b).

These designations proved to be useless for genealogical purposes. Different persons who were classified in some categories, such as Henries and Vickers, traced back to varying ancestral lines. In other cases, two or more "clans" traced back to the same ancestor. Thomas/Brown was simply a mis-typing of Brown/Thomas, as the individuals were members of the same nuclear family.

Of the historical Hassanamisco proprietary families, the 1992 Nipmuc Census included only the Cisco descendants. It did not include descendants of the Worcester Hemenway family, from Earle's Hassanamisco supplementary list. It did include descendants of several families from the former Dudley/Webster reservation, such as Jaha and Sprague (under the designation of "Henries" and including some of the people designated as "Ransom/Hazzard" but not all of them), and also some members of the Belden family, which had not resided on the Dudley/Webster reservation but was listed in the 1861 Earle Report. It also included the descendants of two families, Mary (Curless) Vickers and Dandridge Thomas,[244] whom Earle in 1861 had listed as "Miscellaneous Indians."

Additionally, the 1992 Nipmuc Census included new family lines, such as Arkless/Reed, Webster/Lambert, and the Dorus[245] family of Windham County, Connecticut, that had not appeared on prior membership lists submitted by #69, and which, in several cases, could not be traced to either the historical Hassanamisco reservation or the historical Dudley/Webster reservation (see analysis below). This is of considerable significance because inclusion on the 1992 Nipmuc Census was later postulated by #69A as a membership eligibility criterion.

Membership Provisions, 1993 Constitution. Section I of the 1993 constitution, Paragraph A, Eligibility, stated: "Blood descendants of a person or persons identified as Native American and Nipmuc as defined through standards established through the Nipmuc Tribal Council" (Constitution of the Nipmuc Nation 1993, [1]). Paragraph D provided that, "All applicants whose Nipmuc Indian heritage is certified by the membership committee of the governing body of the Nipmuc Nation shall be entered on the Tribal Roll of the Nipmuc Nation" (Constitution of the Nipmuc Nation 1993, [1]). The constitution contains no provision that applicants whose descent from the historical tribe has been established must also have maintained tribal relations in order to be enrolled.

Paragraph B provided that: "Application for membership shall be by completion of an official registration form on behalf of each individual applicant" (Constitution of the Nipmuc Nation 1993, [1]). The petitioner submitted a copy of the one-page "Nipmuc Nation Tribal Membership Application" data sheet (Nipmuc Pet. #69A Suppl. 1/21/1997, Exhibit H).[246] A prohibition on dual enrollment is contained in Paragraph E. Ineligibility: "No person shall be certified a

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[244]It is not clear why this "clan" was designated as "Brown/Thomas," since the genealogical charts indicate no Brown ancestry for the family.

[245]A member of this family had married a woman from the Dudley/Webster reservation during the 19th century. Prior to this list, only descendants of that particular marriage had appeared on #69 membership lists. The 1992 Nipmuc Census included descendants of that man's siblings.

[246]It requests name, address, telephone, date of birth, and information on parents. Section 5, "Baseline Qualification," references to the 1861 Earle Report, the 1890 [*sic* – 1891 Dudley/Webster] Distribution List, and the 1910 Special Census of Indians. Section 6 contains spaces to list "Supporting Documents for Baseline Qualification." There is a place at the bottom of the page to record membership committee action.

member of the Nipmuc Nation while his or her name is on the roll of any other tribe" (Constitution of the Nipmuc Nation 1993, [2]). Paragraph C. Status Verification provided:

> The method for determining Nipmuc heritage established for the Nipmuc Tribal Acknowledgment Project Inc. is hereby adopted as the uniform research procedure to be utilized in all cases to identify Nipmuc and to determine if each applicant is of Nipmuc Indian heritage (Constitution of the Nipmuc Nation 1993, [1].
>
> An Office of genealogy shall be established by the governing body of the Nipmuc Nation and a tribal genealogist employed in order to accept applications for membership, undertake genealogical research and maintain the results of such research, maintain all confidential genealogical records, issue tribal membership cards, maintain the tribal roll and furnish statistical information on the membership of the Nation (Constitution of the Nipmuc Nation 1993, [1]).
>
> The governing body of the Nipmuc Nation shall establish from within its membership a membership committee to supervise the operations of the office of genealogy and to review genealogical research data, with exclusive power to grant or deny tribal membership based on documentation presented to it (Constitution of the Nipmuc Nation 1993, [1]).

The #69A petition supplement received by the BIA on January 21, 1997, contained an undated, unpaginated document with the title "Nipmuc Nation Procedural Guidelines for Certification of Tribal Membership Applications" (Nipmuc Pet. #69A Supplement 1/21/1997, Exhibit J) and an undated 15-page document with the title, "Nipmuc Tribal Census Maintenance Procedure" (Nipmuc Pet. #69A Supplement 1/21/1997, Exhibit G through J).[247] The "Procedural Guidelines" detailed both the processing of applications by the office staff and the review of applications by the Genealogy Committee, including confidentiality provisions. Some of these provisions had no base in the 1993 constitution, such as that, "Should any Committee member knowingly divulge such confidential information the actions shall constitute grounds for immediate removal by the Tribal Council. As such, the so-removed member shall be subject to banishment from the Nipmuc Nation" (Nipmuc Pet. #69A Supplement 1/21/1997, Exhibit J [2]). The "Procedural Guidelines" listed the same "baseline" qualifying documents as those included on the membership application, but also stated: "Collateral descendants of individuals appearing

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[247]This document contained references to a number of entities not mentioned in the 1993 Nipmuc Nation Tribal Constitution or any other dated and certified document provided by the petitioner, such as a Census Committee and a Geneaological [*sic*] Department. It contained elaborate provisions concerning eligibility and "Loss of Membership" that are not in the constitution. The section on "Qualifications for Membership" was <To Be Filled> (Nipmuc Tribal Census Maintenance Procedure n.d., 5; Nipmuc Pet. #69a Suppl. 1/21/1997, Exhibit G through J)). As all dates in the document had been left blank, it may have been a proposed draft that was never officially adopted by the membership or council.

in each of the previously mentioned lists will also be qualified for enrollment" (Nipmuc Pet. #69A supplement 1/21/1997, Exhibit J [2]).[248]

Paragraph C of Section 1 provided that, "An excluded applicant may appeal a denial of membership not more than six (6) months after notification of the denial of membership has been mailed, by furnishing additional genealogical documentation to the office of genealogy" (Constitution of the Nipmuc Nation 1993, [1]). Paragraph D provided that: "A Tribal Roll shall be maintained on which shall be recorded the name of every person living who has applied for tribal membership and who has been certified to be of Nipmuc Indian heritage" (Constitution of the Nipmuc Nation 1993, [1]).

"Nipmuck Nation Tribal Roll," April 9, 1995. This updated joint list for petitioner #69 (Nipmuc List 1995) was a supplementary submission to the 1994 Response. This was a printout of a computerized listing.[249] It contained places for card #, name, maiden name, date of birth, and address.[250] It also, though without a separate heading, identified relationships, such as "son to #302" or "daughter to 329." Some information, particularly birth dates, was often handwritten on the computer printout. In numerous other cases, birth dates and addresses were omitted.

The BIA concluded that after omitting duplicate entries and 11 deceased persons, the Chaubungungamaug Band was listing 706 members, the Hassanamisco Band was listing 90 members, and four persons on the 1994 sample list may have been accidentally omitted. This was less than half the number of people on the 1992 Nipmuc Census. Additionally, this did not simply represent half the people on the 1992 Nipmuc Census. Some new family lines were included in 1994 that were not listed in 1992.

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[248]The procedural guidelines did not provide a definition of "collateral descendant," or qualify the statement in any way. This could raise some problematical issues. For example, if a person listed had one Nipmuc parent and one non-Nipmuc parent, it would be possible that the Nipmuc spouse died and the widow or widower remarried to another non-Nipmuc. The descendants of this second marriage would not be Nipmuc, but they would nonetheless be collateral descendants of their half-siblings who were included on the lists.

[249]The petitioner had submitted a sample version of this list in 1994 (Nipmuc Sample List 1994) which, when compared with the 1995 list, permitted identification of some of the omissions, and some corrections. It also contained one family line (Ashmore) that appeared on no prior and no subsequent lists.

[250]The membership numbers assigned on the 1995 list were not the same as those on the earlier lists. It began with numbers 300 (A) and 300 (B), these being respectively Edwin W. Morse, "Chief Wise Owl," Chaubunagungamaug, and Walter A. Vickers, "Chief Natachman," Hassanamisette (Nipmuc List 1995, 1). Pages 1-51, received by the BIA on July 11, 1995, covered persons considered members of the Chaubunagungamaug Band (#301 through #1015). This part of the membership list was certified by representatives of both bands. Pages 52-57, with the handwritten heading "Hassanamisco" (#1017 through #1107) were received by the BIA on September 5, 1995, as was page 58, headed "Chaubunagungamaug Tribal Roll Continues" (#1108-1122). Numbers 1108 through 1015 were thus assigned in duplicate, while there were numerous other duplicate entries throughout the list. A few persons on the 1994 sample list (Nipmuc Sample List 1994) were omitted, apparently by accident. As with prior lists, several persons listed were noted as deceased.

As an explanation of the eligibility standards used, on August 24, 1994, Edwin Morse Sr. furnished the BIA with "one copy each of our TRIBAL ROLL APPLICATION form and a form for ASSOCIATE MEMBERSHIP."[251] [emphasis in original]

The "band" attributions on the 1995 Nipmuc List did not correlate to documented ancestry. The "Hassanamisco" listing included only three of the known Cisco family descendants and no descendants of any other Hassanamisco proprietary family or any families on Earle's 1861 Hassanamisco supplementary enumeration. The 1995 "Hassanamisco" included the family of Walter A. Vickers, some persons of Dudley/Webster ancestry, and some persons whose ancestry did not trace to either of the historical reservations. The 1995 "Chaubunagungamaug" listing included not only descendants of Dudley/Webster reservation Nipmuc, but also at least one family line that never appeared before or since on any of the petitioner's membership lists, and, for the first time on an official membership list submitted by the petitioner, numerous persons descended from persons on Earle's 1861 list of "Miscellaneous Indians" (see discussion of the 1992 Nipmuc Census, above). The Arkless/Reed and Webster/Lambert lines listed in 1992 were omitted, but an undocumented Tingley ancestral line was included for the first time.

This allocation of membership on the 1995 list was of particular interest in that later, at the time of the 1996 split between the Chaubunagungamaug Band and the Nipmuc Nation, Chaubunagungamaug would insist on descent from the Dudley/Webster reservation as the basic eligibility criterion (see technical report for petition #69B). It clearly was not making this requirement in 1994/1995, which would be the root of later membership controversies (see also the draft technical report for petition #69B).

A series of documents indicate that #69, the joint petitioner, still did not have firmly established membership eligibility criteria several months after the submission of the 1995 membership list. An agenda for a council meeting of the Nipmuc Nation on March 2, 1996, included as one of the items to be considered, "Establishing a certified Base list" (Nipmuc #69B Suppl. 6/19/1997). The minutes of the same meeting, March 2, 1996, named those attending as Moose [Edwin W.

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[251]Morse stated, "Obviously, there is no connection, nor is any connection implied, between the very distinct categories of tribal roll (heritage) and associate membership (inter-cultural organization)" (Morse to Reckord 8/24/1994). Both membership forms were on the letterhead of the Nipmuck Indian Council of Chaubunagungamaug. The "Application for Registration on Nipmuck Tribal Roll" stated in the first paragraph:

> Individuals of Nipmuck ancestry may be added to the tribal roll pending approval by the council. Acceptance will be based upon the evidence of legal documents (certificates of birth or death) either stating "Indian" - "Nipmuck" - or "Native American" or a documentable blood relationship to a registered individual or family (Application for Registration 1994).

This paragraph alone would have implied that non-Nipmuc Indians, and non-Indian relatives of members, were eligible for membership. However, the fourth paragraph contained the following additional requirement:

> Please note; Only the blood decendants [*sic*] of identified Nipmuck ancestors will be considered for enrollment in the Nipmuck Tribe (Application for Registration 1994).

Morse, Jr.], "Chief Wise Owl" [Edwin W. Morse, Sr.], Ron Henries, Pam Ellis, Loving One [Dolly Swenson], Bill Gould, Conrad Luster, "Chief Natachaman" [Walter A. Vickers], Maryanne Hendricks, and Don Gould (Nipmuc #69B Suppl. 6/19/1997). The minutes contained extensive discussion of the establishment of a base roll, completion of a membership roll, and Nipmuc ancestry:

> Pam E. [Pamela A. Ellis]-- "I'm proposing as part of this base line roll that we include the miscellaneous list."
> Maryanne [Mary Ann Hendricks]-- "I don't understand how you can say Chaubunagungamaug and Hassanamissett without including Natick, cause it was the first praying town. Prior to that time Natick had documented Nipmucs."
> Pam E.-- "Most importantly is the first community where these the two historic bands come together. This is the connection where these two bands come together."
> Conrad L. [Luster]-- "Why Isn't Ct. or R.I. included in the census?
> Ron H. [Ronald G. Henries Sr.]-- "Because we are dealing with Mass."
> Pam E.-- "I'd like to include that these records are going to be confidential. I would also like to make a motion that we accept the 1860 census, 1890 disbursement list, 1910 federal list and accept collaterals as well."
> Bill G. [William W. Gould]-- "Motion on the floor someone made a motion to accept blood collateral, the 1860 census, and 1910 census."
> Loving One [Lucyann "Dolly" Swenson]-- "I second" (Nipmuc #69B Suppl. 6/19/1997).[252]

[252]Several months later, Swenson wrote the BIA concerning the genealogy of William Thomas and the Dandridge Thomas and Peleg Brown families. Swenson asked that the BIA "assist us in keeping our tribal roles [*sic*] accurate" (Swenson to Reckord n.d., received by BIA 8/22/1996). Although the letter was on the letterhead of the Nipmuck Indian Council of Chaubunagungamaug, "Chief Wise Owl," it pertained to the activities of the Nipmuc Nation council, upon which she had retained a seat after the split--not to Chaubunagungamaug. Swenson wrote, concerning the use of the "Miscellaneous Indians" section of the 1861 Earle Report as a standard:

> In our eagerness to establish a working council for federal [*sic*] recognition we made a grave error. We expected all of the people who self-appointed themselves to sit on this council to at least be able to provide documentation that would prove they were Nipmuck. This is not the case. There are several 'council members' who still sit on this council, make decisions for Nipmuck people, speak for the people who are...1.self appointed and 2. are not even Nipmuck!
>
> The Nipmuc tribal council in Sutton is run by a group of self-appointees which the majority of the vote is run by non-Nipmuck people.
>
> I sat on this council (when it first started) with the good faith that all members were Nipmuck and we were going to do good for the people. This is not what is happening. The majority members are 'slipping in' a bogus 'miscellaneous list' which includes any and all Indians from all over the United States who happen to be living in the area at the time (Swenson to Reckord n.d., received by BIA 8/22/1996).

The minutes of the March 13, 1996, council meeting indicated that all members were present, as well as guests.[253] In addition to discussion concerning Federal acknowledgment procedures, the council went into executive session for a lengthy discussion of the vote at the prior meeting. It resulted in a "recission of the vote to accept the 1860 census as a standard, substituting 1861" [presumably the Earle Report]. There was also discussion of the membership list. Ron Henries was concerned that Nipmuc descendants not on it, such as Tom Doughton, might oppose Federal acknowledgment.[254] The council appointed a genealogy committee: Moose [Edwin W. Morse, Jr.]head; Dolly [Swenson], Walter [A. Vickers], Pam Vickers, Conrad Luster, Bill Gould (Nipmuc #69B Suppl. 6/19/1997). Some members returned to the issue of eligibility:

> Maryanne [Mary Ann Hendricks]: "I don't know it it's been resolved about the 1861 Earle report. Your excluding Natick I'm bringing it back up whether you like it or not."
> Pam E. [Pamela A. Ellis]-- "What I am trying to say is that identifiable Nipmucs off the miscellaneous list should be included in the base line." (Nipmuc #69B Suppl. 6/19/1997). [punctuation and spelling *sic*]

On April 30, 1996, in his monthly report, the petition researcher stated: "Despite apparent actions by the tribal council, the researchers have yet to receive copies of tribal resolutions that approve either the membership criteria, the selected base rolls, or the process under which individuals may apply and be approved for membership." (Starna, Research Associates, to Ellis, Nipmuc Tribe 4/30/1996; Nipmuc #69B Suppl. 6/19/1997).

On August 10, 1996, a report by genealogist Mark Choquet (Choquet 1996), concerning evaluation of the Nipmuc genealogies of members of the council, was presented to the Nipmuc Nation Tribal Council. Petitioner #69A did not submit this document to the BIA, but it was submitted by petitioner #69B (Nipmuc #69B Suppl. 6/19/1997). On August 17, 1996, the Nipmuc Nation Tribal Council received a report on Vickers family reunion interviews conducted by Rae Gould (Nipmuc #69A Minutes 8/17/1996; Nipmuc #69B Suppl. 6/19/1997).

#69A Membership since the Split, Summer 1996 - October 1997. The split in petitioner #69 that occurred in May 1996 resulted in continuing controversies between the two subgroups (see also discussion in the proposed finding for #69B). Petitioner #69A, which defines itself as including the entire Nipmuc Nation, including the descendants of the Dudley/Webster reservation, has continued to send correspondence to the persons who chose to affiliate with petitioner #69B. In August of 1996, Walter A. Vickers wrote to the BIA objecting to "derogatory" information he

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[253]Guests; Joe Valandro, Guy Conrad, Tadd Johnson (attorney for council). Joe Valandro in behalf of Joint Venture. Wants Crow as research coordinator; committee Moose, Don Gould, Bill Gould. The Joint Venture contact is Guy Conrad (Nipmuc #69B Suppl. 6/19/1997).

[254]On April 20, 1996, Thomas L. Doughton wrote to the"Geneology Committee" at Nipmuc Nation Tribal Office about procedures and membership standards, sending a cc: to the BIA (Doughton to Davis 4/20/1996).

believed had been sent from Ms. Sue Kessler to BAR concerning #69A enrollment practices and record keeping (Vickers to Reckord 8/15/1996; Nipmuc #69A Admin. File, BAR). The BIA had not received any information from Ms. Kessler.

On March 18, 1997, the #69B council members wrote to #69A objecting to the use of their members' names on the #69A roll (Morse to Nipmuc Nation Tribal Office 3/18/1997). The nature of the controversy between the two groups is indicated by the fact that the #69A council member who responded to this letter, Ronald G. Henries Sr., is a first cousin of Edwin W. Morse Sr. and descends through the same Sprague/Henries/Morse family line. On April 18, 1997, he replied with the following discussion of enrollment procedure:

> . . . all the names that are on the Nipmuc Nation Tribal Roll are placed there through the certification process. Each application was requested and submitted by those individuals who were eighteen (18) or over. The individuals who were under eighteen (18) had their parents or legal guardian request and submit their application. Each individual's folder has that person's documentation enclosed, which may include birth, marriage, or death certificates, as well as other legal documents which they provided. As an example both your daughters, Lucyann Swenson and Ruth Bessette; as well as their children, have submitted applications for membership on the Nipmuc Nation Tribal Rolls. I know that you are aware of their request and their eventual certification. This information is only being pointed out to refresh your memory as to the procedure of certification. It must be made clear that anyone may have their documentation returned upon written request; their name would then be removed from the Tribal Roll. It has been emphasized to every potential and every certified member that they can only be on one Tribal roll; to date, no one has come forward to ask that your name be removed from our Tribal roll (Henries to Wise Owl [Morse] 4/18/1997).

Lucyann Swenson replied to Ron Henries' April 18 letter by stating:

> You stated that my sister and I are on your rolls and remain on your rolls as Nipmuck Indians. Again another half-truth (the half truth that says my sister and I are Nipmuck Indians) the other part of your statement about our remaining on the Sutton rolls, shame shame Ron, that is without our knowledge or permission. Because when we requested our documents, histories, genealogies, etc..back, we were told they were 'lost'. Isn't it convenient how they got conveniently 'found' at this time? . . . Again, I'm requesting my documents, histories, genealogies, etc..including old photographs and maps that were given to Janis Weber in good

> faith (which she still has and turned them into Sutton,) in writing now that we know they are 'found' again (Swenson to Henries 4/20/1997).[255]

However, the #69B members have, in numerous cases, not followed appropriate procedures in requesting the removal of their names from the #69A membership list. The BIA received a copy of a letter written by a sister of Edwin W. Morse to the Nipmuc Nation that stated, "I want you to remove me and my family from your tribal list immediately, I belong to Chief Wise Owls clan" (Mansker to Henries 5/22/1997) [emphasis in original]. This request included the names of numerous persons over 18 who are legally adults and thus responsible for their own enrollment, and it was not clear that Ms. Mansker was the parent or legal guardian of those persons under 18 whom she listed. Other attempted withdrawals were made by telephone to the BIA rather than in writing to the Nipmuc Nation (Lucy Swenson and Ruth Bessette to BAR, telephone calls saying that their names and those of their children should not be included on the #69A membership list, 4/18/1997). On June 3, 1998, the BIA received an extensive mailing from Lucyann Swenson, with a cover letter dated May 4, 1998, in triplicate, concerning the continuing membership controversies (Swenson to De Marce [*sic*] 5/4/1998; Nipmuc #69B admin file).

During the site visit conducted by the BIA historian in June 1997, at the request of representatives of #69A, she reviewed customary procedures used by federally acknowledged tribes for disenrollment at the request of a member. This material was audiotaped by #69A.

In another controversy related to the split between #69A and #69B, but not part of the direct controversy between the two groups, a family of Natick/Ponkapoag descendants, headed by Jeannette Silva and Rosita Andrews, and calling itself the Silva Clan,[256] have written repeatedly to the BIA because the family believes that it should be enrolled in #69B rather than #69A (Andrews to Steam [*sic*] 1/12/1997;Andrews to Record [*sic*] 6/13/1997; Andrews to Reckord 9/26/1997).[257] Ms. Andrews included documentation that in 1994, "Chief Wise Owl" [Edwin W. Morse Sr.] had welcomed them. A report on the 1994 Harvestfest Chaubunagungamaug signed by Loving One [Lucyann Swenson) mentioned the Silva Clan naming ceremony at which Morse was present (Nipmuc #69B Suppl. 2/24/1997). The BIA replied by sending Ms. Andrews copies of the current #69B constitution and membership eligibility standards (Reckord to Andrews 7/25/1997), which differ from those that were used by #69 in 1994, and confirming that the

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[255]During the summer and early autumn of 1996, Janis Weber was working as an unpaid researcher for #69B. During the autumn of 1996, she changed her affiliation to #69A, which resulted in an exchange of numerous acrimonious letters between Lucyann Swenson and Weber (all cc:ed to the BIA) (see for example Swenson to Stearns n.d., received by BIA 3/31/1997).

[256]This was not the same Silva family listed as Hassanamisco on the 1977/1979 list.

[257]Members of the Silva Clan submitted third-party documentation to the BIA to show Ponkapoag Indian ancestry through a Cobb line. Because petitioner #69A did not use this as a qualifying line, the BIA did not analyze this ancestry.

names of this family line were currently on the membership list submitted by #69A but not on the membership list submitted by #69B.

The BIA also received a series of telephone and fax contacts from Martha Hazard Small concerning the eligiblity of her family to enroll. She descends from a line that were members of the Nipmuc organization in Worcester County, Massachusetts, that was chartered in the 1950's. However, her family line has not appeared on any of the membership lists submitted by #69, #69A, or #69B.

Separate #69A (Nipmuc Nation) Membership Lists.[258] Petitioner #69B submitted some documentation pertaining to the preparation of the #69A membership lists after May 1996. On July 1, 1996, a petition researcher stated in a monthly report that:

> We were informed by the tribal council that approximately 350 membership applications have been processed and await certification by the tribal council. The issues of the tribal roll and membership are addressed in a memorandum to the Genealogical Committee (Starna to Vickers 7/1/1996; Nipmuc #69B Suppl. 6/19/1997).

In a memorandum of the same date addressed to the Nipmuc Nation Genealogical Committee re: Tribal Membership, the researcher offered guidance, listed material that needed to be forwarded to the researchers for analysis, and emphasized the importance of council certification of an official membership list. He stated that analysis could not go forward until the roll was complete (Starna to Nipmuc Nation Genealogical Committee 7/1/1996; Nipmuc #69B Suppl. 6/19/1997).

July 1996 #69A Partial Membership List. On July 3, 1996, the Nipmuc Tribal council certified a partial list of members (Nipmuc #69A List 7/3/1996), which it sent to the BIA with a cover letter dated July 4, 1995. The partial list contained 204 members, three with notes that they should be removed next to their names.[259] Because it was specifically designated as partial, the BIA did not analyze it.[260]

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[258]All of the membership lists produced by #69A from May 1996 through the corrected October 1997 list used for the proposed finding were identical in format. There were columns for SURNAME, FIRSTNAME, ROLL#, ADDRESS, TOWN, STA[TE], ZIPCOD[E], and TELEPHONE. These lists did not contain an indication of the family line of the individual member or list the individual member's parents or, in the case of married women, maiden names. They did not indicate legal name changes. The petitioner entered the genealogical data into a separate database created on specialized genealogical software.

[259]The BIA also received copies, not certified by the #69A council, of lists dated 6/27/96; 8/14/96; 8/26/96 (Nipmuc #69B Suppl. 6/19/1997).

[260]The minutes of the Nipmuc Nation Tribal Council meeting held August 7, 1996, present: Running River [William W. Gould], Eagle Eye (Ray Cote), Don Gould, Charles Hamilton, Pam Vickers, Jim Cossingham, Conrad L. Luster (#69A Minutes 8/7/1996; Nipmuc #69B Suppl. 6/19/1997), noted a conference call with the

1996 August #69A Membership List. On August 26, 1996, the Nipmuc Nation Tribal Council met.[261] The next day, #69A sent the BIA a membership list with a cover letter stating that, "the Nipmuc Nation Tribal Council voted to submit the enclosed complete tribal roll of 477 members as of this date. This final membership roll supersedes any and all previous submissions by the Nipmuc Nation Tribal Council." The list was uncertified, but signed by Walter A. Vickers (Nipmuc #69A List 8/26/1996). On the basis of the cover letter, the BIA assumed that this was in fact the final membership list that would be submitted by #69A. A BIA researcher entered it into the Nipmuc membership database and analyzed it.

However, the petitioner was continuing to work on revising this list.[262] The Nipmuc Nation Tribal Office sent out, under the date of October 1, 1996, under the signature of Walter A. Vickers ("Chief Matachaman") a letter to "Dear Tribal Member/ Applicant." The opening paragraph read:

> It has become necessary for every tribal member/ applicant to fill out a federal government approved genealogy form. We realize this may have caused a great deal of inconvenience for everyone, however, when we are seeking Federal government approval, we have to play by their rules.[263] All previous forms or applications given to the Nipmuc Tribal Project, Chaubunagungamaug Band, or the Hassanamessit Band of Nipmucs will not be accepted. We want to point out that it is the responsibility of the applicant to provide the original documentation that connects him/her to the base rolls of the tribe. You will have fifteen (15) working days, from the date of this letter, to provide documentation of your lineage to an identified Nipmuc on the base tribal rolls. Those rolls include the 1861 Earle Report, for the Dudley, Webster, Chaubunagungamaug, bands and the

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petition researcher as to whether they should send a membership list containing approximately 500 names to the BIA as final. Discussion indicated that at least some of the council members did not regard the list as complete: "It was also noted by Running River [William W. Gould] that the council should look into the Nipmuc Tribal Project Rolls for people who might qualify from the project rolls. Running River noted this was important per conversation with Pam Ellis" (Nipmuc #69A Minutes 8/7/1996, 2; Nipmuc #69B Suppl. 6/19/1997).

[261]Present Walter Vickers, Little Crow, Loving One, James Cossingham, Pam Ellis, Running River, Eagle Eye (Ray Cote), Don Gould, Conrad L. Luster. Guests present: Rob Miller, Guy Conrad (#69A Minutes 8/26/1996; Nipmuc #69B Suppl. 6/19/1997).

[262]Nipmuc Nation Tribal Genealogy Committee, Alphabetical Listing as of September 5, 1996: Frances Garnett, Bill Gould, Raymond Gould, Conrad Luster, Dolly Swenson, Pamela Vickers, Walter Vickers (Nipmuc #69B Suppl. 6/19/1997). On September 30, 1996, the petition researcher sent a memorandum to Walter A. Vickers outlining an analysis of problems with the 477 member tribal roll (Starna to Vickers 9/30/1996; Nipmuc #69B Suppl. 6/19/1997).

[263]The BIA had made no such requirement. It had requested that the petitioner supply membership information needed for evaluation of the petition under criterion 83.7(e), but did not prescribe any approved form for the collection or refuse to accept data that had been previously submitted.

> Grafton Hassanamesitt Band of Nipmuc Indians, including Nipmuc Tribal Members listed under the miscellaneous section. The 1890 Disbursement list for the Dudley Indians or the 1910 Special Indian Census for the Commonwealth of Massachusetts, tracing back to the core of the Webster, Dudley Grafton Bands (Nipmuc Pet. #69A Suppl. 1/21/1997, Exhibit I) [emphasis and punctuation *sic*] [footnote added].

The letter identified types of documentation needed and continued that, "It must be clearly understood that falsifying records of any kind will be just cause for dropping your name from the tribal rolls" (Nipmuc Nation Tribal Office to Dear Tribal Member/ Applicant 10/1/1996). The 1993 constitution did not contain such a provision. The letter continued: "We also want to emphasize that there should be no reluctance in submitting any kind of document because of an ethnicity (race) identification, it may be the very document that will tie you and other members of your family to an identified Nipmuc" (Nipmuc Nation Tribal Office to Dear Tribal Member/ Applicant 10/1/1996) [emphasis in original].

Membership Policies as Expressed in the Constitution Certified by the #69A Council October 28, 1996. As noted in the discussion under criterion 83.7(d), the constitution certified by the #69A Council on October 28, 1996, was later repudiated by the submission of January 21, 1997, and a copy of the 1993 constitution signed by the council members sent to the BIA with a cover letter dated May 5, 1997. However, as the policies contained in this document may have impacted the preparation of the membership list that was also dated October 28, 1996, they are summarized here. Membership was discussed in Article 6.[264]

Article 6. Membership, Section 1. Application for Membership provided that an official registration form should be completed by or on behalf of each individual applicant and submitted to the Office of Genealogy for Review (Constitution of the Nipmuc Nation 1996, 5). Section 4. Appeal for Membership Denial, was also procedural (Constitution of the Nipmuc Nation 1996, 5), as were paragraphs b. and c. of Section 3 (Constitution of the Nipmuc Nation 1996, 5). Article 6, Section 2. Eligibility provided the following definition:

> Persons who are blood descendants of a person or persons identified as Nipmuc as determined by the Office of Genealogy are eligible for membership. Membership may be granted by the Nipmuc Nation Tribal Council to direct descendants of those individuals enumerated in the 1861 Earle Report Indians of the Commonwealth as members of identifiable Nipmuc bands per the historical record; direct descendants of those Nipmuc individuals enumerated in Massachusetts court documents from 1886 thru 1890; AND direct descendants of other individuals of Nipmuc Indian heritage identified and certified by additional

[264] Article 6. Membership, Section 5, Member Rights, did not apply to policies concerning membership, but rather to voting and election procedures (Constitution of the Nipmuc Nation 1996, 6).

> eligibility criteria established by the Tribal Council (Constitution of the Nipmuc Nation 1996, 5) [emphasis in original].

The #69A supplementary submission received by the BIA on October 30, 1996, did not contain information concerning any "additional eligibility criteria" that had been established by the tribal council. Article 6, Section 3. Verification, Certification and Enrollment, provided that: "a. Uniform standards shall be adopted by the Nipmuc Nation Tribal Council and employed in all cases, without exception, to verify the Native American and Nipmuc heritage of applicants for membership" (Constitution of the Nipmuc Nation 1996, 5). No standards adopted under this provision were included with the #69A submission received by the BIA on October 30, 1996.

In an undated letter that must have been written after the October 28, 1996, certification of the 1996 constitution, a researcher employed by petitioner #69A wrote to the petitioner that:

> It has come to our attention that the Nipmuc Nation has recently submitted a "certified governing document," a "constitution," to the Branch of Acknowledgment and research. In "Article 6. Membership," of this document, the Nipmuc Nation describes its requirements for membership eligibility. However, these requirements differ substantially from those that were in effect at the time we began our examination of the Nipmuc community. . . . Please provide us with your completed tribal roll (Starna to Vickers, n.d.; Nipmuc #69B Suppl. 6/19/1997).

In the absence of the implementing policies adopted by the #69A council, it was not possible for the BIA researcher to determine whether, in fact, the requirements for membership eligibility would have differed substantially from those that had been used under the 1993 constitution.

October 28, 1996, #69A Membership List. In October 1996, the BIA received from #69A a membership list certified by the council of the Nipmuc Nation on October 28, 1996 (Nipmuc #69A List 10/28/1996).[265] This list contained 561 names, to supersede the "final as of this date" one submitted 27 August 1996. The certification sheet stated that, "It should be understood that this is a Preliminary Tribal Roll, and is not complete. As genealogy is completed an updated

[265]The certification was signed by Charles O. Hamilton, James H. Cossingham, Running River-Wm. W. Gould Jr., Ronald G. Henries, Conrad L. Luster, Pamela J. Vickers, Pamela A. Ellis, Donald D. Gould, and Walter A. Vickers (Nipmuc #69A List 10/28/1996).

On March 10, , the BIA received diskette which was labeled Nipmuc Roll dated 10/29/96. The date on FedEx form indicated that it had been sent on February 6, 1997.

The BIA also received an uncertified copy of a #69A list labeled "486 Members Oct. 1, 1996" (Nipmuc #69B Suppl. 6/19/1997).

Tribal Roll will be provided" (Nipmuc #69a List 10/28/1996).[266] The BIA entered this material into the Nipmuc membership database and analyzed it. The October 1996 membership list for #69A contained no descendants of the Cisco family, the proprietors of the Hassanamisco reservation at Grafton, Massachusetts. It did contain descendants of one other Hassanamisco proprietary family. This family line had not appeared on any prior membership list submitted by #69 or #69A since the beginning of the petition process.

The #69A supplementary submission received by the BIA on January 21, 1997, contained a variety of genealogical data to supplement the October 1996 list, specifically ancestry charts for some persons on the October 1996 #69A membership list for whom they had not previously been submitted and letters responding to BIA enquiries pertaining particular problems. On March 24, 1997, the Nipmuc Nation office manager informed the BIA that the petitioner would continue to "add qualified Nipmuc to their roll" (Luster to Maddox 3/24/1997).

BIA staff met with representatives of #69A on April 21, 1997, to prepare for the site visit. On June 2, 1997, the Nipmuc Nation office manager wrote to the BIA that, "As stated at the 4/21 meeting, Ms. Demarce will depart from her visit with a signed, certified membership list as of that date" (Luster to Maddox 6/2/1997). However, the list was not ready at the stipulated date. As of the on-site visit by the BIA genealogist, June 3-4, 1997, the Nipmuc Nation office staff stated that they were preparing another, supposedly *final* "final" membership list, which they described as a merger of all prior lists, including the "1992 Nipmuc census," which had a much larger number of names than any of the above certified lists. The staff stated that the petitioner would be submitting it to the BIA with all the accompanying ancestry charts as soon as the work was completed.

Inspection of the #69A office records by the BIA genealogist during the site visit indicated that there were two categories of membership files held by the Nipmuc Nation Tribal Office. One type of individual file folder contained completed applications with supporting documentation such as birth certificates and marriage certificates as well as, on occasion, family records, newspaper obituaries, and other documentation. These completed files formed the basis for the #69A membership lists submitted during 1996. The other type of individual file folder had been prepared by NTAP and usually contained only a one-page information sheet without supporting documentation (see discussion above of the compilation of the "1992 Nipmuc Census"). It

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[266]The #69A petition researcher shortly afterward sent a memorandum to the chairperson of the Nipmuc Nation Research Committee:

> Al LoBrutto will complete statistical analysis on the basis of the present tribal roll of 556 members as submitted as of this date.
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> However, please understand that given our inability to confirm these assumptions regarding the tribal membership, we will be unable to attest to the accuracy or validity of our statistical analyses on residency patterns, the Nipmuc social core, and rates of intermarriage (Starna to Cossingham 11/13/1996; Nipmuc #69B Suppl. 6/19/1997).

appears that in 1997, the persons whose incomplete records were in the NTAP files were incorporated into the #69A "1640 List" membership list discussed in the next section (Nipmuc #69A 1640 List 1997) without further submission of formal applications or supporting materials by the individual whom the file concerned.

Current #69A Membership List. On October 9, 1997, #69A representatives met with BIA staff and submitted the group's "Final Roll," or membership list for purposes of the proposed finding, the "1640 List" (Nipmuc #69A 1640 Roll 10/9/1997). This submission was both in the form of a dated printout and a diskette. It was not certified by the #69A council, but certification was provided subsequently.[267] Some supporting ancestry charts were still lacking.[268] In the final numerical tally, the BIA concluded that the #69A membership list to be analyzed for the proposed finding contained the names of 1,602 individuals. This was 1,025 more persons than the 577 who had been on the list submitted a year earlier (Nipmuc #69A List 10/28/1996), or an increase of 177 percent. Ninety-three of these persons were also included on the membership of petitioner #69B.

On May 28, 1998, the BIA received telephone inquiries from attorney Judy Shapiro, Hobbs Straus etc., directed to Steven Austin and Virginia DeMarce, BIA staff members assigned to the petition. She inquired on behalf of the #69A council if the petitioner could submit an amended membership list. She was advised that they should hold any changes until the proposed finding came out and submit a revised list as part of the group's response during the 180-day comment period as provided under the 25 CFR Part 83 regulations if corrections were necessary.

Evaluation under 83.7(e)(1). The issue of the identification of the ancestors with the historic tribe is of significance under the 25 CFR Part 83 regulations. At the time of one proposed

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[267]After the data on this list had been entered into the Nipmuc membership data base created by the BIA researcher and cross-referenced with the genealogical records, on December 1, 1997, the BIA wrote to petitioner #69A identifying four duplicate entries for the same individual using the same membership number and 31 duplicate entries for the same individual using different membership numbers (Reckord to Vickers 12/1/1997, 1-3). On December 2, 1997, the BIA faxed a query concerning two more duplicate entries; on December 4, 1997, a query concerning another duplicate. On December 4, 1997, #69A provided the BIA with an uncertified "corrected" version of the certified "1640 List" and a diskette. On December 8, the BIA faxed a query concerning some still-unresolved discrepancies on the corrected version of the list (DeMarce to Luster 12/8/1997).

[268]The BIA sent the petitioner a printout of individuals on the "1640 List" for whom the BIA had either "no data whatsoever concerning ancestry" [284 persons], or "only data from the 1992 'Nipmuc census' listing a family line, but neither ancestry charts for the individuals nor documentation . . ." [210 persons] (Reckord to Vickers 12/1/1997, 3).

During December 1997, #69A provided extensive supplementary genealogical data. The BIA established December 5, 1997, as the deadline for #69A to submit supporting material to be considered for the proposed finding. The petitioner submitted some genealogical material and ancestry charts after this deadline (Nipmuc Nation Tribal Office to BAR 12/17/1997; Nipmuc Nation Tribal Office to BAR 12/29/1997). The BIA segregated these submissions and will hold them until preparation of the final determination, when they will be incorporated into the analysis of #69A membership.

revision, commenters wanted the criterion to state a specific percentage of the modern membership, such as 60 percent, that would have to demonstrate ancestry from the historic tribe (59 FR 38, February 25, 1984, 9289). The BIA responded: "The Department has intentionally avoided establishing a specific percentage to demonstrate required ancestry under criterion (e). This is because the significance of the percentage varies with the history and nature of a group and the particular reasons why a portion of the membership may not meet the requirements of the criterion" (59 FR 38, February 25, 1984, 9289). In the "Comments" section preliminary to the 1994 revised 25 CFR Part 83 regulations, one finds: "Commenters generally supported the requirement of demonstrating tribal ancestry, but questioned whether it needed to be traced as far back as is currently required. They also questioned whether standards of proof were too strict and whether insufficient weight was given to oral history and tribal records, as opposed to governmental records" (59 FR 38, February 25, 1994, 9288). The BIA responded:

> The regulations have not been interpreted to require tracing ancestry to the earliest history of a group. For most groups, ancestry need only be traced to rolls and/or other documents created when their ancestors can be identified clearly as affiliated with the historical tribe. Unfortunately such rolls and/or documents may not exist for some groups or where they do, individuals may not be identified as Indians. In such instances, the petitioner's task is more difficult as they must find other reliable evidence to establish the necessary link to the historical tribe.
>
> Weight is given to oral history, but it should be substantiated by documentary evidence wherever possible. Past decisions have utilized oral history extensively, often using it to point the way to critical documents. Tribal records are also given weight. In fact, all available materials and sources are used and their importance weighed by taking into account the context in which they were created (59 FR 38, February 25, 1994, 9288-9289).

The BIA has evaluated the issue of descent from the historical tribe for the membership of #69A in accordance with the above response. The BIA genealogist began work on petitions #69A and #69B, incorporating the prior submissions by petitioner #69, in 1997, prior to the issuance of the February 7, 2000, directive changing procedures (AS-IA 2/7/2000). Because of the complex nature of the genealogy, the BIA researcher prepared an extensive background document (Nipmuc GTKY File, BAR). Beginning with the 1861 *Earle Report*,[269] the GTKY file worked backwards to determine the ancestry and interrelationships of the families listed by Earle as Hassanamisco (Grafton, Massachusetts) and Dudley/Webster (Chaubunagungamaug), and forwards to determine the descendancy of the current members. When petitioner #69A indicated the acceptance of persons from other family lines, the GTKY file incorporated those into the study. It supplemented the work by sections concerning families on Earle's "Miscellaneous Indians" list with descendants in #69A and several appendices on families that were extensively

[269]The *Earle Report* was the last set of tribal listings created by Massachusetts before the 1869 Enfranchisement Act and used by #69B as a major source for determining membership eligibility.

intermarried with Nipmuc family lines, but which were not claimed as qualifying ancestors for membership in either of the current petitioners.

Because the work on these petitions was begun prior to the issuance of the February 7, 2000, directive (AS-IA 2/7/2000), the BIA researcher did not limit analysis of the petitioner's genealogy to verification and evaluation of the materials submitted by the petitioner, but also did independent research in vital records, state and Federal census records, and other materials in order to supplement the data submitted and correct errors made by the petition researchers. The following material is also presented in more detail in the draft technical report for petitioner #69A.

Number of Descendants of Specific #69A Family Lines

Hassanamisco Nipmuc.	Proportion of membership.	131	8 per cent
Proprietary families.			
Cisco (Arnold)	11[270]		
Gigger	6		
Earle's 1861 "Supplementary List"			
Hemenway	114		
Chaubunagungamaug Nipmuc.	Proportion of membership	482	30 per cent
Jaha -- descendants only in #69A	28		
Humphrey -- descendants only in #69A[271]	38 (31 also Belden; not double counted)		
Pegan/Wilson -- descendants only in #69A	63		
Belden -- descendants only in 69A	18 (31 others counted under Humphrey)		
Lydia Ann (Sprague) Nichols Shelley Henries descendants in both #69A and #69B			
Sprague/Henries	141		
Sprague/Henries/Morse	94		
Sprague/Nichols	99		
Sprague/Shelley	1		
Betsey (Pegan) White descendants in both #69A and #69B	(all descendants counted under Sprague/Henries)		
Earle's "Miscellaneous Indians".	Proportion of membership	469	29 per cent
Curless/Vickers	250		
Thomas[272]	180		
Curless (connection to 1861 list not verified	4		
Curless/Lewis (connection to 1861 list not verified)	35		

[270]Including two descendants of an adopted child.

[271]A few were included on a prior #69B list.

[272]This family asserts that the Indian ancestry was from Natick, but the assertion was not verified.

Summary under the Criteria, Petition #69A, Nipmuc Nation

Connecticut Indian Families.	Proportion of membership.	155	10 percent
Dorus/Nedson	151		
Sampson Hazard	4		

Lines without Verified Indian Ancestry.			
	Proportion of membership.	329	21 per cent
Hazzard/Ransom	166[273]		
Arkless/Reed	95[274]		
Vickers (not Curless)	38		
Webster/Lambert	30		

Chaubunagungamaug, or Dudley/Webster, Nipmuc Families. Petitioner #69A defines descendants of the 18th and 19th century Chaubunagungamaug (Dudley/Webster Reservation) Nipmuc as eligible for membership. These families have been discussed in the proposed finding and charts for petitioner #69B, which is here incorporated by cross-reference (see also the Nipmuc GTKY File, BAR).

Hassanamisco Proprietary Families. Petitioner #69A defines descendants of the 18th and 19th century Hassanamisco (Grafton Reservation) Nipmuc as eligible for membership. The Massachusetts guardians' account records concerning the Hassanamisco proprietary families provide the majority of the data on those family lines (Earle Papers; Massachusetts State Archives; for details see the "Historical Overview" section of this proposed finding, the draft technical report for petitioner #69A and the Nipmuc GTKY File (BAR)). Vital records from the second half of the 19th century have, in several instances, been altered. The BIA researcher noted this particularly in the instance of the children of James Lemuel and Emma (Ferris) Cisco. The 1875 birth record of Henry Edward Cisco had "M" crossed out and "Indian" inserted in block letters (Grafton Vital Records 5:238). Similar alterations, made on the basis of later depositions (Grafton Deposition Book 1:75, 2:77; 2:78, 2:79), were noted elsewhere (Grafton Vital Records 5:240; 5:245, 5:250, 5:255. Similar changes had been made in the vital records from some other towns. The BIA researcher was unable to determine the date when these changes were made on the basis of the evidence in the record. However, they affected only the recorded ethnicity of the individual, and did not change the actual record of ancestry.

The proprietary family of the Hassanamisco Reservation, Lucy (Gimbee) Arnold Hector and her sons, were regularly enumerated on the Federal census schedules in Grafton, Massachusetts, throughout the 19th century. The identification of the descendants of other Hassanamisco proprietary families on the census schedules from 1790 through 1840 was more sporadic, because of possible name duplications (there were, for example, large numbers of families named Brown and Phillips, and these head of household enumerations did not supply sufficient details to allow a determination of which ones may have contained ancestors of the petitioning group). For details of the census data from 1790 through 1840, see the draft technical report for

[273]Of #69A members who claimed this ancestry, the BIA determined that 63 were also Sprague/Nichols descendants from Dudley/Webster (Chaubunagungamaug) and counted them there. They are not double-counted.

[274]Of the #69A members who claimed this ancestry, the BIA determined that 27 were Pegan descendants from Dudley/Webster (Chaubunagungamaug) and counted them there. They are not double-counted.

petitioner #69A and the Nipmuc GTKY File (BAR). All Hassanamisco listed on the 1849 *Briggs Report* were located on the 1850 census with the exception of one woman deceased in the interval; most of the Hassanamisco listed on the 1861 *Earle Report* were located on the 1860 census (see discussion above in the "Historical Overview" section).

Families on Earle's 1861 "Supplementary List" for Hassanamisco. Petitioner #69A defines descendants of persons who were included on Earle's 1860 "Supplementary List" for Hassanamisco as eligible for membership. All families that appeared on Earle's 1861 Hassanamisco "Supplementary List" were descendants of Hepsibah (Bowman/Crosman) Hemenway, who had died in 1847 (Worcester County, Massachusetts, Probate 1848. Administration 28973). The family appeared on the census regularly throughout the 19th century (see data above in the "Historical Orientation" section, and the Nipmuc GTKY File (BAR)).

Other Categories Providing Membership Eligibility for Petitioner #69A. Petitioner #69A also identifies as Nipmuc, and treats as qualifying ancestors for membership, several family lines that cannot be traced to the three categories discussed above. This section analyzes the available information concerning the other ancestral families accepted by #69A as qualifying descendants for membership in the petitioning group. The majority of these family lines can be reliably traced to the last quarter of the 18th century or first half of the 19th century. For purposes of Federal acknowledgment, they have been analyzed in light of whether 1) they meet #69A's own membership qualifications and whether 2) it can it be determined if they were of Nipmuc ancestry. For the question of whether they were interacting consistently, in a manner indicating the maintenance of tribal relations, with either the Hassanamisco families, the Chaubunagungamaug families, or both, see the discussion under criterion 83.7(b).

For the families considered in this section, there were few "tribal" records for the period prior to the establishment of the NTAP in 1989. For the 18th and 19th centuries, there were no state records providing tribal identification. The amount and type of documentation differs from family to family (Nipmuc GTKY File, BAR). The majority of the documentation available for the families in this category has been the same as would be available for non-Indian families of New England: state and Federal census records, vital records, church records, and military records, which are summarized in more detail in the draft technical report for petitioner #69A.

The 1861 *Earle Report* included a section headed "Miscellaneous Indians" which listed Indians whom Earle did not identify with any of the tribes he discussed (*Earle Report* 1861, Appendix lxxiv-lxxvii). Of the family groups listed, two provide ancestry for a significant portion of the membership of petitioner #69A: these are descendants of Mary (Curliss) Vickers (*Earle Report* 1861, lxxv) and the descendants of Dandridge Thomas (*Earle Report* 1861, lxxvi). Several other

families in Earle's "Miscellaneous" category, such as Gigger,[275] Fields,[276] Morey, and Jackson (*Earle Report* 1861, lxxv-lxxvi), have been documented by the BIA researcher as Natick descendants, and/or as in-laws or neighbors of 19th-century Nipmuc families, but have no descendants in the current petitioner. Petitioner #69A currently contains no families which can be firmly documented as Natick descendants, other than those which also have ancestry from Grafton[277] or Dudley/Webster. There are no descendants of the two families listed as "Natick Tribe" (*Earle Report* 1861, Appendix xli). The #69A members asserting Natick origins descend from families on Earle's 1861 list of "Miscellaneous Indians" and have not yet submitted to the BIA documentation which would confirm the asserted Natick ties.

Ancestry and Descendants of Mary (Curliss) Vickers. According to the 1859 statement of Mary (Curliss) Vickers, her grandmother was a Dudley Indian (Capron to Earle 10/28/1859; Earle Papers). The statement could, to some extent, be confirmed from independently created contemporary documents,[278] although Mary (Curless) Vickers' obituary identified her ancestry as Narragansett (*Worcester Telegram and Gazette*, January 25, 1897). The grandmother, Molly Piggen [Mary Pegan] was reared in Killingly, Connecticut, and grew up in the white household of the Rev. Aaron Brown according to a deposition contained in her application for a Revolutionary War pension (NARA M-804, File W17469). Mary Curless (or Curliss), daughter of Christopher and Nancy (Pollock) Curliss, was born about 1797/1800 in Burrillville,

[275]Collateral relatives of Josiah Gigger who married Hassanamisco descendant Lucinda Brown.

[276]By 1867, Philena Fields, born about 1844, Northboro, Massachusetts, daughter of Peter and Philena (Thomas) Fields, would marry Hassanamisco descendant Richard A. Hector (see birth record of daughter, Worcester Vital Records 3:46).

[277]The 1861 *Earle Report* did say that most of the Naticks had become intermixed with the Hassanamiscoes (*Earle Report* 1861). In light of the historical and genealogical data presented elsewhere in this report, this reference must have been primarily to the 18th century connections between the two settlements rather than referring to the persons he listed as Natick in 1861. Additionally, or alternatively, he may have had in mind the descendants of Hannah (Comacher) Brown, whose family collected both Hassanamisco and Natick funds during the first half of the 19th century.

[278]The grandmother, Molly Piggen [Mary Pegan] was reared in Killingly, Connecticut, and grew up in the white household of the Rev. Aaron Brown, according to a deposition contained in her application for a Revolutionary War pension (NARA M-804, File W17469). She was first married to Mingo Pollock, in September 1772, probably at Thompson, Windham County, Connecticut; she was secondly married to Jacob Woodland, who died about 1825. Mingo Pollock appeared on the 1790 census of the Town of Glocester, Providence County, Rhode Island (*Heads of families 1790. Rhode Island*, 31). Jacob Woodland appeared, identified as a "Free Black," on the 1800 census of Providence County, Rhode Island (NARA M-32, Roll 45, 1800 U.S. Census, Providence County, Rhode Island). In 1841, she was living in the household of Christopher Curliss at Thompson, Connecticut (1841 Census of Pensioners). Nancy Pollock, daughter of this woman, married Christopher Curliss and settled in Connecticut. The petitioner has not asserted Indian ancestry for the Curliss paternal line.

Providence County, Rhode Island. She married Christopher Vickers about 1817.[279] By 1855, she had moved to Uxbridge in Worcester County, Massachusetts (Massachusetts State Archives, 1855 State Census Massachusetts, Reel 30, Worcester County, Town of Uxbridge, #474/595), as had her adult sons (#458/579). Her daughter Sarah (Vickers) Brown and husband were in Dudley (Massachusetts State Archives, 1855 State Census Massachusetts, Reel #28, Worcester County, Town of Dudley, #74/106).[280] Thus, she was living in Massachusetts when she came to the attention of J. M. Earle in 1859.[281]

The descendancy of Mary (Curless) Vickers from Mary (Pegan) Pollock Woodland has been documented, although the family lived in Connecticut during the first half of the 19th century and was never on the Dudley/Webster guardians' documents. During the 19th century, there were also marriages and other documented social contacts between this family line and other Nipmuc families living in Worcester County, Massachusetts (Hemenway, Sprague). Some members of this family appeared on the 1977/1979 Nipmuc membership list. The 250 identified descendants of Mary (Curless) Vickers account for 16 percent of the current membership of #69A. As noted above, one of her daughters married into the descendants of Hepzibah (Bowman/Crosman) Hemenway, while other of her children, at various times, appeared as residents in the extended households of Hassanamisco proprietary family descendants in the city of Worcester. In 1890, one grandson married a Dudley/Webster descendant as his second wife. The descendancy of the other persons claiming Curless ancestry has not yet been documented by acceptable genealogical standards.

Ancestry and Descendants of Dandridge Thomas. The petitioner asserts that the Dandridge Thomas, who was born about 1812 and was listed as "Miscellaneous Indian" on the 1861 *Earle*

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[279]The better sources give his name as Christopher; less reliable sources gave the first name as Samuel (see Nipmuc GTKY File, BAR). For information concerning the Vickers family, see below.

In 1840, they were living in Webster, Worcester County, Massachusetts, as was his brother Joseph Vickers (NARA M-704, Roll 201, 1840 U.S. Census, Worcester County, Massachusetts, Town of Webster, Frame 0053). As a widow, she was listed under the spelling of Bickers on the 1850 U.S. Census of Windham County, Connecticut (NARA M-432, Roll 51, 1850 U.S. Census, Windham County, Connecticut, town of Thompson, 151, #565/652), which also listed her daughter Hannah, who had married a Dudley/Webster Indian. One daughter had moved to Dudley, Massachusetts (NARA M-432, Roll 340, 1850 U.S. Census, Worcester County, Massachusetts, Town of Dudley, 824, #206/227). Her son Chandler Vickers was not in the 1850 census of the city of Worcester, but he was listed in the 1850 city directory (Doughton "Unseen Neighbors" 197, insert).

[280]Petitioner #69A has a substantial number of members who have joined within the past ten years from a grandson of this marriage who, in 1918, married an Englishwoman and subsequently settled in New Jersey (see Nipmuc GTKY File, BAR).

[281]In the 1860 census, her household was in Oxford (NARA M-653, Roll 534, 1860 U.S. Census, Worcester County, Massachusetts, Town of Oxford, 660, #1295/1641); her son Chandler Vickers, whose wife was from a Worcester city family that originated in Maryland, was living in Thompson, Connecticut, with her father, the elderly Christopher Curliss, in his household (NARA M-653, 1860 U.S. Census, Town of Thompson, Windham County, Connecticut, 704, #1725/1922).

Report was a descendant of the Indian Speen family of Natick, Massachusetts. The early Speen lines have been documented. The descendants of Dandridge Thomas have been documented.[282] However, the linking generational connection between Lydia (Speen) Thomas and Dandridge Thomas rests only on some undocumented notes made by a local historian, Miss Ida Morse, in 1889 (Bacon Free Library, Natick, Massachusetts).[283] Under the #69A membership criteria, the 1861 listing is in itself sufficient to show membership eligibility. By contrast to the Curless descendants, no documentation was submitted by the petitioner or located by the BIA to indicate that there was any interaction between the descendants of Dandridge Thomas, few of whom resided in Worcester County during the 19th and 20th centuries, and any of the Nipmuc families of Worcester County, Massachusetts, between his lifetime (he died in1888 in Elmira, New York) and the early 1990's.[284] This family line accounts for 11 per cent of the current membership of #69A.

Connecticut Indian Families. The supplementary materials to petition #69A submitted in 1997 contain an extensive report entitled: "Nedson, Dorus and Dixon Families: Nineteenth-Century Native Indian Community At the Massachusetts and Connecticut Border" (Doughton 1996). It asserts that, "Mary Pegan is related to known historical Nipmucks living in the eighteenth century at a tribal reservation at Dudley [later Webster] {brackets in original} Massachusetts. John Nedson is connected to documented Paucatuck or Eastern Pequots from the Stonington, Connecticut region" (Doughton 1996, [1]). This is not the same Mary Pegan who was ancestress of Mary (Curliss) Vickers above. There is no documentation of her family name as Pegan other than the death record of a daughter (Dudley Vital Records, July 14, 1872).[285]

Based upon an estimate from the ages of her known children, this Mary [Pegan?] was probably born before 1775, and possibly as early as 1760-1765. The petitioner identified her husband, John Nedson, as Paucatuck or Eastern Pequot on the basis of a daughter's death record that gave his birthplace as North Stonington, Connecticut (Doughton 1996, 1; Dudley Vital Records, July 14, 1872). One of their sons, James Nedson, married Eunice Sampson, who had hereditary claims to land on the former Hatchet Pond Indian reservation in Windham County, Connecticut

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[282]Dandridge Thomas was listed in the 1840 (AIS Index, 207) and 1850 U.S. Census of Natick (NARA M-432, Roll 323, 1850 U.S. Census, Middlesex County, Massachusetts, Town of Natick, 334, #255/327). He was also on the 1855 and 1865 Massachusetts state census of Natick (Lainhart 1986, 70, 114). Vital records indicate that his children were born in Dighton (Baldwin 1910, 91) and Auburn (Baldwin 1910, 91-92) as well as Natick.

[283]Third-party comments submitted by Mrs. Rosita Andrews, January 12, 1997, re: "Natick Nipmucs," derived the family's Indian ancestry from Ellen Elizabeth Cobb, the Punkapog wife of Dandridge Thomas' son John Morey Thomas (Andrews 1/12/1997).

[284]One sublin e of this family independently submitted information which claimed Ponkapoag ancestry on the basis of the 1861 *Earle Report* (see the immediately preceding footnote). Since #69A did not use that as qualifying ancestry, the BIA did not analyze that lineage.

[285]Doughton stated, without documentary citation, that her father was Jonathan Pegan (Doughton 1996, 15).

(Doughton 1996, 19-20, citing Real Estate Register, Town of Woodstock, Windham County, Connecticut). Eunice (Sampson) Nedson remarried to Hosea Dixon, who also had a family by another wife, Hopey Reynolds.[286]

This Nedson family was identified as Indian by local historians (Samuel Hartwell of Southbridge, Massachusetts, letter to J.M. Earle, September 17, 1859 (Earle Papers); Larned 1880, 2: 532), and was identified by one comparatively late writer specifically as Wabbaquasset Nipmuc (Hiscox in Lincoln 1920, 1:60-62), although in 1859 Hartwell believed them to be Pequot and another author who wrote before Hiscox stated that they claimed to belong to the Mohegan tribe (Woods 1897). They moved around extensively, appearing at various times in the early 19th century in Brimfield, Hampden County, Massachusetts, and towns in southern Worcester County. The descendants can be documented through ample census and vital records (see Nipmuc GTKY File, BAR).

Members of petitioner #69A descend through two daughters: Asenath Nedson, who married Joshua Buckingham; and Polly Nedson, who married Joseph Dorus (Woods 1897).[287] One of Polly (Nedson) Dorus' sons, Solomon Dorus aka Esbon Dorus, married Angenette White, a woman from the Dudley/Webster reservation. Of the Nedson/Dorus descendants, only those who descend through this marriage are documented as having specifically Nipmuc ancestry. The "Polly Dorus" on the 1891 distribution list may not have been Esbon Dorus' mother, but rather, on the basis of the probate record, his sister. On the other hand, the death record would indicate that this was Polly (Nedson) Dorus. In either case, the basis for her inclusion on the list is not clear.

Family Lines Lacking Documented Nipmuc Ancestry. Several persons accepted as qualifying ancestors for membership in petitioner #69A have not yet documented either Nipmuc or, in some cases, Indian ancestry.

Vickers Family (other than those identified above as descendants of Mary Curless/Curliss).[288] The genealogical charts submitted with the 1994 Nipmuc Response (Nipmuc #69 Pet. Resp. 1994), and the submission by Ronald G. Henries (R. Henries 1995), based on NTAP research,

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[286]The ethnicity of Hosea Dixon and Hopey Reynolds has not been determined (see Nipmuc GTKY File, BAR). One of their sons married into the Dudley/Webster group (see the draft technical report for petition #69B).

[287]In the 1850 U.S. Census, Polly (Nedson) Dorus was residing in Dudley, Massachusetts, with her, daughter, son-in-law, and grandson (NARA M-432, Roll 340, 1850 U.S. Census, Worcester County, Massachusetts, Town of Dudley, 704, #20/27, household headed by Amasa Haskell, a non-relative). In 1860, she was in the household of Esbon B. and Angenette (White) Dorus (NARA M-653, Roll 534, 1860 U.S. Census, Town of Dudley, Worcester County, Massachusetts, 532-533, #482/590).

[288]The Vickers line that does not descend from Mary (Curless/Curliss) Vickers stems from a brother of her husband. According to 1903 Guion Miller Kansas claims affidavits, the family, through an Anthony ancestress, had Narragansett descent, but #69A did not claim Anthony as a qualifying line for Nipmuc membership.

stated that the Vickers family were "Medway Indians."[289] The vital records of Medway, Massachusetts, did not indicate that the family was Indian. The military record of Christopher Vickers, Sr. during the American Revolution gave no indication that the family was Indian (*Massachusetts Soldiers and Sailors* 15:321, 325). A case relating to obligation of support of paupers taken to the Massachusetts Supreme Court identified Christopher Vickers as "a white person" (The Inhabitants of Medway *versus* The Inhabitants of Natick, *Mass. Reports* 7, 1810, 88-89). With the exception of the descendants of Mary (Curless/Curliss) Vickers discussed above, the Vickers family members living in Massachusetts were not classified as Indian in the 1861 *Earle Report* (for details, see Nipmuc GTKY File, BAR).

Ransom Family. No documented Nipmuc or other Indian ancestry was presented by the petitioner or located by the BIA researcher for Manly Ransom[290] or his wife Nancy Henry,[291] whose marriage intention was filed December 11, 1824, at Charlton, Worcester County, Massachusetts (*Charlton Vital Records* 1905, 201). Their son Hiram Henry Ransom married Laura Dixon, daughter of Hosea and Eunice (Sampson) Dixon (see above under Connecticut Indian Families); their son Willard Ransom married Lucretia Henries, a collateral relative of the Henries family whose members married into the Dudley/Webster Nipmuc during the second half of the 19th century (see Nipmuc GTKY File, BAR). The #69A members all claim qualifying ancestry through this one son, Willard Ransom. Concerning this family line, the petitioner wrote:

> One example of Nipmucs without documents connecting them to the base roll[292] is the Ransom/Hazzard family. Sampled vital records, as attached, confirm that Ransom/Hazzard family members have long been recognized even by Europeans as Native American. Representative sample family ancestry charts are included for some family members. The Nipmuc Tribe, however, recgnizes [*sic*] that individuals like members of the Ransom/Hazzard family, although on our tribal roll, would not meet eligibility criteria for benefits or assistance through any

[289]From 1713 to 1793, Medway was in Suffolk County, Massachusetts; since 1793, it has been in Norfolk County.

[290]Different sources, none contemporary with his birth, gave Ransom's birthplace as Marlborough, Massachusetts, or New Hampshire (see Nipmuc GTKY File, BAR). In the 1830 and 1840 Federal census records, the family was in Charlton (NARA M-19, Roll 68, 1830 U.S. Census, Worcester County, Massachusetts, Town of Charlton; NARA M-704, Roll 200, 1840 U.S. Census, Worcester County, Massachusetts, Town of Charlton, Frame 0077); in the 1850 U.S. census, in Spencer (NARA M-432, Roll343, 1850 U.S. Census, Worcester County, Massachusetts, Town of Spencer, 343r, #244/347).

[291]No documentation was presented by the petitioner or located by the BIA researcher to either confirm or refute the possibility that she was related to the Henries family which married into the Dudley/Webster Nipmucs in the 19th century.

[292]The BIA researcher was unable to determine what document was here being referred to as a "base roll." The 1991 "Verification" cited made no mention of a base roll (NTAP "Verification" 1991).

> problems [*sic*] funded by the Bureau of Indian Affairs (Nipmuc Pet. #69A Suppl. 1/21/1997, cover sheet of Exhibit-N 1,2) [footnote added].

The BIA researcher did not locate evidence that supported the petitioner's assertions of Indian ancestry for the Ransom family line.

Hazzard Family. It is far from certain that all of the various Hazzard and Hazard family lines encountered in connection with the research on petitions #69, #69A, and #69B were related to one another (Hazard is a common surname in southern New England). It is equally uncertain that all of these Hazzard and Hazard families were of the same ethnic origin. The largest proportion of the #59A members who claimed "Hazzard" as the qualifying family line for membership (Nipmuc Petition #69a, NTAP Nipmuc Census 1992), proved, upon examination, to be claiming through the Ransom family (see above). Summaries of the others follow.

(1) The *Earle Report* in 1861 identified a Samuel Hazard, age 43, widower, Narragansett, residing in Oxford, with a son William Wallace Hazard (*Earle Report* 1861). This is apparently the same Samuel Hazzard, age 35, Indian, with a wife and son, listed on the 1850 Federal census of Douglas (NARA M-432, Roll 341, 1850 U.S. Census, Worcester County, Massachusetts, Town of Douglas, 348, #210/244).[293] In this family, the Hassanamisco connection had apparently come through the deceased wife, and the son does not appear to have left descendants. If this man was the same Samuel Hazzard who later married Dudley/Webster Nipmuc Angenette White, ex-wife of Esbon Dorus, his marriages provide a connection among several disparate branches of the ancestral families of petitioner #69A. No data has been presented by the petitioner or located by the BIA researcher to confirm or refute Doughton's suggestion (Doughton 1996) that he was a son of the Sampson Hazard discussed below in this section. If he was, his in-law connections extended widely into other #69A ancestral lines.

(2) Edward (aka Edwin) Hazzard married Mary Jane Foster on June 2, 1851, at Ware, Massachusetts.[294] Their third son, also named Edward Hazzard, married on April 1, 1880, Nancy Ransom, born about 1862 at Gloucester, Rhode Island, daughter of Willard and Lucretia (Henry) Ransom (Sturbridge, Worcester County, Massachusetts, marriage records). As noted above, the BIA did not locate confirmation of Indian ancestry for Nancy Ransom's parents.

Although the connection seems probable, no tie of relationship has thus far been documented between Edward Hazzard Sr. and the Joel Hazzard who married Dolly Wallace, by whom he was the father of the Lorenzo T. Hazzard who married Hassanamisco descendant Delia Brown

[293]Doughton confused him with Rufus Hazard/Hazzard, husband of Aletheah Johns (Doughton 1996, 29).

[294]The marriage record did not name their parents, but indicated that he had been born at Palmer, Massachusetts, while she was a native of Hartford, Connecticut (Massachusetts State Archives, Microfilm Marriages #6, Vol. 55, 1851, Ware, 28). They appeared in the 1860 census there (NARA M-653, Roll 505, 1860 U.S. Census, Hampshire County, Massachusetts, Town of Ware, 195, #462/486).

(Cisco) Green Holly. If Edward Hazzard Sr. was a son of Joel Hazzard, as some ancestry charts submitted by the petitioner indicated, he must, on the basis of his age, have been the child of a thus-far unidentified prior marriage.

(3) Roswell W. (or Roswell B.) Hazard was a member of Nipmuc organizations in Worcester, Massachusetts, from the 1920's through the 1950's (see discussion under criteria 83.7(b) and 83.7(c)). Notations in the records kept by Sarah (Cisco) Sullivan indicated that she believed Roswell W. Hazard's grandfather, Tower Hazard, to have been Penobscot, and Roswell's grandmother to have been Narragansett (Nipmuc Pet. #69A Supplement 1997). However, the identifiable ancestry of the Tower Hazzard family line as based on census and vital records, has been traced to Gardner and then to Boxborough and Shirley, Massachusetts (see Nipmuc GTKY File, BAR).

(4) Sampson Hazard was an Indian who resided in Hampton, Connecticut, in the early 19th century (Brown and Rose 1984, 178). A descendant stated that Sampson Hazard was a descendant of Thomas Commuck of the Narragansett tribe in Charlestown, Rhode Island (NARA RG 75, Entry 903, Kansas Claim, Suzie Izanna Morris, 1902). There was documented contact between Sampson Hazard and some of the other #69A ancestral families. This Indian Sampson Hazard married Hannah Coffee, a sister of Mary (Curless/Curliss) Vickers' mother-in-law (Nipmuc GTKY File, BAR), and another line of the Vickers family descended from one of Sampson Hazard's daughters. Her children married back among the descendants of Mary (Curless/Curliss) Vickers in the mid-19th century; it is also probable that the Rufus Hazzard who married Hassanamisco proprietary descendant Aletheah Johns was a son of this Sampson Hazard (see Nipmuc GTKY File, BAR). These intermarriages indicate interaction among the various ancestral families of petitioner #69A in the 19th century and offer considerable potential for future research in regard both to community and ancestry in the period from 1800-1880. However, no descendants of Sampson Hazard appeared on #69 or #69A membership lists prior to 1997, and only four current members of petitioner #69A claim qualifying ancestry from this Sampson Hazard line. If the petitioner can confirm the possibility that the Edward Hazzard family descended from this Sampson Hazard, it would tie together many of the #69A ancestral lines.

Arkless/Reed Family. No documented Nipmuc ancestry was presented by the petitioner or located by the BIA researcher for Phoebe Arkless, who was stated to be the mother of Charles Reed. No evidence was located to indicate that she was related to the Arkless families who intermarried with either the descendants of Mary (Curless/Curliss) Vickers or with the Dudley/Webster Nipmuc descendants later in the 19th century.[295] The maiden name of Charles

[295]During the early 19th century, the Reed family lived at Ashford in the southern portion of Windham County, Connecticut. However, Charles Reed had moved to Worcester County, Massachusetts, by 1830, when he was living in Hardwick (NARA M-19, Roll 68, 1830 U.S. Census, Worcester County, Massachusetts, Town of Hardwick, p. 563). He was living in Barre in 1840 (NARA M-704, Roll 199, 1840 U.S. Census, Worcester County, Massachusetts, Town of Barre, Frame 0264) and in Sterling in 1850 (Doughton's Abstracts, 1850 Census,

Reed's first wife Melissa has not been identified. The current members of #69A who belong to this line descend from Reed's non-Indian second wife (see Nipmuc GTKY File, BAR). During the mid-19th century, there was documented interaction between the Reed family and identified Nipmuc. Two daughters of Reed's first marriage married into identified Hassanamisco Nipmuc families in the 1850's and 1860's (see Nipmuc GTKY File, BAR).

Webster/Lambert Family. The genealogical data on this line was submitted to the BIA by #69A too late to be incorporated in the proposed finding. It will be analyzed for the final determination. A limited review of the submission (see Nipmuc GTKY File, BAR) did not show any documentation of Nipmuc or Indian ancestry.

The Issue of Collateral Relatives, Stepchildren, and In-Laws. Obtaining the strictly genealogical data on #69A ancestral families without documented Nipmuc ancestry, while requiring detailed archival research beyond the information submitted by the petitioner, was a straightforward undertaking. Analysis of its meaning is considerably more complex. Two basic phenomena appear to have been relevant.

First, none of the families accepted as qualifying families by petitioner #69A since 1989 (but not by the 1984 petition or prior membership lists) were "new" families, in the sense that they had no documented 19th century interaction with identified Nipmuc families. By the mid-19th century, all had some connection with known descendants of the historic Nipmuc bands, whether as stepchildren, collateral relatives, in-laws, collateral relatives of in-laws, co-workers, or neighbors. Even the family which had the least documentable contact with identified 19th-century Nipmuc families, that of Dandridge Thomas, had some of these tangential 19th-century ties, in that two of Dandridge's siblings, their spouses, and his nieces and nephews had moved to the city of Worcester and lived near some of the identified Nipmuc during the mid-19th century.

Yet, several of the families now accepted as qualifying ancestors do not have documented Nipmuc or Indian ancestry. Petitioner #69A has on occasion conflated the concept of descent from the historical tribe (criterion 83.7(e)) with the concept of interaction within a community over the course of time (criterion 83.7(b)). Tribal descent does not expand by osmosis. Because a person married into the Nipmuc tribe, thus having Nipmuc children, this did not extend tribal membership to his or her siblings, their spouses, and the cousins of their in-laws. Descendants of these collaterals do not become descendants of the historic tribe. Therefore, a statement such as the following:

> Our Nipmuc ancestors 100 to 150 years ago had a sense of their relatives in many instances superior to what can be reconstructed from available documents in contemporary repositories. Not all known historical Nipmuc people were documented in records generated by Europeans in way [*sic*] connecting them to

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Worcester County, Massachusetts).

> our base roll.[296] Some individuals for whom documents are lacking at this time can be demonstrated to have been part of the historical Nipmuc community. Going back to the Attached "Verification of Nipmuc & Nipmuc Tribal Heritage," which was adopted in 1991,[297] the Nipmuc Tribe has recognized that not all of our people can be connected to the base roll through existant [*sic*] documents. While the tribal leadership has always defined eligibility for enrollment through a documentary verification of Nipmuc heritage, our community, as detailed on Page 7 of the protocol, has had an established procedure for authenticating known Nipmucs without documents connecting them to the base roll. In these exceptional instances, individuals have been placed on the tribal roll on the basis of a long-standing affirmation of their heritage by the Nipmuc community (Nipmuc Pet. #69A Supplement 1/21/1997, cover sheet to Exhibit-N 1,2) [footnotes added].

does not directly address the issue under 83.7(e). It is very possible for Indian individuals to have non-Indian collateral relatives, and to have strong affinal and social ties with these relatives, without the connection having the effect of extending the lines of genealogical descent from the historic tribe.

Analysis of Nipmuc Ancestry of Current Membership, #69A. The #69A membership list dated October 9, 1997, as corrected, listed all known Cisco family descendants. Additionally, it contained descendants of two other Hassanamisco family lines on the 1861 *Earle Report*, Gigger (during the 19th century of Gardner, Massachusetts) and Hemenway (during the 19th century of the city of Worcester, Massachusetts). It also included representatives of all the 19th-century Dudley/Webster families known to have left descendants, and representatives of two families on Earle's 1861 "Miscellaneous Indians" list. It also included several qualifying (in the sense of having been accepted by #69A) ancestral family lines that had not been verified by the BIA genealogist during the June 1997 site visit because, although they had been listed on the "1992 Nipmuc Census," they were not on the officially submitted membership list as of October 28, 1996 (Nipmuc #69A List 10/28/1996).

In combination with the ancestry charts submitted with the 1984 petition, as of December 5, 1992, #69A had submitted to the BIA ancestry charts for all but 82 of the 1,602 persons on the corrected "1640 List" (Gould to Fleming 12/22/1997).[298] The 1997 submissions were accompanied by diskettes containing computerized databases for individual lines. This section

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[296]It is not clear to the BIA what document was here being called a base roll. The 1991 "Verification" did not mention any base roll (NTAP "Verification" 1991).

[297]See discussion above under enrollment.

[298]By correlating addresses with "clans" ascribed on the 1992 Nipmuc Census, the BIA was able to determine the general family line for the majority of these; the researcher identified others through the GTKY file.

has been prepared by taking the persons accepted as qualifying ancestors for membership in #69A and organizing them by category, indicating the number of descendants of the family line and the date on which it appeared on the membership lists compiled by the petitioner between 1977 and 1997.

Only 36 of the 1602 persons were not traced to one of the above ancestral lines as of December 12, 1997. The submissions by #69A that arrived after December 5, 1997, may have provided identification for these. They amounted to only 2 per cent of the membership, so would not have a significant effect in altering the above relationships.

On the basis of the date of the first appearance of the family lines now comprised in #69A on the membership lists, it appears that the Nipmuc Nation as it exists today was created by the NTAP (see discussion above under 83.7(e)(2)). Membership lists prior to the 1992 Nipmuc Census contained almost entirely persons of documented descent from the 19th-century Massachusetts Nipmuc reservations. The small number of persons included on those lists who were not of documented Nipmuc descent, were close relatives (spouses, stepchildren or more remote step-descendants) of documented reservation Nipmuc. The major change introduced by the 1992 Nipmuc Census was the acceptance of much larger numbers of persons descended from in-law and non-Nipmuc collateral lines, which now account for 31 per cent of the total membership. Section I of the 1993 constitution, Paragraph A, Eligibility, states only that the #69A standard for membership is: "Blood descendants of a person or persons identified as Native American and Nipmuc as defined through standards established through the Nipmuc Tribal Council" (Constitution of the Nipmuc Nation 1993, [1]).[299]

By contrast to the 1977-1979 and 1981 membership lists, the current petitioner has only 38 percent of its membership descending from 19th-century reservation Nipmuc families. Some of the added members, such as Curless/Vickers and Ransom/Hazzard descendants, represent an increase in membership from families that already had some representatives on the 1977/1979 list. However, several new qualifying family lines were accepted by the NTAP and first appeared on the 1992 Nipmuc Census.

Because of the importance of the changing nature of #69 and #69A membership for evaluation of the petitioner under criteria 83.7(b) and 83.7(c), the BIA researcher compiled the following data.

[299]The #69A membership application under the 1993 constitution, Section 5, "Baseline Qualification," references to the 1861 Earle Report, the 1890 [*sic* – 1891 Dudley/Webster] Distribution List, and the 1910 Special Census of Indians. Section 6 contains spaces to list "Supporting Documents for Baseline Qualification." However, #69A accepts applicants whose ancestors are not listed on one of these documents (see above).

Date of Appearance of Specific Family Lines on #69 and #69A Membership Lists.

Hassanamisco Nipmuc[300]	
Cisco:	1977-79 membership list
Gigger:	1997 membership list (still in contact 1930's)
Hemenway:[301]	1997 membership list (still in contact 1920's)
Chaubunagungamaug Nipmuc[302]	
Pegan/Wilson	1977-79 membership list
Sprague	1977-79 membership list
Jaha	1992 Nipmuc Census (in contact 1930's)
Humphrey	1992 Nipmuc Census (in contact 1930's)
Belden	1992 Nipmuc Census (in contact 1920's)
Earle's 1861 "Miscellaneous Indians' List	
Curless/Vickers:[303]	1977-79 membership list
Curless	1992 Nipmuc Census (connection to 1861 list not verified by BIA)
Curless/Lewis	1992 Nipmuc Census (connection to 1861 list not verified by BIA)
Thomas:	1995 Membership List, #69 (no known contact since mid-19th century)
Connecticut Indian Families	
Doris/Nedson:	1992 Nipmuc Census
Sampson Hazard:	1997 #69A membership list
Lines without Verified Indian Ancestry	
Hazzard/Ransom[304]	1977-79 membership list
Arkless/Reed:	1992 Nipmuc Census
Vickers (not Curless):	1992 Nipmuc Census
Webster/Lambert:	1992 Nipmuc Census

[300]Of the 131 #69A members who can document Hassanamisco descent on the basis of the 1861 *Earle Report*, 17, or 1 per cent, descend from Hassanamisco proprietary families. Only 11, or 8/10 of 1 percent, descend from the Cisco family, or the "Hassanamisco Reservation, Grafton, Massachusetts," on behalf of which the original letter of intent was filed by Zara CiscoeBrough in 1980.

[301]The first-time addition of the 114 Hemenway/Johnson descendants to the 1997 list may be to some extent the result of a research project on Hepsibah (Bowman/Crosman) Hemenway undertaken by the Worcester Historical Museum.

[302]The Pegan/Wilson line is of Dudley/Webster descent. However, the ancestor of the Pegan/Wilson extended family on the current membership list had moved to Worcester, Massachusetts, about the time of World War I, and subsequently was associated closely with Hassanamisco reservation activities. Therefore, although the ancestry of that line is Dudley/Webster, its 20th-century Nipmuc social contacts were primarily with the Cisco family. The other Dudley/Webster family lines have been discussed in detail in the proposed finding for petition #69B.

[303]This family has documented off-reservation Nipmuc descent (see discussion above).

[304]A significant proportion of the people who were identified as members of this line on the 1992 Nipmuc Census were descended from a marriage into the Dudley/Webster Sprague family and are classified there. The remainder of this line fell into the category of in-laws and collateral relatives.

Summation. Petitioner #69A, the Nipmuc Nation, has provided a current membership list certified by the governing body under 83.7(e)(2).

For descent of the membership under 83.7(e)(1), petitioner #69A shows:

Descended from the historical Nipmuc tribe:	
Reservation Nipmuc:	38 percent
1 percent Hassanamisco proprietary	
7 percent Hassanamisco supplementary	
30 per cent Dudley/Webster	
Non-reservation Nipmuc[305]	16 percent
	54 percent descended from the historical tribe
Without documentation of descent from the historical Nipmuc tribe:	
Connecticut Indian families	10 percent
In-laws and collaterals[306]	21 percent
Thomas line[307]	11 percent
Unascribed to any family line	1 percent
Not fully documented	3 percent
	46 percent without documented descent from the historical tribe

As of the issuance of the proposed finding, only 54 percent of the petitioner's membership has documented descent from the historical tribe as widely as it can be defined under 25 CFR Part 83 (defined to include descendants of Hassanamisco, descendants of Chaubunagungamaug, and descendants of non-resident Nipmuc, although the evidence currently in the record does not clearly indicate either continuity from a pre-reservation single Nipmuc entity or that these two reservations and the off-reservation Nipmuc constituted tribes which later amalgamated and functioned as a single entity). On the basis of precedent, descent of 54 percent of the petitioner's membership from the historical tribe is insufficient for purposes of 83.7(e).

Therefore, the petitioner does not meet 83.7(e).

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[305]Descended from persons who were documented as Nipmuc through materials other than the trustees' or guardians' records for the two reservations, the 1849 *Briggs Report*, the 1861 *Earle Report*, and the 1891 Dudley/Webster distribution list.

[306]It is possible that several families categorized as "in-laws and collaterals" may be able to document off-reservation Nipmuc ancestry. However, on the basis of the evidence currently in the record, certain generational ties are missing.

[307]It is possible that the Thomas family may be able to document ancestry from Natick and, in one subline, from Ponkapoag, to supplement the "Miscellaneous Indians" listing (*Earle Report* 1861), but the neither the Natick Indians nor the Ponkapoag Indians were Nipmuc within the meaning of "historical tribe" under the 25 CFR Part 83 regulations (both were classified as "Massachusetts" Indians in the colonial period, this being a tribe and not the name of the state).

83.7(f) The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe.

No members of petitioner #69A are known to be dually enrolled with any federally acknowledged American Indian tribe. Therefore the petitioner meets criterion 83.7(f).

83.7(g) Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

There has been no Federal termination legislation in regard to petitioner #69A. Legal detribalization by a State is not determinative for Federal acknowledgment (see Narragansett and Mohegan for precedents). Therefore the petitioner meets criterion 83.7(g).

THE NIPMUC NATION [FORMERLY NIPMUC TRIBAL COUNCIL, HASSANAMISCO RESERVATION], PETITIONER #69A: PROPOSED FINDING - SUMMARY CHART

CRITERION A - The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900.

Summary of the Evidence: The petition was originally filed on behalf of the Nipmuc Tribal Council, Hassanamisco Reservation, in 1980. The letter of intent was assigned #69. The petitioner's self-definition subsequently expanded to include first (1984-1987 petition) both the Hassanamisco (Grafton) and Chaubunagungamaug (Dudley/Webster) historical Nipmuc bands. The petitioner now states that it represents, "not only Hassanamisco and Chaubunagungamaug, but other members of the Nipmuc Nation, including members from Dudley-Webster, Natick, Quinsigamond, and our brothers and sisters from the Connecticut bands in Thompson, Putnum [*sic*], Hartford, and other parts of the Nipmuc traditional homelands" (Luster to DeMarce 12/26/1996; Nipmuc Pet. #69A Suppl. 1/21/1997).

The 1984-1987 petition for Federal acknowledgment for petitioner #69 dealt with the lack of identification of an Indian entity at Dudley/Webster throughout much of the 20th century by presenting the argument that the petition was on behalf of both Hassanamisco and Chaubunagungamaug, and that therefore, it was adequate to show documentation for Hassanamisco (Grafton) when there was none for Chaubunagungamaug (Dudley/Webster) and *vice versa*. Petitioner #69 divided in May 1996 through withdrawal of petitioner #69B. Petitioner #69B uses the name "Chaubunagumgamaug Band, Nipmuck Nation," but the large majority of the descendants of the Chaubunagungamaug, or Dudley/Webster, reservation remain in petitioner #69A (see detailed discussion under criterion 83.7(e)). The issue of external identifications for Chaubunagungamaug has been covered in the charts for petitioner #69B.

The current #69A petition has added to the body of documentation submitted in 1984-1987 considerable information pertaining to external identifications of Hassanamisco, but little additional data pertaining to external identifications of the Dudley/Webster descendants as an entity from 1900 to the present. Neither has it added documentation pertaining to external identifications of any of its other identified antecedent groups from 1900 to the present, nor external identifications of its identified antecedents as a whole as distinguished from their individual subgroups or component parts.

Petitioner #69A also submitted a considerable amount of material from the records kept by the Cisco family that has not been evaluated individually in the following charts because, under the general precedents followed in acknowledgment decisions, it does not constitute identification of an Indian entity. This includes such documents as invitations to ceremonial events addressed to individuals, proclamations of "Indian Day" by the Governors of Massachusetts, or replies to letters from Federal or State officials which merely include the Hassanamisco reservation as part of the address, without any reference to an entity in the body of the correspondence. From 1924 to the present, except during World War II, there has been an annual powwow or Indian Fair on the Hassanamisco Reservation, usually in early July or early August, with regular newspaper coverage of the evens. An article in 1926 mentioned attendance of about 500. The size of the Hassanamisco Band or Nipmuc Tribe cannot be extrapolated from this, as the events were intertribal and open to the public. Some of the flyers had data indicating the possibility of external identifications, such as the one for July 4, 1925, which indicated that, "Selectman John Fleming will speak in behalf of Grafton. Ex-Councilman Charles E. Scott will speak in behalf of Worcester." The actual statements were not included in the submission; if located, they might provide external identification of an entity.

The BIA researcher's methodology was to examine the totality of the documentation in the record that might be construed as pertaining to criterion 83.7(a), and determine which items did provide external identification and which did not. If one item of evidence does not provide an external identification within the meaning of the regulations, this does not constitute "negative evidence" or preclude the petitioner from meeting the criterion. If any forms of evidence, singly or in combination, do constitute such identification, they enable the petitioner to meet criterion 83.7(a) as of that date.[1]

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[1]Throughout the chart for criterion 83.7(a), the boldface listing, for example **(a)(6)**, in the column "form of evidence" does not indicate that the item of evidence under analysis met the criterion under that form of evidence. Rather, it indicates the BIA researcher's determination of the category or type of evidence into which the document discussed could best be construed to fall. Technical problems associated with the table format of the charts do not permit the repetition of this footnote on each chart page.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1900-1909	(a) (1) Federal Census of 1900 (NARA T-623, Roll 151, Roll 152, Roll 691, Roll 692, Roll 695).	James Lemuel Cisco, son of Samuel and Sarah Maria (Arnold) Cisco, continued to live in Grafton, Massachusetts, with his family (NARA T-623, Roll 692, Sheet 19, #354/391, #354/392); the Gigger family remained in Gardner (NARA %-623, Roll 692); Aletheah (Johns) Hazard was living in Oxford as a boarder in the household of one of the sons of Mary (Curliss) Vickers. Others of the Vickers family were in Marlborough (1900 Soundex, Massachusetts, Vol. 46, ED 857, Sheet 1, Line 23). Some Dudley/Webster descendants, including both direct and collateral ancestors, of the present petitioner, were listed on the special Indian Population schedules in the Town of Webster, Worcester County, Massachusetts (NARA T-623, Roll 695, 65A, ED1698, Sheet 1 #13/14). Not all of the known descendant families in Webster itself were on the special Indian Population schedules (NARA T-623, Roll 695, 62A, ED1698, Sheet 15 #228/361), nor were those living in other towns. For more detail on the listings of Dudley/Webster descendants, see the charts for petitioner #69B.	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that (a) requires the identification of an entity or group, not just individuals. It does not require identification of the [Indian] entity as being a tribe (Duwamish PF 1996, 4). Huron Potawatomi PF 1995, 4, and MBPI PF 1997, 3, noted that (a) was met when census enumerators stated that the enumerated individuals constituted an "Indian village" or "Indian colony." Before the 1994 regulations clarified that the focus of (a) was on an "entity," previous findings cited census classifications as evidence of an identification of individuals as Indians.	The listings of a few individual families (not as a group or reservation) on the Indian Population schedules does not constitute an external identification of an entity under 83.7(a). The census material is useful both for determination of descent under 83.7(e) and for determination of actual social interaction under 83.7(b), where it shows members of different family lines sharing households. See further discussion of census data in the charts for those criteria, and the Nipmuc background genealogy file prepared by the BIA researcher (Nipmuc GTKY File, BAR).	Does not meet (a).
1900-1909	(a)(1) U.S. Senate Hearing, 1900 (Hearing 1900, 110).	A U.S. Senate Hearing on "New York and Rhode Island Indians" included a "List of Massachusetts residents claiming to be Narragansett heirs," dated August 5, 1897.	Narragansett PF 1982, 8; San Juan Paiute PF 1987, v, and FD 1989, 4; and MBPI PF 1997, 4, provided examples which were accepted as meeting (a) of identification of a group by a Federal official.	The list included two descendants of the Dudley/Webster Indians, both of whom claimed to be Narragansett — not Nipmuc — heirs. As the claim did not come through the Nipmuc side of these families, and no Nipmuc entity was identified, the documentation does not pertain to criterion 83.7(a).	Does not meet (a).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1900-1909	**(a)(1)** Letter of Department of the Interior to Sarah M. Cisco, January 1904 (Nipmuc Pet. Narr. 1984, 131-132).	Letter in response to Ms. Cisco's letter to the Department of the Interior advancing Hassanamisco claims to lands in the Grafton area.	Narragansett PF 1982, 8; San Juan Paiute PF 1987, v, and FD 1989, 4; and MBPI PF 1997, 4, provided examples which were accepted as meeting (a) of identification of a group by a Federal official.	The Federal response was that the Federal Government had neither record of nor obligation to the tribe. The Government's letter, although using the word "tribe" descriptively, did not constitute an external identification of an Indian entity, since it stated specifically that the Government had no record of such a tribe.	Does not meet (a).
1900-1909	**(a)(2)** State annuities (*Mass. Resolves* 1908, Chap. 16; *Mass. Resolves* 1909).	Resolutions of the Massachusetts State Legislature. These annuities were not an innovation after 1900: there were prior grants in 1887, 1895, and 1898 (Acts & Resloves; Mass. Resolves 1895, Chap. 44; Mass. Resolves 1896, Chap. 96), and they continued into the next decade (Nipmuc Pet. Narr. 1984, 124-126). These resolutions applied to descendants of three Hassanamisco proprietary families: Gimbee (Arnold and Cisco), Gigger, and Althea (Johns) Hazard.	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official.	The multiple annuities, provided to members of at least three separate family lines, did not specifically identify the existence of an Indian entity. Conversely, they did not identify the recipients just as descendants of a tribe formerly under the supervision of the State, but did, for example, refer to Althea Hazard as "a member of the Hassanamisco Tribe of Indians" (*Mass. Resolves* 1898). The 1898 annuity, with its authorizing language, remained in effect until Althea (Johns) Hazard's death in 1903, and thus into the post-1900 period.	Does not meet (a). It identifies Hassanamisco, but does not identify the wider Nipmuc antecedents claimed by petitioner #69A.
1900-1909	**(a)(4)** Hodge 1907, 2:74-75; Mooney 1928, 4.	Scholarly reference works.	Narragansett PF 1982, 9; Death Valley PF 1982, 4; San Juan Paiute PF 1987, v, and other cases have provided examples which were accepted as meeting (a) of a group having been described in a published article by a scholar.	Hodge's *Handbook of American Indians North of Mexico* contained only a historical notice concerning the Nipmuc, with no reference to any events subsequent to King Philip's War in the late 17th century. Mooney listed the Nipmuc as extinct by 1907. Thus, it does not constitute identification of a post-1900 Indian entity.	Does not meet (a).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1900-1909	**(a)(5)** Newspaper article (Last of John Eliot's Indians, *New York Sun*, March 30, 1902; Nipmuc #69 Pet. Narr. 1984, 128); "Indian Ward of the State Last Member of Hassanamiscos," *Boston Sunday Post*, March 23, 1902.	These were feature articles concerning Patience Fidelia (Arnold) Clinton as the "last living member of the Hassanamisco tribe . . ." and indicating that she had only recently returned after 29 years of living in Providence, Rhode Island, where her late husband worked. The *New York Sun* article, as quoted, would appear to be a reprint of the *Boston Sunday Post* article. There is no photocopy of it in the submissions.	San Juan Paiute FD 1989, 5, noted that the petitioner is not required to have been identified with the specific tribal name currently used by the petitioner. Jena Choctaw PF 1994, 2, and Chinook PF 1997, 7, provided examples which were accepted as meeting (a) of local newspaper identification of a local Indian group or its leaders.	Both articles mentioned Hassanamisco as, "[w]hat is probably the smallest Indian reservation in the United States," describing it as "two acres and a half lying on top of Brigham's Hill in the town of Grafton" (Nipmuc Pet. Narr. 1984, 128' "Indian Ward of the State" 3/23/1902). This identified a current entity as of 1902, not merely a historical tribe. It should be generally noted that the BIA does not automatically accept the validity of such journalistic comments as "last living member," particularly when the individual mentioned had numerous relatives.	Does not meet (a). It identifies Hassanamisco, but does not identify the wider Nipmuc antecedents claimed by petitioner #69A.
1900-1909	**(a)(5)** 73rd birthday of Lucinda (Hemenway) Cummings, *The Telegram* [dated ca. 1905] (Nipmuc Pet. #69A Office Files); date estimated on the basis of an invitation to her 80th birthday party, dated May 26, 1912 (Cisco Archives, Box 4).	This was a description of a social event, with some retrospective description of her life history. The BIA has assigned the tentative dating on the basis of the invitation.	Jena Choctaw PF 1994, 2, and Chinook PF 1997, 7, provided examples which were accepted as meeting (a) of local newspaper identification of a local Indian group or its leaders.	The article provided no identification of either the Hassanamisco Band or the Nipmuc Tribe as an entity.	Does not meet (a).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1910-1919	(a)(1) 1910 Federal Census (NARA T-624, Roll 144, Roll 630).	James L. Cisco and his family were still in Grafton, as was his sister, Delia (Cisco) Hazard (NARA T-624, Roll 629, ED 1756, Sheet 9B, #129/206; Roll 628, ED 1755, Sheet 2B, #35/38). Several Dudley/Webster Indian families were still in Webster itself (NARS T-624, Roll 630, ED1834, Sheet 22A #289/259) and identified as "Indian," but not included on the special Indian Population schedules that year. Other families were located in Woodstock, Connecticut (NARA T-624, Roll 144, ED598, Sheet 2A #29/29, #29/30; Sheet 2B, #35/36). For more detail, see the charts prepared for petitioner #69B. None of the families located were on the special Indian Population schedules.	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that (a) requires the identification of an entity or group, not just individuals. Huron Potawatomi PF 1995, 4, and MBPI PF 1997, 3, noted that (a) was met when census enumerators stated that the enumerated individuals constituted an "Indian village" or "Indian colony." Before the 1994 regulations clarified that the focus of (a) was on an "entity," previous findings cited census classifications as evidence of an identification of individuals as Indians.	The 1910 Federal census for Massachusetts (NARA T-624) was not submitted in evidence by the petitioner. No Soundex index is available for the 1910 Massachusetts census. For this reason, the BIA (working prior to issuance of the AS-IA's February 7, 2000, directive) limited its examination to selected towns, attempting to identify the locations of residence of the descendants of the Hassanamisco proprietary families. While this material is useful for showing continuing community under 83.7(b) and descent under criterion 83.7(e), it does not constitute an external identification of an entity under 83.7(a).	Does not meet (a).
1910-1919	(a)(2) Letter from Chief Clerk, Office of the Secretary, The Commonwealth of Massachusetts, to Delia Brown (Cisco) Green Holley Hazzard, April 30, 1913 (Cisco Archives, Box 1); 1914 letter from State Auditor Frank H. Pope to Delia (Cisco) Hazzard (Nipmuc Pet. #69 Narr. 1984, 126).	The first letter was generated by Mrs. Hazzard's request that the Massachusetts legislature direct the Selectmen of the Town of Grafton to provide funds to restore the house at 80 Brigham Hill Road; the reply indicated that the fund appropriated in 1867 had been completely spent by 1888, and the 1869 enfrancisement act had ended any such obligation s(Nipmuc #69 Pet. Narr. 1984, 125-126; Cisco Archives, Box 1); the reply to her 1914 request indicated that such assistance could be granted only by the legislature, referencing the legislature's recent grant of a $150 per year annuity to her brother, James Lemuel Cisco (Nipmuc Pet. #69 Narr. 1984, 126).	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official.	This material is analogous to the distribution of judgment funds, in that it identifies individuals as descendants of a tribe, with some form of residual entitlements or possible entitlements, but does not in itself identify the existence of an entity. The entity identified was a historical entity, not a contemporary entity.	Does not meet (a).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1920-1929	**(a)(1)** Federal census of 1920 (NARA H-562, 1920 Soundex Index, Massachusetts; NARA T-625, Roll 198, Roll 745, Roll 746).	James L. Cisco, his wife, and two unmarried sons were living in Grafton (NARA T-625, Roll 746, ED 82, Sheet 14a, #74/84). George Vickers was head of household in Marlborough, Middlesex County, Massachusetts (1920 Soundex, Massachusetts, Vol. 71, ED 301, Sheet 16, Line 20). More Dudley/Webster descendant families were located in 1920 than in 1910 in Massachusetts; some were identified as Indian by the enumerator (NARS T-625, Roll 745, ED 32, Sheet 3B #35/59), but others were not (NARS T-625, Roll 745, ED 32, Sheet 10B #99/186). Some were still in Woodstock, Connecticut. For more detail, see the charts prepared for petitioner #69B. There were no special Indian Population schedules for the 1920 census.	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that (a) requires the identification of an entity or group, not just individuals. Huron Potawatomi PF 1995, 4, and MBPI PF 1997, 3, noted that (a) was met when census enumerators stated that the enumerated individuals constituted an "Indian village" or "Indian colony." Before the 1994 regulations clarified that the focus of (a) was on an "entity," previous findings cited census classifications as evidence of an identification of individuals as Indians.	The data submitted did not include all the ancestral families of the petitioner. Identifications as "Indian" were of individual families, rather than of a group or entity. While this material is useful for showing continuing community under 83.7(b) and descent under criterion 83.7(e), it does not constitute an external identification of an entity under 83.7(a).	Does not meet (a).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1920-1929	**(a)(5)** "Last of Indian Tribe Clings to Tribal Home," *Worcester Telegram,* March 28, 1920; "Tribe Guards Dwindling Domain in Grafton," *Worcester Telegram*, January 27, 1924 (Cisco Archives, Box 1; #69A Pet. Suppl. 6/1997); "Algonquin Indian Council Crowns Chief," *Worcester Telegram*, hand-dated June 30, 1924; "Birthday Party for Mrs. Hazzard," unidentified newspaper article c. 1924; "Indians to Hold Bit 'Pow-Wow'," unidentified newspaper article c. 1924; Flyer, July 4, 1925; "Grafton Scene of Gay Revelty by Indian Tribe," *Worcester Telegram*, July 5, 1925; "Town of Grafton Can Boast of Last Indian Reservation in Massachusetts," unidentified newspaper article, hand-dated 1926; *Worcester Telegram,* August 14, 1929.	This is a selection of newspaper articles covering "Indian Fairs" and other events held at the Hassanamisco Reservation, Grafton, Massachusetts. In some instances, the events were covered by two or three articles (before and after the actual date). The June 30, 1924, article described the "crowning" of James Lemuel Cisco as chief in the town hall at Grafton, Massachusetts, describing him as a direct descendant of the Hassanamisco tribe, mentioning the current Hassanamisco Tribe, and naming a few other current members (not all of whom were members of the Cisco family). The BIA dated the notice of Delia (Cisco) Hazzard's 64th birthday to approximately 1924 based upon her date of birth as 1860 or 1861. The reporter included a comment that Chief Ciscoe, "said that he hoped every indian of the Nipmuc, Hassanamisco, and Pequot tribes" would attend a planned meeting on January 11. In a linked article, "Indians to Hold Bit 'Pow-Wow," he was described as "chief of the Hassanamisco tribe of Algonquins."	San Juan Paiute FD 1989, 5, noted that the petitioner is not required to have been identified with the specific tribal name currently used by the petitioner. Jena Choctaw PF 1994, 2, and Chinook PF 1997, 7, provided examples which were accepted as meeting (a) of local newspaper identification of a local Indian group or its leaders.	The "Last of Indian Tribe" article (3/28/1920) mentioned the "almost extinct Hassanamesit tribe," the origin of the Cisco family as Hassanamisco and specified that the Hassanamisco had been a branch of the Nipmuc. It is of particular value as an external identification in that it was published several years before the Bicknell initiatives and was not generated by the publicity associated with Bicknell's Algonquin Indian Council of New England. "Tribe Guards Dwindling Domain" discussed the history of the proprietorship, and Lemuel Ciscoe and his sister Delia Hazzard as surviving representatives of the historical tribe, as well as several members "of the new generation" (*Worcester Telegram* 1/27/1924), while "Town of Grafton Can Boast" identified the tribal members then living within the town limits of Grafton (c. 1926).	Does not meet (a). The article dentifies Hassanamisco, but does not identify the wider Nipmuc antecedents claimed by petitioner #69A.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1920-1929	**(a)(5)** "Would Make Indian Cemetery in Woodstock Historic Place," *Patriot*, Putnam, Connecticut, hand-dated November 24, 1924.	This was a description, with history, of an Indian cemetery near Hatchet Pond in the far northwestern corner of the town of Woodstock, Connecticut.	San Juan Paiute FD 1989, 5, noted that the petitioner is not required to have been identified with the specific tribal name currently used by the petitioner. Jena Choctaw PF 1994, 2, and Chinook PF 1997, 7, provided examples which were accepted as meeting (a) of local newspaper identification of a local Indian group or its leaders.	The article made no mention of a still-existing Indian entity and therefore is not an external identification.	Does not meet (a).
1920-1929	**(a)(6)** McMullen 1994; Nipmuc Pet. Narr. 1984, 134-135, 138; "Descendants of Redskins to Hold Pow-Wow," hand-identified and dated as Cranston paper, Monday, December 10, 1923; *Worcester Telegram*, January 27, 1924; *Worcester Daily Telegram* June 30, 1924; July 8, 1924; *Evening Bulletin*, Providence, Rhode Island, August 8, 1924; October 8, 1924).	Data obtained from Thomas Bicknell and the organization of the Algonquin Indian Council of New England, with associated newspaper coverage. The Nipmucs were one of the tribes invited to participate in the organizational meeting of the council in 1923. The list of "tribal chiefs" included James Lemuel Cisco of the Hassanamisco and John W. Braxton of the "Nipmucks."	For examples of identifications by other Indian tribes and organizations which meets (a), see Grand Traverse Band PF 1979, 4; Death Valley Shoshone Pf 1982, 8; Poarch Creek PF 1983, 3; San Juan Paiute PF 1987, vi. Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that (a) requires the identification of an entity or group, not just individuals. For identification of entities under 83.7(a)(6), cf. "The petitioner . . . has been identified by and accepted for membership in both regional and National American Indian organizations" (Snoqualmie PF 1993, 6), and "the petitioner 'has been a member of NCAI since 1978'" (Narragansett PF 1982, 9).	Bicknell's undertaking was not an association of entities in the same sense as NCAI. His main involvement was with the Hassanamisco Nipmuc, and included the installation of James Lemuel Ciscoe as chief of the Hassanamisco in 1924. There was no description of the "Nipmuck" entity of which Braxton was listed as chief.	Does not meet (a). It identifies Hassanamisco, but does not identify the wider Nipmuc antecedents claimed by petitioner #69A.
1930-1939	**(a)(1)** Report on New England Indians, prepared by Gladys Tantaquidgeon for John Collier, COIA, 1934.	Although Tantaquidgeon is known to have made the acquaintance of various Nipmuc, both Hassanamisco and Dudley/Webster, during her association with Bicknell (Sarah Cisco to Bicknell 10/12/1924; McMullen 1994, notes p. 4), her 1930's survey of New England Indians did not include either group.	Narragansett PF 1982, 8; San Juan Paiute PF 1987, v, and FD 1989, 4; and MBPI PF 1997, 4, provided examples which were accepted as meeting (a) of identification of a group by a BIA official. See also specific use of this report (Mohegan PF 1989, 2).	This report provides no evidence for the existence of an entity.	Does not meet (a).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1930-1939	**(a)(1)** Letter, Assistant COIA to Sarah (Cisco) Sullivan, November 6, 1934 (Cisco Archives, Box 2; #69A Pet. Suppl. 6/1997).	COIA sends copy of IRA to Sarah (Cisco) Sullivan, stating that it would not be practicable for the Office to extend relief to her and her daughter because they were under state jurisdiction (Cisco Archive, Box 2).	Narragansett PF 1982, 8; San Juan Paiute PF 1987, v, and FD 1989, 4; and MBPI PF 1997, 4, provided examples which were accepted as meeting (a) of identification of a group by a BIA official.	The letter is directed to an individual and contains no identification of a tribal entity. It states specifically, without naming any tribes, that, "[t]he Indians in Massachusetts are known as 'State' Indians, under whose jurisdiction they are, ..."	Does not meet (a).
1930-1939	**(a)(2)** "Ask Pension for Grafton Indians," [*Worcester Telegram*], hand-dated December 8, 1937; Nipmuc Pet. #69a Suppl. 4/21/1997)' "Annuities Refused," hand-identified *Worcester Daily Telegram,* June 13, 1941 (Nipmuc Pet. #69A Suppl. 6/1997).	Petition to provide a $500 per year annuity to Sarah M. (Cisco) Sullivan and her daughter, Zara, introduced into the Massachusetts State Legislature; it bore nearly 200 signatures of non-Indians in the Grafton area "on the basis that the state had despoiled their ancestors of their rightful property." The bill, sponsored by Senator P. eugene Casey (D) of Milford, and Rep. Nathan Rosefeld (R) of Milford and Christopher J. Tyrrell (R) of Westboro, failed to pass, as did a subsequent bill.	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official. Tunica-Biloxi PF 1980, 3; Gay Head PF 1985; Miami PF 1990, 2; and Jena Choctaw PF 1994 contain precedents for identification of an Indian entity by a state legislature as meeting (a).	While the petition is on behalf of two individuals, it indicates awareness upon the part of local residents of the historical existence of an Indian entity in Grafton, however attenuated in size it had become and is an external identification of that entity.	Does not meet (a). It identifies Hassanamisco, but does not identify the wider Nipmuc antecedents claimed by petitioner #69A.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1930-1939	(a)(3) Nipmuc Pet. Narr. 1984, 174; Letter from Sarah M. Cisco Sullivan, "Corresponding Secretary," to the Select Men and Officers of Grafton , ca. 1930 (Nipmuc Pet. #69A, Cisco Archives, Box 1).	In 1930, the Massachusetts Bay Colony Tercentenary Commission placed a historical marker on Brgham Hill, in Grafton, in front of the Hassanamisco Reservation (Nipmuc 369 Pet. Nar. 1984, 156, 174). The text reads: "1630 - 1930 Indian Reservation. These Four and one-half acres have never belonged to the white man, having been set aside in 1726 as an indian Reservation by the forty proprietors who purchased the praying Indian town of Hassanamesit." Massachusetts Bay Colony Tercentenary Commission.	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official.	It is not clear from the material in the record whether the Massachusetts Bay Colony Tercentenary Commission was a State agency, a private organization, or possibly a hybrid of some type. The 1930 date and the wording imply the identification of a contemporary reservation. They provide no evidence concerning an entity larger than the reservation itself and its current two residents. While the letter from Mrs. Sullivan refers to "all the Descendants of Hassanamisco Indians," referring to some who live in Boston, Worcester, Gardner, and Oxford, this is a description by the petitioner – not a description by the Tercentenary commission. The record does not contain documents from the Massachusetts Tercentenary Commission itself.	Does not meet (a). It identifies the historical site of the Hassanamisco Reservation, but does not identify a contemporary Hassanamisco entity or identify the wider Nipmuc antecedents claimed by petitioner #69A.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1930-1939	(a)(3) "Claim Lake Ripple in Grafton Theirs: Descendants of Praying Tribe of Hassanamiscos Ready to Prove They Own Area," [listed in #69A Inventory of Newspaper Articles Collected, April 1996]; Ivan Sandrof, "Last Indian in Grafton: Lives on Land Never Owned By White Man," *Worcester Sunday Telegram, Parade Magazine [Feature Parade Section]*, October 10, 1948.	According to the Sandrof article, in 1938, Sarah Maria Cisco filed a claim with the Lake Quinsigamond Commission to all the land "now covered by Lake Ripple in Grafton and that under flood waters from Lake Quinsigamond" (Sandrof 10/10/1984, 4).	Tunica-Biloxi PF 1980, 2; Poarch Creek PF 1983, 3; Jena Choctaw pF 1994, 2; provide examples of dealing with a local government based on the group's Indian identity.	The material in the record does not show that the Lake Quinsigamond Commission identified the existence of an Indian entity. The record does indicate that there may have been such an identification by a local government entity in connection with the claim. The article states only that, "the commision made a search, but was unable to find anything either to prove her claim, or disprove it" (Sandrof 10/10/1948, 4). The "Claim Lake Ripple" article was listed in the #69A inventory, but no copy was included in the accompanying folder.	Does not meet (a).
1930-1939	(a)(5) Newspaper articles. "Last of the Grafton Indians," *Worcester Sunday Telegram*, September 28, 1930 (Nipmuc #69 Pet. Narr. 1984, 146); "Indian Lore Relived in Grafton," *Sunday Telegram*, June 30, 1935 [listed in #69A Inventory of Newspaper Articles Collected, April 1996].	"Last of the Grafton Indians" was cited in the petition narrative (Nipmuc #69 Pet. Narr. 1984, 146), but no copy was included in the exhibits, then or subsequently. It also cited an article from the *Worcester Evening Gazette* from October 16, 1935 (Nipmuc #69 Pet. Narr. 1984, 215n145), but no copy was included in the exhibits. The "Indian Lore" article was listed in the #69A inventory, but no copy was included in the folder.	San Juan Paiute FD 1989, 5, noted that the petitioner is not required to have been identified with the specific tribal name currently used by the petitioner. Jena Choctaw PF 1994, 2, and Chinook PF 1997, 7, provided examples which were accepted as meeting (a) of local newspaper identification of a local Indian group or its leaders.	Absent copies of the documentation, the BIA cannot evaluate this evidence.	Does not meet (a).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1930-1939	**(a)(5)** Charles Robinson, "Praying Indians; A Decendent [*sic*] Is Living Here in Natick, hand-identified and dated as *Natick Bulletin* 1932; Mary R. Esty, "Old Indian Burying Ground," [hand-dated, but illegible on copy, possibly 1920?].	"Praying Indians" discussed a Natick resident, Walter W. Thomas, as a descendant of the Indian Thomas family of Natick; the article on the cemetery was entirely historical in nature.	San Juan Paiute FD 1989, 5, noted that the petitioner is not required to have been identified with the specific tribal name currently used by the petitioner. Jena Choctaw PF 1994, 2, and Chinook PF 1997, 7, provided examples which were accepted as meeting (a) of local newspaper identification of a local Indian group or its leaders.	These articles described only individuals, and did not indicate the existence of an Indian entity.	Does not meet (a).
1940-1949	**(a)(1)** Gilbert 1949.	This was a survey of surviving Indian groups in the Eastern United States, compiled by a researcher at the Library of Congress. "The Hassanamisco Band of Nipmuc are still to be found scattered in various towns of central Massachusetts (Grafton, Worcester, Boston, Gardner, Mendon), and there are a few at Mystic, Conn., and Blackstone, R.I. . . . The Nipmuc still cling tenaciously to their Indian identity and are set apart from Whites of the underprivileged class and also from mulattoes and Negroes. Apart from their traditions there is nothing in their manner of life which would set them apart. They are employed in skilled crafts and industries and in government offices" (Gilbert 1949, 410).	Narragansett PF 1982, 8; San Juan Paiute PF 1987, v, and FD 1989, 4; and MBPI PF 1997, 4, provided examples which were accepted as meeting (a) of identification of a group by a Federal official.	The discussion of the Nipmuc in this compilation was apparently based almost entirely on Speck's 1943 publication (see below).	Does not meet (a). It identifies Hassanamisco, but does not identify the wider Nipmuc antecedents claimed by petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1940-1949	**(a)(4)** Speck 1943.	Speck was unaware of the historically different roots of the two reservations: "The internal dissension characteristic of most small communities in America, both Indian and English, may be held responsible for certain 'family troubles' that caused some Nipmuc to 'move off by themselves and settle at Dudley,' according to Sarah Cisco. Further information upon the constituency of this group of Nipmuc is entirely lacking as yet. Sarah Cisco knew little of them herself. She was acquainted only with the Wilson family there" (Speck 1943, 54). Generally, see also (Nipmuc Pet. Narr. 1984, 116-117).	Narragansett PF 1982, 9; Death Valley PF 1982, 4; San Juan Paiute PF 1987, v, and other cases have provided examples which were accepted as meeting (a) of a group having been described in a published article by a scholar.	Anthropologist Frank Speck's visit to the Nipmuc in 1943, and subsequent publication, focused exclusively on Hassanamisco. He did not visit or interview any of the Dudley/Webster descendants, and quoted Sarah (Cisco) Sullivan as making only the vaguest reference to them (Speck 1943, 54).. It provided a list of "Hassanamisco families known to have resided on the reservation in the span of Mrs. Sullivan's memory," (Speck 1943, 54). The anthropologist's summation was that: "Group solidarity has vanished at the far end of acculturation, but one must admit that the group, though interfused and obscured, is one consciously apart in name and identity" (Speck 1943, 51-52).	Does not meet (a). It identifies Hassanamisco, but does not identify the wider Nipmuc antecedents claimed by petitioner #69A.
1940-1949	**(a)(5)** Ivan Sandroff, "Last Indian in Grafton: Lives on Land Never Owned By White Man," *Worcester Sunday Telegram, Parade Magazine* [Feature Parade Section], October 10, 1948.	This was a comparatively extensive feature article about Sarah (Cisco) Sullivan which included a brief history of the Nipmuc Indians and a description of the establishment of the reservation in Grafton.	San Juan Paiute FD 1989, 5, noted that the petitioner is not required to have been identified with the specific tribal name currently used by the petitioner. Jena Choctaw PF 1994, 2, and Chinook PF 1997, 7, provided examples which were accepted as meeting (a) of local newspaper identification of a local Indian group or its leaders.	The BIA does not automatically accept the accuracy of the identification of anyone as the "last Indian" of a tribe, particularly when over a dozen such identifications of different individuals are made over a span of time, and the article specifically mentions other living tribal members. This specific article, however, focused only on one individual and mentioned only a few other members of her immediate family. It provided no description or identification of a contemporary entity.	Does not meet (a).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1940-1949	(a)(6) Nipmuc Pet. #69 Narr. 1984, 174; Nipmuc Pet. #69, Ex. 168.	In 1946, the Hassanamisco Reservation was a member of the Indian War Drum Association.	For examples of identifications by other Indian tribes and organizations which meets (a), see Grand Traverse Band PF 1979, 4; Death Valley Shoshone Pf 1982, 8; Poarch Creek PF 1983, 3; San Juan Paiute PF 1987, vi. Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that (a) requires the identification of an entity or group, not just individuals. For identification of entities under 83.7(a)(6); cf. "The petitioner . . . has been identified by and accepted for membership in both regional and National American Indian organizations" (Snoqualmie PF 1993, 6), and "the petitioner 'has been a member of NCAI since 1978'" (Narragansett PF 1982, 9).	The Indian War Drum was a magazine, according to the correspondence constituting the exhibit, which consisted of a letter from the editor to Sarah (Cisco) Sullivan. Such a letter to the editor constitutes a self-identification by a member of the petitioner rather than an external identification.	Does not meet (a).
1940-1949	(a) "Flagpole Assured for Grafton Indian Reservation," unidentified newspaper article, hand-dated July 28, 1942; "Flagpole to be Dedicated Sunday," unidentified, undated newspaper article; "North Grafton," article concerning the flagpole, unidentified and undated, from scrapbook of Sarah (Cisco) Sullivan (Nipmuc Pet. #69a Suppl. 4/21/1997).	This dealt with the erection of a 60-foot flagpole at the "Hassanamiscoe Indian Reservation on Brigham Hill" under the sponsorship of the Grafton Community Club.	"Evidence to be relied upon in determining a group's Indian identity may include one or a combination of the following, as well as other evidence of identification by other than the petitioner itself or its members" (83.7(a)).	This has been categorized under (a), but not under (a)(5), because, although a newspaper article, it deals with the activity of a local organization. Identification by a community club would be a form of "other evidence." In this instance, however, the article is not descriptive of a Hassanamisco entity.	Does not meet (a). It identifies the historical Hassanamisco Reservation, but neither identifies a contemporary Hassanamisco entity nor identifies the wider Nipmuc antecedents claimed by petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1940-1949	(a) Photograph, hand-dated c. 1944 (Cedric L. Robinson, Booksellers, catalog, p. 39). "Presented to your church by Sarah M. Cisco Sullivan."	"Descendants of John Elliott's Praying Band," Nipmuc tribe; celebrating the 290 anniversary of the Congregational Church of Grafton, Massachusetts.	"Evidence to be relied upon in determining a group's Indian identity may include one or a combination of the following, as well as other evidence of identification by other than the petitioner itself or its members" (83.7(a)).	This document indicates that if additional data pertaining to this church anniversary could be located, it might contain an external identification of the entity. The photograph in itself, however, does not, as it records a donation made by the petitioner in is thus a self-identification rather than an external identification.	Does not meet (a).
1950-1959	(a)(2) Nipmuc Tribe Revived, *Worcester Telegram* 6/21/1950; Nipmuc Indian Chapter 1950 [unidentified newspaper article]; associated articles May 23, 1950; June 20, 1950 (Nipmuc #69B Supplement 3/28/1997); associated correspondence (Cisco Archives, Box 1). "Indians Will Also Assist," *Worcester Telegram*, February 12, 1953 (Nipmuc #69b Supplement 3/28/1997); Roswell W. Hazzard and Elizabeth H. Moffitt to Mrs. Sarah Ciscoe Brough, July 12, 1956 (Cisco Archives, Box 1); Mabel I. Hazard to Zara CiscoeBrough, July 22, 1957 (Cisco Archives, Box 1).	These articles relate to the 1950 chartering of a "Nipmuc Tribe" in Worcester, Massachusetts, by the State of Massachusetts, and are thus secondary evidence concerning a state relationship with an organization. The participants in the newly chartered organization included some Hassanamisco Nipmuc descendants and some individuals who have not been identified as of either Hassanamisco or Dudley/Webster ancestry.	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official. Tunica-Biloxi PF 1980, 3; Gay Head PF 1985; Miami PF 1990, 2; and Jena Choctaw PF 1994 contain precedents for identification of an Indian entity by a state legislature as meeting (a).	Sarah M. (Cisco) Sullivan strongly opposed this initiative (letters of May 15, 1950, and June 19, 1952, Cisco Archives, Box 1), although several other identified Hassanamisco descendants, such as Agnes L. Scott, Annie Barber, and Jessie Mayes, were associated with it. It was undertaken under the leadership of William Alfred Moffitt of Worcester, Massachusetts, and received a state charter. The evidence indicates that the organization chartered was not a band or tribe, but a Worcester County chapter of the Algonquin Indian Council of New England ("Indians Also Will Assist, *Worcester Telegram*, February 12, 1953; Hazzard and Moffitt to Brough 7/12/1956; Hazard to CiscoeBrough 7/22/1957). This organization is not antecedent to the current petitioner.	Does not meet (a).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1950-1959	(a)(5) "Indians Will Gather in Reservation Area, *Worcester Gazette*, July 30, 1957; "Grafton Indian Fair Pushes Corn," unidentified newspaper article, hand-dated July 7, 1958.	The description was of an intertribal event, open to the general public, held on the grounds at Hassanamisco.	San Juan Paiute FD 1989, 5, noted that the petitioner is not required to have been identified with the specific tribal name currently used by the petitioner. Jena Choctaw PF 1994, 2, and Chinook PF 1997, 7, provided examples which were accepted as meeting (a) of local newspaper identification of a local Indian group or its leaders.	These newspaper articles covered the regular powwows held on the Hassanamisco reservation, identifying Hassanamisco as a contemporary Indian entity (not merely as a historical tribe) in passing.	Does not meet (a). These articles identify Hassanamisco, but do not identify the wider Nipmuc antecedents claimed by petitioner #69A..
1950-1959	(a)(6) Program, Hassanamisco Powwow, 7/4/1950; "Indian Fair to be held at Hassanamisco Reservation," August 17-18 [1953?].	The 1950 program showed the occurrence of an intertribal activity on the grounds of the Hassanamisco Reservation. The program tentatively dated as 1953 specified that it was sponsored by the "Worcester Department of the National Algonquin Indian Council" and that participants were the United Association for Advancement of American Indians; the Narragansett Indian Council; the Nipmunck Indian Council of Worcester; and the National Congress of American Indians.	For examples of identifications by other Indian tribes and organizations which meets (a), see Grand Traverse Band PF 1979, 4; Death Valley Shoshone Pf 1982, 8; Poarch Creek PF 1983, 3; San Juan Paiute PF 1987, vi. Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that (a) requires the identification of an entity or group, not just individuals. For identification of entities under 83.7(a)(6), cf. "The petitioner . . . has been identified by and accepted for membership in both regional and National American Indian organizations" (Snoqualmie PF 1993, 6), and "the petitioner 'has been a member of NCAI since 1978'" (Narragansett PF 1982, 9).	These provided no identification of a Nipmuc entity broader than that of the Hassanamisco Reservation hosting the event. The "Nipmunck Indian Council of Worcester" was not described, but may have been the organization chartered by the State of Massachusetts in 1950 (see charts for criterion 83.7(c) for a more detailed discussion of the conflicts between the Sarah M. (Cisco) Sullivan and this group in the early 1950's). The "Nipmunck Indian Council of Worcester" was not a Nipmuc organization, but rather pan-Indian, and was not antecedent to the current petitioner.	Does not meet (a). The documents identify Hassanamisco, but do not identify the wider Nipmuc antecedents claimed by petitioner #69A.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1950-1999	**(a)(6)** Nipmuc Pet. #69 Narr. 1984, 174; Nipmuc #69 Pet. 1984, Ex. 8, Ex. 11.	At various points during this half century, the Hassanamisco Reservation was a member of such American Indian groups as the Coalition of Eastern Native Americans, Inc., the United Association for the Advance of American Indians, the National Congress of American Indians, and the American Indian Children's Fund.	For examples of identifications by other Indian tribes and organizations which meets (a), see Grand Traverse Band PF 1979, 4; Death Valley Shoshone Pf 1982, 8; Poarch Creek PF 1983, 3; San Juan Paiute PF 1987, vi. Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that (a) requires the identification of an entity or group, not just individuals. For identification of entities under 83.7(a)(6), cf. "The petitioner . . . has been identified by and accepted for membership in both regional and National American Indian organizations" (Snoqualmie PF 1993, 6), and "the petitioner 'has been a member of NCAI since 1978'" (Narragansett PF 1982, 9).	The petition asserted that, "[t]o most of these organizations regular membership fees were paid and there was an ongoing exchange of correspondence" (Nipmuc #69 Pet. Narr. 1984, 174). Some of the items cited by the petition appear, however, to have been charitable donations rather than memberships. At least one group, the Degree of Pocahontas, was a lodge rather than an American Indian organization. The CENA and NCAI documents, however, were memberships in "regional and national American Indian organizations," constituting an external identification under the Snoqualmie and Narragansett precedents. The memberships documented by the exhibits were, however, for the "Hassanamisco Tribe" or the "Hassanamisco Reservation," not for the "Nipmuc Tribal Council" as indicated in the petition narrative.	Does not meet (a). The organizations identify the Hassanamisco Reservation as an Indian entity, but do not identify the wider Nipmuc antecedents claimed by petitioner #69A.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1960-1969	(a)(1) 1969 letter from W. Joynes Macfarland, Chief, Office of Public Information, US DOI, BIA, to Zara Ciscoe Broough requesting data on the Hassanamisco Reservation, October 6, 1969 (Nipmuc Pet. Narr. 1984, 181-182; 217n176). Reply undated; notation that it was sent in November 1969.	The letter asked: "Does the state recognize the Reservation officially? What is the reservation size? Do Indians live within its boundaries/ How many Indians live in the vicinity, and are they all of Nipmuc descent? . . . If the state does not recognize the Reservation officially, please explain its legal status . . . until your letter we had understood there were no Indian reservations in Massachusetts and no State supervising agency for Indian affairs" (quoted in Nipmuc Pet. #69 Narr. 1984, 181; no copy in submissions). Her reply stated, ". . . our original heirs to the reserve number about 20 but our 'second' family as we call them number 200 or more . . . Scattered from coast to coast it has been difficult to locate many of these people . . . We are a disbanded tribe . . . We are now in contact with many of them . . . " (Nipmuc #69 Pet. Narr. 1984, 182).	Narragansett PF 1982, 8; San Juan Paiute PF 1987, v, and FD 1989, 4; and MBPI PF 1997, 4, provided examples which were accepted as meeting (a) of identification of a group by a BIA official.	The letter is a request for information rather than an external identification. The reply is a self-identification and thus does not provide evidence for criterion 83.7(a).	Does not meet (a).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1960-1969	(a)(3) Nipmuc #69 Pet. Narr. 1984, 176-179; Nipmuc #69 Pet. 1984, Ex. 14, Ex. 15.	Negotiations between the Ciscos and the Town of Grafton pertaining to the preservation of Lake Ripple, 1966-1968. Exhibit 14 was two undated, captioned, photographs. Exhibit 15 was an agreement signed by Zara CiscoeBrough on behalf of the Hassanamisco Reservation Foundation with a representative of the Grafton Town Selectmen and four representatives of the Conservation Commission.	Tunica-Biloxi PF 1980, 2; Poarch Creek PF 1983, 3; Jena Choctaw pF 1994, 2; provide examples of dealing with a local government based on the group's Indian identity.	An article, "To Purchase Lake: Lake Ripple in Grafton Pollution Problem: Indians, Palefaces Reach Agreement," cited as *Evening Gazette* 2/9/1966 was listed in the #69A Inventory of Newspaper Articles Collected, April 1966, but there was no copy in the accompanying folder. The agreement did not identify an Indian entity, but was an agreement between the Conservation Commission and a corporation. See charts for criterion 83.7(d) for indication that the by-laws of the Hassanamisco Reservation Foundation specifically reserved ownership of the reservation property to the Cisco family (the "legal heirs"). It is possible that other actual documents associated with this initiative would meet (a) for Hassanamisco for this time period, but they are not in the record.	Does not meet (a).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1960-1969	(a)(5) "Indians Open An-nual Fair on Reservation in Grafton," *Worcester Daily Telegram*, July 3, 1960; Margaret Lincoln, "Hassanamisco Hoe-down; Indians Hold Pow-wow in Grafton," *Wor-cester Daily Telegram*, July 4, 1961; "Indians Commemorated," *Wor-cester Daily Telegram*," August 12, 1964; Stephen Claypole, "Rare Ritual; Wedding Cere-mony Highlights 3-Day Grafton Indian Fair," unidentified newspaper article hand-dated July 5, 1965; Barbara Rocco, "3-Day Celebration on Graf-ton Reservation" uniden-tified newspaper article 1965 (Cisco Archives, Box 1); Roy Johnson, "Grafton Indians Not Paid for Land," *Boston Sunday Globe*, February 14, 1965; "Annual Events, Hassanamisco Indian Fair," *Grafton Daily*	These articles were designed to report on events – they were not feature articles covering the group as such. There are occasional references, such as to Zara Cisco Brough being the only occupant of the reservation and one of the 20 remaining "descendants of the Hassanamisco tribe" (Rocco 1965, Cisco Archives Box 1). Generally, however, the reportage pertained to intertribal events held on the reservation grounds. The Lincoln article provided somewhat greater depth, discussing the role of the Hassanamisco in formulating a statement of purpose for Eastern United States Indians to be presented to the National Congress for American Indians (Lincoln 7/4/1961). The articles listed in the column to the left are a partial, but representative, selection of a larger number in the record which offered similar coverage.	San Juan Paiute FD 1989, 5, noted that the petitioner is not required to have been identified with the specific tribal name currently used by the petitioner. Jena Choctaw PF 1994, 2, and Chinook PF 1997, 7, provided examples which were accepted as meeting (a) of local newspaper identification of a local Indian group or its leaders.	Most of these articles identified, in passing, the Hassanamisco Reservation in Grafton, and the members of the Hassanamisco Band, as an Indian entity. A few went into more detail, such as Johnson's 1965 mention of the "Hassanamisco Indian tribe" as a currently existing entity with approximately 200 members in addition to its restrospective history of the reservation (Johnson 2/14/1965).	Does not meet (a). The articles identify Hassanamisco, but do not identify the wider Nipmuc antecedents claimed by petitioner #69A.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1970-1979	(a)(2) Dukakis 1974; Dukakis 1976; Nipmuc #69 Pet. 1984, Ex. 7; Nipmuc Pet. #69B Suppl. 2/28/1997, folder 1970; Dukakis Executive Order July 8, 1976; Dukakis May 1, 1978 (Nipmuc Pet. Narr. 1984, 185-186).	Letter of the Governor of Massachusetts proclaiming the Massachusetts Commission on Indian Affairs in 1974; listing the governing bodies in 1976. "WHEREAS, the Tribal Councils of the Nipmuc, Mashpee and the Gay Head Wampanoag Tribes are the recognized governing bodies, respectively, of the Nipmuc Tribe, the Mashpee Tribe, and the Gay Head Wampanoag Tribe, and exercise substantial governmental functions . . . ." (Dukakis 1976, 3; Nipmuc Pet. #69b Suppl. 2/28/1997, folder 1970). Executive order, July 8, 1976, State agencies shall deal ". . . with the Hassanamisco Nipmuc Tribal Council on matters affecting the Nipmuc Tribe" (Nipmuc Pet. Narr. 1984, 185).	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official. For membership on a State Commission for Indian Affairs, see Narragansett PF 1982, 8; HIP Pf 1995, 5.	The references pertain to the Hassanamisco Nipmuc tribal Council. Zara CiscoeBrough was appointed to serve on the Massachusetts Commission on Indian Affairs on October 30, 1974.	Does not meet (a). The documents identify Hassanamisco, but do not identify the wider Nipmuc antecedents claimed by petitioner #69A.
1970-1979	(a)(3) Nipmuc Pet. Narr. 1984, 173.	Grafton Town Hall, Office of Tax Assessor, identifies the Cisco property or Hassanamisco, as "Commonwealth of Massachusetts Indian Reservation," tax-exempt.	Tunica-Biloxi PF 1980, 2; Poarch Creek PF 1983, 3; Jena Choctaw pF 1994, 2; provide examples of dealing with a local government based on the group's Indian identity.	There is no copy of the document in submission. If the summation in the petition is accurate, it would constitute an external identification of a Hassanamisco entity by a local government unit, but would not identify the wider Nipmuc antecedents claimed by petitioner #69A.	Does not meet (a).
1970-1979	(a(4) Whipple; Chandler, *The Indian and the White Man in Massachusetts and Rhode Island* (Stockbridge, MA: Berkshire Traveller Press, [1974])..	This book mentioned the Hassanamisco reservation (Whipple 1974, 132-133). It got the acreage wrong, said that it had an original longhouse built in 1590 [*sic*], that the longhouse contained an "Indian/Colonial Research Library," and mentioned the annual "Indian fair and pageant." Whipple indicated that there were "approximately 400 Nipmucks scattered about the United States."	For identification in local and regional histories, see Mohegan PF 1989, 2; Huron Potawatomi PF 1995, 8; Cowlitz PF 1997, 17; Chinook PF 1997, 6.	The petition documentation indicates that the "longhouse" was a reconstruction, built subsequent to 1961. Whipple's discussion, errors and all, focused only on the Hassanamisco Reservation. The only reference to Chaubunagungamaug was to the era of King Philip's War, and a modern sign by the lake (Whipple 1974, 107).	Does not meet (a). It identifies Hassanamisco, but does not identify the wider Nipmuc antecedents claimed by petitioner #69A.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1970-1979	**(a)(5)** "Princess White Flower Asks . . ." *Worcester Sunday Telegram*, June 6, 1971; Sylvia Glickman, "An Indian Name Well Deserved," unidentified newspaper article, hand-dated November 19, 1974; Lincoln R. McKie, "Land Claim: Indian Sign on City," *Worcester Telegram*, December 19, 1976; "Grafton Indian Leader Sees Native American Commune," *Worcester Telegram*, March 15, 1979.	These articles focus primarily on the activities of Zara CiscoeBrough and on intertribal events held on the Hassanamisco reservation grounds. They are a representative selection from a larger number of similar newspaper articles in the record. The Glickman article included description of an external identification by the local Parks Superintendent and an interview with Zara CiscoeBrough at the Hassanamisco Reservation. The 1979 article described the proposal that the Nipmuc Tribal Council had submitted to the Massachusetts Department of Administration and Finance on July 13, 1977, for 500 acres of the Grafton State Hospital (Nipmuc Pet. Narr. 1984, 188; Cisco Archives Box 3).	San Juan Paiute FD 1989, 5, noted that the petitioner is not required to have been identified with the specific tribal name currently used by the petitioner. Jena Choctaw PF 1994, 2, and Chinook PF 1997, 7, provided examples which were accepted as meeting (a) of local newspaper identification of a local Indian group or its leaders.	The "Native American Commune" article identified Zara CiscoeBrough as chairman of the Massachusetts Commission on Indian Affairs. In the interview, she mentioned that "most residents" of her proposed commune would be members of the "Nipmuc tribe," but added that any Indians would be welcome, and referred to a "homeland" for "Worcester County Indians" ("Grafton Leader" 3/17/1979). By contrast, the Glickman article specifically identified the "Hassanamisco Band of Nipmuc Indians" and described the reservation (Glickman 11/19/1974). The #69A Inventory of Newspaper Articles Collected, April 1996, indicated two additional articles for this period, "Will . . . reclaim . . . fishing grounds?" from the *Worcester Magazine*, June 1977, and "Indians Seek Only Freedom," *Evening Gazette*, 10/20/1977. The accompanying folder did not contain copies of these items.	Does not meet (a). The articles identify Hassanamisco, but only one makes mention of a "Nipmuc tribe," and is too imprecise to constitute an external identification of the wider Nipmuc antecedents claimed by petitioner #69A, particularly in light of the comments concerning other Indians.
1980-1989	**(a)(2)** Dukakis to Swenson 5/9/1984; Nipmuc Pet. #69B Suppl. June 1997).	Letter from Governor Michael Dukakis, appointing Lucyann Swenson to the Massachusetts Commission on Indian Affairs, term to expire October 30, 1986.	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official. For membership of a state Commission on Indian Affairs, see Narragansett PF 1982, 8; HIP PF 1995, 5.	This is the period during which Hassanamisco and Dudley/Webster descendants were cooperating on the Federal acknowledgment petition and other initiatives. The change in representative from Zara CiscoeBrough to Lucyann Swenson had been discussed by the Hassanamisco Council as early as October 16, 1982 (Nipmuc Tribal Council, Hassanamisco Band, Minutes 10/16/1982).	Does not meet (a). It identifies Hassanamisco and Chaubunagunga-maug, but does not identify the wider Nipmuc antecedents claimed by petitioner #69A.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1980-1989	(a)(5) Nancy Sheehan, "American Indian Fair Offers Look at Heritage," *Worcester Telegram*, hand-dated 1981? 1987?;	Sheehan noted that Hassanamisco was even more of a minority than most American Indians; having only 30 members.	San Juan Paiute FD 1989, 5, noted that the petitioner is not required to have been identified with the specific tribal name currently used by the petitioner. Jena Choctaw PF 1994, 2, and Chinook PF 1997, 7, provided examples which were accepted as meeting (a) of local newspaper identification of a local Indian group or its leaders.	The hand-dating was partly illegible, but both possibilities fell within the decade of the 1980's.	Does not meet (a). It identifies Hassanamisco, but not the antecedents of petitioner #69A as a whole.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1980-1989	(a)(5) Felice J. Freyer, "Looking to the Past: Nipmucks Search for an Identity," unidentified newspaper article, hand-dated 22 December 1981 (Nipmuc #69B Supplement 3/28/1997); "Chaubunagunga-mauggs, Hassanamesits Bury Hatchet," *Worcester Telegram*, August 16, 1982.; Teresa M. Hanafin, "Giving Thanks, Nipmuc-Style," *The Evening Gazette and Worcester Telegram*, November 18-19, 1982; "Nipmucks in New England: Yesterday and Today," *Resource: A Guide to Creative & Wholistic Products & Services* Fall 1989, 3, 8-9, 22-23.	The Freyer article dealt almost entirely with the Morse family, which is now primarily enrolled in petitioner #69B, but also mentioned Zara CiscoeBrough and the Hassanamiso Reservation. The August 16, 1982, article, however, identified the existence of both the Hassanamisco and the Chaubunagung-amaug Bands, as did the Hanafin article (Hanafin 11/18-19/1982).	San Juan Paiute FD 1989, 5, noted that the petitioner is not required to have been identified with the specific tribal name currently used by the petitioner. Jena Choctaw PF 1994, 2, and Chinook PF 1997, 7, provided examples which were accepted as meeting (a) of local newspaper identification of a local Indian group or its leaders.	The Hanafin article contained the statement: "The Hassanamesits are just one band of the Nipmucs; there are others, like the Chaubunagungamauggs [*sic*] of the Webster-Dudley-Oxford area . . . Clans survive from Littleton in the north to Slatersville, R. I. in the south" (Hanafin 11/18-19-1982). The article provided no description of the other surviving "clans," but provided an estimate of about 350 members. For additional extenal identifications of the Chaubunagungamaug (Dudley/ Webster) petitioner from 1980 to the present, see the charts prepared for petitioner #69B.	Does not meet (a). It identifies Hassa-namisco and Chaubunagunga-maug, but not the wider Nipmuc antecedents asserted by petitioner #69A.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1990-1999	(a)(1) Nipmuc #69A Pet. Suppl. June 1997.	The petitioner has received ANA grants since at least 1991., based on its Nipmuc identity. These have been status clarification grants for purposes of preparation of the Federal acknowledgment petition.	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that (a) requires the identification of an entity or group, not just individuals. It does not require identification of the [Indian] entity as being a tribe (Duwamish PF 1996, 4; MBPI FD 1998, 8). For ANA grants specifically, see Jena Choctaw pF 1994, 3.	These grants were issued to the current petitioner, which from 1991 through 1996 included petitioner #69B.	Meets (a) for #69A as a whole.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1990-1999	(a)(5) James Dempsey, "Indians 'love' of the land still flourishes," *Worcester Telegram and Gazette*, April 27, 1992; Clife McFarlane, "Nipmuc Celebration to Honor Heritage," unidentified newspaper article, October 2, 1992; Richard Duckett, "Celebrating 9,5000 years: Members of Nipmuc tribe are Proud 'Survivors': Nipmuc Tribe Celebrates its Survival," *Sunday Telegram* October 4, 1992; George Snell, "Nipmucs Strive for Recognition," *Telegram & Gazette*, February 15, 1993; Jennifer Greaney, "Nipmucs push for national recognition," *Telegram & Gazette* December 28, 1993. Jean Laquidara Hill, "Federal petition split: Chiefs' quarrel divides Nipmucs," *Telegram & Gazette* 1996?.	The articles listed in the column to the left represented a selected sample of the newspaper coverage for the decade of the 1990's. The Dempsey article specifically referenced the existence of both the Chaubunagungamaug Band and Hassanamisco. The McFarlane article indicated that according to the Nipmuc Tribal Acknowledgment Project, there were about 2,000 people of "Nipmuc heritage" in the region.	San Juan Paiute FD 1989, 5, noted that the petitioner is not required to have been identified with the specific tribal name currently used by the petitioner. Jena Choctaw PF 1994, 2, and Chinook PF 1997, 7, provided examples which were accepted as meeting (a) of local newspaper identification of a local Indian group or its leaders.	The Dempsey article did not reference any other Nipmuc subgroups, stating specifically: "Only two original bands have survived, Hassanamiscos and Chaubunagungamaugs." At least since 1992, petitioner #69A has, at least at times, contained all the elements currently represented. Identifications of #69 from 1992-1996, and of #69A from 1996-1999, therefore constitute external identifications of the current petitioner.	Meets (a) for #69A as a whole.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1990-1999	(a) Westfield, Massachusetts, Native American Cultural Committee's Valuing Differences Network. Native American Cultural Celebration, April 1990.	Mention of: Peter Silva, Jr., a member of the Silver Arrow Clan of the Hassanamesit Nipmucs of Grafton, Massachusetts; Chief Wise Owl and his daughter Little Star, he being the chief of the Chaubunagungamaug Nipmuc Indian Council of Webster, Massachusetts; also Little Crow Henries, Spotted Eagle; Dr. Thomas Lewis Doughton, director of the New England Native American Institute and member of the Pegan Band of Nipmucs.	"Evidence to be relied upon in determining a group's Indian identity may include one or a combination of the following, as well as other evidence of identification by other than the petitioner itself or its members" (83.7(a)).	This article provided an external identification of Hassanamisco and Chaubunagunamaug, two of the subgroups currently included in petitioner #69A, and by implication at least one other group, although the "Pegan Band of Nipmucs" is not referenced elsewhere in the petition record. Generally, however, this material referenced the subgroups associated with petitioner #69 as of 1990.	Meets (a).

Recommendation: Part of the petitioning group, namely the entity associated with the Hassanamisco Reservation, has been identified as an Indian entity on a substantially continuous basis since 1900. However, the petitioner asserts that it is, and has been, more than Hassanamisco alone. See the charts prepared for petition #69B for analysis that there has not been identification of Dudley/Webster "as an American Indian entity on a substantially continuous basis since 1900" (83.7(a)). There are no external identifications of other portions of the current petitioner's antecedent groups from 1900 to the present, nor were Hassanamisco and Dudley/Webster identified as encompassing or including them until after 1990.

Therefore, petitioner #69A as a whole has not been identified on a substantially continuous basis as an American Indian entity from 1900 to the present. The petitioner therefore does not meet the requirements of criterion 83.7(a).

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THE NIPMUC NATION [FORMERLY NIPMUC TRIBAL COUNCIL, HASSANAMISCO RESERVATION], PETITIONER #69A: PROPOSED FINDING - SUMMARY CHART

CRITERION B - A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.

Summary of the Evidence: The petitioner, #69A, originally, at time of filing of the letter of intent, asserted continuity from the Hassanamisco Reservation, Town of Grafton, Worcester County, Massachusetts. It subsequently, at the time of the 1984 petition, asserted continuity both from Hassanamisco and from the Dudley/Webster, or Chaubunagungamaug Band of Nipmuc Indians. Petitioner #69A was then part of a joint petition submitted by this broader group of Massachusetts Nipmucs, which was assigned #69. The current petitioner now asserts continuity not only with the Hassanamisco (Grafton) and Chaubunagungamaug (Dudley/Webster) reservations, but also with the descendants of with other bands and "praying towns" that existed in the 17th century but subsequently ceased to exist as organized entities. To the extent that petitioner #69A also asserts continuity from the historical Chaubunagungamaug Band, the charts prepared for evaluation of petition #69B will also be relevant for evaluating #69A. They will not be prepared in duplicate for #69A, but will be appended to evaluation of this petition. It is the intent of the Assistant Secretary - Indian Affairs to issue the proposed findings simultaneously.

The regulations provide that, "*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). Prior decisions pertaining to New England tribes indicate that for the time span from the colonial period to the 19th century, evaluation of community has not been tied to the specific forms of evidence listed in 83.7(b), but rather is evaluated much more briefly, and generally, under the provisions of the definition of community in 83.1. For the earlier period, it did not make sense to divide the documentation by decade, but rather by much broader developmental stages. This approach should be seen in the light of the preamble to the regulations, which states that some commenters to the 1994 regulations:

> saw this revision and the revised definition of community as requiring a demonstration of specific details of interactions in the historical past, and thus as creating an impossible burden . . . A detailed description of individual social relationships has not been required in past acknowledgment decisions where historical community has been demonstrated successfully and is not required here . . . further, the language added to § 83.6 clarifies that the nature and limitations of the historical record will be taken into account (59 FR 9287, 2/25/1994).

The relevant language in 83.6 follows: "Evaluation of petitions shall take into account historical situations and time periods for which evidence is demonstrably limited or not available. The limitations inherent in demonstrating the historical existence of community and political influence or authority shall also be taken into account. Existence of community and political influence or authority shall be demonstrated on a substantially continuous basis, but this demonstration does not require meeting these criteria at every point in time . . . " (83.6(e)).

The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000). The following analysis reviews the pertinent evidence in the record created by petitions #69, #69A, and #69B as it pertains to the historical Nipmuc tribe in the early contact period, the historical Hassanamisco, or Grafton, reservation for the period from first contact until the early 18th century and the petitioner's immediate antecedents from the early 18th century to the present, for the purpose of determining whether petitioner #69A meets criterion 83.7(b). The preparation of the recommendation for this decision was begun by BIA researchers more than two years prior to the issuance of the directive, but was completed under the provisions of the

directive. It is, therefore, something of a hybrid. Under the provisions of the directive, the BIA's researchers did not do extensive new analysis.[1]

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1630-1675	**(83.1), (b)** Salwen 1978, Russell 1980, Mandell 1996, Bragdon 1996; Johnson 1995; Humes 1952, Reese c1980; Connole 1976; Dacey 1995; Savage 1996 *Massachusetts Archives, Colonial Records of Massachusetts*; Gookin 1836, Gookin 1972; Hoadley 1868, Hoadley 1870, Hoadly 1873; O'Callaghan 1854.	Historical narratives, mainly by modern anthropologists, pertaining to Colonial contact, and giving limited information, only from an external viewpoint, concerning the aboriginal community. The most extended series of relevant records is that generated by Massachusetts, consisting of the microfilmed records in the Massachusetts Archives and the published series of Massachusetts Colonial Records. Some relevant material is also to be found in the published Connecticut colonial records and the New York colonial documents.	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Although the tribe remained strong culturally and politically, it gradually declined in size and political strength through epidemics and conflicts with other tribal groups" (Narragansett PF 1982, 1); "The Mohegan suffered a drastic population decline during the early period of European contact, perhaps as much as 93 percent by 1650" (Mohegan PF 1989, 2). "Under precedents for evaluating tribes in early years of contact with Europeans, before substantial cultural changes had occurred, even after tribes had become politically subject to colonial authorities, the material cited is sufficient evidence to show that criterion 83.7(b) is met" (Eastern Pequot PF 2000, 68).	Precedent does not require detailed information concerning the internal community of the historic tribes which were predecessors of petitioners in the pre-contact and early contact periods.	This meets (b) for the undifferentiated historic Nipmuc tribe as a whole, predecessor group to the various later historical Nipmuc Bands, for the period prior to 1675.

[1]Throughout the chart for criterion 83.7(b), the boldface listing, for example **(b)(1)(vii)**, in the column "form of evidence" does not indicate that the item of evidence under analysis met the criterion under that form of evidence. Rather, it indicates the BIA researcher's determination of the category or type of evidence into which the document discussed could best be construed to fall. Technical problems associated with the table format of the charts do not permit the repetition of this footnote on each page of the charts.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], Petitioner #69A: Criterion 83.7(b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1630-1675	(83.1), (b) Leach 1958, Salwen 1978, Russell 1980, Bourne 1990, Johnson 1995, Mandell 1996.	"There were other units, in the interior and on the western Connecticut coast, that seem to have normally functioned as almost completely independent local communities, without lasting political ties to any of their neighbors. Names like Nipmuck . . . sometimes appear in the literature as designations for large "tribes" or "confederacies" (Speck 1928a:pl. 20; Swanton 1952), but this usage does not seem to fit the seventeenth-century situation. At best, some of these names may reflect linguistic or cultural homogeneity, but the scarcity of evidence makes even linguistic identification difficult in most cases (Day 1962, 1969)" (Salwen 1978, 173). ". . . the Nipmucks were a loosely organized people residing in scattered villages, each separate group having its own sachem. Although these various rulers might confer on important matters from time to time, there seems to have been no single, clearly defined, over-all structure of government for the entire tribe" (Leach 1958, 73).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Until the early 1940's, the Mohegan maintained. "In the early contact period, i.e., the 1600's, the Miamis consisted of a series of independent tribes of related peoples. The largest of these, the Crane tribe, which numbered several thousand people, evolved into the historic Miami tribe during the early 1700's. Bands within the tribe were more or less composed of families related to the village chief, plus additional attached followers. Villages of from 50 to 200 people were the primary settlements" (Miami PF 1990, 3). "Under precedents for evaluating tribes in early years of contact with Europeans, before substantial cultural changes had occurred, even after tribes had become politically subject to colonial authorities, the material cited is sufficient evidence to show that criterion 83.7(b) is met" (Eastern Pequot PF 2000, 68; Paucatuck Eastern Pequot PF 2000, 70).	Scholars have provided varying descriptions of the organization of the prehistoric and early historic Nipmuc. One modern scholar has stated that, ". . . the Nipmucks . . . added up to not much more than the changing sum of whichever interior villages chose to work together at a given time" (Bourne 1990, 126). Precedent does not require detailed information concerning the internal community of the historic tribes which were predecessors of petitioners in the pre-contact and early contact periods.	This meets (b) for the undifferentiated Nipmuc historic tribe as a whole, predecessor group to the various later historical Nipmuc bands, for the period prior to 1675.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1646-1682	**(83.1), (b)** Salisbury 1990; Johnson 1995; Place of Small Stones (Nipmuc Pet. #69A); Humes 1952, Reese c1980; Mandell 1996, Leavens Papers n.d.; Gookin 1836, Gookin 1972, Earle Report 1861, Larned 1874, 1.	"In central Massachusetts, between the Boston area and the Connecticut River Valley, lay "Nipmuck country," where a collection of bands had traded furs to all sides. By the late 1660s their lands too were the object of attention by speculators and prospective settlers. . . . It was in this setting that Puritan missionaries, strengthened by a substantial injection of new funds from England in 1649, launched a new offensive. Most effective were Eliot among the Nipmucs and John Cotton, Jr., among some of the Pokanokets' recent Wampanoag allies. Eliot's success rested mainly on his ability to protect Nipmuck communities from tribute demands and military attacks by Niantics and Mohegans" (Salisbury 1990, 92). One of these was at the foot of Lake Chaubunagungamaug, or Webster Lake. Gookin described it in 1674 as occupied by Black James, and consisting of about nine families, constituting 45 individuals.	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Major cultural changes were evident during the 1700's. After resisting Christianization in the 17th and early 18th centuries, a large body of the tribe was converted in the 1740's, . . ." (Narragansett PF 1982, 2).	Black James was not only the sagamore at Chaubunagungamaug, but was also appointed by Eliot as constable of all the praying towns of the Nipmuc region (Larned 1874, 7). As of 1674, these towns had a population of just under 400 persons (Larned 1874, 6-8). The settlement also had a teacher, Joseph from Hassanamessit, and the leadership enforced the norms accepted by the towns (Gookin, 80). Prior findings re: tribes which have received positive Federal acknowledgment decisions did not address in detail the evidence available from the 17th century or classify it into the categories detailed in 83.7(b)(1)(i-ix). The nature of the historical record does not make such an enterprise possible. This very succinct summary is less succinct than those in prior findings (see precedent column) and is the result of detailed analysis of the material from the early period to 1685 by the BIA research staff (see draft technical report).	On the basis of precedent, this material is sufficient to meet (b) for a tribe during the colonial period. Meets (b) for the 1670's.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1671-1675	(83.1), (b) Johnson 1995; Salisbury 1990; Place of Small Stones n.d.; Reese c1980; Eliot 1673; Humes 1952; Bourne 1990; Gookin, Indians of New England.	"The Christianized 'Praying Indians' were usually encouraged to separate from the rest of their tribe into new villages called 'Praying Indian towns'" (Johnson 1995, 146). The first "praying town" in the future Worcester County was not established until 1671 (Humes 1952, 8). "Between 1646-1674, Eliot converted about eleven hundred tribal people in fourteen different villages, from Natick in the east to the Merrimac River in the north and as far west and south as the Nashua River and northeastern Connecticut. Natick, Punkapoag, Hassanamesitt (Grafton), Okommakamesit (Marlborough), Wamesit (Lowell), Nashoba (Littleton), Magunkaquog (Ashland), Manchage (Sutton), Chaganakongkomun (Webster), Pakachoog (Worcester) and Washacum (Sterling) were the "Praying Indian" towns under the jurisdiction of the Massachusetts Bay Colony (Johnson 1995, 147).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Major cultural changes were evident during the 1700's. After resisting Christianization in the 17th and early 18th centuries, a large body of the tribe was converted in the 1740's, . . ." (Narragansett PF 1982, 2).	The records of the period indicate close ties among the various Nipmuc praying towns, with Hassanamisco, in particular, providing teachers for several of the others, including Chaubunagungamaug and Wabaquasset. For further details, see the next entry. Eliot provides little data concerning the relationship between the "praying Indians" whom he established in his towns and those Nipmuc who had not accepted Christianity.	On the basis of precedent, this material is sufficient to meet (b) for a tribe during the colonial period. Meets (b) for the 1670's.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], Petitioner #69A: Criterion 83.7(b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1674	(83.1), (b) Gookin; Earle Report 1861; Larned 1874, 1.	The most extensive information concerning the situation within these "praying town" settlements comes from the report of a journey undertaken by Eliot and Daniel Gookin in the autumn of 1674 It made very clear that the "praying towns" were not large. On September 14, Gookin recorded that there were 45 persons at Chabunakongkomun (Dudley) (Gookin, *Indians of Massachusetts*; cited in Earle Report 1861, 102; Larned 1874, 1:7-8). Eliot appointed Black James of Chaubunagungamaug constable of all the praying towns (Larned 1874, 7). During this journey, Gookin and Eliot continued into and reported on the Connecticut praying towns. Gookin's descriptions indicated close ties between the personnel of these towns, Chaubunagungamaug, and Hassanamisco, and provide a "praying town" population for this region approximated to just under 400 persons.	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Major cultural changes were evident during the 1700's. After resisting Christianization in the 17th and early 18th centuries, a large body of the tribe was converted in the 1740's, . . ." (Narragansett PF 1982, 2).	Chaubunagungamaug did not, at this time, exist in isolation from the other Nipmuc praying towns. About 1670, Joseph and Sampson, only sons of Petavit, sachem of Hamannesset, came as Christian missionaries to Wabbaquasset. By the time of Eliot and Gookin's visit, Joseph was teaching at Chaubunagungamaug and there were three villages in modern Connecticut. The largest, 30 families with about 150 persons, was at Wabbaquasset in the present town of Woodstock in the vicinity of Woodstock hill. Myanexit was seven miles southwest of Chaubunagung-amaug (20 families, about 100 persons) on the Quinebaug (then called the Mohegan) River, with John Moqua as minister; Gookin reported that there was another praying town at Quinnatisset, six miles south (20 families, about 100 people) "within four miles of the south line of Massachusetts colony," now Thompson Hill, but they did not visit it because they were short of time and travel conditions were difficult. On September 15, 1674, Eliot appointed a Natick Indian named Daniel as its minister (Larned 1874, 1:6-8).	On the basis of precedent, this material is sufficient to meet (b) for a tribe during the colonial period. Meets (b) for the 1670's.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1675-1676	(b) Gookin 1972; Metcalf 1880; Leach 1958; *Winthrop Papeers* 5:158; *Massachusetts Archives* 30, 188; *Massachusetts Archives* 67; Larned 1874.	As a response to pupular hostility in the early stages of King Philip's War, on August 30, 1675, the Massachusetts Bay General Court confined the friendly Indians to their plantations, including Hassanamesit, not to be more than one mile distant without English escort (Gookin 1972, 450-454). In mid-October of 1675, a committee report of the Genral Court recommended that the Hassanamesit should be removed to Mendon (Gookin 1972, 467-468). Some of the Hassanamisco Indian children were abducted by King Philip's forces, with the Christian Indians making great endeavors to get them back (Gookin 1972, 480-481). Joseph Tuhapawillin, the indigenous minister at Hassanamisco, was reported to be kept with Philip's forces at Menamesset "against his mind" (Gookin 1972, 489; see also Gookin 1972, 476-477), while his wife and children came in to the English settlements as refugees in March 1676 (Gookin 1972, 502-504). Early in November of 1675, intelligence reported that Philip's forces had captured about 50 Indian men and 150 Indian women and children at Hassanamisco (Gookin 1972, 475-476).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1).	Larned indicated that: "The grave and pious Wattasa Companym [of Hassanamesit], enticed away by Philip's men, was executed in Boston [in the autumn of 1676]. Gookin was the only magistrate who opposed . . . ." (Larned 1874, 1:11). Of two other men, Joseph and Sampson, who were "in a manner constrained, for want of shelter, protection, and encouragement, to fall off to the enemy at Hassanamesti" (Gookin 1972, 448), Sampson was killed in action. Joseph was taken prisoner at Plymouth Colony and sent to Jamaica as a slave, but at the request of Eliot, was returned to Massachusetts but not released. His two children, taken prisoner with him, were ransomed by Eliot and returned to their mother, who was teaching school among the Indians at Concord, "but her husband held as efore, a servent; though several that know the said Joseph and his former carriage, have interceded for his release, but cannot obtain it; . . . ." (Gookin 1972, 448-449). This material confirms the existence of a residential settlement at Hassanamisco in the mid 1670's and indicates the war's impact on it.	On the basis of precedent, this material is sufficient to meet (b) for a tribe during the colonial period. Meets (b) for Hassanamisco itself for the 1670's, but not for the wider Nipmuc entity.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1676	(83.1), (b) A Place of Small Stones, n.d.; *Transactions of the Colonial society of Massachusetts* 1916-1917, 19:25-28.	In August of 1676, 40 children taken from their families, most Christian, were assigned to English families as servants. Sixteen of the names were "connected to the Nipmucs of central Massachusetts." They included "a boy son to Annaweekin Deceased who was late of Hassanamesit his mother present," and "a boy named Joseph son of Annawekin decesed Brother to the last named aged about 11 yeares" (A List of Captive Children 1676, *Transactions of the Colonial Society of Massachusetts* 1916-1917, 19:25-28). The documentation does not provide any information concerning social ties among the families or villages of the children named.	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1).	This data provides some additional confirmation that the settlements reported by Gookin and Eliot were there. It is not sufficient to meet (b), but can be used as supporting evidence in connection with other material showing the existence of a named, collective Indian entity for a period of more than 50 years.	Does not in itself meet (b), but contributes toward meeting (b) under (b)(1)(viii).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1676-1681	(83.1), (b) Leach 1958; Larned 1874, 1; A Place of Small Stones n.d.	Historians from the 17th through the 19th century often alleged that the remainder of the Nipmuc fled central Massachusetts, either joining the northern Indians in Maine, Vermont, and Canada, or moving west into New York. It was first noticed mid-July when a sizable company crossed the Connecticut River and slipped past Westfield; another group crossed above Springfield on August 11, this latter group was attacked and damaged by Talcott while in transit (Leach 1958, 236). To some extent, the movement was temporary. Larned stated, "The few remaining Nipmucks found a refuge with some distant tribes; the Wabbaquassets remained with Uncas at Mohegan. The aboriginal inhabitants of the future Windham County were destroyed or scattered, . . ." (Larned 1874, 1:11), but commented two pages later that, "The Indians, as they recovered from the shock of defeat, gathered again around their old homes and laid claim to various sections" (Larned 1874, 1:13). This process occurred in Massachusetts as well.	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1).	Out-migration did not account for all the population decline. On July 2, 1676, when James the Printer of Hassanamisco came into Cambridge with others, he, "told the authorities that during the past year more Indians had died of disease than had been killed by the English--a most significant fact, if true" (Leach 1958, 213-214; citing Mass. Archives 30:207, 216; 5 MHC, V, 14; Gookin, 527-29). Some Nipmuc certainly remained in Massachusetts and Connecticut after King Philip's War, returning within the next few years to the sites of some of Eliot's "Praying Towns," including Hassanamisco. Extensive 18th-century records enable a demographic historian to reconstitute the Nipmuc population of Massachusetts, almost name-by-name, and provide no justification for assuming that large numbers of unidentified Indians remained within the boundaries of what are now Worcester County, Massachusetts, and Windham County, Connecticut. The Nipmuc who remained after the end of King Philip's War were primarily Christian Indians or their close associates.	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1702-1783	(83.1), (b) Conkey, Boissevin and Goddard 1978; Mandell 1996; Grumet 1996, Calloway 1997.	Very little secondary scholarship is available to illuminate Nipmuc development in the 18th century. In 1978, the Smithsonian Handbook's treatment provided one paragraph each for Natick, Dudley, and Hassanamisco between King Philip's War and the mid-19th century (Conkey, Boissevain, and Goddard 1978, 180). Daniel R. Mandell's *Behind the Frontier: Indians in Eighteenth-Century Eastern Massachusetts* (Mandell 1996) does focus primarily upon the coast and Natick, treating central Worcester county only incidentally and largely ignoring those Nipmuc who lived south of what is now the Massachusetts-Connecticut border. This is also true of Mandell's chapter (Grumet 1996). The recent collection edited by Colin G. Calloway (Calloway 1997) contains little Nipmuc data, with none for this specific period. The limited nature of secondary scholarship for the period following King Philip's War requires determination of the developments almost entirely from archival documents, which can be somewhat supplemented by local histories of the Worcester County towns in which Nipmucs resided.	"Major cultural changes were evident during the 1700's. After resisting Christianization in the 17th and early 18th centuries, a large body of the tribe was converted in the 1740's, . . ." (Narragansett PF 1982, 2).	There was documentable continuity between the pre-King Philip's War and post-King Philip's War populations of the Nipmuc settlements in Worcester County, Massachusetts, and Windham County, Connecticut, although the overall Indian population was much smaller. Throughout the 18th century, the Connecticut Nipmuc continued to intermarry with the Worcester County settlements. This process is documented not only by the records of Natick and the reservations, but also evidenced by vital records kept by the towns and churches of the region and the land records of Suffolk, Middlesex, and Worcester Counties, Massachusetts, and Windham County, Connecticut. As individuals, these re-settlers were not all necessarily "praying Indians," as evidenced by the baptisms of Nipmuc Indian adults in the church records of the 18th century. However, all the families seem to have been close associates of the prominent "praying Indian" leaders of Eliot's day.	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1677-1686	(81.3); (b) Gookin 1972; Reese c1980, [24]; Place of Small Stones n.d., 16-17; Mandell 1996; *Massachusetts Archives* 30; *Records of the Colony of Massachusetts Bay*, 5:328-329. (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	For a period of years after King Philip's War, the General Court of Massachusetts Bay required that all of the Indians within the boundaries of the colony be confined to stipulated locations. The surviving Hassanamisco Indians were assigned to Natick (Gookin 1972, 532-533). Although they attempted to plant crops at Hassanamessit in 1677, continuing Mohawk raids made this dangerous (Mandell 1996, 26). As late as 1684, Eliot noted that he held only occasional, seasonal prayer meetings outside of the four surviving official settlements (Mandell 1996, 36; citing Eliot to Boyle 185; Mandell 1996, 212n48). In 1681, the Massachusetts commissioners reported that of the land in the Nipmuc Country, the middle part above Sherborne and Marlborough was claimed by "the Hassanamessett men now resident at Natick," as well as other Indians from Natick and Punkapoag. Several of the reported land claims were overlapping (Mandell 1996, 44-45; *Records of the Colony of Massachusetts Bay* 5:328-329).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2).	The identification of "Hassanamessit men" at Natick indicates that even during the period when Hassanamisco itself had no permanent settlement, its former residents remained an identifiable segment within the Indian poulation of Massachusetts. Aside from the obvious close relationship with the other Indians at Natick that emerges from these documents, they provide little data concerning ongoing contacts between the Hassanamisco and the descendants of other Nipmuc bands that existed prior to King Philip's War. For sales of Hassanamessit land during this period by John Wampas and others, see the charts for criterion 83.7(c). For sales of Chaubunagungamaug lands, see the charts prepared for petitioner #69B. For discussion of the agreement of 1686 reserving lands at Hassanamisco as an Indian plantation, see the charts for criterion 83.7(c).	Meets (b) for Hassanamisco, but not for a wider Nipmuc entity antecedent to petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1695	(83.1); (b) Reese c1980, [30] Massachusetts Archives 30, 358-359, 368, 377; Mandell 1996, 39-40; Place of Small Stones n..d. (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	The Massachusetts Bay legislature, in light of the hostilities associated with King William's War, placed restrictions on the moment of Indians at Hassanamisset. Doughton indicated that the resettlement of Hassanamisco from Natick did not take place until 1698 (Place of Small Stones n.d., 25), but the document he cited was Rawson and Danforth, which was the date of the report, not the date at which settlement occurred.	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2).	This confirms that there were Indians residing at Hassanamisco at this date, but provides no information about them and does not indicate who they were. It can be used as corroborative evidence in combination with other documentation.	Meets (b) for Hassanamisco, but not for a wider Nipmuc entity antecedent to petitioner #69A.
1698	83.1); ((b) Rawson and Danforth 1809; O'Callaghan 1854, 684n1, 755; Metcalf 1880, 170-172; Mandell 1996, 36. (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	In 1698, Grindal Rawson and Samuel Danforth's visitation of Indian congregations in Massachusetts reported: "At Hassanamisco are 5 families, unto whom James Printer stands related as teacher" (Rawson and Danforth 1809, 134). The visitation did not mention any of the other former Nipmuc praying towns of Worcester County, Massachusetts, or Windham County, Connecticut (Rawson and Danforth 1809, 129-134), although other evidence indicates that they were in existence	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2). "Major cultural changes were evident during the 1700's. After resisting Christianization in the 17th and early 18th centuries, a large body of the tribe was converted in the 1740's, . . ." (Narragansett PF 1982, 2).	The position of James the Printer as teacher combined with the enumeration of the five families indicates that there was again a Nipmuc settlement at Hassanamisco by 1698, although we do not know its constituent membership by the names of the individuals who lived there at the time. The data in the record does not show any connection between Hassanamisco and the other Nipmuc in Worcester County, Massachusetts, or Windham County, Connecticut at this period, nor indicate that there was any common leadership for or coordination among the settlements.	Meets (b) for Hassanamisco, but not for a wider Nipmuc entity antecedent to petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1704-1708	(83.1); (b) Massachusetts Archives 30, 493b; Massachusetts Archives 31, 11-12; Massachusetts Archives 31, 53; Mancell 1996, 67, 71. (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	In connection with Queen Anne's Wars, the General Court of Massachusetts restricted the Indians at Natick, Punkapoag, and Hassanamessit, "to prevent the sd Indians from travelling or hunting beyond the bounds and Limits then set them" (Mandell 1996, 67. In 1705, "the province published and sent to all Indian villages a book of laws in both the Massachusett and English languages . . . ." (Mandell 1996, 71). On July 12, 1706, an order was issued by the General Court that the treasury advance subsistence for the friendly Indians of Natick, Puncapoag (Canton), and Hassanamisco (Grafton) who were confined to their plantations by order of the governor (Mass. Archives. 31, 11).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2).	This confirms that there were Indians residing at Hassanamisco at this date, but provides no information about them and does not indicate who they were. It can be used as corroborative evidence in combination with other documentation.	Meets (b) for Hassanamisco, but not for a wider Nipmuc entity antecedent to petitioner #69A.
1709-1720	(83.1); (b) Place of Small Stones n.d.; Mandell 1996.	In 1709, James the Printer, of Hassanamesit, who had attended the Indian Annex school at Harvard college and was apprenticed in 1659 to learn printing, assisting John Eliot in the translation and publication of the Indian version of the bible, published an Indian language psalter and the Gospel according to John (Place of Small Stones 25; no source citation). "Printer died in 1712, leaving Hassanamisset without any obvious religious leader" (Mandell 1996, 36; Mandell 1996, 212n45).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Major cultural changes were evident during the 1700's. After resisting Christianization in the 17th and early 18th centuries, a large body of the tribe was converted in the 1740's, . . ." (Narragansett PF 1982, 2).	BIA researchers did not locate documentation to support Mandell's contention that, "While the two Nipmuc towns (Chabanakongkomun and Hassanamisset) were isolated from English authority until the 1720s, family networks continued to bind these 'traditional' Indians to their 'reformed' brethen in Natick. The Hassanamisset leader, James Printer, occasionally traveled to Boston to help translate and print Algonquian-language publications, no doubt staying in Natick along the way (Mandell 1996, 57; citing Kellaway, New England Company, 240-41, 244; Mandell 1996 215n39). The documents do not in themselves provide any data concerning community under 83.7(b).	Does not meet (b).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], Petitioner #69A: Criterion 83.7(b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1712-1713	**(83.1); (b)** Mandell 1996. **(b)(1)(viii)** The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	In July of 1712, the New England Company's commissioners decided that the "miserable Condition of the Indians at Natick" could best be solved "by Suitable Encouragement to endeavour to bring the Indians from Punkapog, and Hassanamisco, and such other near adjacent places as may have Scattering Indians in them; unto a Cohabitation at Natick" (Mandell 1996, 57; citing Commissioners' Minutes 3 July 1712, SPG, ms. 7953; Mandell 1996, 215n43). In February 1713, the SPG commissioners again discused a plan to combine the three Indian towns, but nothing resulted (Mandell 1996, 58).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1).	The actions of the Society for the Promotion of the Gospel show the existence of an entity at Hassanamisco, but does not provide any information concerning the size or composition of the settlement. This is not in itself sufficient to meet (b), but can be used as supporting evidence in combination with other documentation.	Meets (b) for Hassanamisco, but not for a wider Nipmuc Indian entity antecedent to petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1715-1722	(c) Earle Papers; *Jour-nals of the House of Rep-resentatives of Massa-chusetts 1715-1717*, 1919; *Journals of the House of Representatives of Massachusetts 1718-1720*, 1921; Kawashima 1986; *Acts & Resolves* 9, 665; *Acts & Resolves* 12, 58-59; *Journals of the House of Representatives of Mass-achusetts 1718-1720*, 1921, 140, 142, 361; *Journals of the House of Representatives of Mass-achusetts 1721-1722*, 18, 140; *Journals of the House of Repre-sentatives of Massachu-setts 1722-1723*, 1923, 58; *Acts & Resolves* 10, Ch. 231: Ch. 288: Man-dell 1996; Place of Small Stones, n.d., 26. **(b)(1)(viii)** The persistence of a named, collective Indian identity continuously over a period of more than 50 years,	Several of these land transactions, such as the mentions of construction of a bridge over the Blackstone River and the erection of a grist mill, reflected the increasing movement of English settlers into the region. While many of these settlers were clearly anxious to take possession of the Hassanamisco reserved lands, the House of Representatives of Massachusetts was not, as late as June of 1722, allowing it to occur. On June 29, 1722, the House of Representatives "read and dismissed" a petition from Benjamin Willard and other English settlers requesting a license to "hire the Indian Plantation at Hasanamisco for 999 years" (*Journals of the House of Representatives of Massachusetts 1722-1723*, 1923, 58).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2). "The tribe has not retained cultural traits from the traditional culture which distinguish it from the surrounding populations. Significant adoption of non-Indian culture was evident as early as 1730 and 1740. During this period formal schooling was introduced, English surnames became common, and Christianization became acceptable" (Narragansett PF 1982, 10); "It should be clear that the retention of aboriginal culture or language is irrelevant to the Acknowledgment criteria, except as it might reflect positively on . . . maintenance of a distinct community" (Gay Head FD 1987, 3)	The negotiations concerning the land sales indicate the presence of a residential settlement of Indians at Hassanamisco in this period. They provide no information concerning the existence of community within some wider Nipmuc entity antecedent to petitioner #69A, nor any data concerning the relationship between the settlements at Grafton and Dudley/Webster.	Meets (b) for Hassanamisco, but not for a wider Nipmuc entity antecedent to petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1722-1725	(c) *Massachusetts Archives* 31; Leach 1988; Place of Small Stones n.d.; *Acts & Resolves* 10.	In June 1722, Massachusetts experienced a recurrence of serious trouble with the French government of Canada and its Indian allies. On July 5, 1722, Governor Samuel Shute's declaration against the hostile Eastern Indians ordered the friendly Indians to confirm themselves to their plantations (Mass. Archives 31:106-108). The conflict, known as Dummer's War, peaked in 1724 and continued until 1725 (Leach 1988, 140). In 1725, the following men were serving in the company of Capt. Samuel Willard during the wars with the French and Indians: Ami Printer, Peter Lawrence, Joseph Comecho, Joshua Misco, Israel Romneymarsh, Joseph Romneymarsh (Place of Small Stones 27). Later references in the Earle Papers confirm the service of Printer, Misco, and Lawrence; see also: 1725/26 Jan. 17, Ami Printer jr. of Hassanamesit petitions the General Court claiming a discrepancy in military pay owed his deceased father, Ami Printer (Acts & Resolves X: 1720-1726, 1725/26, Chapter 475). The other men were from Natick.	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "The tribe has not retained cultural traits from the traditional culture which distinguish it from the surrounding populations. Significant adoption of non-Indian culture was evident as early as 1730 and 1740. During this period formal schooling was introduced, English surnames became common, and Christianization became acceptable" (Narragansett PF 1982, 10); "It should be clear that the retention of aboriginal culture or language is irrelevant to the Acknowledgment criteria, except as it might reflect positively on . . . maintenance of a distinct community" (Gay Head FD 1987, 3)	It is not clear whether the renewal of French/Indian conflict had a direct impact on the changed handling of Hassanamisco by the Massachusetts House of Representatives, since some of the matters they granted later in 1722, such as permission for the bridge and grist mill, had been initiated earlier. A recent scholar has commented that, "The Hassanamiscos seemed to welcome the new opportunities offered by a gristmill and better roads to connect them and their produce with eastern and southern markets" (Mandell 1996, 88). The service of Hassanamisco soldiers in the same company as soldiers from Natick may indicate the continued maintenance of social ties between these two Indian settlements in the 1720's. This is not of direct relevance to the petition, as no Natick descendants have been identified within the petitioner's membership. There were no soldiers from Dudley/Webster or other Nipmuc groups identified in this company.	Meets (b) for Hassanamisco, but not for a wider Nipmuc entity antecedent to petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1725-1730	**(83.1)** *Journals of the House of Representatives of Massachusets 1724-1726,* 1925, 94, 126, 246; another petition for liberty to purchase lands from the Indian proprietors at Hassanamiscoe was filed in May 1725 (*Mass. Archives* 113:673-676), and a third, by Samuel Chandler and others, on June 3, 1726 (*Mass. Archives* 113:679-680). The act permitting white settlers to purchase 7,500 of the 8,000 acres of the reserved Hassanamisco lands was passed January 15, 1727 (*Mass. Archives* 113:746-748). Most of the legal technicalities were completed within the year 1727 (Earle Papers; *Mass. Archives* 113, 736-738; Suffolk County Registry of Deeds, Lib. 42, Folio 206; Pierce, *History of Grafton*, 1879.	On June 5, 1725, a group of colonists petitioned to purchase the Indian lands at Hassanamisco that had been granted by the General Court in 1654. This was accompanied by a petition of the Indian proprietors requesting that they be allowed to sell (*Journals of the House of Representatives of Massachusetts 1724-1726* 1925, 29-30). On June 6, the House of Representatives did not concur in the petition, but "ordered, that William Tailer, John Otis, and Samuel Thaxter or any two of them with such as the Honourable House of Representatives shall join, be a Committee to repair to Hassanamisco, and discourse with the Indians there, and inform themselves, whether (as is represented) they are really desirous to dispose of their Lands, and if so, they carefully view the Land, and report to this Court at their next Session, the Quality and Circumstances thereof, and who are the just Proprietors, in order to its being Sold (if this Court shall judge it fit) to such as will give most for it (*Journals of the House of Representatives of Massachusetts 1724-1726*, 1925, 33).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2).	The process of allotting shares to the Indian proprietary families continued through 1730. Seven families received shares on April 29, 1728, namely: Ammi Printer, Ami Printer jr, heirs of Moses Printer, Andrew Abraham , res Abimeleck David & his wife sister of said And rew; Christian Misco female), Joshua Misco , Peter Muckamug & wife (Earle Papers). At a general court July 1730. April 29 [1729?]: To Christian Misco, Peter & Sarah Muckamug, Ami Printer, Andrew Abraham & Joshua Misco, Benjamin Speen who married a daughter of Moses Printer, Peter Lawrence's Squa, daughter of said Printer, Peter Muckamug for keeping a child of said Printer (Earle Papers). Subsequent records created by the Grafton guardians pertained to these proprietary families and their legal heirs. These records provide data concerning Hassanamisco only, but not for a wider Nipmuc entity antecedent to petitioner #69A, nor any data pertaining to the relationship between the settlements at Grafton and Dudley/Webster.	Meets (b) for Hassanamisco, but not for a wider Nipmuc entity antecedent to petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1725-1740	(83.1); (b) Mandell 1996.	A recent scholar has described Grafton, as originally planned, in the following manner: "The General Court required investors to pay sixteen hundred pounds (soon raised to twenty-five hundred pounds) within three months into an account managed by trustees for the Indians, settle forty families in the township within three years, build a "decent meetinghouse" and a school within three years, and reserve land for and pay the salaries of a schoolmaster and a minister. The new town, to be named Grafton, was envisioned by both the Hassanamiscos and provincial authorities as an integrated community: Indian and white children would learn together in the new schoolhouse, their parents would be given "an equal dividend in fair land," and all would socialize in the meetinghouse where the Indians would receive pews" (Mandell 1996, 88).	"The tribe has not retained cultural traits from the traditional culture which distinguish it from the surrounding populations. Significant adoption of non-Indian culture was evident as early as 1730 and 1740. During this period formal schooling was introduced, English surnames became common, and Christianization became acceptable" (Narragansett PF 1982, 10); "It should be clear that the retention of aboriginal culture or language is irrelevant to the Acknowledgment criteria, except as it might reflect positively on . . . maintenance of a distinct community" (Gay Head FD 1987, 3)	According to Mandell, "While the entrepreneurs who bought the Indian reserve fulfilled many of the terms of their contract, those who settled it under its new name of Grafton seemed unwilling to socialize with the natives. In June 1739, the General Court was told that settlers "Pretended they have Power to Remove the Indians out of the Place that was appointed for them and say they are no wais obligd to maintain Preaching nor schooling for the Indians." The settlers' arrogance was reported not by the Hassana-miscos, but by the original white proprietors, who had given substantial sums to the court as bonds and were still expected to meet their obligations. The court responded by requiring Grafton to build four pews for the Indians: two for men and two for women. In addition, there is no evidence that the proprietors or the town ever hired a schoolmaster for both Indians and whites, nor that the required school ever met (Mandell 1996, 107). The planning of the settlement is not in itself relevant under 83.7(b), where the question is whether or not the petitioner did, in fact, retain community.	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1725-1740	**(83.1); (b)** Mandell 1996; Earle Papers; *Acts & Resolves XI: 1726-1734.*; Acts & Resolves XII: 1734-1741; 1737/38, Chapter 44, Chapter 104. **(b)(1)(viii)** The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	Mandell argued that the Hassanamisco Indians were, ". . . clearly seen as social outcasts by whites in the town, for (unlike the Indians of Natick) none ever served as a Grafton town officer. The Nipmuc survivors in the town remained, willingly or not (but clearly contrary to the General Court's desires), a distinct community that continued to have a social and cultural life separate from that of the white Grafton inhabitants" (Mandell 1996, 107; citing *Mass. Archives* 31:234-35; *Acts & Resolves 1739-40*, Ch. 45, 26 June 1739; Mandell 1996, 222n117). By contrast, Mandell elsewhere argued that the division of the Hassanamisco land into severalty (allotments) with share interests in the trust funds also divided among the individual families, tended to undermine the communal nature of the settlement: ". . . the trust fund undermined the Hassanamisco community by becoming their only material and legal tie. The Indians increasingly dealt with their white neighbors and the provincial govern-ment as families instead of as a larger group" (Mandell 1996, 89; citing *Mass. Archives* 31, 117; Mandell 1996, 220n37).	"The tribe has not retained cultural traits from the traditional culture which distinguish it from the surrounding populations. Significant adoption of non-Indian culture was evident as early as 1730 and 1740. During this period formal schooling was introduced, English surnames became common, and Christianization became acceptable" (Narragansett PF 1982, 10); "It should be clear that the retention of aboriginal culture or language is irrelevant to the Acknowledgment criteria, except as it might reflect positively on . . . maintenance of a distinct community" (Gay Head FD 1987, 3)	Assertions in a secondary work, whether a positive or negative evaluation of a petitioner's level of community, if they are not clearly borne out by the primary documentation, do not have dispositive evidentiary value under 83.7(b). The records of the Hassanamisco guardians, as preserved in the Earle Papers, indicate that they functioned as guardians of more than just the trust fund. In 1729, they arranged for the binding out and apprenticeship of the children of the late Moses Printer to local English families (Earle Papers). They also upon occasion arranged for medical care of Indians by non-Indians (*Acts & Resolves XI: 1726-1734, 1729/1730, Chapter 58*). The will of the childless Joshua Misco left some property to his wife and mother, some to a non-Indian friend, and some to establish a fund for charitable relief of needy Indians (Place of Small Stones n.d., 29). The original documents do not confirm either that the Hassanamisco were social outcasts -- Sarah (Robbins) Muckamaug married a local Englishman in 1741 (*Grafton Vital Records* 1906) -- or that they mainly dealt with outsiders as families rather than as a group.	Meets (b) for Hassanamisco, but not for a wider Nipmuc entity antecedent to petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1725-1740	**(83.1); (b)** Acts & Resolves XII: 1734-1741; 1737/38, Chapter 44, Chapter 104; Place of Small Stones n.d., 29; Mass Archives 31, 405, 407. **(b)(1)(viii)** The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	Mandell attributed the occasional bequest of land by Hassanamisco men to non-Indian male friends to the adoption of English landholding customs by the Hassanamiscos: "Not only did the Indians adopt landholding in severalty, but the men of the community refused to leave their land to female heirs, so enthusiastically had they adopted Anglo-American gender paradigms. As a result, those without male heirs (a high percentage, considering their few children and the effects of colonial wars) left real estate to white male friends instead of wives, sisters, or daughters. Though Joshua Misco, in 1737, left his "cattle and swine and other Creatures," his personal estate, and most of his yearly interest earnings to his widow Deborah, and part of the annual payments to his mother Christian, he gave every one of his 260 acres and his "orcharding building and improvements" to his friend Antipas Brigham, a member of the prominent Brigham family of Grafton, whom he also named as the will's executor" (Mandell 1996, 120-121; citing WCP 41125; Mandell 1996, 224n14).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "The tribe has not retained cultural traits from the traditional culture which distinguish it from the surrounding populations. Significant adoption of non-Indian culture was evident as early as 1730 and 1740. During this period formal schooling was introduced, English surnames became common, and Christianization became acceptable" (Narragansett PF 1982, 10); "It should be clear that the retention of aboriginal culture or language is irrelevant to the Acknowledgment criteria, except as it might reflect positively on . . . maintenance of a distinct community" (Gay Head FD 1987, 3)	Mandell's argument that Misco's disposition of his property reflected an overall acceptance of gender-based views of the inheritance by the Hassanamisco Indians is not borne out by the June 22, 1738, petition of the Grafton Indians objecting to the bequest. They asked the General Court to pass a resolution preventing Indians lands from passing to non-Indians (*Acts & Resolves* XII: 1734-1741; 1737/38, Chapter 44). On December 12, 1738, committee of the General Court reviewed the Misco will. Having heard everyone, including Misco's mother, the committee decided that the will was valid and should be recorded. However, it provided that Brigham should pay 60 pounds into a fund for Misco's family, and another 60 pounds to be applied "for a school master in Grafton that shall teach the Indians Natives there dwelling to read" (Acts & Resolves: XII; 1734-1741: 1737/38: Chapter 104). This indicates the continued existence of a residential settlement and, by the joint protest, of a community prepared to protect its own interests.	Meets (b) for Hassanamisco, but not for a wider Nipmuc entity antecedent to petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1732-1741	**(83.1)** (Kawashima 1986, 83; Kawashima 1986, 268n42, citing: Franklin P. Rice, ed., *Records of the Court of General Sessions of the Peace for the County of Worcester, Massachusetts, from 1731 to 1737,* Worcester, MA: Worcester Society of Antiquity *Collections* 5(1882):25,28). Mandell 1996, 84; citing *Town Records of Dudley, Massachusetts, 1732-1754* (Pawtucket: The Adam Sutcliffe Co., 1893), 18; Mandell 1996, 219n16). *Mass. Archives* 114, 486-486a.	For some time, at least, the Hassanamisco participated in the legal affairs of Worcester County. In 1732, "Upon complaint of a Hassanamisco Indian widow, the Worcester Sessions Court in 1732 tried a Sutton man for selling strong drink to the Indians and duly fined him, accepting fully the testimony of the Indian widow" (Kawashima 1986, 83). In 1733, one of the adult Printer men was referred to as "the Rev. Mr. Printer of Hassanamisco" and invited to be present at the ordination of the new pastor of the joint Indian/white church at Chaugunagungamaug/Dudley (Mandell 1986, 84). Toward the end of the 1730's, a dispute apparently arose concerning the obligations of the non-Indian landowners of Grafton under the original purchase agreement. The first indication was the May 30, 1739, petition of Samuel Chandler and others that Indian rights at Hassanamisco be upheld (*Mass. Archives* 113:736-738). This oddly antedated the petition that it apparently opposed, submitted December 26, 1739, requestting the transfer of the obligations to the Indians from the proprietors to the town (*Mass. Archives* 114:460-462).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "The tribe has not retained cultural traits from the traditional culture which distinguish it from the surrounding populations. Significant adoption of non-Indian culture was evident as early as 1730 and 1740. During this period formal schooling was introduced, English surnames became common, and Christianization became acceptable" (Narragansett PF 1982, 10); "It should be clear that the retention of aboriginal culture or language is irrelevant to the Acknowledgment criteria, except as it might reflect positively on . . . maintenance of a distinct community" (Gay Head FD 1987, 3)	The will of Ami Printer, written on April 4, 1741, left legacies to his family. His wishes were carried out by his non-Indian executors and his estate probated in Worcester County in the ordinary manner (Worcester Co., Massachusetts, Index to Probate Records Vol. 2). Such materials provide background data pertaining to the continuing existence of an Indian entity at Hassanamisco, but focus primarily on the Indians' interaction with the non-Indian community. The number of marriages in this period was too small to permit the drawing of conclusions: in the case of Andrew Abraham and Abigail Printer, two Hassanamiscos married one another, but she subsequently, as a widow, married a non-Indian. Mary Printer married Zechariah Tom, an Indian from Natick (Earle Papers). The indication concerning Printer's invitation to the church dedication at Dudley provides some indication that these two settlements had retained some ties to one another. However, several local ministers, all the remainder non-Indian, were invited to the dedication at Dudley.	Does not meet (b), but can be used in combination with other evidence.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1732-1746	(83.1); (b) Mass. Archives 31, 292, 294, 301, 370, 405-407; Earle Papers; Mandell 1996; General Court Records 12:228; Acts & Resolves 1734-35, Chapter 47; a Place of Small Stones n.d.; Acts & Resolves XII: 1734-1751, Chapter 261; Worcester Registry of Deeds 11:228; Acts & Resolves 1738-39, Ch. 121. (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	Records from the 1730's and 1740's show the Indian families at Hassanamisco farming real estate, owning cattle and swine, and sharing in many of the forms of material property customary in rural New England at the time (Mandell 1996, 97; citing WCP 41125; Mandell 1996, 221n67). For other examples see Mass. Archives 31, 301, 304-307b, 370; Mandell 1996, 120. For a detailed summation of the data in the trustees reports, see the draft technical report for petitioner #69A (BAR). During this period, at least some of the persons entitled to Hassanamisco funds, and regularly receiving them, were not residents. On May 12, 1738, Joseph Aaron, son of Sarah (Indian) [Sarah Muckamaug] was born at Cumberland, Providence County, Rhode Island (Arnold 3:72). However, as indicated by Joseph Aaron's later residence at Hassanamisco, this off-reservation residence does not signify the severing of social ties.	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2). "In addition, since at least the mid-1750's, significant numbers of tribal members have been resident in neighboring towns to the east and west, . . ." (Narragansett PF 1982, 9); "Since at least 1807, a substantial portion of the Gay Head Indian descendants have not resided in Gay Head . . ." (Gay Head PF 1985, 2). "The tribe has not retained cultural traits from the traditional culture which distinguish it from the surrounding populations. Significant adoption of non-Indian culture was evident as early as 1730 and 1740. During this period formal schooling was introduced, English surnames became common, and Christianization became acceptable" (Narragansett PF 1982, 10); "It should be clear that the retention of aboriginal culture or language is irrelevant to the Acknowledgment criteria, except as it might reflect positively on . . . maintenance of a distinct community" (Gay Head FD 1987, 3)	The Hassanamisco Indians could not sell their lands with approval of the trustees alone. Sales required the approval of the Massachusetts House of Representatives. Not all were undertaken because of dire financial need: some of the petitions indicated simple economic transactions: "Changes in Natick's material culture rippled out to other Indian villages in the area. . . . Joseph Ephraim Jr. of Natick and Andrew Abraham of Hassanamisco decided to sell forty-four acres owned jointly in Natick in order to finance the 'Building and finishing Comfortable Houses for the petrs and purchasing of Cattle and Utensils for Husbandry & Improvement of their Lands'" (Mandell 1996, 97; citing *Acts & Resolves 1735-36*, Ch. 261, 23 March 1736; see also Mandell 1996, 221n66). The material in the records of sales does not provide any definitive answer concerning the maintenance of community under 83.7(b), although it provides some data concerning the lifestyle of the Hassanamisco Indians.	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1743-1745	**(b)** Mandell 1996, 144-148; Earle Papers; Massachusetts Archives 31; Acts & Resolves XIII: 1743/1744, Chapter 282; Acts & Resolves 1741-1746: 1746/47: Chapter 153. **(b)(1)(viii)** The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	Petitions concerning the trustees and guardians of the Hassanamisco Indians; appointment of different trustees.	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).	For more detailed discussion of these petitions, see the charts for criterion 83.7(c).	The appointment of the trustees does not in itself meet (b) for the mid-18th century, but contributes to meeting (b) under (b)(1)(viii).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1746-1758	**(b)** Reese c1980; Mandell 1996; *Massachusetts Archives* 31, 564-564a; 31, 567; 33, 64-66. **(b)(1)(viii)** The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	In 1746, an act of the Massachusetts Bay legislature called "Better Regulating the Indians" provided for the appointment of three people for each plantation to act as guardian. "The guardian had the power of a justice of the peace and could lease out land on the plantation not in use by Native People" (Reese c1980, [36]). According to Mandell, the act authorized, "the appointment of three guardians for each native enclave in the colony. These guardians were given the power not only to act as justices and to manage the community's account, but also to take land that the Indians were not using and lease it to white farmers or cattlemen. Guardians were to submit annual reports to the court--few of which are extant, if they were ever submitted. Three men were elected by a joint meeting of the Governor's council and assembly for eight Indian communities (or cluster of small enclaves): . . . Grafton and Dudley; . . . As a result, Dudley, Mashpee, and other Indian enclaves in the commonwealth suddenly found their land and fortunes controlled by outsiders (Mandell 1996, 144).	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).	Under the 1746 bill, Grafton (Hassanamisco) and Dudley (Chaubunagunamaug) were paired. In subsequent years, however, the two groups came to have different guardians, although there is no record of a formal separation by legislative act. Further measures concerning the sale of Indian lands were passed in the spring of 1748. The 1746 measure was elaborated on June 12 and 13, 1758, by a bill providing that there be three guardians near every Indian plantation to allot lands to the Indians and guard against trespass; also, to regulate incomes and expenditures in behalf of the tribes; and that no sale or lease of Indian property was to be made except by consent of the guardians (*Mass. Archives* 33:64-66).	The existence of the legislation does not in itself meet (b) for the mid-18th century, but contributes to meeting (b) under (b)(1)(viii).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1746-1763	**(b)** Acts & Resolves XIV: 1747-1753: 1748/49, Chapter 11; Acts & Resolves XV: 1753-1746, Chapter 7; Mass. Archives 32, 453-454; Mass Archives 33, 64-66, 75-76; Earle Papers; Acts & Resolves XVI: 1757-60: 1758: Chapter 22; Acts 7 Resolves XVII: 1761-1765: 1762/73, Chapter 1. **(b)(1)(viii)** The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	Appointments of trustees for and reports by the trustees for the Hassanamisco Indians.	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).	The appointments and the acceptance of accounts by the General Court provide no data concerning internal conditions in the community, although they provide some data concerning the background of tribal continuity.	The appointments do not meet (b) but contribute to meeting (b) under (b)(1)(viii).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1746-1763	(b) Mandell 1996; A Place of Small Stones n.d; Worcester Probate Registry; Earle Papers; Acts & Resolves XII: 1746-1747: Chapter 322; Grafton Vital Records 1906; Arnold, Vital Record of Rhode Island 3:62, 82; Acts & Resolves XV: 1753-1746: 1754/55, Chapter 300; Mass. Archives 31, 525, 656; Mass. Archives 32, 4-4a, 116, 246-247, 357, 592-593, 611-612, 720-721; Worcester County, Massachusetts, Index to Probate Records, Vol. 2. (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	Several Hassanamisco men served in the British military service during King George's War. Moses Printer, Jr., Andrew Abraham, Jr., and James Printer died in the service prior to 1748 (Mandell 1996, 128; citing Earle Papers Box 1, Folder 1, 2:55-60; Mandell 1996, 225n57). For details, see the draft technical report for petitioner #69A (BAR). Three spouses of Hassanamisco women, Thomas Awassamog of Natick, Peter Lawrence (husband of Sarah Printer), and William Thomasof Natick (husband of Mary Printer, the widow of Zechariah Tom of Natick), survived the war. By 1748, no adult Hassanamisco males remained alive, although there were still some who had not yet attained the age of majority. Mandell's interpretation of the death of Sarah (Muckamaug) Aaron Burnee was erroneous (Mandell 1996, 120) – she was neither elderly nor abandoned (*Mass. Archives* 32, 246-247, 592-593; *Acts & Resolves* XV: 1753-1756: Chapter 300). For further details on the content of the trustees' records for this period, see the draft technical report for petitioner #69A (BAR, pp. 87-94).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Although the tribe remained strong culturally and politically, it gradually declined in size and political strength through epidemics and conflicts with other tribal groups" (Narragansett PF 1982, 1); "The Mohegan suffered a drastic population decline during the early period of European contact, perhaps as much as 93 percent by 1650" (Mohegan PF 1989, 2). "in addition, since at least the mid-1750's, significant numbers of tribal members have been resident in neighboring towns to the east and west, . . ." (Narragansett PF 1982, 9); "Since at least 1807, a substantial portion of the Gay Head Indian descendants have not resided in Gay Head . . ." (Gay Head PF 1985, 2).	By the mid-18th century, the limitations of the Hassanamisco trustees' records as a source of Nipmuc history become very apparent. Increasingly, they did not reflect a residential village or an agricultural settlement, but rather were tracking descendants of the original proprietors, whether they any longer lived at Grafton or not, and keeping account of the partition of the shares among the claimants. Conversely, other records begin to indicate that there were Indian residents at Hassanamisco who never appeared in the trustees' records because they did not descend from the proprietary families and had no interest in the funds. The 1743 marriage of Sarah (Muckamaug) Aaron -- daughter of Sarah (Robbins) Muckamaug English -- to Fortune Burnee (recorded as Fortin Buney), in Mendon, Massachu-setts (Baldwin, *Mendon Vital Records* 1920, 225), brought into the Hassana-misco settlement a non-Indian spouse who would, throughout three subsequent remarriages, continue to appear in Hassanamisco records until the end of the century. Sarah, wife of Fortune Burnee, died in 1751.	Meets (b) for Hassanamisco, but not for a wider Nipmuc entity antecedent to petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1737-1784	(83.1); (b) Earle Papers; A Place of Small Stones n.d.; Worcester County Probate Registry; Mass. Archives 31; Mass. Archives 32, 607; Mass. Archives 33, 55-58, 128, 143, 316-318, 418-419; Acts & Resolves XVII, Chap. 223, 1764/65, 605-606; *Vital Records of Dudley*, 143; O'Brien 1990, 307-310; 333-334.	The mid-18th century records show that some Indian families not tied to either the Hassanamisco Reservation or the Dudley/Webster reservation resided in Worcester county, specifically families named Wiser and Bowman. The Wiser family had ties to Natick (Mass. Archives 31:433-433a, 557-558), as did the Bowman family. No members of petitioner #69A claim qualifying descent through the Wiser family, while Lydia Bowman, ancestress of the Hemenway family, cannot be linked to the earlier Bowman family in Worcester County on the basis of evidence currently in the record. There is other evidence that identifies her as Indian, but it does not link her to this specific family (Rice, *Records of Town Meetings, 1784-1800*, 1890, 30-32. 91). In May 1758, Benjamin Wiser, an Indian from Worcester, petitioned to administer the estate of Samuel Tobumso, an Indian from Westborough, stating that the heirs lived in Grafton and Natick (Mass. Archives 33, 55-56).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1).	In the 1760's, a Sarah Wiser occasionally appeared in the records of the Grafton trustees by virtue of her membership in the Hassanamisco Printer family (Earle Papers, undated frag-ment). As the Wise family *per se* had no claim to the Grafton proprietary funds, it is presumed that Wiser was her married name. Samuel Bowman's daughter, Martha, married Joseph Pegan, identified in the probate record as a Dudley Indian, in 1737 (*Vital Records of Dudley*, 143) while another Bowman daughter married a Wiser. These family ties indicate that there was social interaction among the various Indian families in Worcester County, as well as between the Worcester County Indian families and the Natick Indians, in the mid-18th cen-tury. See the probate of Mary (Printer) Tom Thomas Pogenit in 1759 by her daughter, Mary Tom (Mass. Archives 33, 124-126), as well as the signing of a Natick petition by Mary Tom and three women of the Grafton Lawrence family in 1760 (Mass. Archives 33, 143). The data in the record is not sufficient in itself to permit a finding of community. It may be used as supporting evidence for links beyond the individual reservations.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1762-1774	**(83.1); (b)** Mandell 1996, 190; citing Dexter, *Itineraries of Ezra Stiles*, 203, 262; Mandell 1996, 235n131; Benton 1905; The Number of Indians in Connecticut, *Collections of the Massachusetts Historical Society* 1809, 10, 118; The Number of Indians in Rhode-Island, *Collections of the Massachusetts Historical Society* 1809, 10,119.. **(b)(1)(viii)** The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	Mandell gave the date of Ezra Stiles visit to Grafton as 1762, stating that he saw "the burying place & Graves of 60 or more Indians" in Grafton. He said that there was "now not a Male Ind. in the town, & perh. 5 Squaws who marry Negroes." According to Mandell, the following year, Stiles noted "four Indian families in the enclave, including four men, five women, six boys, and seven girls" (Mandell 1996, 190; citing Dexter, *Itineraries of Ezra Stiles*, 203, 262; Mandell 1996, 235n131). If this represented the total number of residents, there were by the end of the Seven Years War, only 22 persons resident on the Hassanamisco lands at Grafton. However, other writers have given the date of Stiles visit as 1764 (Speck 1943, 52). The 1764 date of the visit was given in the 1809 publication of excerpts from Stiles' Itineraries (Indians on the Connecticut River *in* Memoir of the Pequots. Collected from the Itineraries and other Manuscripts of President Stiles, *Collections of the Massachusetts Historical Society* 1809, 10:105).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Although the tribe remained strong culturally and politically, it gradually declined in size and political strength through epidemics and conflicts with other tribal groups" (Narragansett PF 1982, 1); "The Mohegan suffered a drastic population decline during the early period of European contact, perhaps as much as 93 percent by 1650" (Mohegan PF 1989, 2). "Narragansett marriage to Non-Indians, black and white, became an issue in the 19th century . . . the issue of race was raised in the context of state recommendations to dissolve the tribe because of intermarriage with blacks. As a consequence, the group had to strongly defend its identity as Indian, ..." (Narragansett PF 1982, 3). "Both Dwight and Morse described a community which was clearly identifiable by outside observers. The gradual adoption of some aspects of non-Indian culture does not indicate either the dissolution of tribal relations or the cessation of the existence of community according to the precedents (Narragansett PF 1982, 10; Gay Head FD 1987, 3)" (Paucatuck Eastern Pequot PF 2000, 74).	Speck misquoted the source, saying that Stiles mentioned a population of five for the Hassanamisco village (Speck 1943, 52). Several other statistical census compilations from the 1760's and 1770's provided limited information about the numbers of Indians known to have been residing in central Massachusetts, northeastern Connecticut, and northwestern Rhode Island. Unfortunately, none of them indicated tribal affiliations for the Indians enumerated, nor did they provide any indication of whether the Indians were maintaining tribal relations. The petitioner did not submit nor did BIA researchers locate instructions issued to enumerators in any of these instances showing how Indian identity was to be determined and recorded. The 1765 census of Worcester County, Massachusetts (statistics only, no names listed) showed 34 Indians, of whom 14 were in Grafton (Benton 1905, 45). The 1774 compilations for Connecticut and Rhode Island also provided statistics only, without names or tribal affiliations.	Meets (b) for Hassanamisco, but not for a wider Nipmuc entity antecedent to petitioner #69A.

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1763-1785	(c) Earle Papers; *Massachusetts Archives* 33, 333, 415, 425, 457, 475, 505, 525-526, 535, 552, 597-599; *Journals of the House of Representatives of Massachu-setts 1770-1771*, 1978, 74, 88, 193, 202, 229; *Journals of the House of Representatives of Massachusetts 1772-1773*, 1980, 171, 202; *Journals of the House of Representatives of Massachusetts 1773-1774*, 54; Mandell 1996; Worcester County, Massachusetts, Probate Registry 9,153; Worcester County, Massachusetts, Registry of Deeds 60, 336; 97, 115, 120. **(b)(1)(viii)** The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	The format of the trustees' reports and accounts for this period changed little from those of the preceding years. As time went on, the names listed reflected marriages and remarriages, births and deaths, but the basic nature of the information consistently pertained to payments to individuals and family groups. The records indicated only two episodes of more general import than the distribution of proceeds from the funds. On July 17, 1764, Indian Land boundaries were renewed, of a 120 acre farm (Earle Papers). In April 1771, Ephraim Sherman, of Grafton, submitted a petition to the General Court which stated that the Indian population was greatly reduced, and there was only one male Indian left at Hassanamisco (*Mass. Archives* 33:535; Mandell 1996, 168). Sherman therefore requested that the Town might "take back part of the room in the meeting-house set aside for the Indians in 1740, as the Indians are steadily diminishing in number," which was authorized with limitations by the House of Representatives (*Mass. Archives* 33:525-526; *Journals of the House of Representatives of Massachusetts 1770-1771* 1978, 193, 229).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2).	A #69A researcher stated that on March 17, 1772, the Hassanamisco guardians paid out interest money owed the Grafton Indians, there being no record at the State Archives of another payment until 1792 (A Place of Small Stones 46). However, the Massachusetts Archives contain data on payments made in May of that year (*Mass. Archives* 33:552). By 1776, however, the payments were seriously in arrears. In that year, Patience Gimby, whose sister died four years earlier, petitioned the General Court because she needed 20 pounds controlled by the guardians to care for her "sick family having buried three children who died of consumption and having been a long time sick." She asked that the General Court instruct the guardians to pay her the inheritance money from her sister (A Place of Small Stones 46-47. The Hassanamisco trustees' accounts for the decade 1776-1785 were essentially nonexistent. For details of the contents from 1763-1776, particularly the land sales and details of illnesses within individual families, see the draft technical report for petitioner #69A, pp. 103-107 (BAR).	Meets (b) for Hassanamisco, but not for a wider Nipmuc entity antecedent to petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1776-1783	(b) Area Residents Listed in Earle 1997, 5n3 (Nipmuc Pet. #69A Suppl. 4/21/10997); NARS M-804, Roll 359, S.34110; Massachusetts Soldiers and Sailers in the Revolution 1901, 1, 1-2,.598; A Place of Small Stones n.d., 47, 49; Worcester County, Massachusetts, Probate Registry 8,132; Worcester County Justice of the Peace Records 4, 429.	Two of the three sons of Abigail Printer died in or during the Revolu-tion. One other man who had a hereditary interest in the Hassana-misco funds, Joseph Aaron, son of Sarah Muckamaug, survived the war. The petition indicated that numerous Nipmuc men were serving in the American army as of 1777, namely Joseph Aaron, Joseph Anthony, David Abraham, Andrew Brown, Benjamin Wiser, Isaac Johns, David Johns, and Samuel Johns (Nipmuc Pet. Suppl. 1987, Issue #3; A Place of Small Stones 47). In December 1778, David Abraham signed his will, which would be probated February 3, 1785. He named several relatives and also made a bequest to two non-Indians, Joseph Prentice and Solomon Prentice, sons of Henry Prentice of Grafton (A Place of Small Stones n.d., 48-49; citing Worcester Probate Registry 19:315). On February 20, 1785, Fortune Burnee objected to Solomon Prentice as executor of the estate of David Abraham on the grounds that he, himself, had a living son who was the proper heir of Abraham's estate (A Place of Small Stones n.d., 49).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "The tribe has not retained cultural traits from the traditional culture which distinguish it from the surrounding populations. Significant adoption of non-Indian culture was evident as early as 1730 and 1740. During this period formal schooling was introduced, English surnames became common, and Christianization became acceptable" (Narragansett PF 1982, 10); "It should be clear that the retention of aboriginal culture or language is irrelevant to the Acknowledgment criteria, except as it might reflect positively on . . . maintenance of a distinct community" (Gay Head FD 1987, 3)	Andrew Brown himself had no hereditary interest in the Hassana-misco funds, nor has any evidence been located that he was Nipmuc. One undocumented notation stated that he was a natural son of Deborah David (Area Residents Listed in Earle 1997, 5n3). On April 3, 1782, he married Hannah Comicher of Grafton, Mass-achusetts, daughter of Mary (Tom) Comacher Hurd by her first marriage (Grafton Vital Records). The petition submitted no evidence, and BIA researchers located no evidence, to indicate that the three men named Johns were Nipmuc. A man named Isaac Johns did appear in later records as the husband of a Hassanamisco woman. Additionally, Jeffrey Hemenway, future husband of Hepsibah Bowman, served in the Revolution; as did Jacob Woodland, the future second husband of Molly (Piggin) Pollock Woodland (NARS M-804, File W17469). These files provide some data, but none pertaining to Nipmuc community under 83.7(b) at the time of the Revolution. Fortune Burnee Sr. was the non-Indian widower of a Hassanamisco woman, Abigail (Printer) Abraham Anthony Bu.rnee.	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1780's	(b) Mandell 1996.	"Third, by 1780, a few Indian communities existed as loose networks of families living near their former reserves or in neighborhoods of the growing cities. They lacked communal land but retained common accounts from the sale of all or much of their land during the previous century. Members of the Natick, Hassanamisco, and Punkapoag communities could draw funds from the accounts when necessary for medical bills or other needs. Their moneys were often invested, sometimes quite badly, by state-appointed guardians in an effort to sustain the accounts. Over several generations these families and their connections faded into the often undifferentiated sea of 'people of color'" (Mandell 1996, 206).	Neither rule nor precedent; included for informational purposes.	This analysis by a modern scholar is too general to provide a basis for evaluation under 83.7(b). In the case of the Hassanamisco descendants, enough information is available in the historical record to reach a more detailed conclusion. While there was extensive out-marriage, there is no indication that this specific community lost its sense of identity in the late 18th or the first half of the 19th century. For analysis of the Dudley/Webster community at this date, see the charts prepared for petitioner #69B.	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1780's	(b) Mandell 1996.	By the end of the colonial period, . . . [f]amilies and individuals were no longer part of the bear or beaver clans, nor members of the Nipmuc, Massa-chusett, or Wampanoag tribes. The old boundaries were shattered by Anglo-American political and econo-mic dominance and dissolved by inter-marriage and market forces. A new pan-Indian idenity emerged, distinct from notions of race, political allegian-ces, or even residence. Ironically, the dominant pattern of intermarriage meant that matrilineal descent replaced bilateral or patrilineal descent as the primary route of Indian ancestry. A regional Indian ethnic network emer-ged by the Revolution, largely invisi-ble to whites, as scattered families and communities came together through marriages with outsiders, or migrated to obtain work, sell goods, or find better places to live. The surviving native enclaves acknowledged their responsibilities as centers for this new network. While population decline and vanishing enclaves seemed to point to the doom of natives in Massa-chusetts, Indians were able to build a new community that would ensure their survival (Mandell 1996, 202).	No rule or precedent; included for informational purposes.	This evaluation by a modern scholar is too general to provide a basis for evaluation under 83.7(b).	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1786	(b) Kawashima 1986; Reese c1980.	In 1786, marriages between Indians and whites were for the first time expressly forbidden in Massachusetts. Unlike the 1705 enactment, the new law prohibited interracial marriages between whites and Africans, mulattos, *or* Indians and set a penalty of fifty pounds. It also declared such marriages null and void, but eliminated the penalty against fornication (Kawashima 1986, 99). The effect of this act was later limited by decisions of the Massachusetts Supreme Court, which both ruled that interracial marriages which were valid in the state where they were entered into, such as Rhode Island, were recognized as valid by Massachusetts, and made very narrow definitions of the racial terminology in the 1786 act. The first Federal Trade and Intercourse Act was passed on July 22, 1790 (Reese c1980, [39]).	No rule or precedent; included for informational pruposes.	The 1786 act had little direct impact upon the Nipmuc communities, and does not seem to have been enforced uniformly. Under 83.7(b), the social impact of the level of outmarriage is not evaluated differentially on the basis of whether such marriages took place with whites, African-Americans, or persons of other ethnicities.	Neither meets nor negates (b).
1784-1845	(b) Church records and vital statistics	The alphabetized summaries of church records and civil vital records from Grafton and other Towns of Worcester County for the late 18th and first half of the 19th centuries list numerous marriages and baptisms of individuals identified as Indian. For citations to individual records, see the Nipmuc GTKY file (BAR) and, in some cases, the charts for criterion 83.7(e).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Major cultural changes were evident during the 1700's. After resisting Christianization in the 17th and early 18th centuries, a large body of the tribe was converted in the 1740's, . . ." (Narragansett PF 1982, 2).	The church and vital records do not describe an Indian community, whether at theHassanamisco settlement or extending more widely. These records provide data only on individuals. Taken together with other evidence such as the guardians' reports, they strengthen the other evidence indicating that a community continued to exist. They do not name a collective entity, so do not apply under 83.7(b)(1)(viii).	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1785-1849	(b) Earle Papers (Nipmuc 369A Pet. Suppl. 1997); Earle Report 1861; A Place of Small Stones n.d.; Worcester County, Massachusetts, Probate Registry 26, 476; Mandell 1996. (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	For the petitions associated with the trustee controversy from 1785-1803, see the charts for criterion 83.7(c). It was during this controversy, in 1788, that Esther (Lawrence) Stebbins Freeborn chose to renounce her interest in the common fund in favor of a cash payment "dower" covering 3/8 of an original share (Earle Report 1861, 92). It was this buyout, rather than anything as amorphous as an "individual choice" to identify as African-American or an "ethnic boundary" between that family and their "Indian cousins" (Mandell 1996, 192), that was the reason why her descendants made no claims on the Hassanamisco funds in subsequent years. Contrary to Mandell's argument, they were no longer "equally entitled under Massachusetts law to Hassanamisco funds" (Mandell 1996, 192). The 1984 petition narrative indicated that no trustees' reports for Grafton were extant from 1813 -1828 and 1832 -1841 (Nipmuc #69 Pet. Narr. 1984, 69-70), probably based on the Earle report (Earle Report 1861, 94-95), but these have subsequently been located.	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2). "More than 50 percent of the members reside in a geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent interaction with some members of the community" (83.7(b)(2)(i)). "In addition, since at least the mid-1750's, significant numbers of tribal members have been resident in neighboring towns to the east and west, . . ." (Narragansett PF 1982, 9); "Since at least 1807, a substantial portion of the Gay Head Indian descendants have not resided in Gay Head . . ." (Gay Head PF 1985, 2).	When the account records of the Hassanamisco trustees resumed in 1790, they continued to be, in essence, lists of names and amounts paid out, as had been the case in the mid-18th century. The information included a significant number of petitions for permission to sell land (Earle Papers). While the hiatus in the reports meant that some births, marriages, and deaths had not been tracked specifically, the records did specify in right of whom the payeee had an interest in the funds in many cases (see draft technical report on Petitioner #69A, pp. 115-124, BAR). In one instance, during this period, a non-proprietary Indian dealt with the State Legislature through the Grafton guardians (Earle Papers). Several more heirs of prioprietary families exchanged their fund shares for lump sum payments (Earle Report 1861, 93' Earle Papers). The trustees' records often provided very specific information concerning genealogical relationships (for details see Nipmuc GTKY File, BAR). However, they had no data concerning social ties between Grafton and Dudley/Webster.	Meets (b) for Hassanamisco, but not for a wider Nipmuc entity antecedent to petitioner #69A.

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1837	**(b)** Commonwealth of Massachusetts, House of Representatives. Report of Special Committee of Legislature 4/3/1837 (Earle Papers). **(b)(1)(viii)** The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	This report was on a petition of John Hector and others "describing themselves as descendants of the Hassanamisco Tribe of Indians" (Earle Papers). The report stated:, "that the committee had not been "furnished with any satisfactory evidence that the petitioners are the lineal heirs of those whose lands were granted to the English. Whatever views should be entertained of the justice and equity of the claim presented to their consideration the Committee are unwilling to propose an appropriation of money without being assured by proper testimony that it will not be bestowed on a race with scarcly [sic] a drop of red blood to be squandered uselessly, or substantially given for the relief of some municipal corporation from the charge of its pauper dependants." . . . "Believing, although the evidence is so defective now, that the subject may deserve more full examination and future investigation," the committee recommend that it be referred to next General Court. Signed by William Lincoln (Earle Papers).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).	The Earle Papers contained only the report, but no copy of the original petition with signatures. The petitioner did not submit a copy of the petition, nor was one located by the BIA historian. Without a complete listing of the signatures, it was impossible for BIA researcher to analyze the validity of the report's comment on lack of evidence of lineal descent from the Hassanamisco proprietary families. However, John Hector, apparently the first signer, was without doubt a lineal descendant (see Nipmuc GTKY File, BAR). The report, in specifically expressing scepticism that there continued to be Hassanamisco descendants, does not contribute to meeting 83.7(b) even under the limited provisions of 83.7(b)(1)(viii).	Does not meet (b).

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1839	(b) Massachusetts State Archives; Forbes 1889. (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	On March 22, 1839, an otherwise unidentified person named C. Hudson sent a memorial to the Governor of Massachusetts asking to whom the guardian of the Grafton Indians was accountable. Hudson stated that, "The Indians have some land of a good quality, and some money. They number at the present time about 20 persons" (MA State Archives). On April 9, 1839, a resolve of the legislature provided that the sum of $50.00 per year should be placed in the custody of the Judge of Probate, Worcester County, to be used at his discretion to administer to the needs of the Grafton Indians. This provision was to continue for ten years (Nipmuc Pet. Narr. 1984, 72-73), and was renewed in 1849 (Nipmuc Pet. Narr. 1984, 73).	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Both Dwight and Morse described a community which was clearly identifiable by outside observers. The gradual adoption of some aspects of non-Indian culture does not indicate either the dissolution of tribal relations or the cessation of the existence of community according to the precedents (Narragansett PF 1982, 10; Gay Head FD 1987, 3)" (Paucatuck Eastern Pequot PF 2000, 74).	This mention is far less detailed than the descriptions of the Eastern Pequot settlements by Dwight and Morse. Of the Hassanamisco family lines identified in the records of the first half of the 19th century, petitioner #69A currently has members who descend from Lucinda (Brown) Gigger and from Sarah Maria (Arnold) Cisco (see Cisco Archives, Box 1; Cisco Archives, Box 2). For further details, see the Nipmuc GTKY File (BAR) and the the draft technical report for petition #69A, pp. 118-123 (BAR). The Arnold descendants lived in Grafton, but the Brown family resided in Westborough, Massachusetts.	Meets (b) for Hassanamisco, but not for a wider Nipmuc entity antecedent to petitioner #69A.

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1849	(b) F.W. Bird, W. Gris-wold, and C. Weekes, "Report of the Commis-sioners Relating to the Condition of the Indians in Massachusetts," 1849 House Document 46," in *Mass. Legislative Reports of 1849*, Boston: Wright & Potter, 1850 (Briggs Report 1849); Doughton 1997; (Nipmuc #69 Pet. Suppl. 1987, Attachment 4); Plane and Button 1993 (cited as the "Bird Report"). The preface was signed by Massachu-setts Governor George N. Briggs on February 21, 1849, and it is ordinarily cited as the "Briggs Report." See also Mandell 1996. **(b)(1)(viii)** The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	As far as is known, the original notes kept by these commissioners are not extant, so the basis of inclusion or exclusion is not known. With the exception of Natick, which was not discussed in this report, the *Briggs Report* identified 847 Indians in the state, including Grafton or Hassana-misco and Dudley. It concluded that all but six or eight of the state's Indians were of mixed ancestry (Briggs Report 1849, 5-6). For Hassanamisco, it enumerated a total of 26 individuals, divided into five families; 12 males; 14 females. It stated that about 2/3 of the number resided on "the territory," which was described as 25 acres, owned by individuals, in Grafton (Briggs Report 1849, 44). It did not distinguish between non-Indian spouses, such as Gilbert Walker or Zona (Leonard) Gimby, and the actual lineal members. It omitted several known families of Hassana-misco descendants. For a discussion of the report's specific information concerning the 51 Indians who constituted "The Dudley Tribe" (Briggs Report 1849, 42-44), see the draft technical report for petition #69B.	"Both Dwight and Morse described a community which was clearly identifiable by outside observers. The gradual adoption of some aspects of non-Indian culture does not indicate either the dissolution of tribal relations or the cessation of the existence of community according to the precedents (Narragansett PF 1982, 10; Gay Head FD 1987, 3)" (Paucatuck Eastern Pequot PF 2000, 74). "Narragansett marriage to Non-Indians, black and white, became an issue in the 19th century . . . the issue of race was raised in the context of state recommendations to dissolve the tribe because of intermarriage with blacks. As a consequence, the group had to strongly defend its identity as Indian, ..." (Narragansett PF 1982, 3). "The tribe has not retained cultural traits from the traditional culture which distinguish it from the surrounding populations. Significant adoption of non-Indian culture was evident as early as 1730 and 1740. During this period formal schooling was introduced, English surnames became common, and Christianization became acceptable" (Narragansett PF 1982, 10); "It should be clear that the retention of aboriginal culture or language is irrelevant to the Acknowledgment criteria, except as it might reflect positively on . . . maintenance of a distinct community" (Gay Head FD 1987, 3).	Descriptively, the commissioners commented: "Generally, the Grafton Indians are industrious, temperate, and comfortable. They had formerly a respectable fund; but it was totally lost, while in the hands of a former trustee. By the resolve of April 9, 1839, an appropriation of $50 00 annually, for ten years, was placed in the hands of the judge of probate, for Worcester County, to be applied, at his discretion for their benefit. In addition to this sum, they have received from the State, in 1845, 30 dollars, and in 1847, 10 dollars. The State is still indebted to the tribe for the fund which was lost under her management.--Of course, this tribe has no separate schools, or preaching. Their children attend the public schools. They will soon undoubtedly lose their individuality and become merged in the general community.--Their annuity expires this year. If there should be a necessity of continuing it or any portion of it, it will be provided for, under the general recommendation we shall have the honor to submit towards the close of the report (Briggs 1849, 44).	Meets (b) for Hassanamisco and for Dudley/Webster separately, but not for a wider Nipmuc entity antecedent to petitioner #69A.

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c. 1850	(b) Mandell 1996; Speck 1943; Earle Papers; Cisco Archives, Box 4; Massachusetts State Archives 8/29/1859.	By the middle of the century, only one Hassanamisco family remained in Grafton, most had lived for generations in other towns, and some were recorded (perhaps by their own preference) as 'colored' rather than 'Indian.' When a family formed by generations of intermarriages left an Indian enclave, and little remained of the lands that had helped cement the community, the way was open for parents and their children for abandon their Indian ties. They lacked the support of a cohesive, settled community, and were hard put to survive more than one or two generations (Mandell 1996, 206-207; citing 1861 Senate Report 96; Mandell 1996, 237n7).	"The tribe has not retained cultural traits from the traditional culture which distinguish it from the surrounding populations. Significant adoption of non-Indian culture was evident as early as 1730 and 1740. During this period formal schooling was introduced, English surnames became common, and Christianization became acceptable" (Narragansett PF 1982, 10); "It should be clear that the retention of aboriginal culture or language is irrelevant to the Acknowledgment criteria, except as it might reflect positively on . . . maintenance of a distinct community" (Gay Head FD 1987, 3). "In addition, since at least the mid-1750's, significant numbers of tribal members have been resident in neighboring towns to the east and west, . . ." (Narragansett PF 1982, 9); "Since at least 1807, a substantial portion of the Gay Head Indian descendants have not resided in Gay Head . . ." (Gay Head PF 1985, 2).	An interpretation of the evidence in a modern secondary work is not dispositive under 83.7. The description of land loss of the Grafton reservation provided to Frank G. Speck by Sarah M. Cisco in 1943 (Speck 1943, 50) bears no apparent relation to the actual situation. The Indian land belonged to Harry Arnold's mother, nee Lucy Gimbee. Arnold's father cannot have been "the last full-blooded Hassanamisco Indian [who] died in 1825," nor was Harry Arnold born in 1825 (Speck 1943, 50)–he was born in 1788 and lived until 1851 (see Nipmuc GTKY File, BAR). The "Brigham and Goddard" to whom Ms. Cisco attributed the land loss in the 1820's (Speck 1943, 50), were involved with the situation 80-90 years earlier, in the second quarter of the 18th century, while Charles Brigham was not appointed trustee until 1841. For specifics, see the submission by Sweeney and Brigham, trustees for the Hassanamisco Indians, August 29, 1859, in regardto Sweeney's rights as purchaser of the Hector land (Massachusetts State Archives).	Neither meets nor negates (b).

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1850	(b) NARA M-432, 1850 U.S. Census, Windham County, Connecticut; 1850 U.S. Census, Worcester County, Massachusetts.	The 1850 census provided enumera-tion both of those persons who had been listed as Nipmuc on the 1849 Briggs Report (with the exception of Zona (Leonard) Gimby, widow of Moses Gimby, who had died on January 30, 1850) and of families identified as ancestral to petitioner #69A who were not included on the Briggs Report. The census records indicate that the majority of identified Nipmuc continued to live in the general geographical region of central Worcester County, Massachusetts, northeastern Connecticut, and northwestern Rhode Island. There is no pattern of distinct residential settlements apparent and the census records provide no tribal identifica-tions. Hassanamisco descendants were located in Grafton, in the city of Wor-cester, town of Worcester, Holden, Gardner, Harvard, Leicester, Douglas, and Uxbridge. For details of census listings concerning the Dudley/Webster Nipmuc Indians, see the charts prepared for petitioner #69B.	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The proprietary family of the Hassanamisco Reservation, Lucy (Gimbee) Arnold Hector and her sons, were regularly enumerated on the Federal census schedules in Grafton, Massachusetts, throughout the 19th century. With the single exception of the elderly Joseph Aaron in 1800, no other Hassanamisco proprietary families remained in Grafton in the 19th century. The enumeration in 1850 provided some evidence that the Arnold/Cisco family was interacting with other families ancestral to members of the #69A petitioner. In 1850 and subsequent census enumerations through 1920, many of the households of Hassanamisco descendants were enumerated as W[hite], B[lack], or M[ulatto] for ethnicity, rather than I[ndian]. If any generalization can be made, it is that the families were more likely to be enumerated as Indian after the publication of the Earle Report in 1861. For details of the individual enumerations, see the Nipmuc GTKY File (BAR). For summations of the census data from 1790 through 1920, see the draft technical report on petitioner #69A, pp. 124-129).	Neither meets nor negates (b).

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1855	(b) 1855 state census (Massachusetts State Archives, 1855 Census, Worcester County,	The census records indicate that identified Hassanamisco and off-reservation Nipmuc continued to live in the general geographical region of central Worcester County, Massachusetts. There is no pattern of distinct residential settlements of Hassanamisco descendants apparent and the census records provide no tribal identifications. For the listing of the "Dudley Indians" as a group, see the charts prepared for petitioner #69B.	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1).	The petitioner submitted no documentation from the Massachusetts state censuses. The BIA researcher, within the time limits of a site visit, reviewed them for the Towns of Grafton, Dudley, and Webster, and the City of Worcester, for 1855 and 1865. Unfortunately, time restraints did not permit reading the microfilm for all towns in Worcester County for these two state censuses. The census provides limited data concerning residency. Sarah Maria (Arnold) Cisco and her family, who had been in Worcester in 1850, had returned to Grafton by 1855.	Neither meets nor negates (b).
1857	(b) *Resolves of 1857*, Ch. 80; Nipmuc Pet. #69 Narr. 1984, 88.	On May 29, 1857, the Massachusetts legislature passed a resolution to require all Indians claiming support of the Commonwealth, to reside upon the land set apart for their use, and under the guardian's immediate supervision (cite).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2).	For analysis of this measure in regard to the Dudley/Webster Nipmuc, see the charts prepared for petitioner #69B. It was not enforced in regard to the Hassanamisco Nipmuc, nor did it apply to off-reservation Nipmuc families.	Neither meets nor negates (b).

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1858	b) Earle Report 1861, 98-99. (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	In 1858, the state legislature provided to the Probate Court at Worcester $200 to be used for the benefit of the tribe (Earle Report 1861, 98). The same year, the legislative committee of finance recommended that an additional $1,000 be placed with the Worcester County Probate Judge for the assistance of the Grafton Indians (Nipmuc Pet. Narr. 1984, 74). This resulted from a petition by Gilbert Walker requesting compensation "for the support of Benjamin Phillips, one of the tribe during his last illness" (Earle Report 1861, 98). Earle noted: ". . . as showing the loose manner in which the special legislation in rela-tion to the Indians has been transacted, . . . they have been made interms, and on conditions, inconsistent with their application to meet that obligation. . . . and the other members of the tribe had no more right or interest in [the fund], than the members of any other tribe, or than their white neighbors, yet the grants have been made, as if it was a common fund, to be applied to the general purposes of the tribe, as the circumstances or necessities of its members might require (Earle Report 1861, 98-99).	"Both Dwight and Morse described a community which was clearly identifiable by outside observers. The gradual adoption of some aspects of non-Indian culture does not indicate either the dissolution of tribal relations or the cessation of the existence of community according to the precedents (Narragansett PF 1982, 10; Gay Head FD 1987, 3)" (Paucatuck Eastern Pequot PF 2000, 74). "Narragansett marriage to Non-Indians, black and white, became an issue in the 19th century . . . the issue of race was raised in the context of state recommendations to dissolve the tribe because of intermarriage with blacks. As a consequence, the group had to strongly defend its identity as Indian, ..." (Narragansett PF 1982, 3).	The Phillips/Walker [aka Boston] interconnection pertains to a Hassanamisco line which has no descendants in the current petitioner. However, the legislation does provide indication that an entity or, in Earle's 1861 terminology a "tribe," existed.	Meets (b) for Hassanamisco, but not for a larger Nipmuc entity antecedent to petitioner #69A.

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1860	(b) 1860 U.S. Census (NARA M-653, Roll 527, 528, 530, 532, 533, 534).	Most, but not all, descendants of Hassanamisco families listed in the Earle Report (see below) were located in the 1860 U.S. census. The exceptions were some families listed by Earle as living in Boston, Massachusetts, and in Iowa, all of whom were apparently descendants of Peter and Esther (Lawrence) Stebbins. These families have no descendants in the membership of petitioner #69A. There was no consistency in the identification of their ethnicity, some being categorized as Indians and others not. The census records indicate that the majority of identified Nipmuc continued to live in the general geographical region of central Worcester County, Massachusetts, northeastern Connecticut, and northwestern Rhode Island. There is no pattern of closed residential settlements apparent and the census records provide no tribal identifications.	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require close kinship ties or a distinct territory occupied by a portion of the membership. It also does not require the demonstration of separate social institutions or the existence of significant cultural differences from non-Indians. In their absence, community can alternatively be shown by demonstrating that significant informal social relationships exist throughout the membership. Informal relationships may be used to demonstrate community if a systematic description can be provided showing that such social relationships are broadly maintained among the membership and that social interaction occurs with significant frequency. Informal social contacts, such as friendships, are often ones of social intimacy and consistency. In contrast, casual contacts are incidental, do not hold significance for the individual, and can easily be replaced" (Miami FD 1992, 10). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	Only one household in Grafton, Massachusetts (NARS M-653, Roll 528, p. 457, #870/997) could be identified as containing descendants of any Hassanamisco proprietary family, in this case the household of Samuel and Sarah Maria (Arnold) Cisco. Other Hassanamisco descendant households were in the city of Worcester, Holden, Framingham (Middlesex County), Gardner, and Leicester, and in the city of Boston. For purposes of analysis of evidence for determining whether a petitioner meets criterion 83.7(b), the presentation of isolated years of census evidence as required by the chart format is extremely inadequate. The only reasonable way to evaluate the significance of the census evidence for (b) is through comparative analysis across a more extensive sequence of time, compared with residential distributions and changes in household format as individuals change from one to another, taking into account the impact of marriages and deaths.	Neither meets nor negates (b).

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1861	(b) Earle Report 1861; Earle Papers (American Antiquarian Society, Worcester, Massachu-setts); Worcester County, Massachusetts, Probate Records, 22322, 22323; 36:113, 171:163, 257:85; Charles Brigham to Secretary of the Commonwealth, Massachusetts State Archives, Grafton Indian Accounts 7/26/1859. (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	Earle identified the total number as 56 Hassanamisco "natives" and 17 inmarried "foreigners" for a total of 73 (Earle Report 1861, 88). The listing has a number of anomalies. For example, he listed the Stebbins descendants of Esther (Lawrence) Stebbins Freeborn as Hassanamisco, although she had renounced her rights to the proprietary fund in 1788, and they lived at some distance, in the towns of Leicester and Paxton. However, Earle was apparently unaware of the descendants of her second marriage, although it was a son of the second marriage who had served as guardian of his Gimbee nephews, who retained proprietary rights in the fund (Earle Report 1861, Appendix; Worcester County Probate Records, File 23875). The length of the Hassanamisco section of the report (Earle Report 1861, 87-101) may reflect the fact that about 1859, John Milton Earle, Massachusetts Commissioner of Indian Affairs, took possession of the 18th-century Hassanamisco records (see trustee Charles Brigham's request, July 26, 1859, that they be returned).	"Both Dwight and Morse described a community which was clearly identifiable by outside observers. The gradual adoption of some aspects of non-Indian culture does not indicate either the dissolution of tribal relations or the cessation of the existence of community according to the precedents (Narragansett PF 1982, 10; Gay Head FD 1987, 3)" (Paucatuck Eastern Pequot PF 2000, 74). "In addition, since at least the mid-1750's, significant numbers of tribal members have been resident in neighboring towns to the east and west, . . ." (Narragansett PF 1982, 9); "Since at least 1807, a substantial portion of the Gay Head Indian descendants have not resided in Gay Head . . ." (Gay Head PF 1985, 2). "The tribe has not retained cultural traits from the traditional culture which distinguish it from the surrounding populations. Significant adoption of non-Indian culture was evident as early as 1730 and 1740. During this period formal schooling was introduced, English surnames became common, and Christianization became acceptable" (Narragansett PF 1982, 10); "It should be clear that the retention of aboriginal culture or language is irrelevant to the Acknowledgment criteria, except as it might reflect positively on . . . maintenance of a distinct community" (Gay Head FD 1987, 3).	Earle wrote, "The Hassanamisco, Hassanamessett, or Grafton Indians . . . are the descendants of the seven original proprietors of Hassanamisco, or Grafton, where they resided, and where each of the seven families had a reservation. Two or three of these original families have become extinct, and the descendants of some of the others, if any survive, cannot now be traced. At this time, one family only remains on the heritage of its fathers, and that family retains less than three acres, out of all their former domain. All the other families have left Grafton, and the greater number, following the current of emigration in that region, have settled in Worcester. In addition to those would now be entitled to a right in the proprietary fund, if it still remained, are certain others of Indian descent, claiming to be Hassanamiscoes, whose descent cannot be satisfactorily determined. They are probably descendants of other Indians than the proprietors of the town, or of some of those whose interest in the fund was extinguished in the last century or early part of the present (Earle Report 1861, 87-88)	Provides some evidence for (b) for Hassanamisco, but not for a wider Nipmuc entity antecedent to petitioner #69A.

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1861	(b) Earle Report 1861; Mandell 1996. (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	By including those "not recognized as descendants of the ancient proprietors," Earle reached a total of 26 families, with 41 males and 49 females, for a total of total 90 individuals of whom 70 were "natives," and 20 were "foreigners." Of these, there were: 18 under 5; 7 5-10, 9 10-21; 46 21-50; 9 50-70; 1 over 70 (Earle Report 1861, 88). In connection with the issue of "foreigners," later in the report Earle wrote: "But little trace of Indian descent is apparent in the members of this tribe. It is most marked in the few who have mixed chiefly with the whites, yet some of these have no perceptible indications of it, and have become identified with the white race. The remainder of the tribe have the distinguishing marks of African descent and mixed African and white, of various grades, from the light quadroon and mulatto, to the apparently nearly pure negro [*sic*], and, in every successive generation the slight remaining characteristics of the race become less apparent" (Earle Report 1861, 101).	"Narragansett marriage to Non-Indians, black and white, became an issue in the 19th century . . . the issue of race was raised in the context of state recommendations to dissolve the tribe because of intermarriage with blacks. As a consequence, the group had to strongly defend its identity as Indian, ..." (Narragansett PF 1982, 3). "Both Dwight and Morse described a community which was clearly identifiable by outside observers. The gradual adoption of some aspects of non-Indian culture does not indicate either the dissolution of tribal relations or the cessation of the existence of community according to the precedents (Narragansett PF 1982, 10; Gay Head FD 1987, 3)" (Paucatuck Eastern Pequot PF 2000, 74).	Earle's summary of the situation read: ". . . this tribe has never been a tax upon the government for one cent. In their personal and social condition, their intelligence, education, and general character, the Hassanamiscoes will compare favorably with any other tribe in the State. They are, as a whole, an orderly, industrious, and moral people. Only one case of habitual intemperance is known to exist among them, and that is a man not an Indian, . . . Within the last twenty years, but one case of illegitimacy has occurred, and that was under a promise of marriage, and the young woman has, aside from that occurrence, sustained a good character. In consequence of that, she has required assistance from the town; and this is the only case known, where any member of the tribe has received such aid. Several of them are now growing old, ..." (Earle Report 1861, 99). For Earle's discussion of the Dudley/Webster Indians, see the charts perpared for petitioner #69B.	Provides some evidence for (b) for Hassanamisco, including the families included upon the Hassanamisco "Supplementary" list, but not for a wider Nipmuc entity antecedent to petitioner #69A.

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1861	(b) Earle Report 1861; Mandell 1996. (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	In summation, Earle concluded that: "This tribe, having no common territory, but living scattered among other people of their respective vicinities, have, of course, no municipal, educational or religious organization, but their educational and religious advantages are the same as those of others among whom they live, and so far as is known, they avail themselves thereof about in the same proportion that other people do. Probably about one-half of them are citizens in the towns where they reside, while the remainder have retained their legal relation of wards of the State' (Earle Report 1861, 100-101) . . . . "The men, being mostly mechanics and laborers, generally obtain a comfortable support for their families, and live much as other people do in their condition of life" (Earle Report 1861, 101). The families identified as Natick Indians by Earle (Earle Report 1861, Appendix xli) have no descendants in Petitioner #69A, and no known social ties to the Hassanamisco in the mid 19th century.	"Both Dwight and Morse described a community which was clearly identifiable by outside observers. The gradual adoption of some aspects of non-Indian culture does not indicate either the dissolution of tribal relations or the cessation of the existence of community according to the precedents (Narragansett PF 1982, 10; Gay Head FD 1987, 3)" (Paucatuck Eastern Pequot PF 2000, 74). "In addition, since at least the mid-1750's, significant numbers of tribal members have been resident in neighboring towns to the east and west, . . ." (Narragansett PF 1982, 9); "Since at least 1807, a substantial portion of the Gay Head Indian descendants have not resided in Gay Head . . ." (Gay Head PF 1985, 2). "The tribe has not retained cultural traits from the traditional culture which distinguish it from the surrounding populations. Significant adoption of non-Indian culture was evident as early as 1730 and 1740. During this period formal schooling was introduced, English surnames became common, and Christianization became acceptable" (Narragansett PF 1982, 10); "It should be clear that the retention of aboriginal culture or language is irrelevant to the Acknowledgment criteria, except as it might reflect positively on . . . maintenance of a distinct community" (Gay Head FD 1987, 3).	In light of Earle's identification of a persisting, named, collective Indian entity, his description of cultural assimilation does not require a finding that there was a lack of community. This is particularly the case in light of the fact that the Hassahamisco families whose residences were most widely dispersed in 1861 (New York; Boston; Dubuque, Iowa) have no descendants in the current petitioner. Earle included a section headed "Miscellaneous" in which he listed Indians whom he did not identify with any of the tribes he had discussed (Earle Report 1861, Appendix lxxiv-lxxvii). Of the family groups listed, two provide ancestry for a significant portion of the membership of petitioner #69A, Mary (Curliss) Vickers (Earle Report 1861, lxxv) and Dandridge Thomas (Earle Report 1861, lxxvi). Other documents show Vickers social ties to the Hassana-misco, and Dudley/Webster Nipmucs (#69A draft technical report, 134-135), but no evidence currently in the record shows Thomas family social ties to the Hassanamisco or other Nipmucs in the 19th century (#69a draft technical re.port, 135).	Provides some evidence for (b) for Hassanamisco, including the families on the Hassanamisco "Supplementary" list, but not for a wider Nipmuc entity antecedent to petitioner #69A.

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1865	(b) 1865 Massachusetts State Census (Massachusetts State Archives, 1865 State Census Massachusetts, Reel 31, Reel 33, Reel 34, Reel 35, Reel 36).	On the 1865 state census of Massachusetts, the "Dudley Indians" were not listed as a separate group as they had been in 1855. In the 1865 state census, only the family of Sam-uel and Sarah Maria (Arnold) Cisco was in Grafton, identified as "IW&N" (Massachusetts State Archives, Reel #34, Worcester County, Massachu-setts, Grafton, #458/536). In the City of Worcester, a daughter of Mary (Curliss) Vickers was residing in the household of Asa E. Hector, whose wife was a daughter of Charles Reed (Massachusetts State Archives, Reel #37, City of Worcester, Ward 3, #326/ 569). The household of Gilbert and Sarah Walker had a household which included Elizabeth (Brown) Barber and Augustus Toney, who would soon marry Esther J. Vickers (Massachusetts State Archives, Reel #31, Worcester, #173/235). James J. Johnson, of the Hemenway family line, and his wife Mary Ann Vickers were also in Worcester (#37, Ward 2, #379/386). Alethea (Johns) Hazard, descendant of Hassanamisco proprietors, shared a household in Oxford with her widowed sister-in-law Diana/Anna (Hazard) Vickers (#35, #206/250).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require close kinship ties or a distinct territory occupied by a portion of the membership. It also does not require the demonstration of separate social institutions or the existence of significant cultural differences from non-Indians. In their absence, community can alternatively be shown by demonstrating that significant informal social relationships exist throughout the membership. Informal relationships may be used to demonstrate community if a systematic description can be provided showing that such social relationships are broadly maintained among the membership and that social interaction occurs with significant frequency. Informal social contacts, such as friendships, are often ones of social intimacy and consistency. In contrast, casual contacts are incidental, do not hold significance for the individual, and can easily be replaced" (Miami FD 1992, 10). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The pattern of residential inter-connection among the various family lines, between surviving Hassanamisco proprietary families, Hassana-misco "Supplementary" list families from Earle, some Dudley/Webster families, and some off-reservation Nipcmuc families provides evidence indicating that these families were maintaining social ties in the 1860's. The data in the record is not sufficient to demonstrate that a majority of the #69A ancestral families were maintaining such social ties in the 1860's, or to distinguish between core and peripheral families. While it is not sufficient to refute Mandell's conclusion that after 1780, "[o]ver several generations these [Hassanamisco] families and their connections faded into the often undifferentiated sea of 'people of color'" (Mandell 1996, 206), the discernible residential pattern does cast doubt upon its validity. By itself, the limited material extracted from this census is not sufficient to show that the petitioner met criterion 83.7(b). Combined with other evidence, it will contribute to showing it.	This evidence, combined with other evidence, may show that the petitioner met (b) in the 1860's.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1865-1869	**(b)** Acts and Resolves Chap. 9, 3/16/1865, Nipmuc #69 Pet. Suppl. 1994, Ex; Acts and Resolves Passed by the General court of Massachusetts 1865, Chap. 31, 678; Legislative Documents, House 174, 1865; Journal of the House 1865, 321-322, 334-335; Nipmuc #69 Pet. Narr. 1984, 124; Cisco Archives, Box 3. **(b)(1)(viii)** The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	March 16, 1865, resolve in favor of John Hector, a member of the Hassanamisco Tribe of Indians; April 4, 1865, resolve in favor of Samuel Ciscoe [*sic*] and others, members of the Hassanamisco Tribe of Indians; May 1, 1865, the Speaker laid before the House the annual report of Henry Chapin, relative to his account with the Hassanamisco Indians; petition from Sarah M. (Arnold) Cisco and her sister Patience Fidelia (Arnold) Clinton to the General Court of the Commonwealth for a grant, with report of guardian, 1867. January 9, 1869, Sarah M. (Arnold) Cisco to Esq. Slocomb desiring him to write a petition "to draw more land as long as it is bounded by the river and set off on Brigham Hill for the Indians. "As long as I claim to be a descendant of the Hassanamisco Tribe of Indians of Grafton and I have been informed that Sweny cannot hold this land close by me wich [*sic*] he bought of John Hecktor . . ." (Cisco Archives, Box 3).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require close kinship ties or a distinct territory occupied by a portion of the membership. It also does not require the demonstration of separate social institutions or the existence of significant cultural differences from non-Indians. In their absence, community can alternatively be shown by demonstrating that significant informal social relationships exist throughout the membership. Informal relationships may be used to demonstrate community if a systematic description can be provided showing that such social relationships are broadly maintained among the membership and that social interaction occurs with significant frequency. Informal social contacts, such as friendships, are often ones of social intimacy and consistency. In contrast, casual contacts are incidental, do not hold significance for the individual, and can easily be replaced" (Miami FD 1992, 10).	These materials, which predated the 1869 act which extended citizenship to Massachusetts' Indians, identified certain individuals as members of a Hassanamisco entityfor which the state had some responsibility.	Provides evidence for (b) for Hassanamisco, but not for a wider Nipmuc entity antecedent to petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1869	(83.1), (b) State legislation; detribaliza-tion act; Nipmuc #69 Pet. Narr. 1984, 95-96; Massachusetts Statutes 1869, 780, Chapter 463, Section 5; Plane and Button 1993; handwritten copy of 1870 map with annotations (Leavens Papers n.d.; reprint in *Atlas of Worcester County* 1971).	For more extensive information on this act, see the charts for criterion 83.7(c). In 1862, Massachusetts made all self-supporting Indians dwelling off the "plantations" citizens; those residing on reservations were allowed to petition as individuals for enfran-chisement (Plane and Button 1993, 591). After the end of the Civil War, in 1869, a Joint Special Commission on Indian Affairs of the legislature produced a "Report on the Indians of the Commonwealth," 1869 House Document 483 (Massachusetts State Library, Special Collections, State House, Boston, Massachusetts). In accordance with its recommendations, on June 23, 1869, as a delayed follow-up to the recommendations of the 1861 Earle Report, Indians were granted state citizenship in Massachusetts.	Neither rule nor precedent; included for informational purposes.	After the 1869 enfranchisement act, Massachusetts retained limited continuing state responsibility for some of the former reservation populations: for example, in Worcester county, some members of the Hassanamisco Nipmuc continued as individuals to receive annuities into the early 20th century. The BIA researchers located no evidence that such annuities were provided to any of the Dudley Indians, or to any of the off-reservation Nipmuc ancestral families.	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1870	(83.1), (b)(2)(i) 1870 Federal Census (NARA M-593; State copy, American Antiquarian Society, Worcester, Massachusetts). (b)(2)(i) Atlas of Worcester County 1971 [1870], 82, 92.	The family of Samuel and Sarah Maria (Arnold) Cisco continued to reside in Grafton; their relatives, the Hector family, were mainly in the city of Worcester (Ward 7, p. 94, #89/114, #89/115; p. 97, #89/115; p. 430, #59/92), as was Sarah Walker and her family (Ward 2, p. 11, #037/043), Elizabeth (Brown) Barber (Ward 2, #13/12) – whose daughter would be associated with Sarah (Cisco) Sullivan in Nipmuc activities from the WWI period onward, see below -- and the Hemenways, plus Augustus and Esther (Vickers) Toney (Ward 2, p. 83r, #196/312). The Gigger family (also Brown descendants) continued to reside in Gardner (p. 38, #507/694, #508/695; 18:80, #542/745); Mary (Curliss) Vickers remained in Oxford (1404, #177/177), but by this time her son, Chandler Vickers, had settled at Dudley (21:50, #251/406). For specifics of the 1870 census data pertaining to the Dudley/Webster Nipmuc, see the charts prepared for petitioner #69B.	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "More than 50 percent of the members reside in a geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent interaction with some members of the community" (83.7(b)(2)(i)). "Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require close kinship ties or a distinct territory occupied by a portion of the membership. It also does not require the demonstration of separate social institutions or the existence of significant cultural differences from non-Indians. In their absence, community can alternatively be shown by demonstrating that significant informal social relationships exist throughout the membership. Informal relationships may be used to demonstrate community if a systematic description can be provided showing that such social relationships are broadly maintained among the membership and that social interaction occurs with significant frequency. Informal social contacts, such as friendships, are often ones of social intimacy and consistency. In contrast, casual contacts are incidental, do not hold significance for the individual, and can easily be replaced" (Miami FD 1992, 10).	The census records indicate that the majority of known Nipmuc continued to live in the general geograph-ical region of central Worcester Coun-ty, Massachusetts, northeastern Connecticut, and northwestern Rhode Island. There is no pattern of distinct residential settlements apparent and the census records provide no tribal identifications. This census provides valuable information concerning the situation of the historical group antecedent to petitioners #69A and #69B as of the date, but does not provide a showing of community. Taken in context of an analysis of the relationship of off-reservation families to this portion of the population, however, it may be used to provide corroborating circumstantial evidence for community. The 1870 atlas of Worcester County, Massachusetts, contained a map of the Town of Grafton. It showed Brigham Hill, C. Brigham, and S. Sisco on the other side of the road closer to Goddard Pond. It did not identify an Indian settlement. For the Dudley map, see the charts for #69B.	The census data not meet (b) but contributes to (b) at this date in combination with other evidence. The atlas data contributes to meeting (b) for the Dudley/ Webster Nipmucs, but not for a wider Nipmuc entity antecedent to petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1880	(b) 1880 Federal Census (NARA T-9, Roll 567, Roll 563).	The 1880 population distribution was very similar to that found in 1870. The BIA researcher located only a small proportion of the persons listed as Dudley Indians on the Earle Report in 1861. Those located did include the direct and many collateal ancestors of the current members of petitioner #69B. Samuel and Sarah Maria (Arnold) Cisco were still in Grafton; the Gigger family was still in Gardner. Sarah (Boston) Walker had died in 1879. The various branches of the Hemenway family were in Worcester, as were the families of a married daughter and married granddaughter of Mary (Curliss) Vickers. Some families lived in close proximity to one another (NARS T-9, Roll 567, p. 100b, #314/704, #314/706, #314/702). Mary (Curliss) Vickers still lived at Oxford, and her son Chandler Vickers had returned there from Dudley (NARA T-9, Roll 563, p. 436r, #462/462; p. 437r-438, #490/490). For specifics of the Dudley/Webster Nipmuc, see the charts prepared for petitioner #69B.	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "More than 50 percent of the members reside in a geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent interaction with some members of the community" (83.7(b)(2)(i)). "Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require close kinship ties or a distinct territory occupied by a portion of the membership. It also does not require the demonstration of separate social institutions or the existence of significant cultural differences from non-Indians. In their absence, community can alternatively be shown by demonstrating that significant informal social relationships exist throughout the membership. Informal relationships may be used to demonstrate community if a systematic description can be provided showing that such social relationships are broadly maintained among the membership and that social interaction occurs with significant frequency. Informal social contacts, such as friendships, are often ones of social intimacy and consistency. In contrast, casual contacts are incidental, do not hold significance for the individual, and can easily be replaced" (Miami FD 1992, 10).	The data provided by this census is not sufficient to meet community under the standard of 83.7(b)(2)(i), that more than 50 percent of the members reside in a geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent interaction with some members of the community. The census records indicate that the majority of identified Nipmuc continued to live in the general geographical region of central Worcester County, Massachusetts, northeastern Connecticut, and northwestern Rhode Island. There is no pattern of distinct residential settlements apparent and the census records provide no tribal identifications. Taken in context of an analysis of the relationship of off-reservation families to this portion of the population, however, it may be used to provide corroborating circumstantial evidence for community.	Neither meets nor disproves (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1881	(b) Worcester Vital Records 5:130; Sturbridge Vital Records 1881, 28; Worcester Vital Records 2:211.	Asa E. Hector's second marriage to Ella E. Shepard, daughter of George and Henrietta Shepard of Monson, Hampden County, Massachusetts, took place on November 24, 1881, in Sturbridge (Sturbridge Vital Records 1881, 28; also recorded Worcester Vital Records 5:130). This is another example of the Hector family (cousins of the Arnold/Cisco family at Grafton) serving as a bridge establishing social ties among others of #69A's ancestral families: his first wife had been a daughter of Charles and Melissa Reed, while his second wife was related by marriage to the Nedson descendants. Asa and Ella (Shepard) Hector had a son born in Worcester in 1883 (Worcester Vital Records 2:211).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require close kinship ties or a distinct territory occupied by a portion of the membership. It also does not require the demonstration of separate social institutions or the existence of significant cultural differences from non-Indians. In their absence, community can alternatively be shown by demonstrating that significant informal social relationships exist throughout the membership. Informal relationships may be used to demonstrate community if a systematic description can be provided showing that such social relationships are broadly maintained among the membership and that social interaction occurs with significant frequency. Informal social contacts, such as friendships, are often ones of social intimacy and consistency. In contrast, casual contacts are incidental, do not hold significance for the individual, and can easily be replaced" (Miami FD 1992, 10).	This marriage and birth are one example taken from the vital records of the second half of the 19th century which show intermarriage among various subgroups antecedent to petitioner #69A, even if, as in this case, there are no direct descendants of the couple in the current petitioner. The BIA researcher did not have time to analyze the data in the vital records in sufficient detail to determine whether it demonstrates that a majority of the #69A ancestral families were maintaining such social ties in the 1880's, or to distinguish between core and peripheral families. By itself, the limited material analyzed is not sufficient to show that the petitioner met criterion 83.7(b).	This evidence, combined with other evidence, may show that the petitioner met (b) in the 1880's.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1882-1883	(b) 1882, Special Dance, Grand Army Hall. Committee: R.B. Hazard (Cisco, Box 4). 1883 November 29, Grand Thanksgiving Ball, Grand Army Hall, Johnson Drum and Fife Corps, Grand Army Hall. J.J. Johnson; T.B. Clash; Fife Major Geo. M. Wilson (Cisco, Box 4).	Two documents kept by the Cisco family indicated that they participated in social events attended by other families with Nipmuc ancestry.	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	These events were sponsored by organizations of Civil War veterans and were also attended by non-Nipmucs. The nature of the events, combined with the overall membership of the Civil War regiments, indicates that they were not a type of occurrence that provides evidence concerning the maintenance of community under 83.7(b).	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1887-1914	**(83.1); (b)** Acts & Resolves 1887; Nipmuc #69 Pet. Narr. 1984, 124-126, 128; Mass Resolves 1895, Chap. 44; Resolves 1895, Chap. 96; Mass. Resolves 1896, Chap. 28; Mass. Resolves 1898; *New York Sun* 1902; Mass. Resolves 1908, Chap. 16; Mass. Resolves 1909; Chief Clerk, Office of the Secretary, Commonwealth of Massachusetts, to Delia Brown (Cixco) Green Holley Hazzard, 4/3/1913 (Cisco Archives, Box 1). **(b)(1)(viii)** The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	These resolves all pertained to passage by the Massachusetts state legislature of various sums of money and/or annuities for individuals described as "of the Hassanamisco Tribe of Indians" (Acts and Resolves 1887) or "a member of the Hassanamisco Tribe of Indians." The beneficiaries were Sarah Maria (Arnold) Cisco; Patience Ficelia (Arnold) Clinton; Liza (Gibber) Hemenway and her husband; her son James H. Hemenway; Elbridge Gigger Sr., Elbridge G. Gigger, Dexter Gigger, Althea (Johns) Hazardm James Lemuel Cisco, and a request from Delia (Cisco) Hazzard.	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require close kinship ties or a distinct territory occupied by a portion of the membership. It also does not require the demonstration of separate social institutions or the existence of significant cultural differences from non-Indians. In their absence, community can alternatively be shown by demonstrating that significant informal social relationships exist throughout the membership. Informal relationships may be used to demonstrate community if a systematic description can be provided showing that such social relationships are broadly maintained among the membership and that social interaction occurs with significant frequency. Informal social contacts, such as friendships, are often ones of social intimacy and consistency. In contrast, casual contacts are incidental, do not hold significance for the individual, and can easily be replaced" (Miami FD 1992, 10). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	These documents do not indicate the persistence of a named, collective Indian entity, as they deal only with individuals. The 1913 letter from the State made the specific point that the 1869 enfranchisement act had ended any obligations that that State had (Donahue to Hazzard 4/30/1913).	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1889	**(83.1); (b)** Harriette Merrifield Forbes, *The Hundredth Town; Glimpses of Life in Westborough 1717-1817* (Forbes 1889)., 172-173, 180	Forbes mentioned the following: Joseph Aaron, served in the Revolu-tion; "Old" Andrew Brown, served in the Revolution, lived on Flanders Road in Westborough, married Hannah, daughter of Mary and James Thomas, pure-blooded Hassanamiscoe Indians, and had four children: And-rew Comache, Elizabeth, Lucinda, and Deb Brown or Browner who married a Grafton Indian named Pease and had two daughters; she was a friend of Sarah Boston; Josiah Gigger, 1812 lived on a crossroad between the Southborough and Flanders roads. He married Lucinda, dau.ghter of Andrew Brown, and left a large family of chil-dren; the Francis family--they were relatives of Harry Arnold's wife; Simon Gigger pronounced Jidger, Hassanamisco of mixed blood; his brother Daniel, their sister Sallie; lived in same house as Bet Hendricks; Sarah Boston or Phillips, said to have been the last lineal descendant of King Philip, her father's name having been Boston Phillips; he a slave who married a free Indian woman to ensure the freedom of his children; her brother Ben Boston died in Worcester years after her death. "Mrs. Forbes said that the granddaughters of a Hassanamisco, Lucy Gisbee, who were the daughters of Henry Arnold, still owned two and a half acres of land originally allotted to the Hassanamisco Indians, and that one of the daughters, Sarah Maria Arnold, married a man named Cisco who was part Narragansett" (Butler ????, ??; citing Forbes 1889, 180).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require close kinship ties or a distinct territory occupied by a portion of the membership. It also does not require the demonstration of separate social institutions or the existence of significant cultural differences from non-Indians. In their absence, community can alternatively be shown by demonstrating that significant informal social relationships exist throughout the membership. Informal relationships may be used to demonstrate community if a systematic description can be provided showing that such social relationships are broadly maintained among the membership and that social interaction occurs with significant frequency. Informal social contacts, such as friendships, are often ones of social intimacy and consistency. In contrast, casual contacts are incidental, do not hold significance for the individual, and can easily be replaced" (Miami FD 1992, 10). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	Most of Forbes' discussion, as indicated by the dates that her book was intended to cover, was retrospetive. She mentioned at some length several families of the Hassanamisco descendants, as well as some of their collateral relatives. While incorrect in details, her comments provided a reflection of what was popularly known to non-Indian neighbors in the later 19th century. Of her own contemporaries, she mentioned only the two daughters of Deborah (Brown) Pease, one of whom lived in Worcester, and the daughters of Harry Arnold in Grafton, specifically Sarah Maria (Arnold) Cisco and her husband (Forbes 1889, 180). Forbes was summarized by Eva Butler in her 1947 appendix to Speck 1947, but not accurately. The narrative in Forbes did not provide any evidence concerning community under 83.7(b) in regard to those Nipmuc living at the time she wrote.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1900	(b) 1900 U.S. Census, Worcester County, Massachusetts (NARA T-625, Roll 623, Roll 691, Roll 692, Roll 695, Roll 1511).	James Lemuel Cisco and his family continued to live in Grafton (Reel 692, 19a, ED 1632, Sheet 19, #354/391, #354/392). Elizabeth (Gigger) Hemenway was listed in Gardner on the special Indian Population schedule (NARA T-623, Roll 692, 308A, ED 1631, Sheet 24, #171/202), but her brother and nephews were on the regular schedules in Gardner. Alethea (Johns) Hazard was living in Oxford, Massachusetts, as a boarder in the household of Monroe Vickers, one of the sons of Mary (Curliss) Vickers (NARA T-623, #229/255); the Chandler Vickers family was also in Oxford (#511/542). Chandler Vickers' son, Edwin B. Vickers, had married Amanda Edith Dorus, a Dudley/Webster Nipmuc; they were living in Marlborough, Middlesex County, Massachusetts, sharing a house with his son by his first marriage and Joseph Hazzard, Angenette (White) Dorus Hazzard's son by her second marriage (1900 Soundex, Massachusetts, Vol. 46, ED 857, Sheet 1, line 23). See also charts for petitioner #69B.	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5).	The census records indicate that the majority of known Nipmuc continued to live in the general geograph-ical region of central Worcester County, Massachusetts, northeastern Connecticut, and northwestern Rhode Island. There is no pattern of distinct residential settlements apparent and the census records provide no tribal identifications. The 1900 and 1910 Federal censuses were unique in that they contained special schedules on which enumerators could record Indian population. These were used to a limited extent for both the Hassanamisco and Dudley Indians, but not as a general pattern. The data indicated that not all of the petitioner's direct and collateral ancestors were included on the special schedules, nor were they listed as a group. The special Indian Population schedules did not provide sufficient evidence for community under 83.7(b)(2)(i), but may be used as corroborative evidence for community as of 1900 in combi-nation with other material. Further analysis of residential patterns would be necessary in order to use the data from this census as direct evidence for 83.7(b).	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1900	(b) Senate Hearing, New York and Rhode Island Indians, 1900.	This contained a list of Massachusetts residents claiming to be Narragansett heirs, dated August 5, 1897. Some of the names pertained to #69a ancestors, but none were descendants of Hassanamisco proprietary families. They included Dudley/Webster descendants, Vickers family, and Johnson family descendants. The hearing record stated that there were "40 or 50 more" Narragansett claimants in Worcester County, Massachusetts, than those listed by name (Hearing 1900, 110).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	This document did not contain evidence relevant to the maintenance of community under 83.7(b).	Does not meet (b).
1900-1902	(b) Kansas Claims, New York Indians, Guion Miller Files (NARA RG 75, Entry 903, Entry 904).	Several descendants of #69A ancestral families submited Kansas Claims under the Brothertown [New York Indians] Act of 1898. For example, Guion Miller summarized: Mary Ann Johnson, Worcester, Mass. . . Applicant is a Narragansett Indian born in Massachusetts in 1850. Claims through her mother who was a Narragansett Indian, born in Rhode Island. Grandparents were Narragansett and Mohegans, and resided in Rhode Island and Massachusetts (NARS RG 75, Entry 904, Guion Miller Report on Rejected Kansas Claims, #3329). Her husband, Alexander H. Johnson, identified himself as a Narragansett Indian, born at New Bedford, Massachusetts, and claiming through a Narragansett mother born at Charlestown, Rhode Island (NARS RG 75, entry 904, Guion Miller Report on Rejected Kansas Claims, #3330).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	It is possible that analysis of witnesses, etc., might develop some information concerning patterns of social connection among the petitioner #69A ancestral families that filed these applications. However, since the claims were filed on the basis of Narragansett or Brothertown ancestry, rather than on the basis of the applicants' Nipmuc ancestry, the ties shown might have no relevance to the maintenance of community for the petitioner under 83.7(b).	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1910	(b) 1910 U.S. Census (NARA T-624, Roll 144, Roll 630).	Neither petition #69, #69A, nor #69B submitted extensive copies of records, or analysis of, the 1910 census. BIA researchers were able to make only limited use of the 1910 Federal census because the absence of Soundex indexes for Massachusetts and Rhode Island, combined with the large population of the urban areas, made a detailed search an inefficient use of limited research time. The BIA gene-alogist read manually the core-area towns of Worcester County, Massa-chusetts, and Windham County, Con-necticut, but made no effort to locate descendants living away from those areas. James L. Cisco and families were living in Grafton, as was his sister, Delia (Cisco) Hazzard (NARA T-624, Roll 629, ED 1756, Sheet 9B, #129/206; Roll 628, ED 1755, Sheet 2B, #35/38).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The data indicated that not all of the petitioner's ancestors who were residing in the town of Dudley were included on the special schedules; none of the ancestors, a significant proportion of the total, were residing in neighboing towns as well. None of these were included on the special schedules. The 1910 special Indian Population schedules did not provide sufficient evidence for community under 83.7(b)(2)(i), but may be used as corroborative evidence for community as of 1910 in combination with other material. Further analysis of residen-tial patterns would be necessary in order to use the data from this census as direct evidence for 83.7(b).	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1914-1923	(b) Documents regarding the Mohawk Club (later Nipmuc Club) organizaed by Sarah Maria Cisco (Nipmuc #69A Pet. Suppl. 4/21/1997).	The petitioner submitted records kept by Sarah Maria (Cisco) Sullivan pertaining to various Indian organizations and clubs to which she belonged. The earliest of these was the "Mohawk Club," organized in Worcester, Massachusetts, on May 30, 1914, at the home of Mr. and Mrs. Eugene Shepard: Sarah M. Cisco, president; Mrs. David Brown vice president; Miss A.L. Van Allen secretary; Miss Florence Shepard, assistant secretary; Mrs. George H. Siscoe, treasurer; and Mr. Eugene Shepard, reporter (Nipmuc Pet. #69A Suppl. 4/21/97). Of these, Mrs. David Brown and Miss A.L. Van Allen have not been identified as having prior ties to Nipmuc families. The Shepard family were relatives of the second wife of Asa E. Hector (see above). Other members of the club identified in later minutes also have no known prior ties to the Nipmuc families (Nipmuc Pet. #69A Suppl. 4/21/97). The interests of the club did appear to have an Indian orientation as well as a general social orientation, but the membership was far broader than the "List of Hassanamiscos Still Living" dated 12/13/1923 (see under 83.7(e)).	"*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	This club may have been part of the developing New England pan-Indian movement, as the minutes or the organizational meeting indicated that Mrs. Alfred M. Fuller and Mrs. Irene Brown of Providence "gave interesting talks concerning the Mohawk club in Providence." The Shepard family at whose home the club met had Indian ancestry from Hampden County, Massachusetts, and Windham County, Connecticut. During later meetings, while other Hassanamisco descendants, including Hemenway family members, and some Chaugunagungamaug descendants such as the Wilsons and Beldens were voted into membership, so were numerous persons with no known connection, however remote, to the identified Nipmuc families (Mohawk Club, Minutes, 9/2/1914). See the draft technical report for #69A (BAR), pp. 165-167, for further details. While the material indicates that some Nipmuc descendants knew one another and were interacting socially, it does not show that they were maintaining community, in that these social ties were occurring within a wider "Indian interest" organization.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1920	(b) 1920 Federal Census (NARA T-625, Roll 198, Roll 745); Soundex Index, Massachusetts (NARA H-562).	James L. Cisco, his wife, and two unmarried sons were living in Grafton (NARA T-625, Roll 746, Precinct 1, Martin Street, ED 82, Sheet 14a, #74/84). George Vickers was head of hosuehold in Marlborough, Middlesex County, Massachusetts. The household consisted of his wife and children, his father, and an unidentified boarder (1920 Soundex, Massachusetts, Vol. 71, ED 301, Sheet 16, Line 20). For 1920 census data for the direct ancestors of petitioner #69B, see the charts for petition #69B.	"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	Only a comparatively small amount of the potential data from the 1920 census is in the record. It was not sufficient for the preparation of any analysis or evaluation of its significance in regard to maintenance of community under 83.7(b) for the full group of individuals antecedent to petitioner #69A.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1923-1926	**(b)** Records associated with formation of the Algonquin Indian Council of New England under the leadership of Thomas Bicknell; McMullen 1994; Cisco Archives, Box 1, Box 4, Box 5.	For more data on the Council itself, see the charts for criterion 83.7(c). On December 30, 1923, John Braxton, describing himself as "Chief of Nipmuc," provided to Bicknell "as complete a list, as possible, of names of theNipmug [*sic*] tribe," which was in fact a list of 37 members of the Belden family, whom he described as "lineal descendents of Black James" (Nipmuc Pet. Response 1987, Attachment 8; Nipmuc Pet. Response 1994, Ex.). Braxton was listed as a Nipmuc "tribal sachem" on the original Council letterhead (McMullen 1994, n13). During 1924 and 1925, Bicknell's major involvement was with Hassanamisco (Nipmuc Pet. Narr. 1984, 137), but one photograph submitted indicated the participation of at least three Dudley Indian descendants from the Jaha family line (Nipmuc #69A Pet. Suppl.). These three same women, Ethel Blackstone Lewis, Lydia Dyer Willard Blackstone, and Rebecca Willard Blackstone, throughout the 1920's and 1930's, corresponded with Sarah Maria (Cisco) Sullivan at Grafton (Nipmuc Pet. #69A Suppl., Cisco Papers).	"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The 1984 petition commented that Braxton's, "exact connection with the Dudley-Webster band is a matter of some conjecture. He appears on none of the tribal lists of the time" (Nipmuc Pet. 1984, 135). The list he submitted was of only one family line. While it provides useful genealogical information, it does not provide evidence of community under 83.7(b). The correspondence between the Jaha descendants and Sarah Maria (Cisco) Sullivan does indicate the existence of some social interaction within the group antecedent to petitioner #69A during the 1920's and 1930's. During these years, the record also includes correspondence between some of the Gigger family at Gardner (Hassanamisco) and Mrs. Sullivan (Cisco Archives, Box 5). The present level of documentation does not permit a conclusion as to whether this correspondence represented the continuance of ties of community, or new acquaintanceship made in the context of Bicknell's pan-Indian organization for the New England tribes.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1924-1939	(b) Records pertaining to activities at the Hassanamisco Reservation. Nipmuc #69 Pet. Narr. 1984, 118-119, 130-131, 144; Flyers, menus, 1925-1938 (Cisco Archives, Box 1); Grafton Scene of Gay Revelry by Indian Tribe, *Worcester Telegram* 7/5/1925; Hail to the Chief, *Worcester Telegram* 8/14/1929; Last of the Grafton Indians, *Worcester Sunday Telegram* 9/28/1920.	For a more detailed discussion of the various activities held on the reservation property at Grafton, Massachusetts, during the 1920's and 1930's, see the charts prepared for criterion 83.7(c). Some of the programs list the committees–for example, for the celebration held July 4, 1925, it was Miss Annie Barbour, President; mrs. Jessie L. Mays, Vice President; Mrs. Agnes Scott, Assistant Treasurer; Mrs. Bertha Foreman, Secretary; Mrs. Lena Williams, Treasurer; Miss Sarah Cisco, Corresponding Secretary. Of these, Foreman and Williams have not been identified as Nipmuc; the others were Hassanamisco descendants. The newspaper report of this event indicated that there were several hundred guests, including those from out of town, and numerous non-tribal members. The organizers of a birthday party for James L. Cisco in 1926 included Mrs. Agnes Scott, Mrs. George Wilson, Mrs. Delia Hazzard, Mrs. Mays, and Mrs. Williams. The 1938 "Hassanamisco Clambake" committee was almost entirely non-Indian.	"A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)). "To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5).	The petition referred to preparations to hold an "Indian Fair" at the Hassanamisco Reservation on January 29, 1920 (Nipmuc #69 Pet. Narr. 1984, 130-131; citing *Worcester Telegram* 1/12/1920). No copy of the supporting documentation was submitted. The petition also stated that in August 1920, two Nipmuc bands participated in a regional gathering of Worcester County and New Hampshire Indians at Lake Dennison (Nipmuc #69 Pet. Narr. 1984, 131). The petitioner submitted no documentation to substantiate this. The Wilson family were Dudley/Webster descendants who had moved to Worcester. From the 1920's onward, there is some evidence that they maintained social ties with the Cisco family. Like the Jaha/Cisco correspondence of this period, the limited indications in these documents do suggest that at least some minimal level of interaction was maintained between some Nipmuc families descended from the different reservations and subgroups. The evidence in the record, however, is not sufficient to show that there was a level of community that meets the requirements of 83.7(b).	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1930	(b) Letter of Sarah M. Cisco Sullivan, "Corresponding Secretary," to Select Men and Officers of Grafton (Cisco Archives, Box 1).	"You will please understand this is to prevent other Desendants of these Indians from coming here and thinking they have a right to stay as long as they please and when they please. They way you had the Tablet read Given to the Indians I am afraid they will think gives all the Desendants of Hassanamisco Indians a right here. There realy are several living in Boston, Worcester, Gardner, Oxford and other places find. We have entertained Several of them here at times; but we re still Poor and can't have them walking in on us at any time and staying as long as they please. The first year come here some of them come so often my Sundays was all taken up. I was obliged to work cooking all Day Sunday as well as work out all the week. Had to finaly apply for license to open Tea Rooms. Have debts to ketch up this year. We are very Glad to have People call and by the time the Tablet is up hope to have someone here All the time to receive callers. Whoever started this we apreciate their good intentions very much and will look forward to the tablet being erected" (Cisco Box 1).	"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	This letter has been dated c. 1930, with a question mark.. It appears to pertain to the placement of a historical marker at the entrance to the reservation property on Brigham Hill in Grafton, which did take place in 1930. If anything, this tends to emphasize that Mrs. Sullivan regarded the reservation, it its legal sense, as personal rather than tribal property, and other Nipmuc descendants as sometimes unwelcome guests. By contrast, it also indicates that these people regarded themselves as having some justification for "walking in on us at any time and staying as long as they please." It does not refer in any way to a Nipmuc group broader than the Hassanamisco descendants that might be considered antecedent to petitioner #69A.	May, in combination with other evidence, meet (b) for Hassanamisco for the 1920's and 1930's, but does not meet (b) for a wider Nipmuc group antecedent to petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1933	(b) Letter, Ethel (Blackstone) Lewis, Woonsocket, Rhode Island, to Sarah (Cisco) Sullivan, 1/15/1933 (Cisco Archives, Box 5).	In this letter, Mrs. Lewis was excusing herself for not having stopped to see Sarah (Cisco) Sullivan's mother while on a trip to Vermont. She continued: "I wonder how you are succeeding with the Indian Society you wrote about forming. I certainly hope you will have good backing and find plenty of members who will pull together. You asked if I would be one of them but I shall have to decline the honor, for you know I am not pure Indian. My mother's mother was a full blooded Indian while her father was a mulatto; I have no record of my fathers parentage and so far as I know no record of my Grandmother Jaha's parentage so you see I could not very well join your group and meet with the requirements" (Cisco, Box 5).	"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The nature of the letter from Mrs. Lewis indicates that the unnamed organization which Sarah (Cisco) Sullivan was forming was by invitation – more in the nature of a social club. Therefore, while the existence of the letter shows some interaction between a Cisco descendant (Hassanamisco) and a Jaha descendant (Dudley/Webster), it does not indicate that there had been a general maintenance of social ties.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1936	(b) Letter, Sarah M. (Cisco) Sullivan to District Supervisor, Writer's Project [WPA] (Cisco Archives, Box 2).	Mrs. Sullivan stated that she was trying to write a history of the Hassanamisco Indians of Grafton. She stated that, "the Hassanamisco Indians who left Grafton mostly did so to get a living somhow. Quite a few of them are living but are very scattered. Annie Barber of Worcester, Mabel Hamilton & her two Daughter, Fred Belding, the Giggers of Gardner, Brown Girls Worcester. Quite a few others scattered here and there. However some of our Family have always remained on this place . . . ." (Cisco, Box 2).	"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The letter indicates that Mrs. Sullivan was familiar with a number of Hassanamisco descendants, but, aside from the mention of the Belden family, does not provide any data concerning social ties within a wider Nipmuc entity antecedent to petitioner #69A.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1943	(b) Speck 1943.	"The internal dissension characteristic of most small communities in America, both Indian and English, may be held responsible for certain 'family troubles' that caused some Nipmuc to 'move off by themselves and settle at Dudley,' according to Sarah Cisco. Further information upon the constituency of this group of Nipmuc is entirely lacking as yet. Sarah Cisco knew little of them herself. She was acquainted only with the Wilson family there" (Speck 1943, 54). "Group solidarity has vanished at the far end of acculturation, but one must admit that the group, though interfused and obscured, is one consciously apart in name and identity" (Speck 1943, 51-52).	"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	Speck's statement of the names of "Hassanamisco families known to have resided on the reservation in the span of Mrs. Sullivan's memory" is clearly inaccurate, since only one family had been in Grafton in her lifetime, and some families, such as Misco and Muckamaug, had died out in the 18th century. The Hemenway family is never known to have resided there, while the Belden name he listed is of Dudley/Webster origin. The Moore family never appears in Hassanamisco records, nor does Peters. Speck did not make an independent ethnological study of the contemporary Nipmuc, while his summation of the historical data he learned from Sarah (Cisco) Sullivan frequently diverged from the documentary record. This material provides no evidence that any group antecedent to petitioner #69A meets community under 83.7(b).	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1949	(b) Gilbert 1949.	Gilbert stated: "The Hassanamisco Band of Nipmuc are still to be found scattered in various towns of central Massachusetts (Grafton, Worcester, Boston, Gardner, Mendon), and there are a few at Mystic, Conn., and Blackstone, R.I. The present-day family names of this group are Barber, Beldon, Brown, Cisco or Sisco, Curliss, Gidger or Gigger, Gimbey, Hamilton, Hector, Heminway, Lewis, Moore, Peters, Scott, Tony, and Williams. The Nipmuc still cling tenaciously to their Indian identity and are set apart from Whites of the underprivileged class and also from mulattoes and Negroes. Apart from their traditions there is nothing in their manner of life which would set them apart. They are employed in skilled crafts and industries and in government offices" (Gilbert 1949, 410). The Gilbert notice appeared to be entirely a summation of Speck 1943.	"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	While Gilbert purported to describe a Nipmuc community, he copied his information entirely from a prior author, without any research into the nature of community, if any. This material provides no evidence that any group antecedent to petitioner #69A meets community under 83.7(b).	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1949	(b) Ivan Sandrof, Last Indian in Grafton, *Worcester Sunday Telegram, Parade Magazine*, 1948; Nipmuc #69 Pet. Narr. 1984, 116-117; miscellaneous correspondence between Sarah M. Cisco Sullivan and the National Algonquin Indian Council 1949-1952 (Cisco Archives, Box 1; Nipmuc #69A Pet. Suppl. 4/21/1997).	The Sandrof article focused primarily on one individual, Sarah (Cisco) Sullivan. The membership of the Worcester County Department of the National Algonquin Indian Council of New England, as listed in 1949, did not appear to be tribal in nature: Meeting opened at the abode of Mrs. Sarah Sisco Sullivan, Hassanimisco Reservation, Princess Sweet Flower. Carl O. Bates (Chief Sun Cloud); Clarence B. Smith (Chief Red Bird), Lillian B. King (Bright Star), secretary; Mrs. Branchaud; Maurice D. Brooks (Swift Dove), treasurer); Mrs. Mays (Morning Star); Mr. Moffitt (Chief Warring Pine), Mrs. Moffett, Mr. Yates (Nipmuc #69a Suppl. 4/21/1997).	"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	This material provides no evidence that any group antecedent to petitioner #69A meets community under 83.7(b).	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1950-1957	(b) Newspaper articles May 23, 1950, and June 20, 1950, re: chartering of Nipmuc organization in Worcester, Massachusetts; "Nipmuc Tribe Revived," Worcester Telegram, 21 June 1950 (Nipmuc #69B Supplement 3/28/97); Sarah M. Cisco Sullivan to Paul A. Dever, Governor of Massachusetts, May 15, 1950 (Cisco Archives, Box 1); Hazzard and Moffitt to CiscoeBrough 7/12/1946 (Cisco Archives, Box 1); Hazard to Zara CiscoeBrough 6/19/1957 (Cisco Archives, Box 1); Hazard to Zara CiscoeBrough 7/22/1957 (Ciscoe Archives, Box 1)..	William Alfred Moffitt, 7 Newport street, president; Jessie Louisa Mays, 38 Elliot street, treasurer; Lillian Brooks King, 59 Clayton street, secretary; Elizabeth Hazel Moffit, 7 New port street, Mabel Idella Hamilton, 25 Clayton street, Roswell Hazard, 119 Fairhaven road, and George Monroe Wilson, 17 Orchard Street, directors. William A. Moffitt d. week before June 20, 1950; his widow Princes Warketa. Bright Star (Mrs. Lillian Brooks King); Chief Tumbleweed (Roswell W. [Webber] Hazard); Princess Morning Sun (Mrs. Jessie L. Mays); Princess Red Feather (Mrs. Walter J. Hamilton). With photograph in June 20 article. Of the above persons, Jessie Louisa Mays was a member of the Cisco family from the Hassanamisco Reservation. George Monroe Wilson was a Dudley/Webster (Chaubunagung-amaug, or Pegan) Nipmuc. None of the others have either Hassanamisco or identifiable Nipmuc ancestry.	"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The charter was not issued to a "Nipmuc Tribe," but to a Worcester County Chapter of the National Algonquin Indian Council of New England. Although some Hassanamisco Nipmuc descendants and a few Dudley/Webster Nipmuc descendants participated in it, the records of this intertribal organization provide no evidence that any group antecedent to petitioner #69A meets community under criterion 83.7(b).	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1950	(b) Program, Pow-Wow, Grafton, Massachusetts, 7/4/1950.	The participants were listed as: Chief Red Bird, Clarence Smith, Narragansett Tribe; Chief Sun Cloud, Carl Bates, Pequoit Tribe; Princess Wild Flower, Doris Bates, Pequoit Tribe; Princess Dawn, Lois Mayo, Hansanamisco Tribe; Chief Eagle Eye, Charles E. Hazzard, Narragansett Tribe; Princess Teatta, Thersa Pecham, Narragansett Tribe; Princess Morning Sun, Jessie L. Mayo, Hansanamisco Tribe; Princess Morning Star, Elizabetth Morse, Nipmuc Tribe; Brave Fire Brand, Harry E. Bates, Pequoit Tribe; Sun Cyild, Elain F. Coggswall, Narragansett Tribe; Princess Sweet Flower, Sarah M. Cisco Sullivan, Hansanamisco Tribe; Chief Night Haw, Phillip Pecham, Narragansett Tribe; Negonshahu Up shu, Charles Solomon Wells, Narragansett Tribe.	"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	Data obtained at the offices of petitioner #69A showed one inclusion of Elizabeth (Henries) Morse on a Hassanamisco powwow program in 1950 (Pow-Wow, Grafton, Mass. 7/4/1950). This single mention provided no data concerning community within the current petitioner. The overwhelming majority of the participants were from other tribes, while this was the only Hassanamisco program upon which this Dudley/Webster descendant was listed. In fact, throughout the 1930's, when other branches of the Dudley/Webster Henries descendants were appearing in historical pageants and otherwise receiving newspaper coverage as descendants of the Dudley/Webster reservation (see draft technical report for petition #69B, BAR), there is no evidence to indicate that they were associated either with the Hassana-misco at Grafton or with other Dudley/Webster families such as the Jaha who corresponded with the Ciscos. This is not sufficient evidence to show that a Nipmuc entity antecedent to petitioner #69a met community under 83.7(b).	Does not meet (b).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], Petitioner #69A: Criterion 83.7(b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1950-1959	(b) Correspondence re: Worcester County Chapter, Nipmuc Chapter, or Worcester County Department, of the National Algonquin Indian Council of Rhode Island (Cisco Archives, Box 1; Cisco Archives, Box 3); Minutes, Meeting of Nipmuc Chapter, 12/15/1951. Hassanamisco Reserva-tion activities: Pow-wow program, Grafton, Massachusetts, 7/4/1950; 1953 [?] flyer and 1954 flyer; Indians Also Will Assist, *Worcester Telegram*, 2/12/1953 (Nipmuc 369B Suppl. 3/28/1997) Indians Will Gather in Reservation Area, *Worcester Gazette* 7/30.1957 (Nipmuc #69B Pet. Suppl. 3/28/1997); Indian Day program 9/28/1957; Grafton Indian Fair Pushes Corn, unidentified newspaper article, hand-dated 7/7/1958; Indian fair program 7/1-8, 1959.	Opposition to the Moffit charter from the State of Massachusetts was expressed by: Sarah M. Cisco Sullivan and a Group of Real Indians. Lists: [Emma?] Jane Brown, Hassanamisco of Worc.; Bernice Brown Goldsberry, Hassanamisco of Worcester; Carl O. Bates, Pequot & Mohegan, Worcester, MA; Harry E. Bates, Pequot & Morhegan, Worcester; Doris E. Bates, Pequot & Moheagan, Worcester; Clarence Bates Smith, Narragansett, Mohawk, Pequot; George M. Wilson, Pegans Nipmuck & Narragansett; William R. Yates; Blanche Bates, Pequot & Mohegan, Worcester, MA; George Lewis, Seminole. "We do not wish to do wish to hurt [phrasing *sic*] any one or even their memory but have desided this Nipmuck Council might be dong us a lot of damage if we do not now let the State Oficialls know where we stand. Of coarse we could never allow Mrs. Moffitt over us. There are several More of us; but we are scattered over such a large Territory have desided it best to act at once" (Cisco, Archives Box 1) [spelling *sic*].	"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The 1953 [?] Indian Fair at the Hassanamisco Reservation to celebrate Massachusetts Indian Day was sponsored by the Worcester County Department of the National Algonquin Indian Council, in conjunction with Sarah (Cisco) Sullivan and Zara CiscoeBrough, with participants as the United Association for Advancement of American Indians; Narragansett Indian Council; Nipmunck [sic] Indian Council of Worcester; National Congress of American Indians. The 1954 program was sponsored by the Worcester County Department of National Algonquin Council in conjunction with Sarah (Cisco) Sullivan and Zara CiscoeBrough. The 1959 program stated that, "Food will be on sale by Cisco Family Group. Miss Anna Mays, Chairman." The only other Nipmuc member of the group of "Real Indians" associated with Sarah M. Cisco Sullivan in her objection to the Moffitt initiative in 1950 was George M. Wilson, who identified himself as a Pegan Nipmuc (Cisco Archives, Box 1). Otherwise, the group consisted of an intertribal group of Indians who resided in Worcester County. This material provides no evidence pertaining to the maintenance of community under 83.7(b) by any entity antecedent to petitioner #69A.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1960-1969	(b) Records re: Hassana-misco Reservation acti-vities; programs and flyers, 1960, 1961, 1966, 1967, 1968, 1969; Indians Open Annual Fair on Reservation, *Worcester Telegram* 7/3/1960; Margaret Lin-coln, Hassanamisco Hoedown; Indians Hold Powwow in Grafton, *Worcester Daily Tele-gram* 7/4/1961; 1962 longhouse construction (Nipmuc 369 Pet. Narr. 1984, 168-172); Roy Johnson, Could Use Mo-ney for Museum: Grafton Indians Not Paid for Land, *Boston Sunday Globe* 2/14/1965; Ste-phen Claypole, Rare Rit-uals: Wedding Ceremony Highlights 3-Day Grafton Indian Fair, *Worcester Telegram* 7/5/1965; Barbara Rocco, 3-Day Celebration on Grafton Reservation, unidentified newspaper article 1965 (Cisco Archives, Box 1).	The 1961 Hassanamisco Reservation schedule of events listed an intertribal committee: Narragansett, Cherokee, Pueblo-Narragansett, Catawba, and "adopted Narragansett." Zara CiscoeBrough was identified as Hassanamisco-Narragansett. In 1965, the Rocco article identified Zara CiscoeBrough as the only occupant of the reservation and "one of the 20 remaining descendants of the Hassanamisco tribe" (Cisco Archives, Box 1). The 1969 flyer identified the committe as being from the North American Indian Club, Connecticut; Shinnecock Reservation, Long Island; Princess Red Wing of Seven Crescents, Rhode Island; Winnebago; Narragansett; and Androscogin from Maine. The only Nipmuc listed was "Princess White Flower - Hassanamisco - hostess" (Indian Fair, Hassanamisco Reservatuion, 7/4-5/1969).	"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	These records show intertribal ties, but provide no evidence of community within a Nipmuc group antecedent to petitioner #69A. During much of this period, the Hassanamisco group was defined as including the Cisco family's Shinnecock relatives, to whom it was related through a paternal, non-Nipmuc genealogical connection. Some limited correspondence in the Cisco family records indicates that there was continuing communication with some of the non-Nipmuc Indian families who had been part of the 1950's organization in Worcester (Roswell W. Hazard to Zara CiscoeBrough 7/20/1962; 4/3/1964; Emma Archacki to Zara CiscoeBrough 1968, Cisco Archives, Box 1).	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1970-1979	(b) Records re: Hassanamisco Reservation activities. Indian Fair/Pow-wow programs and flyers 1970, 1973, 1974, 1975; 1642 Returns to Grafton for a Spell, *Worcester Daily Telegram* 7/6/1970; Princess White Flower Asks, "What's Wrong With Beads and Trinkets," *Worcester Sunday Telegram* 6/6/1971; Sylvia Blickman, An Indian Name Well Deserved, unidentified newspaper article 11/19/1974; I thee wed..wed..wed, *Worcester Sunday Telegram* 7/5/1979.	The committee for the Indian Fair listed for July 4-5, 1970 was in part non-Indian; the publicity committee was entirely non-Indian. Ann Mays was a Hassanamisco, and chairman of the food committee. The Blickman article in 1974 focused almost entirely on Zara CiscoeBrough.	"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	These records show intertribal ties, but provide no evidence of community within a Nipmuc group antecedent to petitioner #69A. During much of this period, the Hassanamisco group was defined as included the Cisco family's Shinnecock relatives, to whom it was related through a paternal, non-Nipmuc genealogical connection.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1977-1981	(b) Letters, Edith (Morse) Hopewell to Zara CiscoeBrough (Cisco Archives, Box 1); letter, Ronald G. Henries to Zara Ciscoe Brough 11/13/1980 (Cisco Archives, Box 2).	The February 5, 1977, letter is the first evidence in the record that indicates the existence of communication between the Morse descendants from Dudley/Webster and the Cisco family of Hassanamisco descendants since 1950. The April 21, 1978, is entirely on the topic of allocation of money from the Boston Indian Council – presumably associated with CiscoBrough's service as Boston Indian council outreach director in Worcester – and eligibility to receive it (see: Indian-Aid Programs Discontinued, unidentified newspaper article, hand-dated November 16, 1979, Nipmuc #69B Pet. Suppl. 3/28/1997). The letter from Hopewell to CiscoeBrough dated about July 1981 adds to the confusion , in that Hopewell apparently did not admit to being a sibling of Edwin W. Morse, Sr. Further data concerning this period can be found in the charts for criterion 83.7(c)., particularly in connection with the formalization of the Nipmuc organizations and decision to petition for Federal acknowledgment.	"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The evidence in the record for this period showed only minimal contact among Nipmuc across family lines. While Walter Vickers was now associating with the Hassanamisco group, as the Wilson family continued to do, there was no indication that communication with the Jaha descendants had continued since the 1930's, nor any that communication with the Gigger descendants had been maintained. The minimal nature of the communication is confirmed by the 1980 Henries letter, which stated: "I was informed that you may be of assistance to me in my efforts in attempting to find my tribal affiliation. I am providing you with as much information as I presently have on my family history . . . " listing on a separate sheet his relationship to Elizabeth (Henries) Morse of Worcester, Massachusetts, and Charles Henries Sr. of Dayville, Connecticut (Henries to CiscoeBrough 11/13/1980).	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1969 - 1997	"Overview of Council Minutes -- Hassanamisco and Webster-Dudley" and Minutes of Council Meetings. Pet. Submission 1997	The petitioner provided analysis and arguments about the period since 1970 in this three-page document. This document was accompanied by photocopies of minutes of council meetings. The earliest minutes in this submission were dated April 27, 1969. The next minutes have a date that is nearly five years later (January 25, 1974), and the third set of minutes have a date that is more than four years later (June 8, 1978). Starting in June 8, 1978, the meeting minutes become more frequent and regular. Even so, there existed significant time periods for which no minutes of council meetings were submitted. The largest of these time periods was more than ten years: after the minutes of the meeting of November 11, 1985, there were no minutes of meetings submitted until the minutes of the meeting of February 2, 1996. Minutes from meetings held during this period may not exist: in the petition supplement (1987), the petition researcher declared that no minutes were being kept of the meetings of the "Hassanamisco Band Council." The first claim on this document was presented in paragraph form. The petition researcher wrote: "there does not appears [*sic*] to be any formally organized council positions or elected council. Meetings are attended by members of the tribe though the meeting is not really presided over by any consistent individuals except for Zara Cisco Brough [*sic*] from 1969 to the early 1980's and Walter Vickers beginning in the early 1980's. Individual members do however take on special responsibilities, ie. Planning the annual fair, contact with state representatives (1/25/74; 1/12/80; 4/21/81; 1/22/83)."	The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000).	The minutes in the 1987 petition supplement confirm that there was no formally organized council positions or elected council. They also confirm that, except for Zara CiscoBrough and Walter Vickers, the meetings were not presided over consistently by anyone other than Zara CiscoBrough and later, Walter Vickers. Last, the minutes confirm that individual members took on "special responsibilities" during the four meetings cited by the petition researcher, meetings that span the years from 1974 to 1983. The minutes from these meetings show that 12 members took on special responsibilities. They were Anna Mays; Peter Silva, Sr.; David Silva; Horace Cisco; Mary Lou Will; Shelleigh Wilcox; George Wilson; Buster Richardson; Walter Vickers; "Mr. Warren;" Lois Wilcox, and Walter Bostic. In addition, two individuals who were listed as "Guests & Non-Members" on the attendance list of the meeting of January 12, 1980 could be said also to have taken on special responsibilities. They were Sue Goodman and Bonnie Woy. It should be noted that the minutes that, according to the petition researcher, were dated April 21, 1981 could not be located. The minutes that were dated April 20, 1981 were located, but these minutes did not show any members (or "Guests & Non-Members") taking on special responsibilities. In sum, the minutes of these meetings, together with the petitioner's analysis, provide evidence that each of the twelve members who took on special responsibilities during the meetings enjoyed a bilateral political relationship with the Nipmuc group at the time during	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1969 - 1997	"Overview of Council Minutes -- Hassanamisco and Webster-Dudley" and Minutes of Council Meetings. Pet. Submission 1997	The petition researcher made a series of claims about "issues" discussed during council meetings. A review of the minutes of these meetings verified these claims. On page two of the document, the petition researcher wrote: "It appears that the primary issues discussed at all of these council meetings were preparations for the annual fair and progress on the recognition project primarily under Dr. Reno. Other singular events includes [sic] a memorial for Zara in 1988, a re-internment ceremony for Nipmuc skeletal remains, assisting individuals with tracing the Nipmuc heritage, tribal concerns such as housing and education bills (early 1980's) and discussions of council by-laws."	The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000).	The petition researcher's characterization was a fair characterization of the primary issues that were discussed and the important events that were held by #69A leaders as reflected in the minutes of meetings submitted by the petitioner.	Neither meets nor negates (b).
late 1970's - early 1980's	"Overview of Council Minutes -- Hassanamisco and Webster-Dudley" and Minutes of Council Meetings. Pet. Submission 1997	The petition researcher's analysis of the council minutes also contained a claim that "members of the Webster-Dudley group attended the Hassanamisco meetings until they instituted their own council in 1980 or 1981."	The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000).	A review of the council meeting minutes confirms this statement. The minutes did indeed indicate that Mr. Morse and members of his extended family, consisting of some of his sisters and their children and grandchildren, attended council meetings from the late 1970's, which is when Mr. Morse told BAR that he joined Zara's group, through early 1980's.	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1977	Minutes of a "Joint Meeting: Legal Heirs of Hassanamisco, and the Nipmucs," May 14, 1977	The document indicates that the meeting was organized by Zara CiscoBrough. The minutes allude to the efforts of the group to obtain Grafton State Hospital land, organize a fair, establish an Indian Center in Worcester "for all the natives in the Worcester area," and respond to a recent article in a newspaper that was said to have stated that all Nipmucs were dead. Joseph (Walter) Vickers, Jr.; Anna Mays; Sheila Cisco; Samuel Cisco; Charlie Richardson, Carol Palarva; Robin Palarva; Brent Palarva; Walter Vickers Sr.; Emma White; Marylou Willoughby; Lois Ann Wilcox; Horace Cisco; Lillian Wells; Charlie Hamilton; Carol Vickers; Robin Vickers; Pam Vickers; and Michelle Vickers attended the meeting.	As evidence that the petitioner meets the definition of community, the regulations state: "significant social relationships connecting individual members" (b)(1)(ii) and "significant rates of informal social interaction which exist broadly among the members of a group" (b)(1)(iii).	Most, if not all, of these 19 individuals were, or still are, members of the petitioning group. Their attendance at this meeting, together with the implication in the document that they were working together on the four separate projects mentioned above, suggests that at least while at this meeting there were significant social relationships connecting individual members and significant rates of informal social interaction among at least these 19 group members for the late 1970's.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1977	Letter to Mrs. Mitchell from Zara CiscoBrough, Chairman, dated 9/6/77, with enclosures; enclosures include a petition	The document is a petition said to contain the names of a number of Nipmucs "who are vitally interested in Nipmuc New Town Creation." The petition was presented by Zara CiscoBrough to an administrator in the Massachusetts state government. There are 37 signatures on the petition.	To meet criterion (b), a petitioner must demonstrate that "a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present." As evidence that the petitioner meets the definition of community, the regulations state: "significant social relationships connecting individual members" (b)(1)(ii) and "significant rates of informal social interaction which exist broadly among the members of a group" (b)(1) (iii).	The petition was part of a failed effort by Nipmucs to obtain land from the state of Massachusetts. The document could provide evidence that an even larger number of Nipmucs knew one another and were part of a distinct Nipmuc community if the petitioner were to submit additional material and documentation about the event mentioned in the document. As it now stands, it is impossible to determine whether the 37 individuals who signed the petition knew one another and were part of a distinct Nipmuc community that wished to obtain land for their community; or whether Zara CiscoBrough simply circulated a petition and invited almost anyone who supported such a project to sign his or her name. If the latter was the case, many of the signatories to the petition may not have known one another at all, much less have been part of a distinct Nipmuc community. The nineteen individuals who attended the meeting of May 14, 1977 (see above) appear to have been working together (or at least helping Zara CiscoBrough) to obtain the land for which the petition was made. If the petitioner were to submit additional material and documentation to show that the signatories who were not on the list of attendees of the May 14, 1977 meeting were individuals who enjoyed significant social relationships and significant rates of informal social interaction with one another and with the nineteen individuals who attended the May 14 meeting, the petitioner may be able to show that all 37 petition signatories were part of a distinct Nipmuc community.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1978	Roster of a meeting, dated June 8, 1978	The roster contains no indication of the nature of the meeting. It does contain the names of 49 people, including Zara CiscoBrough.	As evidence that the petitioner meets the definition of community, the regulations state: "significant rates of informal social interaction which exist broadly among the members of a group" (b)(1)(iii).	It is possible that the meeting was a meeting of and for Nipmucs and was part of the activities of an organized group of Nipmucs. Even if this meeting was not such an event, however, it does show that, by 1978, there was at least some social interaction just at the meeting between almost 50 people, most of whom were Nipmucs.	Does not meet (b).
1978	Agenda, "Special meeting of the Nipmuc Tribe"	The agenda indicates that the meeting took place on June 3, 1978 at Belmont Community School in Worcester, Massachusetts.	To meet criterion (b), a petitioner must demonstrate that "a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present."	The petitioner submitted no additional material or explanations of this document or of the meeting it references. If the petitioner were to provide additional information or documentation about this meeting, it may be able to show that the meeting provides positive evidence of community for the late 1970's.	Does not meet (b).
1978	Nipmuc #69 Pet. Narr. 1984, 191-192	The petition researcher argued that "[s]ince 1978, there has been a dramatic increase of tribal activity generally" and a "broadening of the base of tribal participation."	The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000).	The finding is that there was not sufficient evidence to conclude that there has been an increase either in the amount of #69A "activity" or in the "base" of member "participation" since 1978. What is clear is that there has been an increase in the number of #69A members. The petitioner provided hardly any evidence to show that these members actually have been participating in Nipmuc political process or have been a part of a Nipmuc community. The petitioner, too, failed to show that the larger, post-1978 Nipmuc group has been more active than, for example, the group that may have existed during the mid- to late 1970's under the leadership of Zara CiscoeBrough.	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1970's	Correspondence to and from ZaraCisco Brough	Correspondence to and from ZaraCisco Brough	As evidence that the petitioner meets the definition of community, the regulations state: "significant rates of informal social interaction which exist broadly among the members of a group" (b)(1)(iii).	The petitioner did not provide analysis of this correspondence. Such analysis may show that there were significant social relationships and informal social interaction connecting Zara CiscoBrough with individual members. Of course, to meet (b) for the period since 1970, the petitioner would also have to show that individual members were connected with *one another* and not simply with Ms. CiscoBrough. Additional correspondence, oral histories or other accounts of Nipmuc activities may provide such evidence.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1977	Correspondence to and from ZaraCisco Brough, Letter from Zara CiscoBrough to "Lou," March 27, 1977	Ms. CiscoBrough wrote: "a very interesting thing has happened but some of the Nipmuc Pegans from the area of Webster Lake tell me they have documents dating back to the 1600s plus mention of a Trust Fund - Land areas and Family Trees. The grandfather was George Wilson. He was our medicine man and in fact picked my Indian name."	As evidence that the petitioner meets the definition of community, the regulations state: "significant rates of informal social interaction which exist broadly among the members of a group" (b)(1)(iii).	This letter provides some evidence of social interaction. The petitioner did not provide analysis of this letter or of any of the correspondence that was in the record. The letter to Lou, together with the other correspondence, could be analyzed to help the petitioner show that Ms. CiscoBrough was significantly connected to specific members of the group. The petitioner should be mindful of the fact that, even if, through an analysis of these letters, it is able to show that Ms. CiscoBrough was significantly connected to a predominant portion of the group, it still needs to show that members were significantly connected to one another. In preparing the evidence, analysis, and argumentation to show this, it might be helpful if the petitioner would orient its submission toward showing that what held together the group during the 1970's and 1980's was not only the connections between Ms. CiscoBrough and individual Nipmucs but also the connections between individual Nipmucs themselves. The petitioner should show social interaction as existing broadly among the members of the group.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1970's	Correspondence to and from Zara CiscoBrough	In one set of letters addressed to Ms. CiscoBrough, individuals ask for assistance, "Indian cards," and other things from Ms. CiscoBrough. One letter is from "Darlene" to "Cousin Zara" and is dated August 19, 1977. Darlene identifies herself as a Dartmouth College student and asks Zara whether there are any "tribal monies" to help pay for her studies. Another letter is from Edith Hopewell and is dated April 21, 1978. Ms. Hopewell acknowledges receipt from Ms. CiscoBrough of a $15.00 food voucher three years ago and requests additional assistance.	As evidence that the petitioner meets the definition of community, the regulations state: "significant rates of informal social interaction which exist broadly among the members of a group" (b)(1)(iii).	This set of letters provides evidence of social interaction. The petitioner, however, did not provide any analysis of these letters or of any of the correspondence that was in the record. This correspondence could be analyzed to help the petitioner show that Ms. CiscoBrough was significantly connected to specific members of the group. The petitioner should be mindful of the fact that, even if, through an analysis of these letters, it is able to show that Ms. CiscoBrough was significantly connected to a predominant portion of the group, it still needs to show that members were significantly connected to one another. In preparing the evidence, analysis, and argumentation to show this, it might be helpful if the petitioner would orient its submission toward showing that what held together the group during the 1970's and 1980's was not only the connections between Ms. CiscoBrough and individual Nipmucs but also the connections between individual Nipmucs themselves. The petitioner should show social interaction as existing broadly among the members of the group.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1977 - 1997	Table of documented events and gatherings at Hassanamesit Reservation, with selected documentation of Nipmuc people's involvement	Table Six of this document covered the years from 1936 to 1997. In addition to other information, the table listed in chronological order 30 gatherings that have taken place from 1977 to 1997 on the Hassanamisco Reservation.	As evidence that the petitioner meets the definition of community, the regulations state: "significant social relationships connecting individual members" (b)(1)(ii) and "significant rates of informal social interaction which exist broadly among the members of a group" (b)(1)(iii). See analysis of the annual meeting in the Miami FD.	Nearly all of the gatherings were annual fairs. For example, each year from 1990 to 1997, only one event – "Annual Native American Indian Fair" – was listed. There is no evidence that such events, which were probably attended by many non-Nipmucs, were events during which Nipmucs socialized with one another. Moreover, only four of the gatherings during this period may have been essentially Nipmuc events. These events took place during the period from 1979 to 1982 and were labeled, "Tribal Meeting - closed to the public," "constitution and by-laws signed by council chiefs," "Annual Meeting," and "meeting/election." It is possible, though unlikely, that these events could provide evidence of community for the period between 1977 to approximately 1995: if the petitioner were to provide additional evidence, such as lists of members who participated in or even attended these activities, the petitioner might be able to demonstrate that the relationships connecting individual members, if such relationships existed at all, were significant, that there was informal social interaction among group members which existed broadly, and possibly even that there was shared sacred or secular ritual activity that encompassed most of the group.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1981	Letter to Zara CiscoBrough from Edith Hopewell, n.d.	This letter was not dated, but from its contents it seems to have been written about 1981. In the letter, Ms. Hopewell mentions Mr. Edwin Morse, Sr. and at least some members of his extended family, who are the core family of the #69B subgroup. About them, she writes: "Enclosed find papers I tried to call you about. They are very defamitory [sic] to you and all our kind. They are holding a meeting 7/23/81 at their father's house in Dudley to form their own committees and chief, etc. which I know they haven't the power to do, and she should be told by you or someone in authority she is not a "Princess," her father or anyone close to was never a chief as in my case . . . All these people who are forming their own clan as they say needn't ever come to me again for help. I've helped them every year for 6 years now . . . They have only admitted to being Indian after they got $250.00 from the Indian fund."	As evidence that the petitioner meets the definition of community, the regulations state: "significant social relationships connecting individual members" (b)(1)(ii) and "significant rates of informal social interaction which exist broadly among the members of a group" (b)(1)(iii). Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5).	First, the letter provides some evidence that, at least among the #69B subgroup, in the 1980's there existed significant social relationships connecting individual members and social interaction that was broadly distributed among the group. On the other hand, the letter does not suggest that anyone other than members of Mr. Morse's extended family as was defined above makes up "all these people who are forming their own clan." The appearance from the letter that during this period there existed significant social relationships connecting individual members and social interaction that was broadly distributed among the group, then, could simply be a function of the involvement only of members of Mr. Morse's extended family. Second, the letter suggests that Ms. Hopewell and members of the Morse family knew one another and that their relationship(s) was (were) significant. If their relationship(s) was (were) not significant, it is unlikely but nevertheless possible that Ms. Hopewell would not have responded to the actions of the Morse family with such strong emotions. On the other hand, it is possible that the strong emotions expressed by Ms. Hopewell had to do simply with her apparent indignation that anyone, even strangers, would lay claim to being Indian when, by her criteria, they may not have been Indian. Complicating the question of whether the document provides positive evidence of (b) is the fact that Ms. Hopewell is Mr. Morse's sister. Due to these questions, no conclusion can be reached about this document. The petitioner is invited to submit any and all information to answer these questions.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1980's	Various newspaper articles, dating from the 1980's, which appeared in *The Worcester Telegram*, *The Patriot*, and *The Webster Times*, among other papers	The articles include important references to activities and events organized by #69A or in which members of #69A participated, including powwows, food distributions, a film showing, and a parade.	As evidence that the petitioner meets the definition of community, the regulations state: "significant rates of informal social interaction which exist broadly among the members of a group" (b)(1)(iii).	Though these newspaper articles do not demonstrate that the recorded activities encompassed most of the group, they do show that, during the 1980's, there existed activities that encompassed at least a portion of the group. To demonstrate that the petitioner meets (b) for the 1980's, the petitioner should submit evidence that shows that a predominant portion of the group was involved in these activities during the 1980's, if this evidence exists.	Does not meet (b).
1981	"Looking to the Past: Nipmucks Search for an Identity," by Felice J. Freyer. Hand-dated December 22, 1981, Unidentified	This article was submitted by a third party, the other Nipmuc petitioner (#69B), on March 28, 1997, to supplement its own petition. It is included here because, at the time the article was written, #69B and #69A were existing as one group. Freyer summarizes the Federal acknowledgment process and interviews the petition researcher for the Nipmuc group. Among other things, Freyer reports that the Nipmuc's petition researcher told her: "Any anthropologist worth his salt will say the group (the Nipmuck tribe) has disappeared entirely" (Freyer 1981, 15).	To meet criterion (b), a petitioner must demonstrate that "a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present."	From the article it seems likely that Ms. Freyer did indeed interview the Nipmuc petition researcher. Even so, it is possible that Ms. Freyer or the editor of the publication misquoted the Nipmuc's researcher. To be sure, the researcher does not claim in the petition narrative that he found that the Nipmuc group had "disappeared entirely." As such, no conclusions can be drawn from this article.	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1985	"Fair Held on Reservation: Indian Heritage Celebrated" by Lorene Lamothe of the Telegram Staff. Unidentified, undated	The #69B group submitted this article in its petition supplement of March 28, 1997. It is included here because, at the time the article was written, #69B and #69A were existing as one group. The article was unidentified and undated, but from its contents it appears to have been published about 1985. Lamothe claims that, at Grafton, about 800 Indians and non-Indians gathered at Grafton at the Hassanamisco Reservation for the 31st annual American Indian Fair organized by the Nipmuc Indian Council. The author mentions, among other things, that attendees included "Chief Natachaman (the Hunter) of the Hassanamisco tribe aka Walter Vickers of Northboro; Joseph Vickers, his father; Anna Mays (Princess Sea Flower); Princess Winona of the Passamaquoddy Tribe; Princess Loving One, aka Dolly Swenson of Sutton, last year appointed by Gov. Michael S. Dukakis as commissioner on Indian affairs."	As evidence that the petitioner meets the definition of community, the regulations state: "significant rates of informal social interaction which exist broadly among the members of a group" (b)(1)(iii).	This article provides some evidence that there was informal social interaction among some members of the group. To meet (b), though, the petitioner needs to show that this interaction and/or shared activity encompassed not just some members of the group but *most* of the group. Social interaction must be shown to have existed broadly among members of the group. While the article does state that 800 attended the fair, without a list of people in attendance, the conclusion cannot be reached that any of them beyond those specifically mentioned were members of the petitioning group. Moreover, the article claims that non-Indians and one Passamoquoddy were among those who attended.	Does not meet (b).

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1984	Videotape entitled "Nipmuck Indians," dated 1984	This document is a tape of a show that appeared on Worcester cable television. Nipmuc history and, to a lesser extent, Nipmuc contemporary life is presented to a general audience. There is footage of the land that was donated to the #69B group in 1982, short interviews with members of the group, and group events and activities.	As evidence that the petitioner meets the definition of community, the regulations state: "significant rates of informal social interaction which exist broadly among the members of a group" (b)(1)(iii); and "shared sacred or secular ritual activity encompassing most of the group" (b)(1)(vi).	The tape shows informal social interaction. It may even show shared sacred or secular ritual activity. As such, it seems as though it might provide some evidence of community for the mid-1980's. Several problems, however, prevent the BIA from treating this tape as positive evidence of community for the mid-1980's. First, not all persons who appear on the tape are identified, and thus cannot be confirmed as members of the petitioning group. Second, the tape does not demonstrate that the social interaction that it documents existed broadly among the members of the group and that activities that are also documented on the tape encompassed most of the group. If, during the mid-1980's, social interaction existed broadly among group members and certain activities encompassed most of the group, the petitioner should submit material and evidence clearly to demonstrate this. For the 1980's, the petitioner might begin this work by creating a written narrative to accompany the tape. The written narrative should identify ALL of the individuals who appear on the tape; analyze the rate of informal social interaction among members, whether or not these members appear on the tape; and/or provide documentation of group members who participate in the activities portrayed and mentioned on the tape, regardless of whether these individuals appear on the tape.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1987	Nipmuc #69 Pet. Resp. 1987, 8-9	The petition researcher described the political organization and leadership of the group: "The band council of the Hassanamesit is appointed by the chief in consultation, usually informally, with members of the band. Typically the chief appoints at least one member of each extended family to serve on the council as his advisor. In this way it is felt that all families will have adequate representation. Council members so serve until they die or relinquish their seats. Occasionally, disagreements will prompt a council member to resign. The chief is then empowered to appoint a replacement."	The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000).	The petitioner provided no additional information or documentation, such as interviews with group members, to support these claims. In its 1997 submission, however, it presented a statement that appears to contradict the claims that were presented above. On page one of a three-page document which analyzes the minutes of council meetings, the petition researcher wrote: ". . . there does not appears [*sic*] to be any formally organized council positions or elected council. Meetings are attended by members of the tribe though the meeting is not really presided over by any consistent individuals except for Zara Cisco Brough [*sic*] from 1969 to the early 1980's and Walter Vickers beginning in the early 1980's. Individual members do however take on special responsibilities, ie. Planning the annual fair, contact with state representatives (1/25/74; 1/12/80; 4/21/81; 1/22/83)." Given this contradiction, it could not be determined whether these descriptions of political process and organization were valid for the petitioning group.	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1987	Nipmuc #69 Pet. Resp. 1987, 9	The petition researcher briefly described the larger umbrella organization for the band chief and band council of the group that later became #69A: "The larger "Nipmuc Tribal Council has been composed of the two band chiefs; the sachem, who presides over all; and two additional representatives from each of the two band councils"	The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000).	The petitioner provided no additional information or documentation, such as interviews with group members, to support these claims. In its 1997 submission, however, it presented a statement that appears to contradict the claims that were presented above. On page one of a three-page document which analyzes the minutes of council meetings, the petition researcher wrote: "... there does not appears [*sic*] to be any formally organized council positions or elected council. Meetings are attended by members of the tribe though the meeting is not really presided over by any consistent individuals except for Zara Cisco Brough [*sic*] from 1969 to the early 1980's and Walter Vickers beginning in the early 1980's. Individual members do however take on special responsibilities, ie. Planning the annual fair, contact with state representatives (1/25/74; 1/12/80; 4/21/81; 1/22/83)." Given this contradiction, it could not be determined whether these descriptions of political process and organization were valid for the petitioning group.	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1980's	Nipmuc #69 Pet. Resp. 1987, 9	The petition researcher presented two statements of fact about #69A leaders. The first was that Walter Vickers was "elected" chief for life. The second was that Zara CiscoBrough claimed to be the current of an unbroken chain of sachems going back to James the Printer.	The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000).	There is evidence that Mr. Vickers was "chief" of #69A, if not "chief for life" of this group; there is conflicting information as to whether he was, in fact, "elected" to this position. As a result, a conclusion could not be reached about this claim. Last, there is no evidence that Ms. CiscoeBrough claimed to be the current of an unbroken chain of sachems going back to James the Printer due to the fact that, again, the petitioner submitted almost no information or documentation that would permit verification that Ms. CiscoBrough did indeed make this claim.	Neither meets nor negates (b).
1987	Nipmuc #69 Pet. Resp. 1987, 7	The petition researcher asserted that there is an "annual August meeting at the reservation on Brigham Hill in Grafton." This meeting, he continued, "involves both bands." The first day, attendance is restricted to Nipmucs; the second day, the meeting is "open to the public."	The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000).	The petitioner submitted very little evidence about the annual August meeting that takes place in Grafton and even less evidence that both bands attended these meetings. Field data show that there were annual meetings for #69A and that at least one of these meetings was attended by some members of both bands. Without additional information or documentation from the petitioner, however, this argument cannot be evaluated.	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1987	Nipmuc #69 Pet. Resp. 1987, 7, 10	The petition researcher claimed that, at Hassanamesit, "Walter Vickers regularly convenes the band council." He also claimed that these meetings, together with the annual August meeting in Grafton, are "supplemented by more informal gatherings" and that members at Hassanamesit attend the "weddings and funerals" of one another. Later, under the heading of present-day Nipmucs and the group as a whole, he refers to meetings in general. Here he argues that the group's meetings are "frequent and well-attended."	The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000).	The petitioner submitted almost no documentation of these more informal gatherings. The claims of the petition researcher that #69A members attended the weddings and funerals of other #69A members or that these and other "meetings" were frequent and well-attended could not be assessed.	Neither meets nor negates (b).
1988	Videotape labeled, "Wedding Chief Red Fox: Sept 19, 1988"	This tape provides footage of a Nipmuc gathering in 1988 that included a powwow and that culminated in the wedding of Edwin Morse, Jr., who was a member of the petitioning group during the time the tape was made, to an unidentified woman.	To meet criterion (b), a petitioner must demonstrate that "a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present."	From the tape, it is impossible to identify which individuals are the leaders of the petitioning group, with the exception of Edwin Morse, Jr., or even which are members of the group. Particularly since Nipmuc leaders have described their gatherings as open to the public and intertribal in nature (See Interview with Lucyann Swenson, 7/22/98), no conclusions can be drawn about whether the petitioner meets (b) from this submission. If the petitioner wishes to use this tape as evidence that it meets (b), it needs to provide a written narrative and analysis of the gathering that, at a minimum, identifies the individuals who appear on the tape.	Does not meet (b).

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1992	"Nipmuc celebration to honor heritage: Event tomorrow on Worcester common," by Clive McFarlane. 1992	The article mentions Thomas Doughton by name and notes that The Nipmuc Tribal Acknowledgment Project (NTAP) reports that there are now about 2,000 people of Nipmuc heritage in the region, most of them living in Massachusetts, Connecticut and Rhode Island.	To meet criterion (b), a petitioner must demonstrate that "a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present." "To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5).	The McFarlane article does not explain the nature of the relationship between, on the one hand, these "2,000 people of Nipmuc heritage," and, on the other, a Nipmuc community and group. The petitioner did not submit any information to clarify this relationship. All or part of these 2,000 people could be part of an existing Nipmuc community; or they could be individuals and/or descendants of individuals who have long since ceased to maintain tribal relations. At least some of these 2,000 people may have joined the petitioning group in the 1990's, as more than 1,000 of the 1,602 members on the 1997 membership list were not on the membership list that was submitted in 1996. Alternatively, very few, if any, of the 2,000 people may have enrolled in the petitioning group: it may have been for other reasons that NTAP took an interest in these individuals, and these individuals took an interest in NTAP. Without additional information or explanation, it cannot be concluded that the McFarlane article provides negative evidence of community for the 1980's.	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
early 1990's	Flyers. Announce meetings to find Nipmuc descendants in Providence, Rhode Island (August 22, 1990); Worcester, Massachusetts (December 15, 1990; June 25, 1990; and July 9, 1991); and Woodstock, Connecticut (September 18, 1990)	These documents announce meetings to find Nipmuc descendants in Providence, Rhode Island (August 22, 1990); Worcester, Massachusetts (December 15, 1990; June 25, 1990; and July 9, 1991); and Woodstock, Connecticut (September 18, 1990).	To meet criterion (b), a petitioner must demonstrate that "a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present." "To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5).	These documents provide evidence that NTAP tried to recruit Nipmucs from across New England for membership in the Nipmuc group or for other purposes. As the documents indicate, a goal of these meetings in Massachusetts, Rhode Island and Connecticut was to "find" Nipmuc descendants. This, of course, suggests that any and all of those who might be "found" through such a process would not already be part of a Nipmuc community or group. From the documents and from other information, though, it cannot be determined that the individuals who were located through such a process were not part of a different Nipmuc community or group. It also cannot be determined that these individuals are not part of Nipmuc community today, or even that they are members of the petitioning group. Therefore, it cannot be concluded that the evidence for community that these flyers provide is negative evidence.	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1994	Letter from Dolly Swenson and Cheryl Magos to BIA dated March 10, 1994	In this document, Ms. Swenson and Ms. Magos claim that Mr. Morse's group (#69B), Mr. Vickers's group (#69A), and NTAP are "factions" of a larger Nipmuc group.	The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000).	Ms. Swenson was a leader of the petitioning group (#69) before the group split into #69A and #69B. Cheryl Magos is the editor of a newsletter for Nipmucs (*Nipmucspohke*) in which she has claimed that the newsletter is affiliated with neither group. Sufficient information to evaluate Ms. Swenson's and Ms. Magos's claim that the petitioning group is simply a faction of a much larger Nipmuc group was not received. Therefore, it cannot be concluded that this document provides negative evidence for the 1990's or for any other part of the period since 1970.	Neither meets nor negates (b).
1991	Notes of a meeting identified as the "Annual Nipmuk business meeting" at Friendly House in Worcester, Massachusetts. According to the notes, this meeting took place on November 24, 1991	It is indicated that the meeting took place on November 24, 1991 and that 300 people attended.	To meet criterion (b), a petitioner must demonstrate that "a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present."	Without further information, it is impossible to determine whether this meeting is a meeting of the petitioning group. It may have been a NTAP meeting. The evidence suggests that #69, #69A, #69B, and NTAP have enjoyed very close associations with one another to the point that all four groups are not entirely distinct. There is evidence that NTAP is an organization formed by #69 to work on the petition for federal acknowledgment; there is also a written claim from a #69B leader that NTAP is a faction of a larger Nipmuck group (See Letter from Dolly Swenson and Cheryl Magos to BIA dated March 10, 1994). Sufficient information to determine whether this document provides positive evidence for the 1990's or for any other part of the period since 1970 was not received.	Does not meet (b).

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1995	Letter to BIA, with enclosure, from Ron Little Crow Henries, June 5, 1995	Mr. Henries enclosed a newspaper article which states that powwows are held every summer by the Hassanamisco Band. These events were opened up to the public in 1954 and raise funds for the group. The proceeds help maintain the 4-1/2 acre "reservation." The article reported that, for the 1995 powwow, the Full Circle Drum Society came up from Connecticut. It also reported that the "Nipmuc medicine man" was Ronald L. Messier.	As evidence that the petitioner meets the definition of community, the regulations state: "significant rates of informal social interaction which exist broadly among the members of a group" (b)(1)(iii); "shared sacred or secular ritual activity encompassing most of the group" (b)(1)(vi); and "a significant degree of shared or cooperative labor or other economic activity among the membership"(b)(1)(iv).	To use the 1995 article as positive evidence of community for the 1990's and possibly earlier, the petitioner needs to submit additional information showing that these powwows encompassed most of the group and were more than intertribal activities largely attended by non-Nipmuc. Alternatively or concomitantly, the petitioner needs to submit additional information and documentation to show that these events demonstrate significant social relationships connecting individual members, significant rates of informal social interaction which exist broadly among the members of the group, and/or a significant degree of shared or cooperative labor among the membership.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1994 - 1997	*Nipmucspohke* and *Nipnet Notes*	It appears that *Nipmucspohke* and *Nipnet Notes* are newsletters for Nipmucs.	To meet criterion (b), a petitioner must demonstrate that "a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present."	The petitioner provided no analysis of these documents. One of the issues of *Nipmucspohke* was undated but probably was published in 1997. The editor is identified as Cheryl Magos, and the city from which the newsletter is sent out is identified as Branchburg, New Jersey. The editor noted that the newsletter is not affiliated with #69A or #69B. Even so, this newsletter probably is sent to more than a few members of #69A and therefore may serve to help connect members of the group with one another. The same can be said of *Nipnet Notes*. The newsletter states that it is published by NTAP, which may or may not be part of the petitioning group. Even so, the newsletter is probably sent to more than a few members of #69A. In the absence of any analysis from the petitioner of these newsletters, as well as in the absence of any additional information about these newsletters, such as mailing lists, lists of group members who have made submissions to the newsletter (such as letters to the editor), and other data that might indicate that the newsletter provides a vehicle through which the recipients act as a community, it cannot be concluded that the newsletters provide evidence of community for the mid-1990's. The petitioner is invited to submit additional information and documentation about these newsletters if it believes that the newsletters can help show that it meets (b) for the mid-1990's. It is unlikely, but possible, that the newsletters can be mined for positive evidence of community.	Does not meet (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1995	Ron Little Crow Henries submission, 1995	Papers submitted by Ron Little Crow Henries, a member of the petitioning group.	To meet criterion (b), a petitioner must demonstrate that "a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present."	This submission, together the newsletters themselves (see above), shed some additional light on *Nipmucspohke*. The Ron Little Crow Henries submission indicates three things: 1) The newsletter was started as late as 1994 and thus cannot provide evidence of whether the petitioner meets (b) for a very long period of time; 2) if the mailing list even includes members of the petitioning group, the mailing list extends far beyond the boundaries of the petitioning group and thus the newsletter is of dubious value for evaluating the petitioner; and 3) the newsletter is not an instrument of the petitioning group or even of a petitioning group member. Except for the date of first publication, which appears to be January 1991, it is probable that all three of these criticisms also apply other newsletter, *Nipnet Notes*.	Does not meet (b).
1997	*Nipmucspohke*, n.d.	This document is an issue of *Nipmucspohke*, a newsletter for Nipmucs, which appears from its contents to have been published in 1997. The document reported that more than 70 Nipmucs attended the general meeting on June 14 at the Hassanamesit reservation in Grafton. At this meeting, it was announced that a Community Survey would be conducted to "fill in gaps between 1920 and 1970." It was also announced that the rolls of Hassanamesit, NTAP and Chaubunagungamaug were combined. Membership on the "central roll" was alleged to be approximately 1,800.	The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000).	Almost no descriptions, particularly for the late 1990's, were received of the modern #69A community and group. Therefore, the accuracy of this description of events that appeared in *Nipmucspohke* cannot be evaluated. More to the point, from this description the question of whether the petitioner meets (b) for the 1990's or any other part of the period since 1970 cannot be evaluated.	Neither meets nor negates (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1996	Article in the *Southbridge Evening News* dated August 19, 1996	This article reported that 400 people attended "the Vickers - Curless family reunion." Attendees were said to include the descendants of Samuel Vickers and Mary Curless. Samuel and Mary, it continued, married in 1814, and Mary was of Nipmuc and Narragansett ancestry. The site of the reunion was the Westville Lake Recreation Area.	Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5).	No additional information was received about this event, such as lists of #69A members who attended or descriptions of interactions between members of the petitioning group. If the petitioner were to provide such information and documentation, with this event it might be able to show that, for the mid-1990's, there were significant social relationships connecting individual members beyond an extended family, and there were significant rates of informal social interaction which existed broadly among the members of the group.	Does not meet (b).
1997	Videotape entitled, "Homecoming 9/13 - 14/97. Nipmuc Nation - Grafton, MA"	This tape presents footage on a gathering that took place in September of 1997 on the Hassanamisco Reservation. The tape documents the various activities that were organized for the children and the fact that an outdoor exhibit of photographs was set up alongside the circular clearing that served as a dancing ground during the event. Also presented in the tape is a woman weaving, children and adults dancing, and dozens of people laughing, talking and eating.	To meet criterion (b), a petitioner must demonstrate that "a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present."	From the tape, it is impossible to identify which individuals are the leaders of the petitioning group or even which are members of the group. Particularly since Nipmuc leaders have described their gatherings as open to the public and intertribal in nature (See Interview with Lucyann Swenson, 7/22/98), no conclusions can be drawn about whether the petitioner meets (b) from this submission. If the petitioner wishes to use this tape as evidence that it meets (b), it needs to provide a written narrative and analysis of the gathering that, at a minimum, identifies the individuals who appear on the tape.	Does not meet (b).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], Petitioner #69A: Criterion 83.7(b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1999	Letter and enclosures, from Gordon Ward to Senator John Kerry, dated August 23, 1999	This letter and enclosures were a third party submission. The enclosure makes reference to a "duly announced meeting of the Nipmuc people at Grafton" where "the so-called Interim Tribal Council responded to demands from the people that a permanent government had to be elected." It was explained that the Nipmuc "fragmented over a number of years of various entities claiming to be the tribal government." A temporary solution to this problem/ issue, particularly in light of the requirement that Nipmucs affirm their desire to be on the membership list, was to fashion a provisional consent form saying not only that they wished to be on the membership list but also that they recognized the current government as the legitimate government until a permanent council could be elected.	The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000).	Sufficient information to evaluate whether the claims made in this submission provide negative evidence of community was not received.	Neither meets nor negates (b).

Recommendation: Although the Hassanamisco Nipmuc demonstrated community until the mid-19th century and the Chaubunagungamaug Nipmuc demonstrated community until 1891, the record did not present sufficient evidence that either of the two groups maintained internal community after those dates or that the two groups maintained community with one another, while there is no evidence that the descendants of all historical Nipmuc bands, petitioner #69A's current definition of itself, maintained community from historical times to the present. The petitioner therefore does not meet the requirements of criterion 83.7(b).

THE NIPMUC NATION [FORMERLY NIPMUC TRIBAL COUNCIL, HASSANAMISCO RESERVATION], PETITIONER #69A: PROPOSED FINDING - SUMMARY CHART

CRITERION C - The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.

Summary of the Evidence: The petitioner, #69A, is a continuation of petitioner #69. At time of filing of the letter of intent, petitioner #69 asserted continuity from the Hassanamisco Reservation, Town of Grafton, Worcester County, Massachusetts. It subsequently, at the time of the 1984 petition, asserted continuity both from Hassanamisco and from the former Dudley/Webster reservation in the Town of Webster, Worcester County, Massachusetts, otherwise known as the Chaubunagungamaug Band of Nipmuc Indians. The current petitioner, #69A, now asserts continuity not only with the Hassanamisco (Grafton) and Chaubunagungamaug (Dudley/Webster) reservations, but also with the descendants of other Nipmuc bands and "praying towns" that existed in the 17th century.

To the extent that petitioner #69A asserts continuity from the historical Chaubunagungamaug Band, the charts for criterion 83.7(c) prepared for evaluation of petition #69B are also relevant for evaluating #69A. They will not be prepared in duplicate for #69A, but should be cross-referenced for the evaluation of this petition. It is the intent of the Assistant Secretary - Indian Affairs to issue the proposed findings simultaneously. By and large, the data concerning Chaubunagungamaug, or Dudley/Webster, from the late 17th through the late 19th century provided some data concerning political influence or authority within that particular group as relevant to criterion 83.7(c), but did not indicate that there was any continuing political influence or authority for a broader antecedent Nipmuc entity which is now claimed as the historical tribe with which petitioner #69A asserts its continuity.

The regulations provide that political process "is to be understood in the context of the history, culture, and social organization of the group" (25 CFR 83.1, 59 FR 9293). The precedents in prior positive Federal acknowledgment decisions pertaining to New England tribes indicated that for the time span from the colonial period to the 19th century, evaluation of political influence or authority had not been tied to the specific forms of evidence listed in 83.7(c), but rather was evaluated much more briefly, and generally, under the provisions of the definition of political influence or authority in 83.1. The relevant language in 83.6 follows: "Evaluation of petitions shall take into account historical situations and time periods for which evidence is demonstrably limited or not available. The limitations inherent in demonstrating the historical existence of community and political influence or authority shall also be taken into account. Existence of community and political influence or authority shall be demonstrated on a substantially continuous basis, but this demonstration does not require meeting these criteria at every point in time . . . " (83.6(e)).

On February 11, 2000, the Assistant Secretary - Indian Affairs issued a directive modifying the internal procedures by which the Bureau of Indian Affairs staff evaluates petitions for Federal acknowledgment. The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000). Petitioner #69A did not present any specific arguments pertaining to how it meets criterion 83.7(c), aside from those in the 1984 narrative (Nipmuc #69 Pet. Narr. 1984). The following analysis, therefore, reviews the pertinent evidence in the record created by petitions #69, #69A, and #69B as it pertains to the historical Nipmuc tribe in the early contact period and the historical Hassanamisco, or Grafton, reservation for the period from the colonial period to the present. It cross-references the data for Chaubunagungamaug (Dudley/Webster), indicating the extent to which the argumentation presented in the 1984 narrative can be validated. In light of the petitioner's current broader definition of its origins, these charts also indicate what material is in the record in regard to the other Nipmuc bands and their possible continuity as political entities from first contact to the present. The BIA had begun evaluation of this petition prior to the issuance of the directive. Therefore, a draft technical report including historical and genealogical data exists in addition to the charts, but was not finalized.[1]

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[1]Throughout the chart for criterion 83.7(c), the boldface listing, for example **(c)(1)(ii)**, in the column "form of evidence" does not indicate that the item of evidence under analysis met the criterion under that form of evidence. Rather, it indicates the BIA researcher's determination of the category or type of evidence into which the document discussed could best be construed to fall. Technical problems associated with the table format of the charts do not permit the repetition of this footnote on every page of the charts.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1630-1675	**(83.1)** Salwen 1978, Russell 1980, Mandell 1996, Bragdon 1996; Johnson 1995; Humes 1952, Reese c1980; Connole 1976; Dacey 1995; Savage 1996 *Mass. Archives*, *Mass. Col. Rec.*; Gookin 1836 [1972]; Gookin 1792 [1970]; Hoadley 1868, Hoadley 1870, Hoadly 1873; O'Callaghan 1854.	Original documents generated by Massachusetts colonial authorities representatives of the Society for the Propagation of the Gospel in New England; historical narratives, mainly by modern anthropologists, pertaining to colonial contact and giving limited information, only from an external viewpoint, concerning the aboriginal political structure. The most extended series of relevant records is that generated by Massachusetts, consisting of the microfilmed records in the Massachusetts Archives and the published series of Massachusetts Colonial Records. Some relevant material is also to be found in the published Connecticut colonial records and the New York colonial documents.	". . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1). "Aboriginal Mohegan leadership was provided by a chief sachem who made decisions in consultation with a council consisting of influential tribal members of similar social rank" (Mohegan PF 1989, 5); "The political structure was organized around sachems, leaders drawn from high-ranked families" (Narragansett PF 1982, 11); "Aboriginal Wampanoag leadership was provided by an hereditary chief or sachem who made decisions in consultation with a council of male elders, war captains . . ., and spiritual advisors . . ." (Gay Head PF 1987, 10); "In the early contact period, i.e., the 1600's, the Miamis consisted of a series of independent tribes of related peoples . . . The tribe consisted of a series of village-based bands led by distinct village chiefs" (Miami PF 1990, 7).	The comments tend to be general, as in Salwen's statement: "The native groups that lived west of the fringes of European settlement, in northern Connecticut and Rhode Island, central Massachusetts, and southern Vermont and New Hampshire, are the least known of any of the southern New England Indian societies. The local groups of the Connecticut River valley in Massachusetts and the so-called Nipmuck people of Massachusetts and northern Connecticut and Rhode Island appear to have spoken a southern New England language that the French called Loup . . . This classification would probably cover most of the local groups listed as Nipmuck and Pocumtuck by Swanton . . " (Salwen 1978, 173-174). Precedent does not require detailed information concerning the internal political processes of the historical tribes which were predecessors of petitioners in the early contact periods.	This meets (c) for the undifferentiated Nipmuc historic tribe as a whole for the period prior to 1637.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1630-1675	Leach 1958, Salwen 1978, Russell 1980, Bourne 1990, Johnson 1995, Mandell 1996.	"There were other units, in the interior and on the western Connecticut coast, that seem to have normally functioned as almost completely independent local communities, without lasting political ties to any of their neighbors. Names like Nipmuck . . . sometimes appear in the literature as designations for large "tribes" or "confederacies" (Speck 1928a:pl. 20; Swanton 1952), but this usage does not seem to fit the seventeenth-century situation. At best, some of these names may reflect linguistic or cultural homogeneity, but the scarcity of evidence makes even linguistic identification difficult in most cases (Day 1962, 1969)" (Salwen 1978, 173). ". . . the Nipmucks were a loosely organized people residing in scattered villages, each separate group having its own sachem. Although these various rulers might confer on important matters from time to time, there seems to have been no single, clearly defined, over-all structure of government for the entire tribe" (Leach 1958, 73).	". . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1). "Aboriginal Mohegan leadership was provided by a chief sachem who made decisions in consultation with a council consisting of influential tribal members of similar social rank" (Mohegan PF 1989, 5); "The political structure was organized around sachems, leaders drawn from high-ranked families" (Narragansett PF 1982, 11); "Aboriginal Wampanoag leadership was provided by an hereditary chief or sachem who made decisions in consultation with a council of male elders, war captains . . ., and spiritual advisors . . ." (Gay Head PF 1987, 10); "In the early contact period, i.e., the 1600's, the Miamis consisted of a series of independent tribes of related peoples . . . The tribe consisted of a series of village-based bands led by distinct village chiefs" (Miami PF 1990, 7).	Politically, the Nipmuc at the time of early contact did not have a tightly-structured governmental system. Scholars have provided varying descriptions of the political organization of the prehistoric and early historic Nipmuc. One modern scholar has stated that, ". . . the Nipmucks . . . added up to not much more than the changing sum of whichever interior villages chose to work together at a given time" (Bourne 1990, 126). The Federal acknowledgment regulations do not require that a historical tribe at the time of first contact have had a formal centralized governmental structure above the band or village level. The precedents clearly indicate that the acknowledgment process allows for the combination and division of tribal subgroups and bands during the colonial period.	This meets (c) for the undifferentiated Nipmuc historic tribe as a whole for the period prior to 1675.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1630-1675	(c) Gookin 1836, Gookin 1972; Eliot n.d. in *Massachusetts Historical Society Collections*, 3rd series, vol. 4; Larned 1874, 1:4; Bragdon 1996, 25; Russell 1980, 187.	Historians and anthropologists have made a number of general statements indicating that the 17th-century Nipmuc were not wholly independent, such as Johnson's comment that, "Apparently, the Nipmucks had lost some of their tribal autonomy when certain of their villages began paying tribute to the Pequot, Narragansett, Massachusett and Pennacook" (Johnson 1995, 28). For example, Larned's comment that in the 17th century, the Wabbaquassets in what is now Woodstock, Windham County, Connecticut, owed a varying allegiance to the Pequots, to Uncas of the Mohegans, or to the Narragansetts, depending on who was in power (Larned 1874, 1:4) or Bragdon's statement that "the Pequots did have influence among . . . the Nipmuck as far as Quinabaag (near Dudley, Massachusetts)" (Bragdon 1996, 25). "Apparently, even a few Nipmuck sagamores paid allegiance to the Wampanoag sachem" (Johnson 1995, 9). From another perspective, Russell commented that, "the power of the Mohawks by no means ended at the Connecticut River. Their emissaries collected tribute among the scattered Nipmuck villages of central Massachusetts, . . . (Russell 1980, 187).	"The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present" (83.7(c)). "First, the CTAG argued that the Mohegan had once been subject to the Pequot Indians for a few years in the first half of the 17th century; . . . [and therefore] the MT did not meet the 'autonomous entity' requirement of Criterion c. . . . [T]he time period during which the Mohegan lived with the Pequot is so brief as to be inconsequential" (Mohegan PF 1989, 26-27); "Evidence indicates that the Narragansett community and its predecessors have existed autonomously since first contact, despite undergoing many modifications" (Narragansett FD, 48 Federal Register 29 2/10/1983, 6177); in discussing the defeat of the Narragansett in King Philip's War, 1675-1676, "A substantial number of the survivors combined with the Niantics . . ." (Narragansett PF 1982, 2).	The issue for this report is whether the subjugation of Nipmuc bands in the 17th century to various other New England Algonquian tribes has significant impact for Federal acknowledgment. That is, does it matter whether, in the first half of the 17th century, some or all of the Indians of the Nipmuc country may have owed some kind or allegiance to the Narragansett, the Mohegan, or the Wampanoag. The question of "autonomy" from other tribes in the colonial period was addressed by the AS-IA in the Mohegan final determination (which was issued under the 1978 25 CFR Part 83 regulations and quotes from that version). Temporary subjugation in the course of ordinary political conflict does not abrogate a tribe's autonomous status. Evidence indicates that the Nipmucs whose status was controverted among the Narragansett, Mohegan, and Pequot from the 1650's through the 1670's were mainly the Wabaquasset, those in the region of Quinebaug in modern Connecticut (Larned 1874, 1:4, 6; Hoadly 1868, 305; Hoadly 1870, 10, 101-102, 395-396).	Does not negate the "autonomous entity" requirement of (c) for the undifferentiated Nipmuc historical tribe as a whole.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1668-1869	**(83.1)** Almost the entire body of historical data submitted in connection with petitions #69, #69A, and #69B is in some way relevant to criterion 83.7(c). See particularly Gookin 1836, Gookin 1972; Hoadly 1873, Larned 1874, 1; Leavens Papers n.d., Daniels 1892; Metcalf 1880, Humes 1952, Leach 1958, Bourne 1990, Johnson 1995; Place of Small Stones (Nipmuc #69A Pet.).	Historical records and narratives indicate that the Nipmuc leaders executed a formal act of submission to the English in May 1668 (*Mass. Archives* 30:146; Place of Small Stones n.d., 5-6), and that after King Philip's War, the Hassanamisco and Chaubunagungamaug reservations were under the direct administration of Massachusetts, first as a British colony and then, after the American Revolution, until the 1869 Act of Enfranchisement, as a state. The discussions of the establishment of the "praying towns" by missionary John Eliot also fall generally under the history of the petitioner's political influence and/or authority.	"The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present" (83.7(c)). The CTAG argued that, "second the Mohegan had their affairs governed by a group of overseers appointed by the State of Connecticut , . . . [and therefore] the MT did not meet the 'autonomous entity' requirement of Criterion c. . . . , [T]he autonomy requirement is solely concerned with autonomy from other Indian tribes, not non-Indian systems of government that were imposed on the Mohegan by the state of Connecticut . . . " (Mohegan PF 1989, 26-27). "The General Assembly appointed a special committee to serve as guardians of Mohegan tribal lands beginning in 1719" (Mohegan PF 1989, 5). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Some degree of external control was increasingly exercised by the Colony of Rhode Island during the 17th century. In 1644, the tribes formally accepted the authority of the English crown, and confirmed this again in 1663" (Narragansett PF 1982, 11); "Rhode Island's role after 1675 was essentially that of a trustee. The tribe remained essentially self-governing, but its external affairs were restricted and it became generally subject to the protection as well as the supervision of the colony" (Narragansett PF 1982, 2). "The State of Massachusetts imposed a guardian system over the Gay Head Indians between 1781 and 1814, . . . In 1862 the State imposed greater jurisdictional control over Gay Head . . . " (Gay Head PF 1987, 4).	This very succinct summary of the historical documentation is the result of detailed analysis of the material by the BIA research staff (see draft technical report). This data provides evidence for the undifferentiated historical Nipmuc tribe as a whole, and for the Hassanamisco (Grafton) and Chaubunagungamaug (Dudley/Webster) reservations through the passage of the Enfranchisement Act of 1869. It does not address the status of the descendants of those aboriginal bands who had no reservations. On the basis of a study of the historical records, there is no essential difference in historical status, in regard to "autonomy," under criterion 83.7(c) between the situation in which east coast tribes have lived on colonial and/or state reservations under the supervision of state agents while other tribes have lived on Federal reservations under the supervision of Federal agents. Assignment to a reservation does not negate a tribe's autonomy.	Does not negate the "autonomous entity" requirement of 83.7 (c).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1646-1682	**(83.1)** Eliot 1673; *Massachusetts Archives* 30; Johnson 1995; Place of Small Stones (Nipmuc Pet. #69A); Humes 1952, Reese c1980; Mandell 1996, Gookin 1836, Gookin 1972, Earle Report 1861; Larned 1874.	During this period, missionary John Eliot established Indian "praying towns" in Massachusetts, with Christian leaders whom he chose and appointed. The praying towns in the region of modern Worcester County, Massachusetts, and Windham County, Connecticut, were not begun until 1671 (Humes 1952, 8), but in the next four years totaled seven (Place of Small Stones, 6). Eliot first visited Hassanamico (Hassanamesit) in 1654, and the General Court of Massachusetts Vay Colony established Hassanamisco Plantation on four miles square for the Nipmuc "praying Indians" on May 15, 1654 (Reese c1980, [9]). Eliot didn't petition to have the town laid out until October 21, 1659 (Mass. Archives 30:81). In 1659, James the Printer, of Hassanamessit, who had attended the Indian annex school at Harvard College, was apprenticed to learn printing (Place of Small Stones n.d. 25).	"Leadership exercised through a church, by indigenous ministers, can provide evidence under several categories mentioned in criterion 83.7(c), such as . . . under 83.7(c)(2)(iii) to show that 'group leaders and/or other mechanisms exist or existed which . . . exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior" (MBPI FD 1999, 15; "The 25 CFR Part 83 regulations do not make any requirement that a petitioner have a 'secular government' . . . but rather . . . that the leadership of a petitioner have political influence or authority over the group's members in a bilateral relationship" (MBPI FD 1999, 16).	Eliot indicated that he had written a "history of gathering the church at Hassanemeset" and sent it "unto the honorable corporation in London, to be published" (Eliot 1673, 124), but this document was not submitted by the petitioner or located by BIA researchers. He specified the existence of civil authority within the "praying towns" (Eliot 1673, 128-129). After 1660, Hassanamisco was quickly followed by several other churches in the Nipmuc region; Waeuntug (Uxbridge), Quinshepauge (Mendon), Packachoag (Auburn), Manchaug (Sutton), Quabaug (Brookfield), Chaubunagungamaug (Dudley), and Wabaquasset (Woodstock, Connecticut) (Place of Small Stones n.d., 6). As of 1674, these towns had a population of just under 400 persons (Larned 1874, 6-8). Hassanamessit provided teachers for some of the other settlements, and the leadership enforced the norms accepted by the towns (Gookin, Indians of New England, 80-81). It might be possible to question the status of the multiple towns as a "tribe," but they were, in general, thought of as a group entity by the Massachusetts authorities. James the Printer is referenced numerous times in Hassanamisco records through his death in 1712.	On the basis of precedent, this material is adequate to meet (c) for a tribe during the colonial period..

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1675-1676	**(83.1)** *Massachusetts Archives* 30; Humes 1952; Place of Small Stones (Nipmuc Pet. #69A); Gookin 1972; Metcalf 1880, 65-66; Mandell 1996. For the war itself, consult the standard works (Leach 1958; Bourne 1990; Johnson 1995).	The activities of the Hassanamessit (Hassanamisco) Indians, both in alliance with and in opposition to Massachusetts forces, are referenced on a number of occasions during the course of King Philip's War (Gookin 1972, 443, 450-451, 475-477, 480-481, 489, 502-508; Metcalf 1880, 65-66; Mandell 1996, 26; Leach 1953, 213-214, citing *Mass.Aarchives* 30:207, 216; 5 MHC V, 14, and Gookin 1972, 527-529). For some time after the end of the war, the remaining Hassanamesit Indians were at Natick (Place of Small Stones n.d, 15). As of 1677, Hassanamessit had not been reoccupied (Place of Small Stones n.d, 17), partly because of continuing Mohawk raids (Mandell 1996, 26).	". . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1).	None of the mentions of Hassanamisco during this period provide any clear description of political authority or influence. It cannot be determined whether the group which took refuge at Mendon did so as a consequence of a group decision, or simply because they were refugees. There is no indication whether the presence of James the Printer in Philip's camp was as a representative of the band, or simply as an individual. The sources are silent on the relevant topics.	Does not meet (c).
1679	**(83.1)** Place of Small Stones, n.d.; Humes 1952.	In 1679, a Nipmuc residing in London, named John Wampus or Woampus and describing himself as "Sachem of Hassanamesit," in right of his deceased father, in one case sold, and the second case willed, substantial tracts of land at Hassanamisco. The deed was to Englishmen; the will divided the land he claimed between three Indians and two Englishmen, Pratt and Blake.	". . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1).	Neither the deed nor the will was enforced, and later both were challenged by other Hassanamisco Nipmuc. While the documents provide some marginal information concerning claims to leadership, they do not indicate that Wampus exercised political authority or influence. John Awassamog, one of the legatees, was primarily identified with Natick (Mass. Archives 30, 257-257a, Metcalf 1880, 105).	Does not meet (c).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1681	**(83.1)** Records of the Colony of Massachusetts Bay 5:315, 328-329; Mandell 1996.	On May 11, 1681, the General Court of the Massachusetts Bay Colony authorized William Stoughton and Joseph Dudley to investigate land titles in Nipmuc country (Records of the Colony of Massachusetts Bay 5:315). The investigation continued into the autumn, with the commissioners filing a report to the General Court on October 17. They reported that the "middle part" of the future Worcester County, Massacvsetts, above Sherborne and Marlborough, was claimed by the "Hassanamesit men now resident at Natick, but interrupted by the claim of the executors of John Wampas" (Records of the Colony of Massachusetts Bay 5:328-329).	"... making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1).	This material does indicate that the Hassanamisco Indians, still at Natick after the disruptions of King Philip's War, did still remain an identifiable body of people. They were not, however, identified by name, nor does this document indicate that there were leaders exercising political authority or influence.	Does not meet (c).
1682-1891	**(c)** See the charts for petition #69B.	A wide body of evidence pertaining to these two centuries.	No rule or precedent: provided for informational purposes.	For data pertaining specifically to the Chaubunagungamaug Band and Dudley/Webster reservation, see the charts prepared for petition #69B. The data for Chaubunagungamaug, or Dudley/Webster, under 83.7(c) pertains primarily to that group solely, and does not provide any indication that political influence or authority continued to exist within a broader Nipmuc entity from the late 17th through the late 19th centuries.	Neither meets nor negates (c) for petitioner #69A.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1683-1684, 1702-1704.	**(83.1)** *Massachusetts Archives* 30, 276a; *Massachusetts Archives* 113, 233, 319-322; Mandell 1996; Humes 1952, 37; Reese c. 1980, [32]; Place of Small Stones n.d., 25.	The John Wampus deed and will, and their aftermath, directly pertained to the documents concerning Hassanamisco during the 1680's, as several Indians from Natick complained to the General Court that a group of colonists were claiming the lands of Hassananemesit in right of the Wampus documents. In 1684, the General Court indicated that it did not know of any land to which John Wampus (Wampas) had a true and legal right (Mandell 1996, 45). The claims under the Wampas deed were revived in 1702 by Eams and Smith of Boston, and by John Naynes and several others (Mass. Archives 113:233; Mass. Archives 113; 319-322). On May 15, 1704, the Governor and General Assembly finally ratified the deed to land purchased of John Wampus in 1679 (Humes 1952, 37), which included the future towns of Sutton (later Millbury), Upton, and Northbridge in Worcester County. The 1704 ratification reserved the Hassanamisco tract itself for the Indians, in accord with the 1686 agreement (see below).	". . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1).	The protests were initiated by Peter Ephraim, John Awassamog, and others from Natick. The documents do not indicate the direct participation of any Hassanamisco leadership as such. Other evidence indicates that on May 27, 1685, James the Printer was still at Natick (Place of Small Stones n.d. 24-25, citing Mass. Archives 30;287; Mass Archives 30, 300). The second of the petitions submitted in 1702 by Jonathan Price, Thomas How, and others, specifically concerned "a tract of land 4, miles square commonly called Hassanemiscock, about 8 miles distant from Mendon, now in the possession of about 8 families of Indians . . . ." The petition was for erection of a township, but one paragraph concerned purchase or reserve of Indian lands (Mass. Archives 113, 319-322).	Does not meet (c).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1686	(83.1) Humes 1952, 36.	On August 25, 1686, several parties entered into a partition agreement to settle conflicting territorial claims on land conveyed by John Wampas to Pratt by deed, land that he had willed to his Indian kinsmen, and land that he willed to Pratt and Blake. It was signed by nine white men and ten Indians. The Indian plantation at Hassanamisco was to be four miles square located exactly in the center of the tract which was eight miles square. In addition to Hassanamisco, the Indians were to have one thousand acres extending from the westernmost corner of Quinsigamond Pond, with permanent fishing rights in the pond, and all lands between the eight mile tract and Natick (Humes 1952, 36). See also other data, above, concerning claims under the Wampas deeds and will.	". . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1).	The data in the record does not provide the names of the Indians signing or indicate whether they were acting on behalf of Hassanamisco as such, or as individual heirs. It does provide data indicating that Hassanamisco was still regarded as a locality to which the families who resided there before King Philip's War had legal rights, which were confirmed by the agreement.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1690-1693	(c) Mandell 1996; Melvoin 1989; Leach 1988; *Mass. Archives* 30; Reese c1980.	In 1690, the Massachusetts General Court ordered that all Indians in the Bay Colony go to either Natick or Punkapoag. In 1693, in connection with the military activity associated with King William's War, "the legislature of Massachusetts Bay enacted the first law governing Native People as persons different from all others. It granted the Governor and his council the authority to appoint special commissioners (overseers) to rule over Native People" (Reese c1980, [30]. Reese also stated that in 1694, the General Court of the Province of Massachusetts Bay enacted legislation "for the better rule and government of the Indians in their several places and plantations" (Reese c1980, [30]). "One year later the legislature reconfirmed the restrictions for Hassanamisset and imposed the same on Chabanakongkomun" (Mandell 1996, 39-40; citing *Mass. Archives* 30:358-59, 368, Mandell 1996, 212n59).	Neither rule nor precedent; included for informational purposes. "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).	The use of the word "go" in the 1690 order may imply that Hassanamisco had been resettled by this date. The 1695 order which mentioned Hassanamisco implies that a settlement was there, and had not gone back to Natick. Doughton indicated that the resettlement of Hassanamisco did not take place until 1698 (Place of Small Stones n.d., 25), but the actual document does not indicate that 1698 was the date of resettlement, but only the date of the report (Grindal and Rawson 1809, 134). The appointment of special commissioners, or overseers, does not in itself provide evidence concerning 83.7(c), though indicating that an entity existed with which the government of the colony stood in relations.	Neither meets nor negates (c).
1698	(c) Rawson and Danforth 1809; O'Callaghan 1854, 684n1, 755; Metcalf 1880, 170-172.	In 1698, Grindal Rawson and Samuel Danforth's visitation of Indian congregations in Massachusetts reported: "At Hassanamisco are 5 families, unto whom James Printer stands related as teacher" (Rawson and Danforth 1809, 134). The visitation did not mention any of the other former Nipmuc praying towns of Worcester County, Massachusetts, or Windham County, Connecticut (Rawson and Danforth 1809, 129-134), although other evidence indicates that they were in existence.	". . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1).	The position of James the Printer as teacher indicates that he may have been excercising some leadership functions at Hassanamisco as of 1698. The data does not show any connection between Hassanamisco and the other Nipmuc in Worcester County, Massachusetts, or Windham County, Connecticut, nor indicate that there was any common leadership for or coordination among the settlements.	Not sufficient in itself to meet (c), but may be used in connection with other evidence to show the existence of named leaders, and of political influence or authority.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1702	(c) *Province Laws* 1701-1702, Chapter 11.	The Act read in part: "to the intent the native Indians might not be injured or defeated of their just rights and possessions, or be imposed on and abused in selling and disposing of their lands, and thereby deprive themselves of such places as were suitable for their settlement and improvement, did, by an act and law [of June 4, 1685] . . . inhibit and forbid all persons purchasing any lands of the Indians without the licence and approbation of the general court, . . . [be it enacted] That all deeds . . . , titles and conveyances whatsoever, of any lands, tenements of hereditaments within the province, as well for term of years as forever, . . . obtained from any Indian or Indians by any person or persons whatsoever, at any time or times since [1633], without license or approvation of the respective general courts . . . or shall hereafter be . . . procured from any Indian or Indians, by any person or persons whomsoever, without the license, approvation and allowance of the great and general court or assembly of this province for the same, shall be deemed and adjudged in the law to be null, void and of none effect . . . (Province Laws 1701-1702, Chapter 11).	No rule or precedent; included for informational purposes.	Disposition of Indian lands in Massachusetts was controlled by the legislature and the General Court. On June 26, 1702, published June 28, the legislature passed "An Act to Prevent and Make Void Clandestine and Illegal Purchases of Lands from Indians" (Province Laws 1701-02, Chapter 11). This was a general statute, with no specific mention of Hassanamisco. It did, however, establish the parameters under which valid sales of Indian lands had to occur.	Neither meets nor negates (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1702-1783	**(83.1)** Conkey, Boissevin and Goddard 1978; Mandell 1996; Grumet 1996, Calloway 1997.	Very little secondary scholarship is available to illuminate Nipmuc development in the 18th century. In 1978, the Smithsonian Handbook's treatment provided one paragraph each for Natick, Dudley, and Hassanamisco between King Philip's War and the mid-19th century (Conkey, Boissevain, and Goddard 1978, 180). Daniel R. Mandell's *Behind the Frontier: Indians in Eighteenth-Century Eastern Massachusetts* (Mandell 1996) does focus primarily upon the coast and Natick, treating central Worcester county only incidentally and largely ignoring those Nipmuc who lived south of what is now the Massachusetts-Connecticut border. This is also true of Mandell's chapter (Grumet 1996). The recent collection edited by Colin G. Calloway (Calloway 1997) contains little Nipmuc data, with none for this specific period. The limited nature of synthetic secondary scholarship for the period following King Philip's War requires determination of the developments almost entirely from archival documents, which can be somewhat supplemented by local histories of the Worcester County towns in which Nipmucs resided.	No rule or precedent; included for informational purposes.	There was documentable continuity between the pre-King Philip's War and post-King Philip's War populations of the Nipmuc settlements in Worcester County, Massachusetts, and Windham County, Connecticut, although the overall Indian population was much smaller. Some Nipmuc had returned to Chaubunagungamaug by 1681 and some individual Indian families re-settled their private landholdings in Worcester county. Throughout the 18th century, the Connecticut Nipmuc continued to intermarry with the Worcester County settlements. This process is documented not only by the records of Natick and the reservations, but also evidenced by vital records kept by the towns and churches of the region and the land records of Suffolk, Middlesex, and Worcester Counties, Massachusetts, and Windham County, Connecticut. As individuals, these re-settlers were not all necessarily "praying Indians," as evidenced by the baptisms of Nipmuc Indian adults in the church records of the 18th century. However, all the families seem to have been close associates of the prominent "praying Indian" leaders of Eliot's day.	Neither meets nor negates (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1704-1706	(c) Mass. Archives, 30; Mass. Archives 31; Melvoin 1989; Mandell 1996.	In connection with the military activities of Queen Anne's War, on April 21, 1704, the General Court issued an order that the Indians were not to more than a mile outside the bounds of their respective plantations (Mass Archives 30, 493b; Melvoin 1989, 229). On July 12, 1706, the General Court ordered that the treasury advance subsistence for the "friendly Indians of Natick, Puncapog, and Hassanamisco who are confined to their plantations by order of the governor" (Mass. Archives 31, 11).	No rule or precendent; included for informational purposes.	The actions of the General Court show the existence of an entity at Hassanamisco, but do not provide any data concerning the exercise of political authority or influence within that entity.	Neither meets nor negates (c).
1709	(c) Place of Small Stones n.d.; Mandell 1996.	In 1709, James the Printer, of Hassanamesit, published an Indian language psalter and the Gospel according to John (Place of Small Stones 25; no source citation; see also Mandell 1996, 57; citing Kellaway, New England Company, 240-41, 244; Mandell 1996 215n39). "Printer died in 1712, leaving Hassanamisset without any obvious religious leader" (Mandell 1996, 36; citing Adam Winthrop, Boston, to Joseph Williams, London, 10 Nov. 1712, SPG ms. 7955, letter 19a; Mandell 1996, 212n45).	". . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1).	Printer's publishing activity does not in itself provide any data concerning any leadership that he may have exercised at Hassanamisco.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1712-1713	(c) Mandell 1996.	In July of 1712, the New England Company's commissioners decided that the "miserable Condition of the Indians at Natick" could best be solved "by Suitable Encouragement to endeavour to bring the Indians from Punkapog, and Hassanamisco, and such other near adjacent places as may have Scattering Indians in them; unto a Cohabitation at Natick" (Mandell 1996, 57; citing Commissioners' Minutes 3 July 1712, SPG, ms. 7953; Mandell 1996, 215n43). In February 1713, the SPG commissioners again discused a plan to combine the three Indian towns, but nothing resulted (Mandell 1996, 58).	No rule or precedent; included for informational purposes.	The actions of the Society for the Promotion of the Gospel show the existence of an entity at Hassanamisco, but do not provide any data concerning the exercise of political authority or influence within that entity.	Neither meets nor negates (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1715-1722	(c) Earle Papers; *Journals of the House of Representatives of Massachusetts 1715-1717*, 1919; *Journals of the House of Representatives of Massachusetts 1718-1720*, 1921; Kawashima 1986; *Acts & Resolves* 9, 665; *Acts & Resolves* 12, 58-59; *Journals of the House of Representatives of Massachusetts 1718-1720*, 1921, 140, 142, 361; *Journals of the House of Representatives of Massachusetts 1721-1722*, 18, 140; *Journals of the House of Representatives of Massachusetts 1722-1723*, 1923, 58; *Acts & Resolves* 10, Chapter 231; Chapter 288; Mandell 1996; Place of Small Stones, n.d., 26.	In the area near Hassanamisco, on June 1, 1715, the children and heirs of John Haynes late of Sudbury, deceased, presented a petition to the General Court seeking confirmation of a "certain Tract of Land, formerly bought by the said Deceased, of Joseph Robins and Benjamin Anthony, Indians." The General Court concluded that the plat was fallaciously drawn and contained several hundred acres more than the 1686 designed to be confirmed by this court (*Journals of the House of Representatives of Massachusetts 1715-1717*, 1:14, 60). During the next five years, the House of Representatives of Massachusetts dealt with a sequence of land transactions, and proposed land transactions, by the Hassanamisco Indians. Several of these land transactions, such as the mentions of construction of a bridge over the Blackstone River and the erection of a grist mill, reflected the increasing movement of English settlers into the region. While many of these settlers were clearly anxious to take possession of the Hassanamisco reserved lands, the House of Representatives of Massachusetts was not, as late as June of 1722, allowing it to occur.	". . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1).	Most of these transactions did not provide data concerning the exercise of political authority or influence. The only one that gave indication of it was the June 13, 1719, report on running the boundary between the Town of Sutton and the Indian plantation of Hassanamisco. A petition was presented by George Misco, Moses Printer, and Ami Printer, Jr. asking that the report not be accepted "inasmuch as it Intrenches upon the Indian plantation of Hassanamisco and takes away part of their improvement." There was a negative vote on the report (Journals of the House of Representatives of Massachusetts 1718-1720, 1821, 142; see also Kawashima 1986, 66, 264n86; Acts 7 Resolves 9, 665; Acts & Resol).ves 12, 58-59). The men who presented the petition were representing a group in dealing with an outsider. On June 29, 1722, the House of Representatives "read and dismissed" a petition from Benjamin Willard and other English settlers requesting a license to "hire the Indian Plantation at Hasanamisco for 999 years" (*Journals of the House of Representatives of Massachusetts 1722-1723*, 1923, 58).	Meets (c) for Hassanamisco, but not for a wider Nipmuc entity claimed as antecedent by petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1722-1743	(c) *Journals of the House of Representatives of Massachusetts 1722-1723*, 1923, 134; Mandell 1996; Earle Papers 2:2; *Acts & Resolves 1734-1735*, Ch. 47; O'Brien 1990, 262-263.	On December 5, 1722, a petition from John Pittepu and others, Natick Indians, requested that they might have a share of the money to be paid to the Indians at Hassanamisco. This was followed by other claims by Natick Indians in 1729, 1733, and 1743 in regard to inheritance of land at Natick. In 1733, John Pitimee and seven other Natick Indians petitioned for a share in the proceeds of a sale of land in Hassanamisco to Thomas Drury for erection of a mill there; the House of Representatives ordered a committee to examine the claims, which reported: "We Could Not Learn by all they had to say to us that ever they had any Right there. The Weightiest argument, which they Used with use was that when Land was Sold at Natick Hassanamisco Indians had Part of the Money, Therefore they ought to have Part of the Money that Hassanamisco Land is or may be Sold for" (O'Brien 1990, 262-263).	No rule or precedent; included for informational purposes.	Under a discussion pertaining to the date of May 12, 1729, Mandell commented that, "Some Natick Indians later rented land belonging to Hassanamiscos, or claimed an inheritance in the community's land and monies" (Mandell 1996, 83; citing Earle Papers 2:2; *Acts & Resolves 1734-35*, Ch. 47, 21 June 1734; Mandell 1996, 219n11). This statement to some extent misinterprets the situation: the lands at Hassanamisco were by this time no longer those of a "community," but rather the private holdings of the individual proprietary families. They were subject to the same laws of inheritance as other real property in the colony, so that if a direct or collateral heir lived at Natick, this in no way diminished the legal claim under the probate. The funds, on the other hand, resulting from the sale of the common property, seem to have been used only for Hassanamisco residents (see the various overseers' transactions as recorded in the Earle Papers).	Neither meets nor negates (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1722-1725	(c) *Massachusetts Archives* 31; Leach 1988; Place of Small Stones n.d.; *Acts & Resolves* 10.	In June 1722, Massachusetts experienced a recurrence of serious trouble with the French government of Canada and its Indian allies. On July 5, 1722, Governor Samuel Shute's declaration against the hostile Eastern Indians ordered the friendly Indians to confirm themselves to their plantations (*Mass. Archives* 31:106-108). The conflict, known as Dummer's War, peaked in 1724 and continued until 1725 (Leach 1988, 140). In 1725, the following men were serving in the company of Capt. Samuel Willard during the wars with the French and Indians: Ami Printer, Peter Lawrence, Joseph Comecho, Joshua Misco, Israel Romneymarsh, Joseph Romneymarsh (Place of Small Stones 27). Later references in the Earle Papers confirm the service of Printer, Misco, and Lawrence; see also: 1725/26 Jan. 17, Ami Printer jr. of Hassanamesit petitions the General Court claiming a discrepancy in military pay owed his deceased father, Ami Printer (*Acts & Resolves X: 1720-1726*, 1725/26, Chapter 475). The other men were from Natick.	Neither rule nor precedent; included for informational purposes.	It is not clear whether the renewal of French/Indian conflict had a direct impact on the changed handling of Hassanamisco by the Massachusetts House of Representatives, since some of the matters they granted later in 1722, such as permission for the bridge and grist mill, had been initiated earlier. A recent scholar has commented that, "The Hassanamiscos seemed to welcome the new opportunities offered by a gristmill and better roads to connect them and their produce with eastern and southern markets" (Mandell 1996, 88). Additionally, although Massachusetts was experiencing external Indian attacks during this conflict, several of the Hassanamisco Indians were serving in the colony's army. Nonetheless, pressure by English settlers to obtain the Indian lands at Hassanamisco, whether coincidental or not, did peak during 1724 and 1725.	Neither meets nor negates (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1725-1730	**(83.1)** *Journals of the House of Representatives of Massachusetts 1724-1726*, 1925, 94, 126, 246; another petition for liberty to purchase lands from the Indian proprietors at Hassanamiscoe was filed in May 1725 (*Mass. Archives* 113:673-676), and a third, by Samuel Chandler and others, on June 3, 1726 (*Mass. Archives* 113:679-680). The act permitting white settlers to purchase 7,500 of the 8,000 acres of the reserved Hassanamisco lands was passed January 15, 1727 (*Mass. Archives* 113:746-748). Most of the legal technicalities were completed within the year 1727 (Earle Papers; Mass. Archives 113, 736-738; Suffolk County Registry of Deeds, Lib. 42, Folio 206; Pierce, History of Grafton, 1879.	On June 5, 1725, a group of residents from Marlborough, Sudbury, Stow, and Concord presented to the Massachuetts House of Representatives a petition to purchase the Indian lands at Hassanamisco that had been granted by the General Court in 1654. This was accompanied by a petition of the Indian proprietors requesting that they be allowed to sell (*Journals of the House of Representatives of Massachusetts 1724-1726* 1925, 29-30). On June 6, the House of Representatives did not concur in the petition, but "ordered, that William Tailer, John Otis, and Samuel Thaxter or any two of them with such as the Honourable House of Representatives shall join, be a Committee to repair to Hassanamisco, and discourse with the Indians there, and inform themselves, whether (as is represented) they are really desirous to dispose of their Lands, and if so, they carefully view the Land, and report to this Court at their next Session, the Quality and Circumstances thereof, and who are the just Proprietors, in order to its being Sold (if this Court shall judge it fit) to such as will give most for it (*Journals of the House of Representatives of Massachusetts 1724-1726* 1925, 33).	". . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1).	The process of allotting shares to the Indian proprietary families continued through 1730. Seven families received shares on April 29, 1728, namely: Ammi Printer, Ami Printer jr, heirs of Moses Printer, Andrew Abraham , res Abimeleck David & his wife sister of said And rew; Christian Misco female), Joshua Misco , Peter Muckamug & wife (Earle Papers). At a general court July 1730. April 29 [1729?]: To Christian Misco, Peter & Sarah Muckamug, Ami Printer, Andrew Abraham & Joshua Misco, Benjamin Speen who married a daughter of Moses Printer, Peter Lawrence's Squa, daughter of said Printer, Peter Muckamug for keeping a child of said Printer (Earle Papers). Subsequent records created by the Grafton guardians pertained to these proprietary families and their legal heirs. Throughout the course of the records, the words "trustees" and "guardians" were used inter-changeably, with no discernable pattern, in relationship to Hassanamisco. Technically, the men appointed were trustees for the funds and guardians for the Indians, but this distinction was never made clearly or consistently--particularly since the trustees/guardians were always the same persons. The records record things that were done to the Hassanamisco, but do not mention things that they themselves did. The data is useful as background information for understanding conditions on the reservation.	Does not meet (c).

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1727-1742	(c) Earle Papers; Acts 7 Resolves 13, 1741/42, Chapter 176; Mass Archives 31, 292, 294, 301, 304-307b; 370, 405-407; General Court Records 12, 228; Mandell 1996.	On December 8, 1727, trustees were appointed to take charge of the funds deriving from the Hassanamisco land sale and approve the deed. The three trustees appointed, were to "see that the Pentrs comply with the condition, and to let out consideration money on interest, to be by them paid to Indian proprs. as the Court should order and present an account only to the General Court in their May session" (Earle Papers). They presented a report on February 19, 1727/28 (*Mass. Archives* 113:749). Although the records of the colonial government contain no annual reports between 1730 and 1739, the records of the guardians themselves, as preserved in the Earle Papers indicate that such reports were rendered. Reports resumed in 1740. A modern write commented concerning the transactions between 1727 and 1730 that, "Nipmuc Nation leaders sold 7,500 acres of their 8,000 acres on the Hassanamisco Plantation (Grafton) to Massachusetts Bay officials. Funds were invested by bank officials but due to poor investments and a bank officer "borrowing" some of it, the funds were lost. However, the land was not returned!" (Reese c1980, [34]).	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)). "The appointment of overseers for the Eastern Pequot reservation by the colony of Connecticut in itself provides data about the continuous existence of the tribal entity, but no specific information about internal political leadership or influence" (Eastern Pequot PF 2000, 104).	The process of reducing the funds through poor investments and malfeasance occurred gradually throughout the remainder of the 18th century, by which time the land titles in Grafton would have become so complex that a "return" of the lands would have been impossible, even if the sales had not given the purchasers title in fee simple. The issue that ensued was between the Hassanamisco families and the state as trustee of the funds deriving from the sale--not between the Hassanamisco families and the 1727 purchasers of the land (see Mandell 1996, 146). The individual deeds and wills provide no data concerning 83.7(c) and are discussed under 83.7(b). The trustees' recorded things that were done to the Hassanamisco, but do not mention things that the Indians themselves did. The data is useful as background information for understanding conditions on the reservation.	Does not meet (c).

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1732-1741	(83.1) (Kawashima 1986, 83; Kawashima 1986, 268n42, citing: Franklin P. Rice, ed., *Records of the Court of General Sessions of the Peace for the County of Worcester, Massachusetts, from 1731 to 1737*, Worcester, MA: Worcester Society of Antiquity *Collections* 5 (1882):25,28). Mandell 1996, 84; citing *Town Records of Dudley, Massachusetts, 1732-1754* (Pawtucket: The Adam Sutcliffe Co., 1893), 18; Mandell 1996, 219n16); *Mass. Archives* 114, 486-486a.	For some time, at least, the Hassanamisco participated in the legal affairs of Worcester County. In 1732, "Upon complaint of a Hassanamisco Indian widow, the Worcester Sessions Court in 1732 tried a Sutton man for selling strong drink to the Indians and duly fined him, accepting fully the testimony of the Indian widow" (Kawashima 1986, 83). In 1733, one of the adult Printer men was referred to as "the Rev. Mr. Printer of Hassanamisco" and invited to be present at the ordination of the new pastor of the joint Indian/white church at Chaugunagungamaug/Dudley (Mandell 1986, 84). Toward the end of the 1730's, a dispute apparently arose concerning the obligations of the non-Indian landowners of Grafton under the original purchase agreement. The first indication was the May 30, 1739, petition of Samuel Chandler and others that Indian rights at Hassanamisco be upheld (*Mass. Archives* 113:736-738). This oddly antedated the petition that it apparently opposed, submitted December 26, 1739, requestting the transfer of the obligations to the Indians from the proprietors to the town (*Mass. Archives* 114:460-462).	". . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1).	The death of Ami Printer (the "Rev. Mr. Printer" mentioned in 1733) in July 1741 (*Mass. Archives* 17:869) deprived the Hassanamisco group of an important leader. His will, written on April 4, 1741, left careful legacies to his family. While his wishes were carried out by his non-Indian executors, his children were still young and came under guardianship (for more detailed discussion, see the draft technical report for petitioner #69A, BAR). These materials provide background data pertaining to the continuing existence of an Indian entity at Hassanamisco, but no specific information pertaining to political authority or influence within that entity.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1743	(c) 1743/44 February 8, Peter Larmce [Lawrence] signed a petition concerning the appointment of the trustees of Indian Affairs; also Christian Mischo; also Deborah Mischo, Sarah Robins alias Sarah English; Moses Printer; Sarah Printer, widow *(Mass. Archives* 31:476). petition *ads.* the existing guardians; requesting new guardians: Andrew Abram/Abraham, Peter Larmce, Moses Printer, Sarah Printer, Debora Mischo, Christian Mischo, Sara Robbins [with individualized marks] (*Mass. Archives* 31:476-477). Also (*Acts & Resolves XIII: 1743/1744*: chapter 227).	On February 8, 1743/44, the Indians at Grafton petitioned for different guardians. They complained that they had "been kept out of our Interest Money almost Two years last past by which means we have been great Soufferours" (Mandell 1996, 146). The petition also requested that the General Court appoint different trustees, preferably living closer to the settlement, so that the proprietary families could collect their annual interest payments without "such great expence of Time and Travel" (Mandell 1996, 148). The General Court did appoint a new set of trustees (Earle Papers). March 16, 1744, the General Court issued an order that the Hassanamisco trustees turn over books, records, bonds, or monies held for the Indians to be provided to new trustees (*Acts & Resolves XIII: 1743/1744*: Chapter 282). In January 1741, the General Court appointed a committee to examine Indian affairs and accounts of guardians and to report at the next session (*Mass. Archives* 31:368-369). The records do not indicate an immediate follow-up to this initiative. Mandell concluded that the problems in 1743/1744 lay not with fraud on the part of the guardians, but rather with the provincial financial conditions (Mandell 1996, 146).	". . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1).	The presentation of the petition does indicate sufficient internal authority or influence to arrange for its composition and presentation, and that the leadership represented the group in dealing with outsiders in matters of consequence.	Meets (c) for Hassanamisco, but not for the wider Nipmuc antecedents claimed by petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1746-1763	(c) Reese c1980; Mandell 1996; *Massachusetts Archives* 31, 564-564a; 31, 567; 33, 64-66; Acts & Resolves 14, 39; Mass Archives 32, 453-454; Mass Archives 33, 64-66; Earle Papers.	In 1746, an act of the Massachusetts Bay legislature called "Better Regulating the Indians" provided for the appointment of three people for each plantation to act as guardian. "The guardian had the power of a justice of the peace and could lease out land on the plantation not in use by Native People" (Reese c1980, [36]). According to Mandell, the act authorized, "the appointment of three guardians for each native enclave in the colony. These guardians were given the power not only to act as justices and to manage the community's account, but also to take land that the Indians were not using and lease it to white farmers or cattlemen. Guardians were to submit annual reports to the court--few of which are extant, if they were ever submitted. Three men were elected by a joint meeting of the Governor's council and assembly for eight Indian communities (or cluster of small enclaves): . . . Grafton and Dudley; . . . As a result, Dudley, Mashpee, and other Indian enclaves in the commonwealth suddenly found their land and fortunes controlled by outsiders (Mandell 1996, 144).	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)). "The appointment of overseers for the Eastern Pequot reservation by the colony of Connecticut in itself provides data about the continuous existence of the tribal entity, but no specific information about internal political leadership or influence" (Eastern Pequot PF 2000, 104).	Under the 1746 bill, Grafton (Hassanamisco) and Dudley (Chaubunagunamaug) were paired. In subsequent years, however, the two groups came to have different guardians, although there is no record of a formal separation by legislative act. Further measures concerning the sale of Indian lands were passed in the spring of 1748. The 1746 measure was elaborated on June 12 and 13, 1758, by a bill providing that there be three guardians near every Indian plantation to allot lands to the Indians and guard against trespass; also, to regulate incomes and expenditures in behalf of the tribes; and that no sale or lease of Indian property was to be made except by consent of the guardians (*Mass. Archives* 33:64-66). The acts in themselves provide no evidence concerning 83.7(c). The resulting Hassanamisco guardians' records for this period focus almost entirely on individuals, families, and petitions for the sale of lands by individuals and families. While providing some background information concerning tribal continuity, they also have no data concerning political influence or authority under 83.7(c).	Neither meets nor negates (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1763-1785	(c) Earle Papers; *Massachusetts Archives* 33, 333, 415, 425, 457, 475, 505, 525-526, 535, 552, 597-599; *Journals of the House of Representatives of Massachusetts 1770-1771*, 1978, 74, 88, 193, 202, 229; *Journals of the House of Representatives of Massachusetts 1772-1773*, 1980, 171, 202; *Journals of the House of Representatives of Massachusetts 1773-1774*, 54; Mandell 1996.	The format of the trustees' reports and accounts for this period changed little from those of the preceding years: the basic nature of the information consistently pertained to payments to individuals and family groups. The records indicated only two episodes of more general import. On July 17, 1764, Indian Land boundaries were renewed, of a 120 acre farm (Earle Papers). In April 1771, Ephraim Sherman, of Grafton, submitted a petition to the General Court which stated that the Indian population was greatly reduced, and there was only one male Indian left at Hassanamisco (*Mass. Archives* 33:535; Mandell 1996, 168). Sherman therefore requested that the Town might "take back part of the room in the meeting-house set aside for the Indians in 1740, as the Indians are steadily diminishing in number," which was authorized with limitations by the House of Representatives (*Mass. Archives* 33:525-526; *Journals of the House of Representatives of Massachusetts 1770-1771* 1978, 193, 229). The Massachusetts Archives contain data on payments made in May 1772 (*Mass. Archives* 33:552). By 1776, however, the payments were seriously in arrears (A Place of Small Stones 46-47	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)). "The appointment of overseers for the Eastern Pequot reservation by the colony of Connecticut in itself provides data about the continuous existence of the tribal entity, but no specific information about internal political leadership or influence" (Eastern Pequot PF 2000, 104).	The Hassanamisco trustees' accounts from 1763-1772 did not contain evidence concerning political authority or influence. Those for the decade 1776-1785 were essentially nonexistent.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1775-1776	**(83.1)** *Journals of the House of Representatives of Massachusetts 1775-1776* 1972, 15, 161, 214-215; *Journals of the House of Representatives of Massachusetts 1776*, 1984, 9, 155; Place of Small Stones n.d., 46; Nipmuc #69 Pet. Narr. 1984, 67; Earle Papers	The cessation of interest payments to the families holding shares in the Hassanamisco funds after 1772 led to the filing, on December 5, 1775, of "A Petition from the Indians in Grafton, praying for Relief" (*Journals of the House of Representatives of Massachusetts 1775-1776* 1972, 15): " Elizabeth Sampson & other Grafton Indians complain to the General Court that they are owned their interest payments and request a new guardian be appointed to safeguard their interests; new guardians appointed an ordered by the General Court "to make inquiry, as soon as may be, conveniently, whether the five pounds and interest, as mentioned by the petitioner (Elizabeth Sampson) be really due from the former trustees, and if so, that they improve proper methods, as the law directs, for the recovery of debts, to procure said money for the use and benefit of the petitioner" (A Place of Small Stones n.d., 46). A 1776 follow-up petition for replacement of the trustees contained new details, such as that one of the guardians was serving in the army (Nipmuc Pet. Narr., 67; *Journals of the House of Representatives of Massachusetts 1775-1776* 1983, 161). The petition resulted in the appointment of new guardians (*Journals of the House of Representatives of Massachusetts 1775-1776* 1983, 210, 214-215).	". . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).	The presentation of the petitions indicates sufficient internal authority or influence to arrange for its composition and presentation, and that the leadership represented the group in dealing with outsiders in matters of consequence.	Meets (c) for Hassanamisco, but not for the wider antecedents of petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1785-1790	**(83.1)** Earle Papers.	On June 10, 1785, the Hassanamisco Indians resumed their complaints against the guardians, in the "Petition of the Indians of Hassanamisco, alias Grafton, to the General Court of the Commonwealth of Massachusetts now sitting in Boston." They asserted: "That whereas our honourable Court has appointed Trustees over us in order to pay us our interest money that is due to us by the sale of our lands in Hassanamisco alias Grafton--which interest we your petitioners were to receive annually for ever--which we did receive up until within this seven years last past, & now this six or seven years, last past have not received one quarter part of our interest due to us. . . . pray the honourable Court . . . point a way whereby we may receive our interest that is kept from us" (Earle Papers). The petition was signed by: Joseph Aaron, Sarah Burnee her X mark, Forten Burnee his X mark, Elletheer Samson her X mark, Ceasar Gimbee his X mark, Submit Worcemugg her X mark.. Two of these signers were a former spouse (Fortune Burnee) and a spouse (Ceasar Gimbee) of women with hereditary interests in the funds.	". . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).	The House of Representatives passed a resolution on October 29, 1785. The Senate concurred November 5, 1785 (Earle Papers). On February 29, 1788: "The Committee of both houses appointed to go to Grafton to settle the matter between the Grafton Indians & their Trustees, have attended that service & notified all parties & after a full hearing of the matter have settled the accounts between them, & are unanimously of the opinion, that the said Trustees have done well in all respects by the said Indians as the nature of the matter would admit of - all which is submitted" (Earle Papers, copy 22 October 1859). The presentation of the petition indicates sufficient internal authority or influence to arrange for its composition and presentation. The presentation of the petition and the response of the House of Representatives in appointing a committee to deal with the "Grafton Indians" indicated that they had a leadership capable of representing the group in dealings with outsiders.	Meets (c) for Hassanamisco, but not for the wider antecedents of petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1790-1849	(c) Earle Papers; Earle Report 1861; Massachusetts State Archives; Nipmuc #69 Pet. Narr. 1984, 73; *Resolves of the General Court of the Commonwealth of Massachusetts 1838*, 671-672.	In April of 1794, the Hassanamisco trustees obtained an execution for "almost four hundred dollars" owing to the fund by one of the trustees. This matter was not settled until 1803, at which point the fund amounted to $1,043.85 1/2. Prior to this repayment, the fund had produced only $58.06 in 1796 and $51.41 as interest in 1797 (Earle Report 1861, 93). The much larger amount owed to the fund by another former trustee, Stephen Maynard, was classified as "desperate," *i.e.* written off, after he died (Earle Report 1861, 93-94). The 1984 Nipmuc Petition narrative indicated that no trustees' reports were extant from 1813 through 1828 or 1832 through 1841 (Nipmuc Pet. Narr. 1984, 69-70; probably based on Earle Report 1861, 94), but these have subsequently been located and submitted by petitioner #69A. On February 29, 1828, by a resolve of the legislature, the governor and council were authorized to appropriate money "from time to time, as necessity may require" for use by all future Trustees of the Hassanamisco or Grafton Indians (MA State Archives). On April 9, 1839, a resolve of the legislature provided that the sum of $50.00 per year should be placed in the custody of the Judge of Probate, Worcester County, to be used at his discretion to administer to the needs of the Grafton Indians. This provision was to continue for ten years (Nipmuc Pet. Narr. 1984, 72-73), and was renewed in 1849 (Nipmuc Pet. Narr. 1984, 73).	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)). "The appointment of overseers for the Eastern Pequot reservation by the colony of Connecticut in itself provides data about the continuous existence of the tribal entity, but no specific information about internal political leadership or influence" (Eastern Pequot PF 2000, 104).	When the account records of the Hassanamisco trustees resumed in 1790, they continued to be, in essence, lists of names and amounts paid out. The information included a significant number of petitions for permission to sell land (Earle Papers). The records did specify in right of whom the payee had an interest in the funds in many cases. After the 1839 resolve by the state legislature appropriating money to the Worcester County Probate Court for the use of the Grafton Indians, the reports became fuller again. While providing background data concerning the continuing existence of the entity, he trustees' records from 1790-1849 did not provide any evidence concerning political influence or authority within the Hassanamisco group as required by criterion 83.7(c).	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1837	(c) Earle Papers.	On April 3, 1837, the Commonwealth of Massachusetts, House of Representatives produced a "Report of Special Committee of Legislature" on a petition of John Hector and others "describing themselves as descendants of the Hassanamisco Tribe of Indians" (Earle Papers). The report stated that the committee had not been: "furnished with any satisfactory evidence that the petitioners are the lineal heirs of those whose lands were granted to the English " and stated that it was " unwilling to propose an appropriation of money without being assured by proper testimony that it will not be bestowed on a race with scarcly [*sic*] a drop of red blood to be squandered uselessly, or substantially given for the relief of some municipal corporation from the charge of its pauper dependants," recommending that the petition be referred to next General Court. Signed by William Lincoln (Earle Papers).	". . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).	The Earle Papers contained only the report, but no copy of the original petition with signatures. The petitioner did not submit a copy of the petition, nor was one located by the BIA historian. Without a complete listing of the signatures, it was impossible for BIA researcher to analyze the validity of the report's comment on lack of evidence of lineal descent from the Hassanamisco proprietary families. However, John Hector, apparently the first signer, was without doubt a lineal descendant (see Nipmuc GTKY File, BAR). Therefore, if a copy of this petition could be located, its contents might meet 83.7(c) for Hassanamisco for the 1837 date, in that it might show that there was a leadership representing the group in dealing with outsiders in matters of consequence.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1849	(e)(1)(ii) *Briggs Report* 1849, "Grafton Tribe," Appendix A, 69-70; Nipmuc #69 Pet. Narr. 1984, 83; Nipmuc #69 Pet. Suppl. 1987, Attachment 4). Other citations: Plane and Button, 1993, 590, "Bird Report," Doughton, Unseen Neighbors, 1997, 69-70, "Denny Report,"; Senate No. 135, Massachusetts Legislative Reports of 1849 (Boston: Wright & Potter, 1849). Plane and Button described it as an investigation commissioned by the Legislature in 1849, led by Francis W. Bird (Plane and Button 1993, 590).	According to the preface by Governor George N. Briggs written February 21, 1849, the purpose was: "to visit the several tribes, and parts of tribes, of Indians, remaining within this Commonwealth, to examine into their condition and circumstances, and report to the next Legislature what legislation, in their opinion, is necessary in order best to promote the improvement and interests of said Indians'" (*Briggs Report* 1849, 3). It identified 847 Indians in Massachusetts, including Hassanamisco and Dudley (*Briggs Report* 1849, 5-6). For the Hassanamisco, it enumerated a total of 26 individuals, divided into five families: 12 males and 14 females. It stated that about 2/3 of the number resided "on the territory," which was described as 25 acres, owned by individuals in Grafton (*Briggs Report* 1849, 44). Descriptively, the commissioners commented: "Generally, the Grafton Indians are industrious, temperate, and comfortable. They had formerly a respectable fund; but it was totally lost, while in the hands of a former trustee. . . . Of course, this tribe has no separate schools, or preaching. Their children attend the public schools. They will soon undoubtedly lose their individuality and become merged in the general community.--Their annuity expires this year. If there should be a necessity of continuing it or any portion of it, it will be provided for, under the general recommendation we shall have the honor to submit towards the close of the report (Briggs 1849, 44).	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).	This report provided no evidence concerning political influence or authority under 83.7(c).	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1858	(c) *Earle Report* 1861.	In 1858, the state legislature provided to the Probate Court at Worcester $200 to be used for the benefit of the tribe (*Earle Report* 1861, 98). The same year, the legislative committee of finance recommended that an additional $1,000 be placed with the Worcester County Probate Judge for the assistance of the Grafton Indians (Nipmuc #69 Pet. Narr. 1984, 74). This resulted from a petition by Gilbert Walker requesting compensation "for the support of Benjamin Phillips, one of the tribe during his last illness" (*Earle Report* 1861, 98). Earle noted: . . . as showing the loose manner in which the special legislation in relation to the Indians has been transacted, that while these grants have been based on the obligation growing out of the loss of the fund, they have been made in terms, and on conditions, inconsistent with their application to meet that obligation. The fund was not a common one, belonging to the tribe, but a specific one, belonging to certain individuals in distinct and well-defined proportions, as much as do the stock and funds of a bank, a railroad, or an insurance company; and the other members of the tribe had no more right or interest in it, than the members of any other tribe, or than their white neighbors, yet the grants have been made, as if it was a common fund, to be applied to the general purposes of the tribe, as the circum-stances or necessities of its members might require" (*Earle Report* 1861, 98-99).	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The majority of the space in the report was devoted to critically detailing the handling of the funds by the trustees over time (*Earle Report* 1861, 89-100). Although the report provided data concerning the funds and assumed the existence of a "tribe" for whom the funds were being expended, it did not name leaders and provided no information political authority or influence. The legal terms of the financial obligations as described by Earle are not irrelevant to the modern situation, as will be seen by some of the discussions that have taken place within the last few years, within the Nipmuc Nation tribal council, concerning the Cisco land (Hassanamisco Reservation).	Does not meet (c).

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1859-1861	(c) *Earle Report* 1861; also cited as Massachusetts Senate Report No. 96, 1860; Earle Papers (American Antiquarian Society, Worcester, Massachusetts).	John Milton Earle was Massachusetts Commissioner of Indian Affairs. The purpose was to ascertain the dimensions of the Commonwealth of Massachusetts' financial responsibility for the Indians residing within its boundaries (Earle Report 1861, 14). In summation, Earle concluded that: "This tribe, having no common territory, but living scattered among other people of their respective vicinities, have, of course, no municipal, educational or religious organization, but their educational and religious advantages are the same as those of others among whom they live, and so far as is known, they avail themselves thereof about in the same proportion that other people do. Probably about one-half of them are citizens in the towns where they reside, while the remainder have retained their legal relation of wards of the State . . . The men, being mostly mechanics and laborers, generally obtain a comfortable support for their families, and live much as other people do in their condition of life. Under the circumstances thus presented, no good reason is apparent, why the right of citizenship should not, at once be granted to them, and they be placed on the same legal footing as other inhabitants of the Commonwealth " (*Earle Report* 1861, 100-101).	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The published report began with a description: see further discussion in the charts for criteria 83.7(b) and 83.7(e). It contained a fairly extensive section on the "Hassanamisco Indians" (Earle Report 1881, 87-1-1). "The Hassanamisco, Hassanamessett, or Grafton Indians, as they are variously called, and as known in the legislation of the State, are the descendants of the seven original proprietors of Hassanamisco, or Grafton, where they resided, and where each of the seven families had a reservation. Two or three of these original families have become extinct, and the descendants of some of the others, if any survive, cannot now be traced. At this time, one family only remains on the heritage of its fathers, and that family retains less than three acres, out of all their former domain. All the other families have left Grafton, and the greater number, following the current of emigration in that region, have settled in Worcester (*Earle Report* 1861, 87-88).	Does not meet (c).

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1869	(83.1); (c)(1)(i) Massachusetts Act of Enfranchisement; Plane and Button 1993; Nipmuc #69 Pet. Narr. 1984, 95.	In short, the Act of 1869 was detribalization legislation. On June 23, 1869, as a delayed follow-up to the recommendations of the 1861 Earle Report, Indians were granted state citizenship in Massachusetts (Nipmuc Pet. Narr. 1984, 95; for more extensive information, see Plane and Button 1993). The act provided that the state board of charities should take charge of both the house and all property associated with it in the town of Webster, formerly used by the Dudley Tribe of Indians. The act gave the board the option of either leasing the house and land to the tribe on terms similar to those upon which they had occupied it, or of selling both at public auction (Nipmuc Pet. Narr. 1984, 96; Massachusetts Statutes 1869, 780, Chapter 463, Section 5). In August 1870 [sic, 1869?), the multi-family tenement house in Webster was sold, pursuant to Section Five of the Act, to Thomas McQuaid [McQuade], for $1790.00. The funds were paid into the state treasury and the remaining Indians, formerly inhabiting the premises, were moved to the town of Dudley and accommodated and supported at the state's expense until January 1, 1870 [*sic*] (Nipmuc Pet. Narr. 1984, 97).	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).	This act provided no data concerning political influence or authority within the affected tribes.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1865-1913	(c) Acts & Resolves 3/16/1865, Chap. 9; Acts and Resolves Passed by the General Court of Massachusetts 1865, 678; Journal of the House 321-322; 334-335; Nipmuc #69 Pet. Narr. 1984, 124-126; Nipmuc #69 Pet. Suppl. 1994; Cisco Archives, Box 1, Box 3; Acts & Resolves 1887; Mass. Resolves 1909; Gardner News 3/13/1909; Mass Resolves 1895, Chap. 96; Mass. Resolves 1898.	The majority of the evidence for this period pertained to the Arnold/Cisco family. As reported by Earle in 1861, the Cisco property consisted of part of the original Hassanamisco reservation at Grafton, being a small plot with a house, located on part of Brigham Hill, near Goddard Pond (now Lake Ripple), valued $600 to $700 (Nipmuc #69 Pet. Narr. 1984, 12). This property is that which today continues to be identified as the Hassanamisco Reservation in Grafton. The records from this period collected and maintained by Sarah M. (Cisco) Sullivan and Zara CiscoeBrough consisted primarily of private family documents, such as the January 29, 1864, letter from Phidelia Clinton [Patience Fidelia (Arnold) Brown Clinton], at Springfield, to her sister at Grafton (Cisco Archives, Box 1). Individual descendants of Lucy Gimbee continued to petition the legislature for benefits, and on occasion did receive appropriations. The first group of these were dated prior to the 1869 act which extended citizenship to Massachusetts Indians. The remainder of the annuity grants to Hassanamisco descendants occurred after 1887, continuing into the early 20th century, and included not only the Gimbee descendants, but also members of the Gigger family and Altheah (Johns) Hazzard.	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The requests for and state grants of individual annuities provided no data concerning leadership, or political influence or authority, either among the Hassanamisco descendants or among any wider group of Nipmuc.	Does not meet (c).

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1880's	(c) Nipmuc #69 Pet. Narr. 1984, 119-120.	The 1984 petition cited several letters from the 1880's as indicating that there was a tribal organization which conducted regular elections. No copies of these were submitted with either the 1984 petition or the 1987 supplement, nor were they included in the extensive Cisco archival material submitted by petitioner #69A in 1997. They were: June 12, 1884, Sarah M. (Arnold) Cisco to daughter Delia Brown (Cisco): letter mentioning that one of the family who had been intending to come to Grafton for "election day" had recently died (Nipmuc Pet. Narr. 1984, 119); 1885, letter from Sarah M. (Arnold) Cisco saying no election would be held that year (Nipmuc Pet. Narr. 1984, 119); 1887, letter of Sarah M. (Arnold) Cisco saying there had been a large gathering of the tribe for election day; she was tired for looking after so many people (Nipmuc Pet. Narr. 1987, 120). The 1984 petition also quoted later oral history information from Zara CiscoeBrough that: "a central feature of the election process was the use of a special cake made of corn meal, honey, dried fruit, and maple syrup. It was cut into two-inch squares; when a particular motion or candidate was put before the assembled group, all eligible voters were offered the cake; to take a piece indicated a positive vote; to decline a piece indicated a negative vote; persons married to Nipmucs but not themselves Nipmuc were not eligible to vote" (Nipmuc Pet. Narr. 1984, 120).	". . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1). "It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15).	The petitioner did not submit nor did the BIA research locate any data to substantiate this oral information. It is possible that if further data concerning this material were located, it would indicate whether the participants were limited to Hassanamisco descendants, or included members of a wider Nipmuc entity antecedent to petitioner #69A.	Does not meet (c).

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1889	(c) Harriette Merrifield Forbes, *The Hundredth Town: Glimpses of Life in Westborough, 1717-1817*, 1889, 172-173, 180.	Forbes mentioned at length several families of the Hassanamisco descendants, as well as some of their collateral relatives. While incorrect in details, her essay provided a good reflection of what was popularly known to non-Indian neighbors in the later 19th century. Mrs. Forbes noted that the granddaughters of a Hassanamisco, "Lucy Gisbee," who were the daughters of Henry Arnold, still owned two and a half acres of land originally allotted to the Hassanamisco Indians, and that one of the daughters, Sarah Maria Arnold, married a man named Cisco who was part Narragansett (Forbes 1889, 180).	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	Forbes' description provided no information concerning political influence or authority. It named numerous individuals (many of whom were already deceased) and indicated where they lived, but did not indicate that any were leaders of a group.	Does not meet (c).
1897	(c) Woods, Indian Families Who Lived in This Vicinity, *Warren Herald* 6/18/1897.	Mrs. Woods was a resident of Brimfield, Hampden County, Massachusetts. Her article, which was primarily on the Dorus and Nedson families of Windham County, Connecticut, was a historical retrospective on the 1830's era. There was no overlap with or mention of the families that Forbes had discussed, and no mention of contemporary descendants.	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	Woods' description provided no information concerning political influence or authority, and did not identify leaders, either in the period she was describing (the 1830's) or for the time when she was writing (1897).	Does not meet (c).,

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1902	(c) What Is Probably the Smallest Indian Reservation In the United States, *New York Sun* 1902.	In 1902, the *New York Sun* published an article on "What is probably the smallest Indian reservation in the United States," defining it as the "two acres and a half lying on top of Brigham's Hill in the town of Grafton" (Nipmuc #69 Pet. Narr. 1984, 128). It referenced Patience Fidelia (Arnold) Clinton, stating that she had been born there. "For the last twenty-nine years, however, she has been living in Providence, where her husband was employed. He died about a year ago last January, and now she has come back to the house which will furnish her shelter as long as she lives" (Nipmuc #69 Pet. Narr. 1984, 128).	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The article provided no information concerning the exercise of political influence or authority within either a Hassanamisco entity or a wider Nipmuc entity. It focused upon a single family.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1914-1923	(c) Mohawk Club correspondence, minutes, and membership records, Nipmuc Pet. #69A Suppl. 4/21/1997. See especially, "List of Hassanamiscos Still Living," dated December 13, 1923.	The petitioner submitted a number of records kept by Sarah Maria (Cisco) Sullivan pertaining to various Indian organizations and clubs to which she belonged. The earliest of these was the "Mohawk Club," organized in Worcester, Massachusetts, on May 30, 1914, at the home of Mr. and Mrs. Eugene Shepard. This club may have been part of the developing New England pan-Indian movement, as the minutes or the organizational meeting indicated that Mrs. Alfred M. Fuller and Mrs. Irene Brown of Providence "gave interesting talks concerning the Mohawk club in Providence." The interests of the club did appear to have an Indian orientation as well as a general social orientation. For further details, see the draft technical report for petitioner #69A (BAR). The membership came to include families such as Bates which had no prior association with the Nipmuc, but who would be involved in Nipmuc organizations in Worcester later, in the 1950's. The records contained to specific data as to why, in the 1920's, the name was changed to the "Nipmuc Club."	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The new organization elected as its officers: Sarah M. Cisco, president; Mrs. David Brown vice president; Miss A.L. Van Allen secretary; Miss Florence Shepard, assistant secretary; Mrs. George H. Siscoe, treasurer; and Mr. Eugene Shepard, reporter (Nipmuc Pet. #69A Suppl. 4/21/97). Of these, Mrs. David Brown and Miss A.L. Van Allen have not been identified as having prior ties to Nipmuc families. The Shepard family were relatives of the second wife of Asa E. Hector . Other members of the club identified in later minutes also have no known prior ties to the Nipmuc families, such as Miss Mary E. Lovett, Miss Florence Brown, Mrs. Green, Miss Elsie Johnson, Mr. Brown, and Miss A.M. Robinson mentioned on June 4, 1914 (Nipmuc Pet. #69A Suppl. 4/21/97). During later meetings, while other Hassanamisco descendants and some Chaugunagungamaug descendants such as the Wilsons and Beldens were voted into membership, so were persons with no known ties to the Nipmuc families. While indicating that the Hassanamisco descendants remained aware of their Nipmuc heritage, the organization in itself was not tribal in nature or membership.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1920	(c) Last Indian Clings to Tribal Home, *Worcester Telegram*, hand-dated 1920.	A 1920 article in the *Worcester Telegram* described Delia Brown (Cisco) Hazzard under the title, "Last of Indian Tribe Clings to Tribal Home," mentioning her parentage, her brother James Lemuel Cisco, and the Cisco land as ". . . probably the only tract of land in Massachusetts that has never changed ownership" (Nipmuc #69 Pet. Narr. 1984, 129-130). It mentioned their origin Hassanamisco and specified that the Hassanamisco had been a branch of the Nipmuc (Nipmuc #69 Pet. Narr. 1984, 130).	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The article provided no evidence concerning the exercise of political influence or authority within a Hassanamisco entity or a wider Nipmuc entity antecedent to petitioner #69A. It focused on a single family	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1923-1926	(c) Records pertaining to the activities of Thomas Bicknell's Algonquin Indian Council of New England; Nipmuc #69 Pet. Nar. 1984, 134-138, 192; Tribe Guards Dwindling Domain in Grafton, *Worcester Telegram*, January 27, 1924 (Cisco Archives, Box 1); Algonquin Indian Council Crowns Chief, *Worcester Daily Telegram* hand-dated June 30, 1924; To Be Crowned Big Chief, *Worcester Telegram*, July 8, 1924; *Evening Bulletin*, Providence, Rhode Island, August 8, 1924, and October 8, 1924; McMullen 1994.	This organization was called by various names; Algonquin Council of New England, the Council of Ntive Indians of the New England tribes of the Algonquin Nation, Council of the Indian Tribes of New England, or the New England Indian Council. The petition asserted that a Hassanamisco tribal council was formally constituted in 1923 (Nipmuc #69 Pet. Narr. 1984, 192). The BIA researcher located no documentation to confirm this statement. However, the Algonquin Indian Council of New England was formed at Providence, Rhode Island, under the leadership of Thomas W. Bicknell, on December 13, 1923 (Nipmuc #69 Pet. Narr. 1984, 134), with the "chiefs" including James Lemuel Ciscoe [sic] of the Hassanamiscos and John W. Braxton of the "Nipmucks" (Nipmuc #69 Pet. Narr. 1984, 135, 138). The "List of Hassanamiscos Still Living" compiled by Sarah Maria Cisco, in the records of the Mohawk Club, had the same date, December 13, 1923 (Nipmuc #69A Pet. Suppl. 4/21/1997). Bicknell's connections were primarily with the Hassanamisco, but he also had, as participants, John Braxton of the Belden line of Dudley/Webster descendants (in 1923, Sarah M. Cisco had identified "Belding" as a Hassanamisco family, which it was not), and at least two descendants of the Jaha line of Dudley/Webster descendants (Ethel Blackstone and Lydia Dyer Willard Blackstone).	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	James Lemuel Cisco and his daughter, Sarah Maria Cisco, became extensively involved with this organization. It was under the sponsorship of this intertribal organization, the Algonquin Indian Council of New England, that James Lemuel Cisco was formally installed as "chief" of the Nipmuc in the summer of 1924. There is no indication that James Lemuel Cisco was chosen by any action of the Hassanamisco descendants as a group, nor by any action of a wider Nipmuc entity antecedent to petitioner #69A.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1924-1939	(c) Records pertaining to activities at the Hassanamisco Reservation. Nipmuc #69 Pet. Narr. 1984, 118-119, 130-131, 144; Flyers, menus, 1925-1938 (Cisco Archives, Box 1); Grafton Scene of Gay Revelry by Indian Tribe, *Worcester Telegram* 7/5/1925; Hail to the Chief, *Worcester Telegram* 8/14/1929; Last of the Grafton Indians, *Worcester Sunday Telegram* 9/28/1920.	The petition referred to preparations to hold an "Indian Fair" at the Hassanamisco Reservation on January 29, 1920 (Nipmuc #69 Pet. Narr. 1984, 130-131; citing *Worcester Telegram* 1/12/1920). No copy of the supporting documentation was submitted, nor was there documentation for the assertion that in 1920, the Hassanamisco "election day" was moved to July 4 (Nipmuc #69 Pet. Narr. 1984, 119). From 1924 to the present, except during World War II, there is documentation that an annual Indian Fair, or pow-wow, was held at the Hassanamisco Reservation in July or August. James Lemuel Cisco died in 1930. His daughter, Sarah Maria Cisco, inherited the Grafton reservation property. The petition asserts that she also became "Hassanamisco sachem" (Nipmuc #69 Pet. Narr. 1984, 118).	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	Most of the Cisco family members, other Hassanamisco descendants who lived in or near Worcester, Massachusetts, and numerous non-Indian neighbors cooperated in the presentation of the Indian fairs during this period. The events had intertribal participation, and were open to the public. There is no evidence of participation by any non-Hassanamisco Nipmuc. While the records indicate that Sarah Maria (Cisco) Sullivan was a focal point for Nipmuc descendants in succeeding years, there is no documentation that she was installed in any formal position or was chosen by a process of bilateral political action, either among the Hassanamisco descendants or among any wider Nipmuc group. The material does not provide evidence concerning the exercise of political influence or authority either within the Hassanamisco group or within a wider Nipmuc entity antecedent to petitioner #69A.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1930	(c) Letter of Sarah M. Cisco Sullivan, "Corresponding Secretary," to Select Men and Officers of Grafton (Cisco Archives, Box 1).	"You will please understand this is to prevent other Desendants of these Indians from coming here and thinking they have a right to stay as long as they please and when they please. They way you had the Tablet read Given to the Indians I am afraid they will think gives all the Desendants of Hassanamisco Indians a right here. There realy are several living in Boston, Worcester, Gardner, Oxford and other places find. We have entertained Several of them here at times; but we re still Poor and can't have them walking in on us at any time and staying as long as they please. The first year come here some of them come so often my Sundays was all taken up. I was obliged to work cooking all Day Sunday as well as work out all the week. Had to finaly apply for license to open Tea Rooms. Have debts to ketch up this year. We are very Glad to have People call and by the time the Tablet is up hope to have someone here All the time to receive callers. Whoever started this we apreciate their good intentions very much and will look forward to the tablet being erected" (Cisco Archives, Box 1). [spelling, punctuation, and emphasis *sic*]	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	This letter has been dated c. 1930 on the basis of internal evidence. It appears to pertain to the placement of a historical marker at the entrance to the reservation property on Brigham Hill in Grafton, which did take place in 1930. If anything, this tends to emphasize that Mrs. Sullivan regarded the reservation as personal rather than tribal property, and other Nipmuc descendants as sometimes unwelcome guests. While indicating that both she and other Nipmuc remained aware of the continuing existence of a body of Hassanamisco descendants broader than the Cisco family alone, it does not reflect that there was any bilateral political relationship. It does not refer in any way to a Nipmuc group broader than the Hassanamisco descendants that might be considered antecedent to petitioner #69A.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1936 - 1997	Table of documented events and gatherings at Hassanamesit Reservation, with selected documentation of the involvement of Nipmuc people	Table Six of this document covered the years from 1936 to 1997. In addition to other information, the table lists in chronological order thirty gatherings that have taken place from 1977 to 1997 on the Hassanamisco Reservation. Nearly all of the gatherings in the above document appear to be annual fairs. For example, each year from 1990 to 1997, only one event – "Annual Native American Indian Fair" – is listed.	As evidence that the petitioner meets (c), the regulations state: "Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance" (c)(1)(ii); "There is widespread knowledge, communication and involvement in political processes by most of the group's members" (c)(1)(iii); and "The group is able to mobilize significant numbers of members and significant resources from its members for group purposes" (c)(1)(i).	There is no evidence that such events, which were probably attended by many non-Nipmucs, were anything other than recreational. See 1979-1982 for discussion and analysis of these four events.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1940-1949	(c) Speck 1943; Gilbert 1949, 410; Ivan Sandrof, Last Indian in Grafton, *Worcester Sunday Telegram, Parade Magazine*, 1948; Nipmuc #69 Pet. Narr. 1984, 116-117.	"The internal dissension characteristic of most small communities in America, both Indian and English, may be held responsible for certain 'family troubles' that caused some Nipmuc to 'move off by themselves and settle at Dudley,' according to Sarah Cisco [Sarah (Cisco) Sullivan]. Further information upon the constituency of this group of Nipmuc is entirely lacking as yet. Sarah Cisco knew little of them herself. She was acquainted only with the Wilson family there" (Speck 1943, 54). "Group solidarity has vanished at the far end of acculturation, but one must admit that the group, though interfused and obscured, is one consciously apart in name and identity" (Speck 1943, 51-52). The Gilbert notice appeared to be entirely a summation of Speck 1943.	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "An important potential means of demonstrating that tribal political processes existed within the Miamis after the 1940's and in the modern community was the provision of evidence that the subgroup distinctions, and the attendant conflicts between them . . . continued to be important among the membership as a whole. Such divisions, if they can be clearly demonstrated to exist, are manifestations of consistent alignments of tribal members in political conflicts within a single, cohesive, social community" (Miami FD 1992, 22). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The 1943 description of the establishment of Dudley/Webster by Sarah (Cisco) Sullivan indicated that she was not familiar with the Chaugunagungmaug Band's history, and her description of the contemporary situation did not indicate that there was any bilateral political relationship in existence between the Cisco family and other Nipmuc.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1950-1957	(c) Newspaper articles May 23, 1950, and June 20, 1950, re: chartering of Nipmuc organization in Worcester, Massachusetts; "Nipmuc Tribe Revived," *Worcester Telegram* 6/21/1950 (Nipmuc #69B Suppl. 3/28/97); Sarah M. (Cisco) Sullivan to Paul A. Dever, Governor of Massachusetts, May 15, 1950 (Cisco Archives, Box 1); Hazzard and Moffitt to Ciscoe-Brough 7/12/1946 (Cisco Archives, Box 1); Hazard to Zara CiscoeBrough 6/19/1957 (Cisco Archives, Box 1); Hazard to Zara CiscoeBrough 7/22/1957 (Ciscoe Archives, Box 1); miscellaneous correspondence between Sarah M. Cisco Sullivan and the National Algonquin Indian Council 1949-1952 (Cisco Archives, Box 1; Nipmuc #69A Pet. Suppl. 4/21/1997).	William Alfred Moffitt, president; Jessie Louisa Mays, treasurer; Lillian Brooks King, secretary; Elizabeth Hazel Moffit, Mabel Idella Hamilton, Roswell Hazard, and George Monroe Wilson, directors. William A. Moffitt died the week before June 20, 1950; his widow wasPrincess Warketa. Bright Star (Mrs. Lillian Brooks King); Chief Tumbleweed (Roswell W. [Webber] Hazard); Princess Morning Sun (Mrs. Jessie L. Mays); Princess Red Feather (Mrs. Walter J. Hamilton). With photograph in June 20 article. Of the above persons, Jessie Louisa Mays was a member of the Cisco family from the Hassanamisco Reservation. George Monroe Wilson was a Dudley/Webster (Chaubunagungamaug, or Pegan) Nipmuc. None of the others have either Hassanamisco or identifiable Nipmuc ancestry. The charter was not to a "Nipmuc Tribe," but to a Worcester County Chapter of the National Algonquin Indian Council of New England (or, in some documents, of Rhode Island), an intertribal organization. The membership of the Worcester County Department of the National Algonquin Indian Council of New England, as listed in 1949, did not appear to be tribal in nature: Meeting opened at the abode of Mrs. Sarah Sisco Sullivan, Hassanimisco Reservation, Princess Sweet Flower. Carl O. Bates (Chief Sun Cloud); Clarence B. Smith (Chief Red Bird), Lillian B. King (Bright Star), secretary; Mrs. Branchaud; Maurice D. Brooks (Swift Dove), treasurer); Mrs. Mays (Morning Star); Mr. Moffitt (Chief Warring Pine), Mrs. Moffett, Mr. Yates (Nipmuc #69a Suppl. 4/21/1997).	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "An important potential means of demonstrating that tribal political processes existed within the Miamis after the 1940's and in the modern community was the provision of evidence that the subgroup distinctions, and the attendant conflicts between them . . . continued to be important among the membership as a whole. Such divisions, if they can be clearly demonstrated to exist, are manifestations of consistent alignments of tribal members in political conflicts within a single, cohesive, social community" (Miami FD 1992, 22); "The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	Mrs. Sullivan stated to the Governor: "Before any further damage may be done may we inform you that I, Sarah M. Cisco Sullivan and several other Indians of Worcester County did not know till today that William Moffitt, Jessie Mays and whoever else appeared before you at Boston requiring a charter and acknowledging Mr. William Moffit as Sachem of the Nipmucks did not know or sanction any such Charter and do not acknowledge William Moffitt as any Sachem over us. I am Trustee of Old Indian Cemetery, elected in that office by 1232 people of the Town of Grafton . . . Had told William Moffit sometime ago I did not want him to use my name in any connected with that Council. I don't think my sister realized what she was doing . . ." She listed: Agnes L. Scott, age 80, Hassanamisco Indian; Annie Barbour, age 84 years Hassanamisco Indian (Cisco Archives, Box 1). There is no indication that the opposition of Sarah M. (Cisco) Sullivan to the chartering of this group was authorized by any tribal organization. The only other Nipmuc member of the group of "Real Indians" associated with Sarah M. Cisco Sullivan in her objection to the Moffitt initiative in 1950 was George M. Wilson, who identified himself as a Pegan Nipmuc (Cisco Archives, Box 1). Otherwise, the group consisted of an intertribal group of Indians who resided in Worcester County. For more information, see the next section of the chart.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1950-1959	(c) Correspondence re: Worcester County Chapter, Nipmuc Chapter, or Worcester County Department, of the National Algonquin Indian Council of Rhode Island (Cisco Archives, Box 1; Cisco Archives, Box 3); Minutes, Meeting of Nipmuc Chapter, 12/15/1951. Hassanamisco Reservation activities: Pow-wow program, Grafton, Massachusetts, 7/4/1950; 1953 [?] flyer and 1954 flyer; Indians Also Will Assist, *Worcester Telegram*, 2/12/1953 (Nipmuc 369B Suppl. 3/28/1997) Indians Will Gather in Reservation Area, *Worcester Gazette* 7/30.1957 (Nipmuc #69B Pet. Suppl. 3/28/1997); Indian Day program 9/28/1957; Grafton Indian Fair Pushes Corn, unidentified newspaper article, hand-dated 7/7/1958; Indian fair program 7/1-8, 1959.	Opposing the 1950 charter were: "Sarah M. Cisco Sullivan and a Group of Real Indians." She listed: [Emma?] Jane Brown, Hassanamisco of Worc.; Bernice Brown Goldsberry, Hassanamisco of Worcester; Carl O. Bates, Pequot & Mohegan, Worcester, MA; Harry E. Bates, Pequot & Morhegan, Worcester; Doris E. Bates, Pequot & Moheagan, Worcester; Clarence Bates Smith, Narragansett, Mohawk, Pequot; George M. Wilson, Pegans Nipmuck & Narragansett; William R. Yates; Blanche Bates, Pequot & Mohegan, Worcester, MA; George Lewis, Seminole. "We do not wish to do wish to hurt any one or even their memory but have desided this Nipmuck Council might be doing us a lot of damage if we do not now let the State Oficialls know where we stand. Of coarse we could never allow Mrs. Moffitt over us. There are several More of us; but we are scattered over such a large Territory have desided it best to act at once" (Cisco, Archives Box 1).	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "An important potential means of demonstrating that tribal political processes existed within the Miamis after the 1940's and in the modern community was the provision of evidence that the subgroup distinctions, and the attendant conflicts between them . . . continued to be important among the membership as a whole. Such divisions, if they can be clearly demonstrated to exist, are manifestations of consistent alignments of tribal members in political conflicts within a single, cohesive, social community" (Miami FD 1992, 22). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	Subsequent to its formation in 1950, the Worcester County chapter of the Algonquin Indian Council joined with the Cisco family in sponsoring activities on the Hassanamisco Reservation. However, since the majority of the members were not Nipmuc, and the sponsorship continued to be intertribal in nature, the activities provide no evidence under 83.7(c). The 1953 [?] Indian Fair at the Hassanamisco Reservation to celebrate Massachusetts Indian Day was sponsored by the Worcester County Department of the National Algonquin Indian Council, with participants as the United Association for Advancement of American Indians; Narragansett Indian Council; Nipmunck [sic] Indian Council of Worcester; National Congress of American Indians, in addition to Sarah (Cisco) Sullivan and Zara CiscoeBrough. The 1954 program was sponsored by the Worcester County Department of National Algonquin Council in conjunction with Sarah (Cisco) Sullivan and Zara CiscoeBrough. The 1959 program stated that, "Food will be on sale by Cisco Family Group. Miss Anna Mays, Chairman." This material does not provide evidence concerning the exercise of political influence or authority within a Nipmuc entity.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1960-1969	(c) Records re: Hassanamisco Reservation activities; programs and flyers, 1960, 1961, 1966, 1967, 1968, 1969; Indians Open Annual Fair on Reservation, *Worcester Telegram* 7/3/1960; Margaret Lincoln, Hassanamisco Hoedown; Indians Hold Powwow in Grafton, *Worcester Daily Telegram* 7/4/1961; 1962 longhouse construction (Nipmuc 369 Pet. Narr. 1984, 168-172); Roy Johnson, Could Use Money for Museum: Grafton Indians Not Paid for Land, *Boston Sunday Globe* 2/14/1965; Stephen Claypole, Rare Rituals: Wedding Ceremony Highlights 3-Day Grafton Indian Fair, *Worcester Telegram* 7/5/1965; Barbara Rocco, 3-Day Celebration on Grafton Reservation, unidentified newspaper article 1965 (Cisco Archives, Box 1).	The 1961 Hassanamisco Reservation schedule of events listed an intertribal committee: Narragansett, Cherokee, Pueblo-Narragansett, Catawba, and "adopted Narragansett." Zara CiscoeBrough was identified as Hassanamisco-Narragansett. In 1965, the Rocco article identified Zara CiscoeBrough as the only occupant of the reservation and "one of the 20 remaining descendants of the Hassanamisco tribe" (Cisco Archives, Box 1). The 1969 flyer identified the committe as being from the North American Indian Club, Connecticut; Shinnecock Reservation, Long Island; Princess Red Wing of Seven Crescents, Rhode Island; Winnebago; Narragansett; and Androscogin from Maine. The only Nipmuc listed was "Princess white Flower - Hassanamisco - hostess" (Indian Fair, Hassanamisco Reservatuion, 7/4-5/1969).	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	None of this material provided any information concerning the exercise of political influence or authority within the Hassanamisco group, and did not mention the existence of Nipmuc other than the Hassanamisco.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1961	(c) Constitution and by-laws of the Hassanamisco Reservation Foundation; Nipmuc #69 Pet. Narr. 1984, 179-181; Nipmuc #69 Pet. 1984, Ex. 16.	For further details, see the charts for criterion 83.7(d) and the draft technical report for petitioner #69A (BAR). The officers of the Foundation were established as Zara CiscoeBrough, President, and Samuel C, Cisco, Vice President. The only other committee member who was Nipmuc was also a member of the Cisco family, namely Anna L. Mays on the Arts and Crafts Committee (Nipmuc 369 Pet. 1984, Ex. 16, [4]).	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The presentation in the narrative petition was somewhat misleading, in that the by-laws of the Hassanamisco Reservation Foundation did not provide for the election of "tribal officers" and made no reference to the existence of a "Nipmuc Tribe" (Nipmuc #69 Pet. Narr. 1984, 179). This organization established a cultural foundation while protecting the rights of the Cisco family to inherit the Grafton land. It did not establish a tribal government, nor did it involve any Nipmuc outside of the immediate family. It provided no data concerning the exercise of political influence or authority either within the Hassanamisco or within any wider Nipmuc group antecedent to petitioner #69A.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1963-1964	(c) Nipmuc #69 Pet. Narr. 1984, 193; undated obituary for Sarah M. Cisco Sullivan (Cisco Archives, Box 1); Indians Commemorate, *Worcester Daily Telegram* 8/12/1964; unidentified newspaper article (partial) regarding dedication of plaque (Cisco Archives, Box 1); letter, Zara CiscoeBrough to BIA, 1969 (Nipmuc #69 Pet. Narr. 1984, 181-182).	The petition stated that Sarah Maria (Cisco) Sullivan died in 1963, at which time her daughter Zara CiscoeBrough was "blessed" as sachem (Nipmuc #69 Pet. Narr. 1984, 193). The unidentified partial newspaper article dated July 7, 1965, mentioned the dedication of a plaque to "Princess Sweet Flower, deceased Chief of the Hassanamiscos and mother of the present chief, Princess White Flower" (Cisco Archives, Box 1). In 1969, Zara CiscoBrough replied to the BIA's inquiry requesting data on the Hassanamisco reservation by stating: "our original heirs to the reserve number about 20 but our 'second' family as we call them number 200 or more . . . Scattered from coast to coast it has been difficult to locate many of these people . . . We are now in contact with many of them" (Nipmuc #69 Pet. Narr. 1984, 182).	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	Zara CiscoeBrough's 1969 letter did not provide any information concerning how she had come to identify or be in touch with the larger group of about 200 persons, nor any information about who they were. Specifically, it does not indicate if they were Hassanamisco descendants only, a combination of Hassanamisco and Dudley/Webster descendants, or included some broader definition of Nipmuc in the category "second family." Neither does it provide any information concerning the the exercise of political authority or influence within either the larger or the smaller group. The material provides no information concerning the method by which Zara CiscoBrough came to be her mother's successor as leader. There is no indication that the succession reflected a bilateral political process.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1969 - 1997	"Overview of Council Minutes -- Hassanamisco and Webster-Dudley" and Minutes of Council Meetings. Pet. Submission 1997	The petitioner provided analysis and arguments about the period since 1970 in this three-page document. This document was accompanied by photocopies of minutes of council meetings. The earliest minutes in this submission were dated April 27, 1969. The next minutes have a date that is nearly five years later (January 25, 1974), and the third set of minutes have a date that is more than four years later (June 8, 1978). Starting in June 8, 1978, the meeting minutes become more frequent and regular. Even so, there existed significant time periods for which no minutes of council meetings were submitted. The largest of these time periods was more than ten years: after the minutes of the meeting of November 11, 1985, there were no minutes of meetings submitted until the minutes of the meeting of February 2, 1996. Minutes from meetings held during this period may not exist: in the petition supplement (1987), the petition researcher declared that no minutes were being kept of the meetings of the "Hassanamisco Band Council."	The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000). As evidence that the petitioner meets (c), the regulations state: "Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance" (c)(1)(ii); and "The group is able to mobilize significant numbers of members and significant resources from its members for group purposes" (c)(1)(i).	The claims and summaries provided by the petitioner, and thus the evaluations of this analysis, have very little bearing on the question of whether the petitioner meets (c) for the 1970's. If the petitioner believes that it can use the minutes of meetings that took place during the 1970's to show that it meets (c) for the 1970's, it should provide the required analysis and argumentation. In the interest of providing "road maps" to the petitioner, it should be pointed out that the review of the minutes indicate that the minutes provide evidence that group leaders considered issues that they acted upon and actions that they took to be of importance. The minutes do not, however, appear to show that most of the membership considered these issues and actions important. In preparing its analysis and argumentation of these minutes, the petitioner should keep this in mind and attempt to clearly demonstrate that most of the membership considered the issues and actions referenced in the minutes to be of importance. A political connection between leaders and the membership must be shown to have existed. The minutes may also indicate that group leaders undertook efforts to mobilize members and resources from members. To demonstrate that such efforts did indeed mobilize members and resources from members, the petitioner should provide the required additional material and documentation.	Neither meets nor negates (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1970-1979	(c) Records re: Hassanamisco Reservation activities. Indian Fair/Pow-wow programs and flyers 1970, 1973, 1974, 1975; 1642 Returns to Grafton for a Spell, *Worcester Daily Telegram* 7/6/1970; Princess White Flower Asks, "What's Wrong With Beads and Trinkets," *Worcester Sunday Telegram* 6/6/1971; Sylvia Blickman, An Indian Name Well Deserved, unidentified newspaper article 11/19/1974; I thee wed..wed..wed, *Worcester Sunday Telegram* 7/5/1979.	The committee for the Indian Fair listed for July 4-5, 1970 was in part non-Indian; the publicity committee was entirely non-Indian. Ann Mays was as Hassanamisco, and chairman of the food committee.	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The Indian Fair data does not provide any evidence concerning the exercise of political authority or influence either among the Hassanamisco descendants or within a wider Nipmuc entity antecedent to petitioner #69A. This documentation does not reflect the existence of a wider Nipmuc entity antecedent to petitioner #69A.	Does not meet (c).
1970's	Correspondence to and from Zara CiscoBrough	Correspondence to and from Zara CiscoBrough	As evidence that the petitioner meets (c), the regulations state: "There is widespread knowledge, communication and involvement in political processes by most of the group's members" (c)(1)(iii).	The petitioner provided almost no analysis of correspondence that is in the record to and from Zara CiscoBrough for the period since 1970. The review of this correspondence indicates that it may help the petitioner show that it meets (c) for part or all of this period. See examples provided below.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1974	(83.1); (c) Nipmuc #69 Pet. Narr. 1984, 185-186; Nipmuc #69 Pet. Narr. 1984, Exhibit 7; Dukakis1976 (Nipmuc #69B Pet. Suppl. 28/28/1997, folder 1970).	On October 30, 1974, Governor Michael Dukakis appointed Zara CiscoeBrough as the Nipmuc Council representative on the newly established Massachusetts Commission on Indian Affairs. The governor's July 8, 1976, proclamation stated, "WHERAS, the Tribal Councils of the Nipmuc, Mashpee and the Gay Head Wampanoag Tribes are the recognized governing bodies respectively of the Nipmuc Tribe, the Mashpee Tribe, and the Gay Head Wampanoag Tribe, and exercise substantial governmental functions; . . . ." (Dukakis 1976; Nipmuc Pet. #69B Suppl. 2/28/1997, folder 1970). This specified that the reference pertained to the Hassanamisco Nipmuc Tribal Council (Dukakis 1976, 3). Dukakis appointed CiscoeBrough to a second term on May 1, 1978.	". . . representing the group in dealing with outsiders in matters of consequence" (83.1).	The petition documentation includes only a small amount of data concerning the activities of the Massachusetts Commission on Indian Affairs. It is possible that its minutes and records would throw light on the evolution of the Nipmuc organizations from 1974 through the early 1980's. The present level of documentation does not indicate that Zara CiscoeBrough was representing any group larger than that of the "legal heirs" of the Hassanamisco Reservation, *i.e.*, her family.	Does not meet (c) for Hassanamisco because the evidence is limited to one family. Does not provide any evidence in regard to the wider Nipmuc group claimed as antecedent by petitioner #69A.
1974 - 1978	Nipmuc Pet. Narr. 1984, Exhibit 7, Nipmuc Pet. Narr., 1984, 186	Nipmuc Pet. Narr. 1984, Exhibit 7, indicates that Zara CiscoBrough was appointed to the Massachusetts Commission on Indian Affairs on October 30, 1974. Nipmuc Pet. Narr., 1984, p. 186, asserts that Ms. CiscoBrough was reappointed to this position on May 1, 1978.	As evidence that the petitioner meets (c), the regulations state: "Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance" (c)(1)(ii). "It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15).	These documents provide evidence of the leadership of Ms. CiscoBrough as a recognized spokesperson for and representative of Nipmucs. They do not, however, demonstrate that Ms. CiscoBrough was actually speaking for or "representing" Nipmucs (or a Nipmuc group) other than symbolically. To meet (c), the petitioner must show not only that group leaders consider issues acted upon or actions taken to be of importance but also that most of a "membership" considers such issues acted upon or actions taken by leaders to be of importance. In sum, it must be demonstrated that there is a political connection between a leader and a membership.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1977	(83.1); (c) Nipmuc #69 Pet. Narr. 1984, 188; Cisco Archives, Box 3.	On July 13, 1977, the Nipmuc Tribal Council submitted a proposal to the Massachusetts Department of Administration and Finance for 500 acres of the Grafton State Hospital. A petition with the signatures of 37 members, with addresses, was submitted to the Governor of Massachusetts on September 2, 1977. The signers included several members of the Vickers family (Walter A. Vickers now leader of petitioner #69A) and the signatures of Elizabeth R. (Henries) Morse and several of her children (Edwin W. Morese, Sr., now leader of petitioner #69B).	". . . representing the group in dealing with outsiders in matters of consequence" (83.1).	This is the first document in evidence that shows a 20th-century participation in Nipmuc activities, on a political level, beyond the "legal heirs of the Hassanamisco Reservation." Additional information concerning the initiation of and gathering of signatures for this petition might provide significant evidence of political process within a wider Nipmuc entity.	Meets (c) in 1977 for the Hassanamisco Tribal Council as then constituted, but not for the wider Nipmuc entity claimed as antecedent to petitioner #69A.
1977	Minutes, "Joint Meeting: Legal Heirs of Hassanamisco, and the Nipmucs," dated May 14, 1977	The minutes indicate that the meeting was organized by Zara CiscoBrough. The minutes allude to the efforts of the group to obtain Grafton State Hospital land, organize a fair, establish an Indian Center in Worcester "for all the natives in the Worcester area," and respond to a recent article in a newspaper that was said to have stated that all Nipmucs were dead. The minutes contain a list of people who attended. Listed are Joseph (Walter) Vickers Jr.; Anna Mays; Sheila Cisco; Samuel Cisco; Charlie Richardson, Carol Palavra; Robin Palarva; Brent Palavra; Walter Vickers Sr.; Emma White; Marylou Willoughby; Lois Ann Wilcox; Horace Cisco; Lillian Wells; Charlie Hamilton, Carol Vickers; Robin Vickers; Pam Vickers; and Michelle Vickers.	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). As evidence that the petitioner meets (c), the regulations state: "There is widespread knowledge, communication and involvement in political processes by most of the group's members" (c)(1)(iii).	Most, if not all, of the 19 attendees were, or still are, members of the petitioning group. Their attendance at this meeting, together with the implication in the document that they were working together with Ms. CiscoBrough on the four separate projects mentioned above, suggest that these 19 individuals enjoyed bilateral political relationships with Ms. CiscoBrough's group. However, to clearly demonstrate that this was the case and that there was indeed knowledge, communication and involvement in political processes by these nineteen individuals, the petitioner needs to provide additional material and documentation. With such additional material, the petitioner might be able to show that the petitioner maintained political influence or authority over at least these 19 individuals.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1977	Letter to Mrs. Mitchell from Zara CiscoBrough, Chairman, dated 9/6/77, with enclosures; enclosures include a petition	The document is a petition said to contain the names of a number of Nipmucs "who are vitally interested in Nipmuc New Town Creation." The petition was presented by Zara CiscoBrough to an administrator in the Massachusetts state government. There are 37 signatures on the petition.	As evidence that the petitioner meets (c), the regulations state: "There is widespread knowledge, communication and involvement in political processes by most of the group's members" (c)(1)(iii); and "Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance" (c)(1)(ii). "It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15).	Nipmuc New Town Creation was a failed effort by Nipmucs to obtain land from the state of Massachusetts. The petition could provide evidence that there was knowledge, communication and involvement in political processes by an even larger number of Nipmucs if the petitioner were to submit additional material and documentation about this effort. As it now stands, however, there is almost no information about the context of this effort. It is possible that Zara CiscoBrough simply circulated this petition and invited almost anyone who supported such a project to sign his or her name. If this was the case, many of the petition signatories may not have even known one another. The minutes of the meeting of May 14, 1977 suggest that the 19 individuals who attended the meeting may have been working together with Ms. CiscoBrough to obtain the land for which the petition was made. It is therefore possible that they had almost as much to do with the creation of this petition as did Ms. CiscoBrough. If this was the case, the petition document would provide evidence that the petition signatories had bilateral political relationships with Ms. CiscoBrough's group and thus that there was a political connection between these Nipmucs and Ms. CiscoBrough. If appropriate, the petitioner should submit additional material and documentation clearly to demonstrate that this was indeed the case. With such information, the petitioner might be able to show that these individuals considered issues acted upon by leaders to be of importance and that the relationships between some or all of the 37 petition signatories were	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1977	Correspondence to and from Zara CiscoBrough, Letter from Ms. CiscoBrough to "Lou," dated March 27, 1977	Ms. CiscoBrough wrote that Mr. George Wilson "was our medicine man and in fact picked my Indian name."	As evidence that the petitioner meets (c), the regulations state: "There is widespread knowledge, communication and involvement in political processes by most of the group's members" (c)(1)(iii); and "group leaders and/or other mechanisms exist or existed which exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior" (c)(2)(iii).	The petitioner provided almost no analysis of correspondence that is in the record to and from Zara CiscoBrough for the period since 1970. The BIA's review of this correspondence indicates that it may help the petitioner show that it meets (c) for part or all of this period. For example, this letter to "Lou" provides some indications that are relevant to (c): it is possible that the "medicine man" referenced in the letter exerted a strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior, during the 1970's and other decades. If this was the case, the petitioner should make this argument and provide material and documentation clearly to demonstrate this.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1970's	Correspondence to and from Zara CiscoBrough, set of letters	In this set of letters, which were addressed to Zara CiscoBrough, individuals ask for assistance, "Indian cards," and other things from Ms. CiscoBrough. One letter is from "Darlene" to "Cousin Zara" and is dated August 19, 1977. Darlene identifies herself as a Dartmouth College student and asks Zara whether there are any "tribal monies" to help pay for her studies. Another letter is from Edith Hopewell and is dated April 21, 1978. Ms. Hopewell acknowledges receipt from Ms. CiscoBrough of a $15.00 food voucher three years ago and requests additional assistance.	As evidence that the petitioner meets (c), the regulations state: "group leaders and/or other mechanisms exist or existed which exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior" (c)(2)(iii); and "There is widespread knowledge, communication and involvement in political processes by most of the group's members" (c)(1)(iii). "It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15).	The petitioner provided almost no analysis of correspondence that is in the record to and from Zara CiscoBrough for the period since 1970. The BIA's review of this correspondence indicates that it may help the petitioner show that it meets (c) for part or all of this period. For example, partly because the letters, particularly in this set, suggest that Ms. CiscoBrough distributed property such as scholarships, aid and "Indian cards," these letters suggest but by no means demonstrate that Ms. CiscoBrough, as a Nipmuc leader, may have exerted a strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior. If this was the case, the petitioner should provide the appropriate descriptions, analysis and documentation to clearly demonstrate this. Such a submission should be oriented toward demonstrating that the petitioner maintained political influence or authority over a great many Nipmucs, not just a few, if the petitioner maintained such influence or authority over any Nipmucs at all. It is important for this petitioner to demonstrate that the behavior of large numbers of Nipmucs was controlled or directed by Nipmuc leaders, or in this case perhaps only by Ms. CiscoBrough, because the petitioner is made up of 1,600 members.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1978	(83.1); (c) Hassanamisco Reservation By-laws (Nipmuc #69 Pet. Suppl. 1994, Ex.; by Laws 1978, unpaginated).	For further detail see the charts for criterion 83.7(d) and the draft technical report for petitioner #69A (BAR). The "Forward of Purpose" indicated a generally cultural set of purposes for the organization (By Laws 1978, [1]), and it again specifically reserved the status of the Cisco family as legal heirs of the reservation property (by Laws 1978, [2], [5]). The Board of Trustees was limited to members of the Hassanamisco Tribe or Band, but committees might be composed of "Nipmuc Tribal Members, Hassanamisco Members, non-Indians, or people who are natives of other tribes" (By Laws 1978, [4]).	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15). "A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The bylaws of the foundation do not reflect political authority or influence within a tribal entity. From the minutes, it is clear that by 1978 there was a "Nipmuc-Hassanamisco Tribal Council." However, the documentation in the record does not show a constitution and by-laws for that organization, but only for the Hassanamisco Reservation Foundation.	Does not meet (c).
1978	(83.1); (c) Action by Nipmuc-Hassanamisco Tribal Council.	On March 5, 1978, the Board of Directors of the Nipmuc-Hassanamisco Tribal Council voted to have Zara CiscoeBrought and Anna M. Mays represent it at the National Conference on Indian Recognition. This was signed by Anna M. Mays, George Cisco, Thula Cisco, Mary Willoughby, Lillian Wiles, Joseph Vickers, Walter A. Vickers, Lois Ann Wilcox, Emma L. White.	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15).	This is the first action that shows a "tribal council" for the Hassanamisco as separate from the board of trustees of the foundation. The signatures indicated that by this date, Walter Vickers and his family were included in this body.	Meets (c) in 1978 for the Hassanamisco Tribal Council as then constituted, but not for the wider Nipmuc entity claimed as antecedent to petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1978	Document: indicates that the "Board of Directors" of the "Nipmuc-Hassanamisco Tribal Council" voted to have Zara CiscoeBrough and Anna M. Mays represent it at the National Conference on Indian Recognition, March 28-30, 1978	The individuals who signed this document include Anna M. Mays, George Cisco, Thula Cisco, Mary Willoughby, Lillian Wiles, Joseph Vickers, Walter A. Vickers, Lois Ann Wilcox, and Emma L. White.	". . . there is no evidence of any effort to maintain a functioning tribal governing body and little evidence of individual political leadership between the early 1940's and 1967" (Mohegan PF 1989, 6). (c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.	This document provides some evidence of individual political leadership and of a functioning governing body. Even so, it does not show that the petitioner meets (c) for 1978 because it does not show that the petitioner maintained political influence or authority over more than the seven individuals who signed the document.	Does not meet (c).
1978	Agenda, "Special meeting of the Nipmuc Tribe"	The agenda indicates that the meeting took place on June 3, 1978 at Belmont Community School in Worcester, Massachusetts.	(c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.	The petitioner provided almost no additional information or documentation about this meeting. No conclusion therefore could be reached about whether the document provides positive evidence that the petitioner meets (c).	Does not meet (c).
1978	(c) Nipmuc Tribal Council, Hassanamisco Band, Minutes 6/8/1978; Minutes 5/24/1979.	These minutes indicated that a number of members of the Morse family (now affiliated with petitioner #69B) attended a meeting of the Hassanamisco Council on June 8. 1978. In 1979, Lucy Ann (Morse) Swenson was listed as a "regular member, absent" of the Hassanamisco Council.	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15).	Documentation indicates that the members of the Morse family (now affiliated with petitioner #69B) were interacting politically with the Hassanamisco in 1978. For documentation particularly focused upon the evolution of the Chaubunagungamaug or Dudley/ Webster Band of Nipmuck Indians, see the charts prepared for petitioner #69B. The evidence does not provide any data concerning political influence or authority exercised within the wider Nipmuc entity now claimed to have been antecedent to petitioner #69A, but only the participation of one extended family group with Dudley/Webster antecedents in the Hassanamisco Council.	Meets (c) in 1978 for the Hassanamisco Tribal Council as then constituted, but not for the wider Nipmuc entity claimed as antecedent to petitioner #69A.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1978	Roster of a meeting, dated June 8, 1978	The document indicates that the meeting was attended by 49 people, including Zara CiscoBrough.	As evidence that the petitioner meets (c), the regulations state: "There is widespread knowledge, communication and involvement in political processes by most of the group's members" (c)(1)(iii).	The document contains no indication of the nature of the meeting. It is possible that the meeting was a meeting of and for Nipmucs and was part of the activities of a Nipmuc group. The document suggests that these individuals may have interacted socially with one another, and that they may have participated politically, as well as socially, as a Nipmuc group. However, as the document gives no indication of the type or nature of the meeting, it does not show that the meeting attendees were participating in group political processes through this event. It also does not show the breadth of participation of Nipmucs that would be expected (and required) of a group that now has more than 1,600 individuals on its membership list. The petitioner is strongly encouraged to provide documentation 1) that the meeting referenced in this document was a Nipmuc gathering or a meeting of an organized Nipmuc group, and 2) that significantly more Nipmucs participated in these meetings or in other gatherings of an organized Nipmuc group.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1979-1980	**(c); (83.1)** Letter from Edith (Morse) Hopewell to Zara CiscoBrough regarding distribution of funds from the Boston Indian Council and eligibility (Cisco Archives, Box 3); Indian-Aid Programs Discontinued, unidentified newspaper article hand-dated 11/16/1979 (Nipmuc #69B Pet. Suppl. 3/28/1997).	These documents pertain to the distribution of Federal funding to two Worcester area programs. The nature of the "Boston Indian Council" and its possible connection to the Massachusetts Commission on Indian Affairs are not clear from the documentation. There is no indication whether eligibility to receive this money was tied to membership in the Nipmuc Tribal Council, Hassanamisco Band.	". . . representing the group in dealing with outsiders in matters of consequence" (83.1). "It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15).	There is no indication that the distribution of these funds was shaped or designed by the wishes of the Nipmuc organization.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1979 - 1982	Table of documented events and gatherings at Hassanamesit Reservation, 1936-1997, with selected documentation of the involvement of Nipmuc people	Table Six of this document covered the years from 1936 to 1997. In addition to other information, the table lists in chronological order thirty gatherings that have taken place from 1977 to 1997 on the Hassanamisco Reservation. Nearly all of the gatherings in the above document appear to be annual fairs. For example, each year from 1990 to 1997, only one event – "Annual Native American Indian Fair" – is listed.	As evidence that the petitioner meets (c), the regulations state: "Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance" (c)(1)(ii); "There is widespread knowledge, communication and involvement in political processes by most of the group's members" (c)(1)(iii); and "The group is able to mobilize significant numbers of members and significant resources from its members for group purposes" (c)(1)(i).	There is no evidence that such events, which were probably attended by many non-Nipmucs, were anything other than recreational. Only four of the gatherings during this period may have been more than recreational. These events took place in 1979 - 1982 and are labeled, "Tribal Meeting - closed to the public," "constitution and by-laws signed by council chiefs," "Annual Meeting," and "meeting/election." Though the petitioner provided some analysis of council meetings, as was discussed elsewhere in this finding, the petitioner provided very little analysis of the above gatherings and fairs beyond arranging them in tabular form. The petitioner needs to supplement the entries in this table with additional information and documentation. More specifically, the petitioner needs to show, for example, that the group was able to mobilize significant numbers of members for group purposes (e.g. for electing officers), that there existed widespread involvement in group political processes (e.g. through high voter turnout), and/or that most of the membership considered issues acted upon by group leaders to be of importance (e.g. through high levels of attendance at such meetings).	Does not meet (c).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1980	(c); (83.1) CiscoeBrough 4/22/1980.	In the letter of intent to petition for Federal acknowledgment, Zara CiscoeBrough signed "on behalf o the the Nipmuc Tribal Council, Hassanamisco Reservation, Grafton, Massachusetts." The letter was co-signed by Ann Mays and Lois Wilcox, both also members of the Cisco family and Hassanamisco legal heirs.	". . . representing the group in dealing with outsiders in matters of consequence" (83.1). "It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15).	It is not clear whether, in light of the 5/24/1979 minutes, the Morse family and other Dudley/Webster Nipmuc descendants (other than Pegan/Wilson) were, at this date, comprised within the definition of "Nipmuc Tribal Council, Hassanamisco Reservation."	Does not meet (c) for the wider Nipmuc entity claimed as antecedent by petitioner #69A.
1980's	Newspaper articles, dated in the 1980's, which appeared in *The Worcester Telegram*, *The Patriot*, and *The Webster Times*, among other papers. Submitted by Mr. Ron Little Crow Henries in 1995	The articles include references to activities and events organized by #69A or in which members of #69A participated, including powwows, food distributions, a film showing, and a parade.	As evidence that the petitioner meets (c), the regulations state: "Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance" (c)(1)(ii); "There is widespread knowledge, communication and involvement in political processes by most of the group's members" (c)(1)(iii); and "The group is able to mobilize significant numbers of members and significant resources from its members for group purposes" (c)(1)(ii).	Though the articles do not demonstrate that the recorded activities encompassed most of the group, they do show that, during the 1980's, there existed activities that encompassed at least a portion of the group. As such, to varying degrees, the articles provide some evidence that a Nipmuc group was able to mobilize at least some members for group purposes, that at least some of the members considered issues acted upon or actions taken by group leaders to be of importance, and that there was at least some knowledge and communication between leaders, on the one hand, and members, on the other, during the 1980's.	Does not meet (c) in itself, but can be used in coordination with other evidence to meet (c).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1981	Letter to Zara CiscoBrough from Edith Hopewell, n.d.	The letter was not dated, but from its contents it seems to have been written about 1981. In the letter, Ms. Hopewell mentions Mr. Edwin Morse, Sr. and at least some members of his extended family, who are the core family of the #69B subgroup. About them, she writes: "Enclosed find papers I tried to call you about. They are very defamitory [sic] to you and all our kind. They are holding a meeting 7/23/81 at their father's house in Dudley to form their own committees and chief, etc. which I know they haven't the power to do, and she should be told by you or someone in authority she is not a "Princess," her father or anyone close to was never a chief as in my case . . . All these people who are forming their own clan as they say needn't ever come to me again for help. I've helped them every year for 6 years now . . . They have only admitted to being Indian after they got $250.00 from the Indian fund."	As evidence that the petitioner meets (c), the regulations state: "Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance" (c)(1)(ii). Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5).	Through its suggestion that leaders of the future #69B group planned to form committees and select a chief, this document suggests that, in 1981, at least some members of this #69 subgroup considered issues acted upon by leaders, albeit subgroup leaders, to be of importance. On the other hand, with the words, "at their father's house," the letter suggests that these members may have been comprised principally, if not exclusively, of Mr. Morse's extended family as was defined above. If these members can be shown to have comprised a single extended family, the letter would not show political influence or authority, or a connection between members and a leader, albeit a subgroup leader. To meet (c), the petitioner must show the maintenance political influence or authority not over the members of a single extended family but over most members of the group, which consists of the #69B subgroup and others. The petitioner did not provide any analysis of the above letter from Ms. Hopewell to Ms. CiscoBrough. In the absence of this analysis and of any additional information about this document, it must be concluded that this document does not provide sufficient information to show that the petitioner meets (c) for any part of the period since 1970. The petitioner is invited to submit any and all information about the questions raised above about this document.	Does not meet (c).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1981	"Looking to the Past: Nipmucks Search for an Identity," by Felice J. Freyer. Hand-dated December 22, 1981, Unidentified	This article was submitted by a third party, the other Nipmuc petitioner (#69B), on March 28, 1997, to supplement its own petition. It is included here because, at the time the article was written, #69B and #69A were existing as one group. Freyer summarizes the Federal acknowledgment process and interviews the petition researcher for the Nipmuc group. Among other things, Freyer reports that the Nipmuc's petition researcher told her: "Any anthropologist worth his salt will say the group (the Nipmuck tribe) has disappeared entirely" (Freyer 1981, 15).	(c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.	From the article it seems likely that Ms. Freyer did indeed interview the Nipmuc petition researcher. Even so, it is possible that Ms. Freyer or the editor of the publication misquoted the Nipmuc's researcher. To be sure, the researcher does not claim in the petition narrative that he found that the Nipmuc group had "disappeared entirely." As such, no conclusions can be drawn from this article about whether the petitioner meets (c) for the 1980's.	Neither meets nor negates (c).
1982 - 1985	Set of letters	In the record was a set of at least four letters submitted by the other Nipmuc group (#69B). The first is a letter that is undated, but by internal evidence, it can be ascribed to July, 1982. It carries the return address of the leader of #69B. The second is a letter from Reno to Swenson that is dated July 14, 1982, and the third is a letter from Loving One (Womonausu) [Dolly Swenson] to "Mr. Lenny" that is dated July 18, 1982. Finally, there is a letter from Wilcox to Swenson dated April 30, 1985. These letters document the conflict between, on the one hand, one large extended family (the Morse family) and probably some other persons, and, on the other, what may have been the rest of the members of the petitioning group (#69). This conflict was resolved in part (and eventually) by the split of the original petitioning group (#69) into #69A and #69B.	As evidence that the petitioner meets (c), the regulations state: "There are internal conflicts which show controversy over valued group goals, properties, polices, processes and/or decisions" (c)(1)(v). "The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4).	At the time the letters were written, #69A and #69B were existing as a single group (#69). Together, these letters provide evidence of the existence of internal conflicts which show controversy over valued group goals, policies, processes and decisions. As such, they provide some evidence that the petitioner meets (c) for the 1980's.	Does not meet (c).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1984	Videotape entitled "Nipmuck Indians," dated 1984	The document is a show that appeared on Worcester cable television. Nipmuc history and, less so, Nipmuc contemporary life is presented to a general audience. There is footage of the land that was donated to the #69B group in 1982, short interviews with members of the group, and group events and activities.	". . . there is no evidence of any effort to maintain a functioning tribal governing body and little evidence of individual political leadership between the early 1940's and 1967" (Mohegan PF 1989, 6). "It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15).	This document provides some evidence of individual political leadership and of a functioning Nipmuc governing body. It does not, however, show that there is a political connection between the membership and leaders. It could be used by the petitioner as positive evidence for the mid-1980's if the petitioner addresses several problems. First, not all persons who appear on the tape are identified, and thus cannot be confirmed as members of the petitioning group. Second, the tape does not demonstrate that the political influence or authority that it claims that leaders exercised over members encompassed most of the group. If, during the mid-1980's, the petitioner maintained political influence or authority over most of its members, it should submit material and evidence to clearly demonstrate this. For the 1980's, the petitioner might begin this work by creating a written narrative to accompany the tape.	Does not meet (c).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1985	"Fair Held on Reservation: Indian Heritage Celebrated" by Lorene Lamothe of the Telegram Staff. Unidentified, undated	The #69B group submitted this article in its petition supplement of March 28, 1997. The article was unidentified and undated, but from its contents it seems to have been published in the mid-1980's, specifically 1985. Lamothe claims that, at Grafton, about 800 Indians and non-Indians gathered at the Hassanamisco Reservation for the 31st annual American Indian Fair organized by the Nipmuc Indian Council. The author mentions, among other things, that attendees included "Chief Natachaman (the Hunter) of the Hassanamisco tribe aka Walter Vickers of Northboro; Joseph Vickers, his father; Anna Mays (Princess Sea Flower); Princess Winona of the Passamaquoddy Tribe; Princess Loving One, aka Dolly Swenson of Sutton, last year appointed by Gov. Michael S. Dukakis as commissioner on Indian affairs."	As evidence that the petitioner meets (c), the regulations state: "Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance" (c)(1)(ii).	This article suggests that, at least in the mid-1980's, more than a few members considered issues acted upon by group leaders to be of importance. 800 people, after all, were reported to have attended the group event. Without a list of people in attendance, however, the conclusion cannot be reached that any of the attendees beyond those specifically mentioned were members of the petitioning group. Moreover, the article claims that non-Indians and one Passamoquoddy were among those who attended. Without additional information about this event, no conclusions can be reached as to whether this document provides evidence that the petitioner meets (c) for the 1980's.	Does not meet (c).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1988	Videotape labeled, "Wedding Chief Red Fox: Sept 19, 1988"	This document provides footage of a Nipmuc gathering in 1988 that included a powwow and that culminated in the wedding of Edwin Morse, Jr., who was a member of the petitioning group during the time the tape was made.	As evidence that the petitioner meets (c), the regulations state: "There is widespread knowledge, communication and involvement in political processes by most of the group's members" (c)(1)(iii); and "The group is able to mobilize significant numbers of members and significant resources from its members for group purposes" (c)(1)(i).	From the tape, it is impossible to identify which individuals are the leaders of the petitioning group, with the exception of Edwin Morse, Jr., or even which are members of the group. Particularly since Nipmuc leaders have described their gatherings as open to the public and intertribal in nature (See Interview with Lucyann Swenson, 7/22/98), no conclusions can be drawn about whether the petitioner exercises political influence or authority over its members, whether it may be by mobilizing significant numbers of members and significant resources from members for these gatherings; or by demonstrating that, through these gatherings, there exists widespread knowledge, communication and involvement in political processes by most of the membership. If the petitioner wishes to use this tape as evidence that it meets (c), it needs to provide a written narrative and analysis of the gathering that, at a minimum, identifies the individuals who appear on the tape.	Does not meet (c).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1990 - 1991	Flyers, announcing meetings to find Nipmuc descendants in Providence, Rhode Island (August 22, 1990); Worcester, Massachusetts (December 15, 1990; June 25, 1990; and July 9, 1991); and Woodstock, Connecticut (September 18, 1990)	The flyers announce meetings to find Nipmuc descendants in Providence, Rhode Island (August 22, 1990); Worcester, Massachusetts (December 15, 1990; June 25, 1990; and July 9, 1991); and Woodstock, Connecticut (September 18, 1990).	(c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.	The flyers provide some evidence that NTAP tried to recruit Nipmucs from across New England for membership in the Nipmuc group or for other purposes. As the documents indicate, a goal of these meetings in Massachusetts, Rhode Island and Connecticut was to "find" Nipmuc descendants. This, of course, suggests that any and all of those who might be "found" through such a process would not be part of a Nipmuc group and would not be maintaining a bilateral political relationship with such a group. From the documents and from other information, it cannot be determined whether the individuals who were located through such a process were or were not part of a Nipmuc group, or even whether they were maintaining a bilateral political relationship with such a group. It also cannot be determined whether today there may exist a political connection between these individuals and Nipmuc leaders. If the petitioner were to provide information about the relationship to the Nipmuc group of both the individuals who were located through NTAP's search for Nipmuc descendants and the members that it added in the 1990's, such information may corroborate other evidence which suggests that the petitioner does not maintain political influence or authority over most members of the group as a whole. In the absence of such evidence, it cannot be concluded that these flyers provide negative evidence for the 1990's or for any other part of the period since 1970.	Neither meets nor negates (c).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1991	Notes, "Annual Nipmuk business meeting" at Friendly House in Worcester, Massachusetts	The notes indicate that the meeting took place on November 24, 1991 and that 300 people attended.	(c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.	Without further information, it is impossible to determine whether this meeting is a meeting of the petitioning group. It may have been a NTAP meeting. The evidence suggests that #69, #69A, #69B, and NTAP have enjoyed very close associations with one another to the point that all four groups are not entirely distinct. There is evidence that NTAP is an organization formed by #69 to work on the petition for federal acknowledgment; there is also a written claim, which was discussed above, from a #69B leader that NTAP is a faction of a larger Nipmuc group (See Letter from Dolly Swenson and Cheryl Magos to BIA dated March 10, 1994). The petitioner did not provide sufficient information to determine whether this document shows that the petitioner meets (c) for the 1990's or any other part of the period since 1970.	Does not meet (c).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1992	"Nipmuc celebration to honor heritage: Event tomorrow on Worcester common," by Clive McFarlane, newspaper article, 1992	The article mentions Thomas Doughton by name and notes that The Nipmuc Tribal Acknowledgment Project (NTAP) reports that there are now about 2,000 people of Nipmuc heritage in the region, most of them living in Massachusetts, Connecticut and Rhode Island.	(c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present. "It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15).	The McFarlane article does not explain the nature of the relationship between, on the one hand, these "2,000 people of Nipmuc heritage," and, on the other, a Nipmuc group. The petitioner did not submit any information to clarify this relationship. It is possible that the petitioner has been maintaining political influence or authority over part or all of these 2,000 people. It is also, however, possible that part or all of these people are individuals (and/or descendants of individuals) who have long since ceased to maintain tribal relations. In other words, there may not be any political connection at all between #69A leaders and part or all of these people. It is probable that at least some of the 2,000 individuals joined the petitioning group in the 1990's. After all, more than 1,000 of the 1,602 members on the 1997 membership list were not on the membership list that was submitted in 1996. Alternatively, very few, if any, of the 2,000 people may have enrolled in the petitioning group: it may have been for other reasons that NTAP took an interest in these individuals, and these individuals took an interest in NTAP. Without additional information or explanation, the conclusion cannot be reached that the McFarlane article provides negative evidence.	Neither meets nor negates (c).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1994	Letter to BIA from Dolly Swenson and Cheryl Magos to BIA dated March 10, 1994	In this document, Ms. Swenson and Ms. Magos claim that Mr. Morse's group (#69B), Mr. Vickers's group (#69A), and NTAP are "factions" of a larger Nipmuc group.	As evidence that the petitioner meets (c), the regulations state: "There are internal conflicts which show controversy over valued group goals, properties, polices, processes and/or decisions" (c)(1)(v). "The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4).	Ms. Swenson was a leader of the petitioning group (#69) before the group split into #69A and #69B in 1996, which was two years before she wrote this letter. Cheryl Magos is the editor of a newsletter for Nipmucs (*Nipmucspohke*) in which she has claimed that the newsletter is affiliated with neither group. The petitioner provided almost no information about its relationship to either #69B or to the NTAP group for the period following the decision of #69B to split from #69. Because bitter, faction-like conflicts can provide evidence that political processes extend beyond the organizations to the membership in general, and because internal conflicts which show controversy over valued group goals, properties, polices, processes and/or decisions can reveal that a group maintains political influence or authority over its members, the petitioner might choose to submit additional material about these groups and the relationship of these groups to their group (#69A). This said, it should be stated that, for the 1980's, there exist several letters in the record that document the conflict between #69B and #69A, letters that provide some evidence that the petitioner may meet (c) for the 1980's. If the petitioner decides to provide additional information and documentation about the conflict, it might try to provide documentation of the conflict as it unfolded in the 1990's. If the petitioner hopes to try to show that there was widespread knowledge, communication and involvement in political process by most of its members, any information about the scope of this conflict may strengthen the petitioner's	Does not meet (c).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1994 - 1997	*Nipmucspohke* and *Nipnet Notes*	*Nipmucspohke* and *Nipnet Notes* are newsletters for Nipmucs.	As evidence that the petitioner meets (c), the regulations state: "The group is able to mobilize significant numbers of members and significant resources from its members for group purposes" (c)(1)(i).	The petitioner provided almost no analysis of these newsletters. In one of the issues of *Nipmucspohke*, an issue that was undated but from its contents probably was published in 1997, the editor is identified as Cheryl Magos, and the city from which the newsletter is sent out is identified as Branchburg, New Jersey. The editor notes that the newsletter is not affiliated with #69A or #69B. Even so, this newsletter probably is sent to more than a few members of #69A. The same can be said of *Nipnet Notes*. The newsletter states that it is published by the Nipmuc Tribal Acknowledgment Project, which may or may not be part of the petitioning group. Even so, the newsletter is probably sent to more than a few members of #69A. It is unlikely, but possible, that these newsletters contain positive evidence of (c). If the petitioner wishes to argue that it meets (c) through evidence that includes one or both of these publications, it could try to show, for example, that one or both of the newsletters mobilize members and significant resources from members. It could document how many members volunteer to write articles for the paper, provide funds to support it, and/or distribute copies to members. Alternatively, the petitioner could argue that one or both of the newsletters show that members are involved in political processes by identifying, for example, debates over group issues that might appear in successive issues of the paper. In the absence of any analysis from the petitioner of these newsletters, the conclusion cannot be reached that the newsletters provide evidence that the	Does not meet (c).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1995	Letter to BIA, with enclosure, from Ron Little Crow Henries, dated June 5, 1995	Mr. Henries enclosed a newspaper article which states that powwows are held every summer by the Hassanamisco Band. These events, it continues, were opened up to the public in 1954 and raise funds for the group. The proceeds help maintain the 4-1/2 acre "reservation." The article reported that, for the 1995 powwow, the Full Circle Drum Society came up from Connecticut. It also reported that the "Nipmuc medicine man" was Ronald L. Messier.	As evidence that the petitioner meets (c), the regulations state: "The group is able to mobilize significant numbers of members and significant resources from its members for group purposes" (c)(1)(i); and "group leaders and/or other mechanisms exist or existed which exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior" (c)(2)(iii).	The article provides some evidence that the petitioner may meet (c) for the 1990's and possibly earlier if the petitioner were to submit additional information showing, for example, and if appropriate, that it was able to mobilize significant numbers of members and significant resources from its members for the powwows. If the petitioner was able to mobilize significant numbers of members for these events, which is unlikely but nevertheless possible, it should provide documentation of the number of individuals who participated, including the names of those participants who were members of the petitioning group and how, specifically, these members participated (e.g. by helping advertise the event, by cooking, and/or by providing clean-up). If the petitioner was able to mobilize significant resources from members for these events, it should provide specific examples of how and for what purposes this was done. For example, the article mentions that the Full Circle Drum Society came up from Connecticut to play at the 1995 powwow. If the leaders of the petitioning group solicited donations from members to pay for the Drum Society to play during the powwow, the petitioner should describe and document this. Additional information and documentation should also be submitted if the petitioner believes that it can show that the person identified in the article as the group's "medicine man" exerted a strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior.	Does not meet (c).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1995	Submission, Ron Little Crow Henries, 1995	The information was submitted by a member of the petitioning group, Ron Little Crow Henries.	(c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.	This submission, together with copies of the newsletters themselves, shed some light on *Nipmucspohke* (see questions above). The submission indicates three things: 1) The newsletter was started as late as 1994 and thus cannot provide evidence of whether the petitioner meets (c) for a very long period of time during the period since 1970, if it can even do so at all; 2) if the mailing list even includes members of the petitioning group, the mailing list extends far beyond the boundaries of the petitioning group and thus the newsletter is of dubious value for evaluating the petitioner; and 3) the newsletter is not an instrument of the petitioning group or even of a petitioning group member. Except for the date of first publication, which appears to be January 1991, it is probable that all three of these criticisms also apply other newsletter, *Nipnet Notes*. Without further information from the petitioner, no conclusions can be drawn from this submission as to whether the petitioner meets (c).	Does not meet (c).
1997	*Nipmucspohke*, n.d.	In this issue of a Nipmuc newsletter, which appears from its contents to have been published in 1997, there is a report that more than seventy Nipmucs attended the general meeting on June 14 at the Hassanamesit reservation in Grafton. At this meeting, it was announced that a Community Survey would be conducted to "fill in gaps between 1920 and 1970." It was also announced that the rolls of Hassanamesit, Nipmuc Tribal Acknowledgment Project and Chaubunagungamaug were combined. Membership on the "central roll" was alleged to be approximately 1,800.	No rule or precedent; included for informational purposes.	Almost no descriptions, particularly for the late 1990's, were received of the modern #69A group. Therefore, the accuracy of this description of events that was published in *Nipmucspohke* cannot be evaluated. More to the point, from this description the question of whether the petitioner meets (c) for the 1990's or any other part of the period since 1970 cannot be evaluated. The petitioner is encouraged to submit such material and to explain, for example, the claim in this article that the "rolls" of three Nipmuc groups or organizations were combined.	Neither meets nor negates (c).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Criterion 83.7(c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1997	Videotape entitled, "Homecoming 9/13 - 14/97. Nipmuc Nation - Grafton, MA"	This tape presents footage on a gathering that took place in September of 1997 on the Hassanamisco Reservation. The tape documents the various activities that were organized for the children and the fact that an outdoor exhibit of photographs was set up alongside the circular clearing that served as a dancing ground during the event. Also presented in the tape is a woman weaving, children and adults dancing, and dozens of people laughing, talking and eating.	(c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.	From the tape, it is impossible to identify which individuals are the leaders of #69A or even which are members of the group. Particularly since Nipmuc leaders have described their gatherings as open to the public and intertribal in nature (see Interview with Lucyann Swenson, 7/22/98), no conclusions can be drawn about whether the petitioner meets (c) from this submission.	Does not meet (c).
1999	Letter and enclosures from Gordon Ward to Senator John Kerry, dated August 23, 1999	The enclosure makes reference to a "duly announced meeting of the Nipmuc people at Grafton" where "the so-called Interim Tribal Council responded to demands from the people that a permanent government had to be elected." It was explained that the Nipmuc "fragmented over a number of years of various entities claiming to be the tribal government." A temporary solution to this problem/ issue, particularly in light of the requirement that Nipmucs affirm their desire to be on the membership list, was to fashion a provisional consent form saying not only that they wished to be on the membership list but also that they recognized the current government as the legitimate government until a permanent council could be elected.	The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000).	Sufficient information to evaluate the claims made in this submission was not received.	Neither meets nor negates (c).

Recommendation: The petitioner has not shown the existence of political authority or influence since first sustained contact with non-Indian settlers. There is evidence of political authority and influence for the Hassanamisco Band itself from the early contact period to the 1780's, but insufficient evidence for the Hassanamisco Band therafter. The proposed finding for petitioner #69B indicates that there was sufficient evidence, including carryover from 83.7(b)(2), that the Chaubunagungamaug Band demonstrated political influence and authority through 1870, but there was insufficient evidence thereafter. There was no evidence of any political influence or authority exercised between those two bands, nor any indicating the existence of political influence or authority within a Nipmuc entity that encompassed descendants of all historical Nipmuc bands. This last is now asserted by petitioner #69A as its antecedent historical tribe. The petitioner therefore does not meet the requirements of criterion 83.7(c).

THE NIPMUC NATION [FORMERLY NIPMUC TRIBAL COUNCIL, HASSANAMISCO RESERVATION], PETITIONER #69A: PROPOSED FINDING - SUMMARY CHART

CRITERION D - The petitioner has submitted a copy of its present governing document, including its membership criteria.

Summary of the Evidence:

On November 21, 1983, both Walter Vickers (now head of petitioner #69A) and Edwin Morse, Sr.(now head of petitioner #69B) signed a "Governing Document of the Nipmuc Tribe" (Nipmuc Pet. 1984, 200-200b). There is no indication that it was adopted by vote of the membership of either the Hassanamisco Band or the Nipmuck Indian Council Inc. [Chaubunagungamaug Band], nor did the document contain any provisions for ratification.

In 1993, during the joint petitioning process, another constitution was adopted by an electoral process under the aegis of the Nipmuc Tribal Acknowledgment Project (NTAP). The 1993 constitution is the one currently in force for petitioner #69A.[1]

[1]Throughout the chart for criterion 83.7(d), the boldface listing, for example **(d)**, in the column "form of evidence" does not indicate that the item of evidence under analysis met the criterion under that form of evidence. Rather, it indicates the BIA researcher's determination of the category or type of evidence into which the document discussed could best be construed to fall. Technical problems associated with the table format of the charts do not permit the repetition of this footnote on every page of the charts.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Proposed Finding, Criterion 83.7(d)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1993	(d) Current governing document (Constitution of the Nipmuc Nation 1993; Nipmuc Pet. #69A Suppl. 1/21/1997, Attachment A Cover Letter).	This document was adopted for petitioner #69 by vote, under sponsorship of the Nipmuc Tribal Acknowledgment Project. Exclusive of the cover page, the 1993 constitution is a ten-page document (pages unnumbered) consisting of a preamble and Section I, Tribal Membership; Section II, Tribal Government; Section III, Tribal Council Duties; Section Iv, Ordinances and Resolutions; Section V, Voting, Section VI, Amendments. The preamble stated that the constitution was adopted, ". . . to preserve the heritage of our ancestors, promote justice and safeguard our interest, secure lands and resources, undertake economic and social development, and otherwise promote the self-sufficiency of our Tribe" (Nipmuc Nation Constitution 1993, [1]).	For statements concerning current govering documents, see Jamestown Clallam PF 1980, 4; Tunica-Biloxi PF 1980, 4; Narragansett PF 1982, 15.	Subsequent to submission by #69A of a different constitution in 1996 (Vickers to Reckord 10/26/1996; Nipmuc Pet. #69A Suppl. 10/30/1996), a copy of the 1993 constitution, signed by the Nipmuc Nation Tribal Council, was enclosed in a mailing to the BIA dated May 2, 1997 (received May 6, 1997), and certified as the currently valid governing document (see also Luster to Reckord 4/29/1997).	Meets (d).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Proposed Finding, Criterion 83.7(d)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1983	(d) Nipmuc Tribal Council, Inc.	Joint governing document signed by Walter A. Vickers and Edwin W. Morse. This was submitted in the 1984 petition. There is no indication that it was adopted by vote of the membership of either the Hassanamisco Band or the Chaubunagungamaug Band, nor did the document contain any provision for ratification. Article I, Name, stated: "The name of this organization is the Nipmuc Tribe (or Nation) consisting of a number of bands or clans of Indian people who have produced evidence of genealogical relationship to a family or ancestor known to be Nipmuc Indian" (Nipmuc Pet. #69 1984, 220).	Included for informational purposes.	The wording of Article IV, Section 1, indicated the purpose of this document was to establish an "umbrella" council that would coordinate the activities of Hassanamisco and Chaubunagungamaug. It did not supersede the existing governing documents of the two groups. Article IV, Section 2, specifically provided that a person eligible for council membership "is one who is listed on the Tribal Roll of the band or clan that he/she is representing." It did not determine the number of council members, or specify a mode for nominating them. It did not provide for council officers, nor did it mention the idea of a tribal sachem as coordinator between the two bands, as mentioned in the petition narrative (Nipmuc Pet. #69 1984, 196-197). The phrase, "a number of bands or clans of Indian people," was not defined by name or number.	Neither meets nor negates (d).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Proposed Finding, Criterion 83.7(d)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1978	(d) Hassanamisco Reservation Foundation By-laws (Nipmuc #69 Pet. Suppl. 1994, Ex.: By Laws 1978, unpaginated, January 1978).	The copy submitted was signed at the bottom of each page by Chief Matchaman [Walter A. Vickers], Northboro, Massachusetts. The "Forward of Purpose" indicated a generally cultural set of purposes for the organization, such as: "to show the native people the heritage of their ancestors and spread the knowledge to the strangers who came from other lands," and "that we in our niche shall become a part of history as people rather than a portrayal of savage aborigines" (By Laws 1978, [1]). These by-laws emphasized, in Article II: "Be it understood that Trustees (Directors) by so becoming are not entitled to legal rights to the Reservation, other than those Trustees who have Heirship Rights as actual Cisco (Printer) descendents [*sic*] . . ." (By Laws 1978, [2]). Section B also reserved the Cisco family's rights (By laws 1978, [5]).	Included for informational purposes.	These by-laws were an elaboration of the 1961 document, but made no major changes. They did add (Article IX) that committees "may be composed of Nipmuc Tribal Members, Hassanamisco Members, non-Indians or people who are natives of other tribes" (By Laws 1978, [4]). The provisions for the Board of Trustees (Directors), Article III, distinguished between legal Heirs and Hassanamisco Tribe (or Band), but did not provide for non-Hassanamisco Nipmucs to hold office in the organization.	Neither meets nor negates (d).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Proposed Finding, Criterion 83.7(d)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1961	(d) Former governing document. Hassanamisco Reservation Foundation (Nipmuc 369 Pet. 1984, Ex. 16).	The 1984 petition stated that the Hassanamisco Reservation Foundation was formally established in 1961 and that the ,"by-laws of the Nipmuc Tribe, the first written document of its kind," provided for the election of tribal officers, regular business meetings, directives regarding the administration of tribal finances, the establishment of a library and museum for Indian artifacts, a program for the development of traditional crafts, and the establishment of a scholarship fund to assist the education of members of the tribe" (Nipmuc #69 Pet. Narr. 1984, 179); it later stated that it acknowledged the particular ownership of the Hassanamisco Reservation by members of the Cisco Family (Nipmuc #69 Pet. Narr. 1984, 180-181).	Included for informational purposes.	The presentation in the narrative petition was somewhat misleading, in that the document made no reference to the existence of a Nipmuc Tribe, nor attempted to write by-laws for such an organization. The actual document is headed, "Hassanamisco Reservation Foundation By–Laws," and Article I, Section A, specified that, "the working orgnization will be established as a Foundation known as Hassanamisco Reservation Foundation, headquarters being Hassanamisco Reservation—Grafton, Mass." (Nipmuc #69 Pet. 1984, Ex. 16). Section C established a Cisco Family fund, while the Francis E. Raymond Scholarship was not for benefit of members of the Nipmuc Tribe, but rather for "Indian Scholarships of any nature deemed fit by the Committee" (Nipmuc 369 Pet. 1984, Ex. 16).	Neither meets nor negates (d).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Proposed Finding, Criterion 83.7(d)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1993	(d) Membership criteria (Constitution of the Nipmuc Nation 1993).	"Blood descendants of a person or persons identified as Native American and Nipmuc as defined through standards established through the Nipmuc Tribal Council" (Constitution of the Nipmuc Nation 1993, [2], Section I.A), while Paragraph D provides that, "All applicants whose Nipmuc Indian heritage is certified by the membership committee of the governign body of the Nipmuc nation shall be entered on the Tribal Roll of the Nipmuc Nation" (Constitution of the Nipmuc Nation 1993, [1]). Paragraph E prohibits dual enrollment (Constitution of the Nipmuc Nation 1993, [2]). Verification procedures are established in Paragraph C. The constitution contains no provision that applicants whose descent from the historical tribe has been established must also have maintained tribal relations in order to be enrolled..	For statements concerning application of membership criteria, see Samish PF 1982, 19; Ramapough FD 1996, 18, 27.	The governing document as submitted contains the petitioner's membership criteria. For discussion of actual practice, see the discussion of the current and prior membership lists under criterion 83.7(e).	Meets (d).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Proposed Finding, Criterion 83.7(d)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1961-1983	(d) Former membership criteria.	None of the prior Hassanamisco governing documents specified membership eligibility criteria. The 1961 and 1978 Hassanamisco Reservation Foundation documents mentioned the Cisco family as legal heirs to the reservation property, but did not specify how Hassanamisco membership eligibility for persons not direct descendants of the Cisco family was determined. For prior eligibility standards for the Chaubunagungamaug Band, see the charts prepared for petitioner #69B (Nipmuc #69 Response 1994, Ex. 6). The 1983 joint governing document mentioned only that council members should be members of the bands they were representing on the council.	Included for informational purposes.	For discussion and analysis of actual practice, see the material concerning prior membership lists under criterion 83.7(e).	Neither meets nor negates (d).

Recommendation: Petitioner 69A has submitted a copy of its current governing document, including the membership criteria. The petitioner therefore meets the requirements of criterion 83.7(d).

THE NIPMUC NATION [FORMERLY NIPMUC TRIBAL COUNCIL, HASSANAMISCO RESERVATION], PETITIONER #69A: PROPOSED FINDING - SUMMARY CHART

CRITERION E - Descent from the historic tribe.

Summary of the Evidence: The petitioner's membership requirements specify descent from "a person or persons identified as Native American and Nipmuc as defined through standards established through the Nipmuc Tribal Council" (Constitution of the Nipmuc Nation 1993, [2], Section I.A). No copy of such standards officially adopted by the tribal council was contained in the petition submissions.

The administrative record contains limited evidence concerning the membership of the Hassanamisco (Grafton) and Chaubunagungamaug (Dudley/Webster) Bands in the 18th century, and extensive additional evidence from State records concerning the membership of many of the petitioner's qualifying ancestors in the Hassanamisco and Chaubunagungamaug Bands in the 19th century, including listings on the reports of state-appointed overseers and two state reports (Briggs Report 1849; Earle Report 1861). These documents identifying the majority of the petitioner's qualifying ancestors as members of one of those two specific bands have been supplemented with extensive submissions from Federal census records, State and town vital records, church records, obituaries, newspaper feature articles, and similar data pertaining to and/or demonstrating the descent of the petitioner's current members from the qualifying ancestors. The BIA researcher surveyed all this material and organized it according to family lines in a background genealogical report which covers both petitioner #69A and petitioner #69B (Nipmuc GTKY 1998, BAR). This background report (with privacy data removed) is available for consultation.

Petitioner #69A also accepts members who descend from families asserted to be Nipmuc, but whose ancestors did not appear on either of the prior described sets of state listings. In 1997, petitioner #69A submitted supplementary petition materials which included a memorandum that specifically rejected the hypotheses of the 1984 petition narrative concerning descent only from the former Hassanamisco (Grafton) and Chaubunagungamaug (Dudley/Webster) Bands, stating:

> . . . there has been a misunderstanding about lists created by Euroamericans, dealing with heir-at-law [*sic*], but are not "tribal rolls," and fail to confirm a much wider Nipmuc community. The historical and social experience of Nipmucs demonstrates "one people." Both the notions of a "Hassanamisco" Nipmuc and a "Chaubunagungamaug" Nipmuc are constructions from outside the Nipmuc community; in long term tribal social and political interactions no such distinctions among Nipmuc people existed until Edwin Morse and family created a contemporary corporation appropriately [*sic*] for themselves titles like "chief" or "clanmother" (Doughton to Nipmuc Nation Tribal Council 4/15/1997, 3-4).

Because of the complex nature of the genealogy of #69A and #69B, the BIA researcher prepared an extensive background document (Nipmuc GTKY File, BAR). Beginning with the 1861 Earle Report, the GTKY file worked backwards to determine the ancestry and interrelationships of the families listed by Earle as Hassanamisco (Grafton, Massachusetts) and Dudley/Webster (Chaubunagungamaug), and forwards to determine the descendancy of the current members. When the petitioner indicated the acceptance of persons from other family lines, the GTKY file incorporated those into the study. It supplemented the work by several appendices concerning families that were extensively intermarried with Nipmuc family lines, but which were not claimed as qualifying ancestors for membership in either of the current petitioners. The BIA researcher did not rely completely upon the materials submitted by the petitioner, but also did research in vital records, state and Federal census records, and other materials in order to verify the assertions made by the petitioners, and to correct errors made by the petitioners. The BIA furnished each petitioner with copies of the portions of the GTKY file pertaining to its own ancestral lines, with modern privacy material deleted.[1]

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[1]Throughout the chart for criterion 83.7(e), the boldface listing, for example **(e)(1)(iv)**, in the column "form of evidence" does not indicate that the item of evidence under analysis met the criterion under that form of evidence. Rather, it indicates the BIA researcher's determination of the category or type of evidence into which the document discussed could best be construed to fall. Technical problems associated with the table format of the charts do not permit the repetition of this footnote on every page of the charts.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1993	**(e) Eligibility.** "Blood descendants of a person or persons identified as Native American and Nipmuc as defined through standards established through the Nipmuc Tribal Council" (Constitution of the Nipmuc Nation 1993, [2], Section I.A).	No copy of such "standards" officially adopted by the tribal council was contained in the petition submissions. Evidence indicates that this provision has been interpreted by the Nipmuc Nation as qualifying for membership persons descended from families that lived in the former praying town of Natick at the eastern edge of historic Nipmuc territory, and descendants of Nipmuc individuals who were living off the Massachusetts reservations, in Connecticut and Rhode Island, by the late 18th century: "We represent not only Hassanamisco and Chaunbuna-gungamaug, but other members of the Nipmuc Nation, including members from Dudley-Webster, Natick, Quinsigamond, and our brothers and sisters from the Connecticut bands in Thompson, Putnum [*sic*], Hartford, and other parts of the Nipmuc traditional homelands (Luster to DeMarce, 12/26/1996; Nipmuc Pet. #69A Suppl. 1/21/1997).	Provided for informational purposes.	This provision goes strictly by descent from an undetermined group of historical ancestors, and makes no provision for blood quantum or for the maintenance of tribal relations. For circumstances surrounding the adoption of these criteria and issues of validity, see the discussion under Criterion D.	The eligibility criteria in themselves either meet nor negate (e).
1900-1980	**(e) Eligibility.** Nipmuc Pet. #69 Narr. 1984, 120-122.	This portion of the narrative indicated that "immediately after the turn of the century, there was a general consensus concerning who was and who was not a member of the tribe," because the group as a whole was quite small (Nipmuc Pet. #69 Narr. 1984, 120). The narrative referenced a pool of potential members "in excess of those formally recognized," even in the early 20th century. It stated that the maintenance of formal rolls began in 1923, but that there is no evidence that these referenced such documents as the Earle Report (Nipmuc Pet. #69 Narr. 1984, 121).	Included for informational purposes.	The BIA found no confirmation of the maintenance of membership lists as early as 1923.	Neither meets nor negates (e).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1984-1997	(e) Petitioner's submissions of genealogical data.	In combination with the charts originally submitted with the 1984 petition, as of December 5, 1992, #69A had submitted to the BIA ancestry charts for all but 82 of the 1602 persons on the corrected "1640 List" (Gould to Fleming 12/22/1997). The 1997 submissions were accompanied by computerized databases prepared in Family Tree Maker.	"Although the group has not attempted to trace their ancestry any further back than the 1871 census, there is documentary evidence to establish ancestry back from the 1871 ancestor to Gay Head Indians who appear on a list prepared in 1792 . . . evidence also suggests that several of the 1792 ancestors were descendants of the aboriginal inhabitants of the area at the time of English colonization" (Gay Head PF 1985, 7); "Other Federal, State, and local records, such as Federal population census schedules, 19th century petitions to the State and County made by Mohegans, probate records, and vital records, corroborate this descent" (Mohegan PF 1989, 11).	The records used by the BIA to examine the assertion of descent from the historic tribe for the key ancestors of petitioner have been the same types of record which have been used to verify descent from a historic tribe in prior cases. The ancestry of each of the ancestors through whom the petitioner claims descent will be handled sequentially in the chart sections following.	Included for informational purpose only; neither meets nor negates (e).
1997	(e) #69A Membership List 10/9/1997.	The #69A membership list dated October 9, 1997, as corrected, listed all known Cisco family descendants. Additionally, it contained descendants of two other Hassanamisco family lines on the 1861 Earle Report, Gigger (during the 19th century of Gardner, Massachusetts) and Hemenway (during the 19th century of the city of Worcester, Massachusetts). It included representatives of all the 19th-century Dudley/Webster families known to have left descendants, and representatives of two families on Earle's 1861 "Miscellaneous Indians" list. It also included several qualifying ancestral family lines that had not been verified by the BIA genealogist during the June 1997 site visit because, although they had been listed on the "1992 Nipmuc Census," they were not on the officially submitted membership list as of October 28, 1996 (Nipmuc #69A List 10/28/1996).	Included for informational purposes.	This section has been prepared by taking the persons accepted as qualifying ancestors for membership in #69A and organizing them by category, indicating the number of descendants of the family line and the date on which it appeared on the membership lists compiled by the petitioner between 1977 and 1997. Only 36 of the 1602 persons were not traced to one of the following ancestral lines as of December 12, 1997. The submissions by #69A that arrived after December 5, 1997, may have provided identification for these. They amounted to only two per cent of the membership, so would not have a significant effect in altering the above relationships.	Neither meets nor negates (e).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1997	(e) Descendants of Hassanamisco (Grafton) Nipmuc.	Individual lines. Proprietary families. Cisco (Arnold) 11, including two desc. of an adopted child Gigger 6 (never listed before the 1997 final list) Earle's 1860 supplemental Hassanamisco list. Hemenway 114 (never listed before the 1997 final list) Date of appearance of family lines (not individuals) on membership lists. Cisco: 1977 Gigger: 1997 In the modern period, Gigger descendants first included on the 1997 membership list (still in contact 1930's) Hemenway: 1997 In the modern period, Hemenway descendants first included on the 1997 membership list (still in contact 1920's).	"One hundred and eighty six of the tribe's 200 members could prove descent from lists of Tunicas and Biloxis prepared in the late 1800's and early 1900's" (Tunica-Biloxi FD 1981, 46 FR 143, 38411); "Eligibility based on Narragansett Indian blood has been further defined and restricted, according to a memorandum dated October 4, 1979, to require applicants for full voting membership to trace their Narragansett Indian bloodlines back to the 'Detribalization Rolls of 1880-84. . . . Given the nature of the 'detribalization rolls' and the circumstances surrounding their preparation, they are considered to be acceptable as evidence of Narragansett Indian ancestry for acknowledgment purposes (Narragansett PF 1982, 16); "The petitioner's membership criterion requires that members descend from an individual 'who appears on a census of the inhabitants of Gay Head, Massachusetts, published in 1871 (Gay Head PF 1985, 7); "Approximately . . . percent of the membership can demonstrate that they meet the group's membership requirement which is descent from an individual on a list of Mohegan Indians prepared in or before 1861" (Mohegan PF 1989, 12).	Proportion of #69A membership with Hassanamisco (Grafton) ancestry. Number: 131 Proportion: 8 per cent. Of the 131 #69A members who can document Hassanamisco descent, 17, or one per cent, descend from Hassanamisco proprietary families. Only 11, or six-tenths of one percent, descend from the Cisco family, or the "Hassanamisco Reservation, Grafton, Massachusetts," on behalf of which the original letter of intent was filed by Zara CiscoeBrough in 1980. The first-time addition of the 114 Hemenway/Johnson descendants to the 1997 list may be to some extent the result of a research project on Hepsibah (Bowman/Crosman) Hemenway undertaken by the Worcester Historical Museum.	The conclusion is stated in the summary section for all lines, below.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1997	(e) Descendants of Chaubunagunga-maug (Dudley/ Webster) Nipmuc.	Descendants of the historical Chaubunagungamaug (Dudley/Webster) Band in petitioner #69A and #69B. Of the persons listed as Dudley/ Webster Indians on the 1861 Earle Report and the 1890 disbursement list, the BIA has determined that the following extended families are known to have living descendants. Of them: Esther Jaha's line has descendants only in #69A; Esther Humphrey's line currently has descendants only in #69A; a few were included on a prior #69B list; James Pegan's line has descendants only in #69A; James E. Belden's line has descendants only in 69A; Lydia Ann (Sprague) Nichols Shelley Henries' line has descendants in both #69A and #69B; Betsey (Pegan) White's line has known descendants only through the Henries family, which also descends through Lydia Ann Sprague, as noted above: it has descendants in both #69A and #69B.	No precedent: included for informational purposes.	This represents a summary of the findings on the relationship of historical Chaubunagungamaug (Dudley/Webster) descendants now found in petitioner #69A as compared to petitioner #69B. A large numeric majority of the known Dudley-Webster descendants remained with #69A at the May 1996 split. More Dudley/Webster family lines are represented in #69A than in #69B.	Neither meets nor disproves (e).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1997	(e) Descendants of Chaubunagungamaug (Dudley/Webster) Nipmuc.	Individual lines. Jaha 28 Humphrey 38 Pegan/Wilson 63 Belden 18 Lydia Ann (Sprague) Nichols (The Shelley Henries line has descendants in both #69A and #69B) Sprague/Henries 141 Sprague/Henries/Morse 94 Sprague/Nichols 99 Sprague/Shelley 1 Date of appearance of family line (not individuals) on membership lists. Jaha 1992 Nipmuc Census Humphrey 1992 Nipmuc Census Pegan/Wilson 1977 Belden 1992 Nipmuc Census Sprague 1977	"One hundred and eighty six of the tribe's 200 members could prove descent from lists of Tunicas and Biloxis prepared in the late 1800's and early 1900's" (Tunica-Biloxi FD 1981, 46 FR 143, 38411); "Eligibility based on Narragansett Indian blood has been further defined and restricted, according to a memorandum dated October 4, 1979, to require applicants for full voting membership to trace their Narragansett Indian bloodlines back to the 'Detribalization Rolls of 1880-84. . . . Given the nature of the 'detribalization rolls' and the circumstances surrounding their preparation, they are considered to be acceptable as evidence of Narragansett Indian ancestry for acknowledgment purposes (Narragansett PF 1982, 16); "The petitioner's membership criterion requires that members descend from an individual 'who appears on a census of the inhabitants of Gay Head, Massachusetts, published in 1871 (Gay Head PF 1985, 7); "Approximately . . . percent of the membership can demonstrate that they meet the group's membership requirement which is descent from an individual on a list of Mohegan Indians prepared in or before 1861" (Mohegan PF 1989, 12).	Proportion of #69A membership with Chaubunagungamaug (Dudley/Webster) descent: Number: 482 Proportion: 30 per cent The Betsey (Pegan) White line has known descendants only through the Henries family, which also descends through Lydia Ann Sprague, as noted in column two. They are not double-counted here. The line has descendants in both #69A and #69B. A few of the Humphrey descendants were included on a prior #69B membership list, but not on the current #69B membership list. Thirty-one individuals had both Humphrey and Belden ancestry. They have been enumerated under Humphrey, and have not been double-counted here.	The conclusion is stated in the summary section for all lines, below.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1997	(e) Descendants of Natick Indians	One major family line currently on the #69A Nipmuc membership list, the Thomas family, asserts descent from Natick Indians (defining Natick as Nipmuc). However, the tie between the earliest proven ancestor of the line and the Natick family of the same name has not been documented by acceptable genealogical standards. One sub-line of this extended family, the Silva Clan, submitted third-party documentation to the BIA to show Ponkapoag Indian ancestry through a Cobb line, based on the 1861 Earle Report. As petitioner #69A did not use this as a qualifying line, they have not been separated here.	"One hundred and eighty six of the tribe's 200 members could prove descent from lists of Tunicas and Biloxis prepared in the late 1800's and early 1900's" (Tunica-Biloxi FD 1981, 46 FR 143, 38411); "Eligibility based on Narragansett Indian blood has been further defined and restricted, according to a memorandum dated October 4, 1979, to require applicants for full voting membership to trace their Narragansett Indian bloodlines back to the 'Detribalization Rolls of 1880-84. . . . Given the nature of the 'detribalization rolls' and the circumstances surrounding their preparation, they are considered to be acceptable as evidence of Narragansett Indian ancestry for acknowledgment purposes (Narragansett PF 1982, 16); "The petitioner's membership criterion requires that members descend from an individual 'who appears on a census of the inhabitants of Gay Head, Massachusetts, published in 1871 (Gay Head PF 1985, 7); "Approximately . . . percent of the membership can demonstrate that they meet the group's membership requirement which is descent from an individual on a list of Mohegan Indians prepared in or before 1861" (Mohegan PF 1989, 12).	Several Hassanamisco and Chaugunagungamaug families intermarried with Natick Indians in the 18th century (see discussions of the 18th century in this report, above). However, for analytical purposes, their ancestry has been ascribed to the Hassanamisco and Chaubunagungamaug lineages discussed above. The documentation currently in the record does not confirm the qualifying descent of any members on the 1997 #69A membership list from the historical Natick Indians.	The conclusion is stated in the summary section for all lines, below.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1997	(e) Descendants of Individuals Included on Earle's 1861 "Miscellaneous Indians" List. Obituary of Mary (Curliss) Vickers, *Worcester Telegram and Gazette*, January 25, 1897; NARS M-804, File W17469, Revolutionary War Pension application of Molly Piggen Pollock Woodland; Earle Papers.	Individual lines. *Curless (should be Pegan/Curless)* Curless 4 (connection not verified) Curless/Lewis 35 (connection not verified) Curless/Vickers 250 Thomas 180 Date of appearance of family lines (not individuals) on membership lists. Curless/Lewis 1992 Nipmuc Census Curless/Vickers: 1977/1979 List Thomas: 1995 List (no known prior contact)	"One hundred and eighty six of the tribe's 200 members could prove descent from lists of Tunicas and Biloxis prepared in the late 1800's and early 1900's" (Tunica-Biloxi FD 1981, 46 FR 143, 38411); "Eligibility based on Narragansett Indian blood has been further defined and restricted, according to a memorandum dated October 4, 1979, to require applicants for full voting membership to trace their Narragansett Indian bloodlines back to the 'Detribalization Rolls of 1880-84. . . . Given the nature of the 'detribalization rolls' and the circumstances surrounding their preparation, they are considered to be acceptable as evidence of Narragansett Indian ancestry for acknowledgment purposes (Narragansett PF 1982, 16); "The petitioner's membership criterion requires that members descend from an individual 'who appears on a census of the inhabitants of Gay Head, Massachusetts, published in 1871 (Gay Head PF 1985, 7); "Approximately . . . percent of the membership can demonstrate that they meet the group's membership requirement which is descent from an individual on a list of Mohegan Indians prepared in or before 1861" (Mohegan PF 1989, 12).	Proportion of #69A membership tracing to the 1860 "Miscellaneous Indians" list: Number : 469 Proportion: 29 per cent Two lines descend from families in the "Miscellaneous Indians" category of the 1861 Earle list, but the cases are not parallel. The Nipmuc descendancy of Mary (Curless) Vickers from Mary (Pegan) Pollock Woodland has been documented, although the family lived in Connecticut during the first half of the 19th century and was never on the Dudley/Webster reservation. During the 19th century, there were also marriages and other documented social contacts between this family line and other Nipmuc families living in Worcester County, Massachusetts (Hemenway, Sprague). Some members of this family appeared on the 1977/1979 Nipmuc membership list. By contrast, BIA researchers could not document any contact between the Thomas descendants, few of whom resided in Worcester County during the 19th and 20th centuries, and any Worcester County Nipmuc families prior to the line's appearance on the 1995 membership list.	The conclusion is stated in the summary section for all lines, below.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1997	(e) Descendants of Northeastern Connecticut Indian Families.	Individual lines. Dorus/Nedson 151 Sampson Hazard 4 Date of appearance of family lines (not individuals) on membership lists. Dorus/Nedson: 1992 Nipmuc Census Sampson Hazard: 1997	"One hundred and eighty six of the tribe's 200 members could prove descent from lists of Tunicas and Biloxis prepared in the late 1800's and early 1900's" (Tunica-Biloxi FD 1981, 46 FR 143, 38411); "Eligibility based on Narragansett Indian blood has been further defined and restricted, according to a memorandum dated October 4, 1979, to require applicants for full voting membership to trace their Narragansett Indian bloodlines back to the 'Detribalization Rolls of 1880-84. . . . Given the nature of the 'detribalization rolls' and the circumstances surrounding their preparation, they are considered to be acceptable as evidence of Narragansett Indian ancestry for acknowledgment purposes (Narragansett PF 1982, 16); "The petitioner's membership criterion requires that members descend from an individual 'who appears on a census of the inhabitants of Gay Head, Massachusetts, published in 1871 (Gay Head PF 1985, 7); "Approximately . . . percent of the membership can demonstrate that they meet the group's membership requirement which is descent from an individual on a list of Mohegan Indians prepared in or before 1861" (Mohegan PF 1989, 12).	Proportion of membership: Number 155 Proportion: 10 percent A member of the Dorus family of Windham County, Connecticut, which has long been documented as Indian, married a woman from the Dudley/Webster reservation in the 19th century. There are no known descendants of that particular marriage. During the 19th century, members of this family also married into the Curless/Vickers line. Dorus descendants were not included on the membership lists until the 1992 Nipmuc census. This line now accounts for nine per cent of the current membership of #69A. Although no descendants of Sampson Hazard appeared on Nipmuc membership lists prior to 1997, there were numerous marriages between his descendants and both Hassanamisco and Dudley/Webster Nipmuc, as well as the Curless/Vickers family, in the 19th century.	The conclusion is stated in the summary section for all lines, below.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1997	(e) Descendants of family lines whose Nipmuc Indian ancestry has not been verfied by evidence acceptable to the Secretary under 83.7(e).	Individual lines. Hazzard/Ransom 166 Arkless/Reed 95 Vickers (not Curless) 38 Webster/Lambert 30 Date of appearance of family line (not individuals) on membership lists. Hazzard/Ransom 1977 Arkless/Reed: 1992 Nipmuc Census Vickers (not Curless): 1992 Nipmuc Census Webster/Lambert: 1992 Nipmuc Census In addition to the Sprague/Nichols descent noted in column 5, the Hazzard/Ransom line was closely associated with the Hassanamisco Indians, marrying into the Cisco family in the 19th century. It was identified as Indian in the early records of Brimfield, Hampden County, Massachusetts, in the first half of the 19th century, and may well descend through Joel Hazzard from Sampson Hazzard, an 18th century Indian resident of Windham County, Connecticut.	"One hundred and eighty six of the tribe's 200 members could prove descent from lists of Tunicas and Biloxis prepared in the late 1800's and early 1900's" (Tunica-Biloxi FD 1981, 46 FR 143, 38411); "Eligibility based on Narragansett Indian blood has been further defined and restricted, according to a memorandum dated October 4, 1979, to require applicants for full voting membership to trace their Narragansett Indian bloodlines back to the 'Detribalization Rolls of 1880-84. . . . Given the nature of the 'detribalization rolls' and the circumstances surrounding their preparation, they are considered to be acceptable as evidence of Narragansett Indian ancestry for acknowledgment purposes (Narragansett PF 1982, 16); "The petitioner's membership criterion requires that members descend from an individual 'who appears on a census of the inhabitants of Gay Head, Massachusetts, published in 1871 (Gay Head PF 1985, 7); "Approximately . . . percent of the membership can demonstrate that they meet the group's membership requirement which is descent from an individual on a list of Mohegan Indians prepared in or before 1861" (Mohegan PF 1989, 12).	Proportion of #69A membership descending from family lines whose Nipmuc Indian ancestry has not been verified by evidence acceptable to the Secretary: Number 329 Proportion: 21 percent Sixty-three persons who asserted Hazzard/Ransom descent were also documented as Sprague/Nichols descendants. They have been enumerated in that category, as Dudley/Webster descendants, and are not double-counted here. Twenty-seven persons who asserted Arkless/Reed ancestry were also documented as Pegan descendants and have been enumerated in that category, as Dudley/Webster descendants, and are not double-counted here. Three of these family lines (Hazzard/Ransom, Arkless/Reed, and Vickers without Curless ancestors) were in-laws, step-relations, or collateral relatives of documented Nipmuc families, but have not been documented by evidence in the record to have Nipmuc ancestry themselves.	The conclusion is stated in the summary section for all lines, below.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1997	(e) Summary of evidence concerning descent from the historical tribe.	The Nipmuc Nation as it exists today was created by the NTAP. Membership lists prior to the 1992 Nipmuc Census contained almost entirely persons of documented descent from the 19th-century Massachusetts Nipmuc reservations. The small number of persons included on those lists who were not of documented Nipmuc descent, were close relatives (spouses, stepchildren or more remote step-descendants) of documented reservation Nipmuc. The major change introduced by the 1992 Nipmuc Census was the acceptance of much larger numbers of persons descended from in-law and non-Nipmuc collateral lines, which now account for 31 per cent of the total membership.	"One hundred and eighty six of the tribe's 200 members could prove descent from lists of Tunicas and Biloxis prepared in the late 1800's and early 1900's" (Tunica-Biloxi FD 1981, 46 FR 143, 38411); "Eligibility based on Narragansett Indian blood has been further defined and restricted, according to a memorandum dated October 4, 1979, to require applicants for full voting membership to trace their Narragansett Indian bloodlines back to the 'Detribalization Rolls of 1880-84. . . . Given the nature of the 'detribalization rolls' and the circumstances surrounding their preparation, they are considered to be acceptable as evidence of Narragansett Indian ancestry for acknowledgment purposes (Narragansett PF 1982, 16); "The petitioner's membership criterion requires that members descend from an individual 'who appears on a census of the inhabitants of Gay Head, Massachusetts, published in 1871 (Gay Head PF 1985, 7); "Approximately . . . percent of the membership can demonstrate that they meet the group's membership requirement which is descent from an individual on a list of Mohegan Indians prepared in or before 1861" (Mohegan PF 1989, 12).	Summary: Descendants of: Reservation Nipmuc: 38 per cent (8 percent Hassanamisco; 30 percent Dudley/Webster) Non-reservation Nipmuc 16 per cent Subtotal: 54 per cent "Miscellaneous Indians" 1861 only: 11 percent Connecticut Indians: 10 percent In-laws and collaterals: 21 percent Subtotal: 42 per cent The above accounts for 96 percent of the petitioner's membership, with 1 percent unascribed to any family line and 3 percent not fully documented. Only 54 per cent of the membership of petitioner #69A has documented descent from the historical tribe by documentation acceptable to the Secretary.	Does not meet (e).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1800-1890	(e)		No rule or precedent: included for informational purposes.	Throughout, for analysis of the acceptability to the Secretary and applicability of records specific to the Dudley/Webster Reservation, see the charts prepared for petitioner #69B. The petitioner does not have any major family lines that claim to trace to the remainder of the 17th century Nipmuc praying towns, since the assertion of Natick ancestry for one family has not been verified. Neither was any documentation pertaining to Nipmuc families descended from the remainder of the 17th century Nipmuc praying towns submitted by the petitioner or located by BIA researchers.	

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1725-1783	(e)(1)(ii) *Journals of the House of Representatives of Massachusetts* 1724-1726, 1925, 23-30; *Journals of the House of Representatives of Massachusetts* 1724-1726, 1825, 33;, 94, 126, 246; Mass. Archives 113, 673-676, 679-680, 736-738, 746-748, 749; Pierce, *History of Grafton* 1879, 36-40; Grafton or Hassanamisco trustees' records (Earle Papers, Nipmuc Pet. #69A Suppl. 1997); *Acts & Resolves* XI: 1726-1734, 1729/1730 chapter 58; *Acts & Resolves* XIII: 1743/1744, chapter 227; Mass. Archives 31, 292, 294, 304-307b, 356, 405-407, 455, 476-477; Mass. Archives 17, 671, 875-876.	In this category fall various Massachusetts state records pertaining to the lands, overseers, funds, and families at Hassanamisco. The documents listed at left represent a selection of the extensive 18th century documentation. In addition to the appointment of guardians by the colony, hey name individuals and families, dealing with matters of inheritance and probate.	"State . . . official records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe . . ." (83.7(e)(1)(ii).	This material provides identification for the families named. The majority of the families named in these records do not have descendants in the current petitioner, having died out. In many ways, therefore, these records are more applicable to analysis of criteria 83.7(b) and 83.7(c), and are dealt with in more detail in those charts. For detailed listings of the documents, see the draft technical report for petition #69A and the GTKY file (BAR) prepared for Hassanamisco.	Meets (e) for those persons listed.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1785-1849	(e)(1)(ii) Grafton or Hassanamisco trustees' and guardians' records (Earle Papers; Nipmuc Pet. #69A Suppl. 1997); Hassanamisco Guardians' Accounts Rendered (Massachusetts State Archives); Grafton Vital Records 1906; Worcester County, Massachusetts, Probate Registry; 1837 Massachusetts House of Representative Committee Report (Earle Papers); Briggs Report 1849, 44.	In this category fall various Massachusetts state records pertaining to the lands, overseers, funds, and families at Hassanamisco. The documents listed at left represent a selection of the extensive 19th century documentation. In addition to the appointment of guardians by the colony, hey name individuals and families, dealing with matters of inheritance and probate.	"State . . . official records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe . . ." (83.7(e)(1)(ii).	This material provides identification for the families named. The majority of the families named in these records do not have descendants in the current petitioner, having died out. In many ways, therefore, these records are more applicable to analysis of criteria 83.7(b) and 83.7(c), and are dealt with in more detail in those charts. For detailed listings of the documents, see the draft technical report for Petition #69A and the GTKY file (BAR) prepared for Hassanamisco.	Meets (e) for those persons listed.
1790-1840	(e)(1)(ii) Federal census, 1790-1840.	These records occasionally enumerated individual Hassanamisco/Grafton families.	"Other Federal, State, and local records, such as Federal population census schedules, 19th century petitions to the State and County made by Mohegans, probate records, and vital records, corroborate this descent" (Mohegan PF 1989, 11).	These records provided no tribal identification of the persons enumerated. Although they do not in themselves meet criterion 83.7(e), they are nonetheless useful as genealogical data which contributes to showing the descent of members of the petitioner from persons identified as Nipmuc Indians by other documents.	Does not meet (e).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1849	(e)(1)(ii) Briggs Report 1849, "Grafton Tribe," Appendix A, 69-70; Nipmuc Pet. Narr. 1984, 83; Nipmuc Pet. Suppl. 1987, Attachment 4). Other citations: Plane and Button, 1993, 590, "Bird Report," Doughton, Unseen Neighbors, 1997, 69-70, "Denny Report,"; Senate No. 135, Massachusetts Legislative Reports of 1849 (Boston: Wright & Potter, 1849).	According to the preface by Governor George N. Briggs written February 21, 1849: "I herewith communicate, for the use of the Legislature, the Report of the Commissioners, appointed under the Resolve of the Legislature, passed on the 10th of May, 1848, 'to visit the several tribes, and parts of tribes, of Indians, remaining within this Commonwealth, to examine into their condition and circumstances, and report to the next Legislature what legislation, in their opinion, is necessary in order best to promote the improvement and interests of said Indians'" (Briggs Report 1849, 3). With the exception of Natick, which was not discussed in this report, it identified 847 Indians in Massachusetts, including Hassanamisco and Dudley (Briggs Report 1849, 5-6).	"State . . . official records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe . . ." (83.7(e)(1)(ii).	The Briggs report's information concerning the Chaubunagungamaug, or Dudley/Webster, group is to be found on the charts for petitioner #69B. As far as is known, the original notes kept by these commissioners are not extant. For the Hassanamisco, the 1849 Briggs Report enumerated a total of 26 individuals, divided into five families: 12 males and 14 females. It stated that about 2/3 of the number resided "on the territory," which was described as 25 acres, owned by individuals in Grafton (Briggs Report 1849, 44). It identified members of the Arnold, Walker, Cisco, Gimba, and Hector families, not distinguishing between members and non-Indian spouses. It omitted several families, such as Gigger, known from the trustees' records to be Hassanamisco, whose descendants would be listed by the 1861 Earle Report (see below).	Meets (e).

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1850-1920	(e)(1)(ii) Federal census records: 1850, NARA M-432, Roll 323, Roll 340, 341, 342, 343, 348); 1860, NARA M-653, Roll 521, Roll 527, Roll 528, Roll 531, Roll 534; 1870, NARA M-593 (State Copy at American Antiquarian Society, Worcester, Massachusetts); 1880, NARA T-9, Roll 567, Roll 563; 1900, NARA T-623, Roll 692; 1910, NARA T-624, Roll 629; 1920, NARA T-625, Roll 746; 1920 Soundex, Massachusetts.	The Hassanamisco/Granfton families, and the off-reservation families from which the petitioner claims qualifying descent, were listed in these censuses, were sometimes identified as Indian, but were not indicated as members or descendants of any specific tribe. All the Hassanamisco proprietary families listed on the 1849 Briggs Report were located in the 1850 Federal census with the exception of one woman who had died on January 30, 1850 (Worcester Deaths 1:9).	"Other Federal, State, and local records, such as Federal population census schedules, 19th century petitions to the State and County made by Mohegans, probate records, and vital records, corroborate this descent" (Mohegan PF 1989, 11).	These records provided no tribal identification of the persons enumerated. Although they do not in themselves meet criterion 83.7(e), they are nonetheless useful as genealogical data which contributes to showing the descent of members of the petitioner from persons identified as Nipmuc Indians by other documents.	Does not meet (e).
1855	(e)(1)(ii) State census (Massachusetts State Archives, 1855 Census, Worcester County., Roll 30, Roll 31.	The Hassanamisco/Granfton families, and the off-reservation families from which the petitioner claims qualifying descent, were listed in these censuses, were sometimes identified as Indian, but were not indicated as members or descendants of any specific tribe.	"Other Federal, State, and local records, such as Federal population census schedules, 19th century petitions to the State and County made by Mohegans, probate records, and vital records, corroborate this descent" (Mohegan PF 1989, 11).	These records provided no tribal identification of the persons enumerated. Although they do not in themselves meet criterion 83.7(e), they are nonetheless useful as genealogical data which contributes to showing the descent of members of the petitioner from persons identified as Nipmuc Indians by other documents.	Does not meet (e).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1861	(e)(1)(ii) Hassanamisco Tribe (Earle Report 1861, 87-101); [Hassanamisco] Supplementary List; Miscellaneous Indians (Earle Report 1861). Also cited as Massachusetts Sente Report No. 96, 1861. Earle, John Milton, Indian Commissioner, "Report to the governor and Council, Concerning the Indians of the Commonsealth, Under the Act of April 6, 1859," Senate Document No. 96. Boston: William White, Printer to the State, 1861.	This document was compiled by John Milton Earle, Massachusetts Commissioner of Indian Affairs, in response to an April 6, 1859, act of the legislature (Earle Report 1861; sometimes cited in the secondary literature as Massachusetts Senate Report No. 96, 1861). Earle's correspondence and notes, compiled during his investigation, primarily in 1859, are at the American Antiquarian society in Worcester, Massachusetts, and provide background information beyond that in the published report. The Earle Report's appendix included a tribal census carried out by a state official, under instructions from the Massachusetts State Legislature, listing each individual in the tribe, arranged by families, according to name, age, gender, whether or not married, tribe (for members and for non-Dudley spouses), occupation, and residence (by town). The background data is to be found in the Earle Papers at the American Antiquarian Society, Worcester, Massachusetts.	"State . . . official records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe . . ." (83.7(e)(1)(ii).	The listing of an individual on an official report by the state-appointed overseer of a reservation identified with a specific historic tribe is sufficient to create a presumption that the individual listed was a member of the tribe and that the individual's descendants, therefore, descend from the historic tribe. It contained a tabular list of those "entitled to an interest in the proprietary fund," of whom there were 73 individuals (Earle Report 1861, 88), and a total number of Hassanamisco descendants as 90. However, of the73, only 56 were "natives," while the other 17 were "foreigners" who had married into the tribe. Earle reached a total of 26 families, with 41 males and 49 females. Of the total 90 individuals, 70 were "natives" and 20 were "foreigners" (Earle Report 1861, 88).	Meets (e).
1865	(e)(1)(ii) Massachusetts state census (1865 Massachusetts State Census, Reel #34, Grafton; Reel #37, City of Worcester; Reel #35, Oxford).	The Hassanamisco/Grafton families, and the off-reservation families from which the petitioner claims qualifying descent, were listed in these censuses, were sometimes identified as Indian, but were not indicated as members or descendants of any specific tribe.	"Other Federal, State, and local records, such as Federal population census schedules, 19th century petitions to the State and County made by Mohegans, probate records, and vital records, corroborate this descent" (Mohegan PF 1989, 11)..	This census does not provide any type of tribal identification, and therefore does not in itself provide evidence that the petitioner meets criterion 83.7(e). It does, however, provide corroborative evidence when used in conjunction with other documents in the record.	Does not meet (e).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1865-1997	(e) Vital records abstracts (Nipmuc Pet. #69A Suppl. 1997); microfiled vital records (Massachusetts State Archives); #69 individual membership files, office, Sutton, Massachusetts.	The petitioner submitted a substantial number of typed abstracts of vital records of towns in Worcester County, Massachusetts; Windham County, Connecticut, and Providence County, Rhode Island. The BIA supplemented these with data obtained from microfilms of the Massachusetts records, and checked the files on individual members maintained by the petitioner. Vital records from the second half of the 19th century have, in several instances, been altered from other ethnic designations to Indian (Grafton Vital Records 5:238, 240, 245, 250, 255). These alterations were often made on the basis of depositions Grafton Deposition Book 1:75, 2:77, 2:78, 2:79).	83.7(e)(1)(ii)-(v) require that records identify "present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity."	This documentation does not provide any type of tribal identification, and therefore does not in itself provide evidence that the petitioner meets criterion 83.7(e). It does, however, provide corroborative evidence when used in conjunction with other documents in the record, and is valuable in establishing the descent of present members of a petitioner from the qualifying ancestor to whom they trace.	Does not meet (e).
1900	(e) Senate Hearing, New York and Rhode Island Indians, 1900.	This contained a list of Massachusetts residents claiming to be Narragansett heirs, dated August 5, 1897. Some of the names pertained to #69a ancestors, but none were descendants of Hassanamisco proprietary families. They included Dudley/Webster descendants, Vickers family, and Johnson family descendants. The hearing record stated that there were "40 or 50 more" narragansett claimants in Worcester County, Massachusetts, than those listed by name (Hearing 1900, 110).	"A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The fact that some ancestors of petitioner #69A may also have had Narragansett ancestry does not exclude their having had Nipmuc ancestry. The issue is whether the Nipmuc ancestry is documented. The 1900 Senate Hearing provides no information whatsoever that pertains to that question.	Neither meets nor negates (e).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1900-1902	(e) Kansas Claims, New York Indians, Guion Miller Files (NARA RG 75, Entry 903, Entry 904).	Several descendants of #69a ancestral families submited Kansas Claims under the Brothertown [New York Indians] Act of 1898. For example, Guion Miller summarized: Mary Ann Johnson, Worcester, Mass. . . Applicant is a Narragansett Indian born in Massachusetts in 1850. Claims through her mother who was a Narragansett Indian, born in Rhode Island. Grandparents were Narragansett and Mohegans, and resided in Rhode Island and Massachusetts (NARS RG 75, Entry 904, Guion Miller Report on Rejected Kansas Claims, #3329). Her husband, Alexander H. Johnson, identified himself as a Narragansett Indian, born at New Bedford, Massachusetts, and claiming through a Narragansett mother born at Charlestown, Rhode Island (NARS RG 75, entry 904, Guion Miller Report on Rejected Kansas Claims, #3330).	"A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)).	The applications were of some use to the BIA researchers in clarifying family relationships, but provided only very limited data concerning the Nipmuc ancestry of the applicants. The fact that some ancestors of petitioner #69A may also have had Narragansett ancestry does not exclude their having had Nipmuc ancestry. The issue is whether the Nipmuc ancestry is documented.	Neither meets nor negates (e).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1923	(e) List of Hassanamiscos Still Living, in records of the Mohawk Club, Worcester, Massachusetts12/13/ 1923 (Nipmuc #69A Pet. Suppl. 4/21/1997); List of names of the "Nipmug Tribe," Braxton to Bicknell, 12/30/1923 (Nipmuc #69 Pet. Response 1987, Attachment 8; Nipmuc #69 Pet. Response 1994, Ex.) (e)(1)(iv) Affidavits of recognition by tribal elders, leaders, or the tribal governing body identifying present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.	This 1923 list included the names of descendants of the Brown, Gigger, Hemenway, Cisco, Belden, Toney, and Gimby families. Some were listed rather tentatively, without individual identification, such as "Believe some Tonies" (Nipmuc #69A Pet. Suppl. 4/21/1997). It is treated in this category, rather than as a prior membership list, because in several instances it named only family lines, rather than individuals.	83.7(e)(1)(ii)-(v) require that records identify "present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity."	These lists are not formally affidavits. The Hassanamisco documentt is a listing, made by a known prominent member of the petitioner's antecedent group, of known descendants of Hassanamisco families, both proprietary and from Earle's "Supplemental" list of 1861, as well as at least one Dudley/Webster Nipmuc family, the Beldens. The other list, by Braxton, was made by a member of the Belden family. John W. Braxton submitted to Thomas Bicknell, in connection with the organization of the Algonquin Indian Council of New England, "as complete a list, as possible, of names of the Nipmug tribe," which was in fact a list of 37 members of the Belden family, of Dudley/Webster ancestry, whom he described as "lineal descendants of Black James." It did not include any other known Dudley/Webster family lines. James Lemuel Cisco was described as Hassanamisco chief, and Braxton as a Nipmuc "tribal sachem," on the original Algonquin Indian Council of New England letterhead (McMullen 1994).	Meets (e) for those families listed.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1997	(e)(2) Current membership list. (Nipmuc #69A 1640 List 1997, 10/9/1997). On May 28, 1998, petitioner #69A requested pemission to submit an amended membership list. Counsel for the petitioner was advised that the petitioner should hold any changes until the proposed finding was issued and submit a revised list as part of the group;s response during the comment period as provided under the regulations.	The final membership list submitted by petitioner #69A on October 9, 1997, contained approximately 1,640 persons. It was both in the form of a dated printout and a Microsoft Excel diskette. It was not certified by the #69A council, but certification was provided subsequently. Some supporting ancestry charts were still lacking There were columns for Surname, First name, Roll#, Address, Town, State, Zipcode, and Telephone. It did not contain an indication of the family line of the individual member, or list the individual member's parents or, in the case of married women, maiden names. They did not indicate legal name changes. After cross-checking with the #69A membership data base and verification with the #69A office, the BIA included that the #69A membership list as it was to be analyzed for the proposed finding contained the names of 1,602 individuals 9eliminating four duplicate entries for the same person using the same membership number and 31 duplicate entries for the same person using different membership numbers (Reckord to Vickers 12/1/1997, 1-3).	83.7(e)(2) "The petitioner must provide an official membership list, separately certified by the group's governing body, of all known current members of the group. This list must include each member's full name (including maiden name), date of birth and current residential address" . . . "as well as a statement describing the circumstances surrounding the preparation of the current list, . . ."	After the elimination of duplicate entries and other discrepancies, this #69A membership list used for the proposed finding contained 1,602 individuals. This was 1,025 more persons than the 577 who had been on the list submitted a year earlier (Nipmuc #69A List 10/28/1996), or an increase of 177 per cent. Ninety-three of these individuals were also listed as members by petitioner #69B. The BIA notified the petitioner that there were 284 persons for whom the BIA had received no data whatsoever concerning ancestry, and 210 individuals for whom the BIA had only data from the 1992 Nipmuc Census listing a family line, but neither ancestry charts for the individuals nor documentation (Reckord to Vickers 12/1/1997, 3). During December 1997, #69A provided extensive supplementary genealogical data. The BIA established December 5, 1997, as the deadline for receipt of supporting material; that submitted later (#69A 12/17/1997 and 12/29/1997) will be held for use in the final determination.	Meets (e)(2) for current membership list.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
May 1996-October 1997	(e)(2) Nipmuc #69A List 7/3/1996; partial, 204 names, three with notations that they should be removed. Nipmuc #69A List 8/26/1996, 477 members, submitted by the Council as a "final membership roll." Nipmuc #69A List 10/28/1996, containing 561 names, to supersede the "final as of this date" one submitted in August. "It should be understood that this is a Preliminary Tribal Roll, and is not complete."	All of the membership lists produced by #69A from May 1996 through the corrected October 1997 lists used for the proposed finding were identical in format. There were columns for Surname, First name, Roll#, Address, Town, State, Zipcode, and Telephone. These lists did not contain an indication of the family line of the individual member, or list the individual member's parents or, in the case of married women, maiden names. They did not indicate legal name changes. The #69A supplementary submission of 1/21/1997 contained a variety of genealogical data to supplement the October 1996 list, specifically ancestry charts for some persons for whom they had not been previously submitted.	83.7(e)(2) "The petitioner must also provide a copy of each available former list of members based on the group's own defined criteria" . . . "and, insofar as possible, the circumstances surrounding the preparation of former lists."	A series of documents indicate that #69, the joint petitioner, still did not have firmly established membership eligibility criteria several months after the submission of the 1995 membership list (#69 Council Minutes 3/2/1996,; #69 Council Minutes 3/13/1996; Starna, Research Associates, to Ellis, Nipmuc Tribe 4/30/1996, Nipmuc #69b Suppl. 6/19/1997). The split in petitioner #69 that occurred in May 1996 has resulted in continuing controversies between the two petitioners. On March 24, 1997, the Nipmuc Nation office manager informed the BIA that the peitioner would continue to "add qualified Nipmuc to their roll" (Luster to Maddox 3/24/1997). On June 2, 1997, the Nipmuc Nation office manager wrote to the BIA that a signed, certified list would be provided during the site visit (Luster to Maddox 6/2/1997). However, the list was not ready as of the on-site visit, June 3-4, 1997.	Meets (e)(2) for prior membership lists.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1995	(e)(2) Nipmuc List 1995 (Nipmuc #69 Response 7/11/1995; Nipmuc #69 Response 9/5/1995).	The membership numbers assigned were not the same as those on the earlier lists. It began with numbers 300(A) and 300(B), these being respectively Edwin W. Morse, Chaubunagungamaug, and Walter A. Vickers, Hassanamisette [sic]. Pages 1-51 covered persons considered members of the Chaubunagungamaug Band (#301 through #1015). This part of the membership list was certified by representatives of both bands. Pages 52-57, with the handwritten heading "Hassanamisco" (#1017 through #1107) were received by the BIA on September 5, 1995, as was page 58, headed, "Chaubunagungamaug Tribal Roll Continues" (#1108/#1122). Numbers 1108 through #1015 were thus assigned in duplicate, while there were numerous other duplicate entries throughout the list. The allocation of membership between the "bands" on the 1995 list is of particular interest in that later, at the time of the 1996 split between #69A and #69B, petitioner #69B, Chaubunagungamaug, would insist ondescent from the Dudley/Webster reservation as the basis eligibility criterion. It clearly was not making this requirement in 1995.	83.7(e)(2) "The petitioner must also provide a copy of each available former list of members based on the group's own defined criteria" . . . "and, insofar as possible, the circumstances surrounding the preparation of former lists."	The BIA concluded that after omitting duplicate entries and 11 deceased persons, the Chaubunagungamaug Band was listing 706 members, the Hassanamisco Band was listing 90 members, and that four persons submitted on a 1994 "sample list" (Nipmuc Sample List 1994) may have been inadvertently omitted. The "band" attributions on this list did not correlate to documented ancestry. The "Hassanamisco" listing included only three of the known Cisco family descendants and no descendants of any other Hassanamisco proprietary families, or of any families on Earle's 1861 Hassanamisco supplementary enumeration. The 1995 "Hassanamisco" included the family of Walter A. Vickers, some persons of Dudley/Webster ancestry, and some persons whose ancestry did not trace to either of the historical reservations. This was less than half the people on the 1992 Nipmuc Census. Some new family lines were included in 1994 that were not on the 1992 Nipmuc Census or any other prior list. Other family lines on the 1992 list were omitted entirely in 1995.	Meets (e)(2) for prior membership lists.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1992	(e)(2) Former membership lists. Nipmuc Census 1992a (Nipmuc #69A Suppl. 10/30/1996 [incomplete, with "This is not a tribal roll" handwritten on the bottom portion of the first page]); Nipmuc Census 1992b (Weber to DeMarce 11/4/1996, Enc.; BAR Admin. File #69A).	The work of the Nipmuc Tribal Acknowledgment Project (NTAP), incorporated in 1989, was funded by status clarification grants from the Administration for Native Americans (ANA) in the Department of Health and Human Services (HHS). This "1992 Nipmuc Census" was compiled at some time between 1989 and 1992 by the NTAP. The 1994 Nipmuc Response contained no documentation pertaining to the development of the "1992 Nipmuc Census," did not mention the existence of the document, nor submit any information concerning the methodology which NTAP used to produce it. The clearest distinction between this and the prior lists was the number of people included. The prior lists both contained less than 250 individuals. The "1992 Nipmuc Census" had over 1300 individuals.	83.7(e)(2) "The petitioner must also provide a copy of each available former list of members based on the group's own defined criteria" . . . "and, insofar as possible, the circumstances surrounding the preparation of former lists."	A document entitled "The Nipmuc Tribal Acknowledgment Project: Verification of Nipmuc & Nipmuc Tribal heritage. Procedural document. March 1991" was not submitted until 1997 (Nipmuc #69A Suppl. 1/21/1997, Exhibit N), i.e. it had not been included in the 1994 Response. It was specifically incorporated into the membership provisions in 1993 through a provision of the Constitution of the Nipmuc Nation, Section I. Tribal Membership, Paragraph C. Status Verification. Of the historical Hassanamisco propriety families, it included only the Cisco descendants, but no Gigger descendants. It did not include Hemenway descendants from Earle's Hassanamisco supplemental list. It included descendants of some, but not all, Dudley/Webster families, and the two family lines from Earle's 1861 "Miscellaneous Indians" list. Additionally, it included some new fammily lines not on prior lists such as Arkless/Reed, Webster/Lambert, and Dorus/Nedson. Although it was not formally submitted as a prior membership lists, either by #69 or by #69A, it is included in the list for informational purposes.	Meets (e)(2) for prior membership lists.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1981	(e)(2) Federal Acknowledgment Project. Membership Roll of the Nipmuc Tribe: Hassanamisco & Chaubunagungamaugg Bands (Nipmuc List 1981; Nipmuc #69 Pet. 1984).	This was the official membership list submitted by petitioner #69 with the 1984 petition. The date is taken from the pages. It was compiled on pre-printed forms, the columns consisting of: Roll Number, Name and Address, Sex, Birth Date, Birth Place, Tribe, Blood Degree, Namnes of Parents, and for eath parent, Birth Date, Birth Place, Tribe, and Blood Degree. The forms were not completely filled out–only one person was included on each page. The forms listed only LH001 through 143 by membership number. The remaining 96 sheets had no membership numbers assigned. This gave a total of 239 individuals, but the sheets included several persons, such as LH002 and LY003, who were noted as deceased. Many addresses and birth dates were omitted.	83.7(e)(2) "The petitioner must also provide a copy of each available former list of members based on the group's own defined criteria" . . . "and, insofar as possible, the circumstances surrounding the preparation of former lists."	This list was accompanied by ancestry charts for most of the members. However, these were frequently incomplete, tracking only to a parent or grandparent, with no indication of the person claimed as the qualifying Nipmuc ancestor. Genealogical research was apparently continuing after completion of the 1981 sheets (Nipmuc Notes, November 1982). Petitioner #69 did not submit an updated membership lists with the 1987 Response.	Meets (e)(2) for former membership lists.

The Nipmuc Nation [formerly Nipmuc Tribal Council, Hassanamisco Reservation], #69A: Summary Chart, Criterion 83.7(e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1977-1979	(e)(2) Former membership list (Nipmuc #69 Pet. 1984, Attachment 6).	This was a 19-page, handwritten list of names, addresses, and identification numbers compiled by Zara CiscoeBrough and headed, "Nipmuc Tribal Roll Identification Card." Thirteen addresses were missing, all on the last two pages. The pages were unnumbered; the identification numbers were sequential. Through 099, the pages 2343 headed 1977; from 1000 through 206, the pages were headed 1978; from 207 through 246, the pages were headed 1979. The list did not include birth dates. No specific charts were attached. The persons listed were not identified by ancestral line, nor were their parents named.	83.7(e)(2) "The petitioner must also provide a copy of each available former list of members based on the group's own defined criteria" . . . "and, insofar as possible, the circumstances surrounding the preparation of former lists."	LH001 through LH013 were the memers of the Cisco family, with the prefix indicating they were "legal heirs" of the Hassanamisco reservation. The members of the Cisco family were the only persons descending from Earle's 1860 "Hassanamisco" list. T014 through T023 included relatives of the Cisco family on the paternal line who are not documentable as Nipmuc and who are no longer on the current #69A membership list. %024 through %027 were assigned to the Vickers family and included Walter A. Vickers, now head of petitioner #69A. Younger members of the Vickers family were listed subsequently, without the "T" prefix. The great majority of the persons listed without prefixes, from 028 to the end, were descendants of Nipmuc who had lived on the Ducley/Webster reservation. Some were of families that never resided on either reservation	This meets (e)(2) for prior membership lists.

Recommendation: Only 54 per cent of the petitioner's members have been shown to descend from the historical tribe by evidence acceptable to the Secretary. The petitioner therefore does not meet the requirements of criterion 83.7(e).

THE NIPMUC NATION [FORMERLY NIPMUC TRIBAL COUNCIL, HASSANAMISCO RESERVATION], PETITIONER #69A: PROPOSED FINDING - SUMMARY CHART

CRITERION F - The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe.

Summary of the Evidence: No members of petitioner #69A appear to be enrolled with any other federally acknowledged tribe.

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1996	(f) Absence of evidence.	No evidence in the record indicates that the members of petitioner #69A are principally members of any other federally acknowledged American Indian tribe. The petitioner's constitution prohibits dual enrollment.	For precedents, see Poarch Creek PF 1983, 7; Snohomish PF 1983, 26; Miami PF 1990, 15.	For purposes of the final determination, the petitioner's council should adopt and submit a formal resolution, signed by the officers and council members, stating that the group's members are not principally members of any other federally acknowledgment American Indian tribe.	This meets (f).

Recommendation: The members of petitioner #69A are not principally members of any other federally acknowledged American Indian tribe. The petitioner therefore meets the requirements of criterion 83.7(f).

THE NIPMUC NATION [FORMERLY NIPMUC TRIBAL COUNCIL, HASSANAMISCO RESERVATION], PETITIONER #69A: PROPOSED FINDING - SUMMARY CHART

CRITERION G - Neither the petitioner nor its members have been the subject of congressional termination legislation.

Summary of the Evidence: In this case, the evidence consists of an absence of evidence. There is no documentation in the record that the petitioner has been the subject of congressional legislation forbidding a Federal relationship.

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1998	(g) Absence of evidence.	No evidence in the record indicates that the petitioner has been the subject of congressional termination legislation.	"(g) Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship" (59 FR 9293). For precedents, see Grand Traverse Band PF 1979, 8; Death Valley Shoshone PF 1982, 7; Narragansett PF 1982, 18; Poarch Creek PF 1983, 7.	For purposes of the Final Determination, the petitioner's council should adopt and submit a formal resolution, signed by the officers and council members, stating that the petitioner has not been the subject of congressional termination legislation.	This meets (g).

Recommendation: There is no evidence in the record that petitioner 69A has been the subject of congressional termination legislation. The petitioner therefore meets the requirements of criterion 83.7(g).