(6) Final Determination Documents

- June 18, 2004

Summary under the Criteria and Evidence for

Final Determination against Federal Acknowledgment

of 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: June 18, 2004
(Date)

Aurene M Martin
Principal Deputy Assistant Secretary - Indian Affairs

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Introduction

Introduction

The Office of Federal Acknowledgment (OFA) under the authority of the Assistant Secretary - Indian Affairs (AS-IA) of the Department of the Interior (Department), prepared this final determination (FD) in response to the petition 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 Part 83), "Procedures for establishing that an American Indian Group exists as an Indian Tribe." The regulations establish procedures by which Indian groups may seek Federal acknowledgment of a government-to-government relationship with the United States. To be entitled to this political relationship with the United States, the petitioner must submit evidence demonstrating that it meets all of the seven mandatory criteria set forth in 25 CFR Section 83.7. Failure to meet any one of the seven criteria will result in the Department's determination that the group does not exist as an Indian tribe within the meaning of Federal law.

Summary Conclusions of this FD

Evidence submitted by the Nipmuc Nation (hereinafter the petitioner or petitioner 69A) and obtained through other interested parties and independent research by OFA 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 under section 83.10(m), 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 determination is final and will become effective 90 days from the date of publication of the notice of final determination in the *Federal Register*, unless a request for reconsideration is filed with the Interior Board of Indian Appeals (IBIA) pursuant to 25 CFR 83.11.

The evidentiary basis for the FD consists of the documentation used in preparation of the proposed finding (PF), the petitioner's response to the PF, third party comments on the PF, the petitioner's response to the third party comments, and other pertinent material that the OFA staff collected as part of the verification and evaluation process. The data will be discussed under the appropriate criteria.

This FD is the Department's evaluation of the evidence based on the criteria and standards set forth in the regulations at 25 CFR Part 83, and the standards of the disciplines of anthropological, historical, and genealogical research. This FD does not respond to the issues raised in each submission on a point-by-point basis, but responds as they relate to the criteria.

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.

Office of Federal Acknowledgment

On July 28, 2003, the Branch of Acknowledgment and Research (BAR), the office in the Bureau of Indian Affairs within the Department of the Interior principally responsible for administering the regulations, 25 CFR Part 83, became the Office of Federal Acknowledgment (OFA) under the Assistant Secretary - Indian Affairs (AS-IA). The duties and responsibilities of OFA remain the same as those of BAR, as do the requirements set forth in the regulations. In this report, OFA should be read to mean BAR when discussing activities conducted prior to July 28, 2003.

By Secretarial Order No. 3252, dated April 9, 2004, the Secretary delegated authority through the AS-IA to the DPAS-IA "to execute all documents, including regulations and other Federal Register notices, and perform all other duties relating to federal recognition of Native American tribes" to the PDAS-IA (Norton 4/9/2004). Under this Order, the PDAS-IA makes the determination regarding the petitioner's status, as set forth in the regulations as one of the duties delegated by the Secretary of the Interior to the AS-IA (209 Department Manual 8).

Summary of Administrative History Prior to the PF

In 1977, Zara CiscoeBrough [*sic*] asked for information concerning the proposed Federal acknowledgment regulations (CiscoeBrough to Director, Office of Indian Services, 7/13/1977). A formal letter of intent to petition was filed on April 22, 1980, by Zara CiscoeBrough as "chief of the Nipmuc Tribal Council" (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. However, 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 (D/W), were cooperating in the petition with the Hassanamisco Band Council. The 1984 narrative and documentation (Nipmuc #69 Pet. 1984) and the 1987 response (Nipmuc #69 Resp. 1987) focused on these two specific Nipmuc organizations. The joint organization, the "Nipmuc Tribe (or Nation)," 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 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 (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."

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). On May 10, 1995, BAR notified 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, and the petition was officially placed on active consideration the same date.

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). On May 22, 1996, an unsigned faxed copy of a letter from Edwin W. Morse ["Chief Wise Owl," Nipmuck Indian Council of Chaubunagungamaug] formally notified the BIA, ". . . of the decision of the Chaubunagungamaug Band to proceed for recognition solely on its own. We will not be allied, associated, or affiliated with the Hassanimisco Band or any other group of Nipmuck Indians" (Morse to Reckord 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.

For more details concerning the administrative history of the petition prior to the issuance of the proposed finding, see the appropriate subsection of the introduction to the proposed finding.

Litigation

There is no litigation that impacts the handling of petition 69A.

Administrative History Since the PF

Notice of the negative proposed finding was published in the *Federal Register* on October 1, 2001 (66 Fed. Reg. 10/1/2001, 190). Under the provisions of the 25 CFR Part 83 regulations, the comment period was scheduled to close on April 1, 2002. At the request of the petitioner, it was successively extended to July 1, 2002, and October 1, 2002. The petitioner submitted comments

(69A Summary of Evidence 2002.09.30; 69A Response Report 2002.09.30).[1] The period for the petitioner to respond to third party comments closed on December 2, 2002; the petitioner submitted a response in four sections replying to the State of Connecticut and Northeastern Connecticut Council of Governments, to the Town of Sturbridge, Massachusetts, to Peter Silva, and to Petitioner 69B, treating the 69B Comments on its own PF as Comments on the 69A PF (69A Response to Comments 2002.11.19).[2]

Both the State of Massachusetts and the State of Connecticut are interested parties to petitions 69A and 69B. Connecticut submitted comments (CT/NCCOG Comments 2002.09.30)[3] with accompanying exhibits; Massachusetts did not. The Town of Sturbridge, Massachusetts, submitted comments (Malloy to Fleming 2002.10.01), as did Peter Silva, Sr. (Silva to Fleming 9/26/2002).

At the request of petitioner 69A, the BIA held an on-the record-technical assistance meeting with the petitioner on January 23, 2002 (OTR Transcript 2002.01.23). Neither the 69B petitioner nor any third parties requested a formal on the record technical assistance meeting under 83.10(j)(2). Observers from petitioner 69B and the Connecticut Attorney General's Office were present at this meeting. Representatives of the Massachusetts Attorney General's Office participated by telephone. The transcript of the on-the record-meeting held for petitioner 69A was made available to petitioner 69B and to the interested parties.

The Department began preparation of the final determination on March 31, 2002 (Martin to Vickers 1/22/2003; Smith to Vickers 3/31/2003; Smith to Mores 3/31/2003). Under the regulations (25 CFR § 83.10(l)(2)), the Department has 60 days from the date of beginning consideration to publish notice of the final determination in the *Federal Register*. However, § 83.10(l)(3) gives the AS-IA discretion to extend the period for the preparation of a final determination if warranted by the extent and nature of the evidence and arguments received during the response period. On May 30, 2003, the BIA requested a 120-day extension for preparation of the final determinations in 69A and 69B, to September 26, 2003 (Bird Bear to AS-IA 5/30/2003). The request was approved by the Acting AS-IA on June 2, 2003 (Martin 6/2/2003). The BIA notified the petitioners and interested parties (Bird Bear to Vickers 6/2/2003; Bird Bear to Morse 6/2/2003; Skibine to Glodis [et al.] 6/6/2003).

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[1]Nipmuc Nation Tribal Council, Response of the Nipmuc Nation (Petitioner 69A) to Proposed Finding Against Federal Acknowledgment Published in the Federal Register October 1, 2001. 2002.09.30.

[2]Nipmuc Nation Tribal Council, Response of the Nipmuc Nation (Petitioner 69A) to Comments from Interested and Informed Parties on Proposed Finding against Federal Acknowledgment Published in the *Federal Register* October 1, 2001. 2002.11.19.

[3]State of Connecticut and Northeastern Connecticut Council of Governments, Comments of the State of Connecticut and the Northeastern Connecticut Council of Governments on the Proposed Findings on the Petitions for Tribal Acknowledgment of the Nipmuc Nation and the Webster/Dudley Band of Chaubunagungamaug Nipmuck Indians. September 30, 2002.

Because of conflicts caused by the negotiated agreement in regard to preparation of the FD on the Schaghticoke Tribal Nation (STN), on August 27, 2003, OFA requested that the AS-IA grant a further extension of time for preparation of the FDs on petitioners 69A and 69B, to May 1, 2004 (Fleming to AS-IA 8/27/2003). This request was approved on September 16, 2003 (Martin 9/16/2003). OFA made an additional request to extend the consideration period to June 15, 2004, and this request was approved on April 20, 2004 (Martin 4/20/2004).

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.
CB	Chaubunagungamaug Band (as organized in 1980).
CENA	Coalition of Eastern Indians.
D/W	Dudley/Webster Indians (18th and 19th centuries).
Ex.	Documentary exhibit submitted by petitioner or third parties.
FD	Final Determination.
FR	*Federal Register.*
FRC	Federal Recognition Committee.
ITC	Interim Tribal Council.
NAIC	National Algonquin Indian Council.
Narr.	Petition narrative.
NENAI	New England Native American Institute.
NNTC	Nipmuc Nation Tribal Council.
NTAP	Nipmuc Tribal Acknowledgment Project.
OD	Obvious deficiencies letter issued by the BIA.
OFA	Office of Federal Acknowledgment (formerly BAR).

PDAS-IA	Principal Deputy Assistant Secretary - Indian Affairs
PF	Proposed Finding.
TA	Technical assistance letter issued by the BIA/OFA.

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 family name Cisco, Ciscoe, Scisco, and Sisco. The various spellings are to be taken as equivalent to one another: that is, Sarah Ciscoe, Sarah Maria Cisco, and Sarah M. Sisco are the same person: during the course of her life, she herself used different spellings in different documents.

Summary Evaluation under the Criteria

For a summary of the conclusions reached in the PF, see under each individual criterion.

Petition Review Process

This FD was completed under the terms of the Assistant Secretary's directive of February 11, 2000 (AS-IA 2000). The directive applied to all future FDs. In particular, this FD focuses on evaluating the petitioner's specific conclusions and description of the group concerning identification as an external entity between 1900 and 1980, maintenance of a tribal community between the 1780's and the present, maintenance of political authority and influence between the 1780's and the present, and descent from the historical tribe.[4] The FD incorporates the PF (69A PF 2001)

Procedures

Petitions 69A and 69B have been considered simultaneously. The PDAS-IA is issuing simultaneous, but separate, final determinations in these cases.

Discussion of Issues that are not Criteria Specific

Petitioner 69A argues that it has had continuous State recognition with a reservation, and that this should provide additional evidence on the model of the finding in regard to Historical Eastern Pequot (69A Summary of Evidence 2002.09.30, 11-12; 69A Response Report for Criterion 83.7(a) 2002.09.30, 1-6; 69A Response Repot for Criterion 83.7(c) Part B 2002.09.30, 2-8).

Guardianship and Supervision.

The petitioner asserts:

> In the Eastern Pequot and Paucatuck Eastern Pequot proposed findings and final determinations, the BIA[5] found that the fact that the government of Connecticut established a reservation for the Eastern Pequot, accepted petitions from its members, assigned overseers for tribal members, and recognized a continuing fiduciary responsibility for tribal members constituted evidence of continuous State recognition. This relationship was described in the proposed findings as

[4]1869 was the date of the Massachusetts Enfranchisement Act (see discussion in the PF and below).

[5]It is here noted that in regard to PFs and FDs issued by the Department of the Interior, the findings are those of the Assistant Secretary - Indian Affairs (AS-IA) rather than of the Bureau of Indian Affairs (BIA).

> being a "historical government to government" relationship and was given greater weight for criteria 83.7(b) and (c) (see Eastern Pequot PF 2000, 63). These conclusions were reaffirmed in the Eastern Pequot and Paucatuck Eastern Pequot final determinations . . . . (69A Summary of Evidence 2002.09.30, 11-12; see also 69A Response Report for Criterion 83.7(a) 2002.09.30, 5).
>
> Based on the BIA's interpretation and clarification of the Eastern Pequot precedent, the Hassanamisco tribe, as now represented by the Nipmuc Nation, has been continuously recognized by the Commonwealth of Massachusetts as being a distinct political community . . . (69A Response Report for Criterion 83.7(a) 2002.09.30, 6). [footnote added]

The relationship of Massachusetts to the Hassanamisco Reservation (and to the State's Indian tribes in general) is distinct from that of Connecticut to its historical tribes. Consequently, the state relationship does not provide additional evidence under criteria 83.7(b) and 83.7(c).

In 1861, John Milton Earle[6] 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).
>
> 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* 1861, 101).

In accordance with Earle's recommendation, the status as "wards of the state" ended in 1869, when the Hassanamisco Nipmuc, like other Massachusetts tribes, were included in the Enfranchisement Act. In 1862, Massachusetts made all self-supporting Indians dwelling off the

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[6]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 (#69 Nipmuc Pet. Suppl. 1987, Attachment 5); extract of report (A Place of Small Stones n.d., 54-58).

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).[7] 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; no source citation). This is clearly distinct from the citizenship status of Indians in Connecticut during the same time period (see EP, HEP, Schaghticoke).[8]

Continuous State Reservation

Petitioner 69A's Argumentation

The petitioner states:

> The Commonwealth of Massachusetts has continuously identified the Hassanamisco entity presently represented by the Nipmuc Nation as an American Indian tribal entity since at least 1728. Since that time, the Commonwealth has held title to the small parcel of reserved land in Grafton for the benefit of the Hassanamisco Tribe of Indians (69A Response Report for Criterion 83.7(a) 2002.09.30, 1).

In regard to the Hassanamisco Reservation (land at 80 Brigham Hill Road), the six-point conclusion in the land title search commissioned by 69A follows. The report submitted by the petitioner states:

> Although there is no recorded deed for the Reservation land, there is sufficient recorded and unrecorded evidence that the parcel of land situated at 80 Brigham Hill Road in Grafton is the Reservation land set aside for the Grafton Indians in 1728. The evidence further indicates that this land was never transferred to, or

[7]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).

[8]It is not apparent whether there was a connection between this 1869 Act and the "1869 request for additional land that Sarah Maria Arnold Cisco, recognizing her role as custodian of the reservation, was attempting to secure additional resources for the tribe as a whole" referenced by the petitioner's argumentation under criterion 83.7(c) (69A Summary of Evidence 2002.09.30, 69).

owned by, any other person, family, or entity. This conclusion is based upon the following:

1. Legislation was passed by the Commonwealth of Massachusetts in 1728 to set aside 20 acres of land for the Hassanamisco Indian Nation;

2. The Grafton Assessors [*sic*] records identify the Reservation land at 80 Brigham Hill Road as Parcel 80 on Assessor Map 63, and being owned by the Commonwealth of Massachusetts as the Hassanamisco Indian Reservation;

3. Recorded plans of abutting parcels by three different surveyors all identify the property as Indian Reservation Land (See Plan Book 395, Plan 95; Plan Book 400, Plan 20; and Plan Book 432, Plan 92);

4. A sign located on the property issued by the Massachusetts Bay Colony Tercentenary Commission that states: "Indian Reservation---These four and one-half acres have never belonged to the white man, having been set aside in 1728 as an Indian reservation by the forty proprietors who purchased the praying Indian town of Hassanamesit", which further indicates that the Reservation was set aside by the 1728 Legislation;

5. An exhaustive search has not revealed a single deed conveying the parcel from the Commonwealth to the Grafton Indians or to any other person, family, or entity.

6. The Hassanamisco Indian Reservation is exempt from municipal real estate taxes, which further indicates that the Commonwealth of Massachusetts owns it for the benefit of the Hassanamisco Indian Tribe, not for an individual person or family (Salem 5/29/2002, [6-7]).

Analysis

The above "conclusion" does not take into account the history of the establishment of the land now designated by the term "Hassanamisco Reservation." The two essential facts which it ignores are, first, that the land was not "set aside" by the purchasers for the Indians, but that the Indian proprietors reserved 500 acres of the land from sale when they sold the other 7,500 acres; and second that the land reserved by the Indians in 1727-1728 was divided among them as proprietors, or individual owners, just as the land of the white purchasers was owned by them as proprietors. In 1861, Earle noted with respect to the Hassanamisco Indians:

> 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).

Earle then surveyed the private landholdings of the individual families (*Earle Report* 1861, 100), noting that only Sarah Maria (Arnold) Sisco still held any part of the original reserved lands at Grafton--the remainder represented subsequent real estate purchases, made for individual families with money from their specific individual shares of the proprietary funds, in Worcester, Holden, and Framingham (*Earle Report* 1861, 100). As reported by Earle in 1861, the Sisco 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, valued $600 to $700. This property is that which today continues to be identified in the tax records of the Town of Grafton, Massachusetts, as the Hassanamisco Reservation. The legal terms of the financial obligations of Massachusetts to the Hassanamisco property and fund are relevant to the modern situation, as will be seen in the following discussion concerning the Hassanamisco Reservation-- whether it is the Sisco family's land or whether the State of Massachusetts holds title to it. Additionally, in regard to the title searcher's point 1. above (Salem 5/29/2002, 6), it should be noted below that the lands reserved for Hassanamisco in 1728 amounted to far more than 20 acres, and that no "legislation" of any date from 1654 to the present setting aside "20 acres" for the Hassanamisco Indians has been located by OFA researchers.[9]

History of the Hassanamisco Lands

To correct the errors and omissions set out in the petitioner's conclusions to the land title search, OFA includes the following history of the Hassanamisco lands.

In 1652, missionary John 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

[9]The report elsewhere, citing the *History of the Town of Grafton*, refers to a "20-acre parcel of land set aside for a school for the Indians" (Salem 5/29/2002, [4]); it is not clear whether the reference here is to that item.

Indians" (Reese c1980, [9]),[10] but it was not until October 21, 1659, that Eliot petitioned that Jona[than] Danforth be appointed to lay out the Indian town at Grafton (Hassunemimesit) (*Mass. Archives* 30:81).[11] 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, 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 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 OFA researchers. He commented that:

> Capt. Gookings and I did lately visit the now praying towns, some of them in Nipmuck, and he appointed a ruler (who is their ancient Sachem, a godly man) over 5 or 6 or 7 towns, and a general constable. All the praying Indians have submitted themselves to the English government. The general court hath (after the decease of others, as Mr. Nowel, Mr. Atherton,) authorized Capt. Gookings with the power of a county court to rule, make officers, laws with the consent of the people, and keep courts together with such as he hath invested with civile authority among them, and he hath ordained rulers of 10, of 50, &c. . . . (Eliot 1673, 128-129).

Almost as soon as the hostilities of King Philip's War ceased in 1676, sales and purchases of Indian land resumed, whether authorized or unauthorized, and began to be recorded again in the county land records 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.

Two land transactions, both made by John Wampas, pertained directly to Hassanamisco. The first was 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). The second was his will: on October 1, 1679, in London, England, the will of John Wampas alias White gave to three of his Indian kinsmen John a Wansamock, Pomhamell and Norwarunnt his estate in New England known as "Assenham East-stock" (Hassanamisco). "They and every of them offering,

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

[11]At this time, the jurisdictional location was in the Town of Sutton, Suffolk County, Massachusetts.

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).[12]

On August 25, 1686, several parties entered into a partition agreement to settle conflicting territorial claims on land conveyed by Wampas, who had represented himself as a Nipmuc sachem, to a white purchaser named 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. Under this partition agreement, the boundaries set in the 1654 Act were confirmed. The Indian plantation at Hassanamisco was to remain 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).

On June 10, 1702, the Massachusetts 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).[13] 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. Other petitions in regard to this land mentioned John, Peter, and David Haynes of Sudbury, partners, who held 5,000 acres, deriving their title from Wampas (*Mass. Archives* 113:319-322; signatures of petitioners on p. 322).

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 Massachusetts 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 was there a deed for 1686 acres. 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

[12]On September 14-15, 1681, several Nipmuc Indians residing Natick objected to the John Wampas deeds. See the testimonies of Waban, aged about 80; Piam-boa aged about 80; Nowanit aged about 81; Jethro aged about 70; William aged 68; Anthony Tray and Tom Tray uncles by the father's side unto John Woampus deceased, aged 60 years and 58 years or thereabouts (Place of Small Stones n.d., 19-20; citing *Mass. Archives* 30:260a).

[13]On June 10, 1702, Joseph Robbins was mentioned as having deeded certain land at Hassanamisco to Captain Haines (Doughton's index to: *Mass. Archives* 113:233). This reference to Robbins from Doughton's index could not be located 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.

court (*Journals of the House of Representatives of Massachusetts* 1715-1717, 1:14, 60).[14] 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.[15] Several of these, such as the mentions of construction of a bridge over the Blackstone River[16] and the erection of a grist mill,[17] 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 did not, as late as June of 1722, allow it to occur.[18]

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[14]Map tracing land purchased by John Haynes from Joseph Robinson, Indian, on Quonsicomage river. Surveyed by William Ward, 1716, "Within which lines is contained 1686 acres of a purchase of John Haynes from Joseph Robinson, Indian and granted by ye General Court June 20, 1715" (Earle Papers).

[15]1715 petition of George Momeusque, Indian, permission for liberty to sell a tract of land belonging to him with adjoiyns to the southern line of the town of Worcester; petition from inhabitants of town of Worcester to purchase (*Journals of the House of Representatives of Massachusetts 1715-1717* 1919, vol. 1).

1716-1718, General Court recognized various claims based on deeds of John Wampas (Mandell 1996, 45; Mandell 1996, 213n85).

1716, petition of Moses Printer, Indian, to sell to Joshua Underwood 200 acres of his land lying at Assanamisco (refused) (*Journals of the House of Representatives of Massachusetts 1715-1717* 1919, vol. 1).

November 24, 1716, petition of John Cutting of Watertown, 200 acres of land lying near Hassanamisco which Andrew Pittimee Indian gave to his late father John Cutting per deed of gift dated January 18, 1688. Requested confirmation. Negative (*Journals of the House of Representatives of Massachusetts 1715-1717* 1919, 1:153).

June 13, 1719, report on running the boundary between the Town of Sutton and the Indian plantation of Hassanamisco. Petition of George Misco, Moses Printer and Amy Printer, Jun. asking the report not be accepted "inasmuch as it Intrenches upon the Indian Plantation of Hassanamisco and takes away part of their improvement. Negative vote on the report (*Journals of the House of Representatives of Massachusetts* 1718-1720 1921, 142).

1719, "When the Hassanamisco Indians in 1719 challenged the boundary line drawn by one Major Chandler between their land and the town of Sutton, the General Court voted that 'the line be run anew by other Person'" (Kawashima 1986, 66; Kawashima 1986, 264n86 citing *Acts and Resolves* 9, 665; 12:58-59).

March 16, 1720, request of Isaac Farewell of Medford to purchase from the Hassanamisco Indians, 18 acres adjoining his land in Sutton (*Journals of the House of Representatives of Massachusetts* 1718-1720 1921, 361).

November 9, 1721, a petition signed Samuel Abraham &c. Indians. Praying that they may enjoy their Land at Hasanamisco, for reasons therein given (*Journals of the House of Representatives of Massachusetts* 1721-1722 1922, 140).

[16]June 24, 1718, petition of George Misco & sundry other Indians of Assanamiosco presented, consent & desire that Elisha Johnson of Sutton be allowed to buy 200 acres of land belonging to the Indians of Hassanamisco, to build a bridge over the Blackstone River (*Journals of the House of Representatives of Massachusetts* 1718-1720 1921, 40).

[17]June 13, 1721, petition of Thomas Drury Jr. of Framingham to erect a grist mill in Hasanamisco and purchase 120 acres of meadow from the Indians of that town (*Journals of the House of Representatives of Massachusetts* 1721-1722 1922, 18).

[18]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).

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). The conflict brought about increased pressure on the Hassanamisco Indians to sell their lands.

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).

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, 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.[19]

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[19]May 31, 1727, at a great and general court a committee was appointed to view the land at H. Who reported Sept. 21. Quantity of land supposed to be sold 7500 acres. Value under conditions of Resolve L2500 (Earle Papers).

1727 December 8, 1727, on payment of 2500 pounds, liberty granted to petitioners to purchase the land at Hassanamisco. Capt. Edward Goddard, Capt. Ephraim Curtis & Spencer Phipps Esq. appointed Trustees authorised to approve of the deed, receive the sum, 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).

December 12, 1727, trustees order deed to be drawn in the name of the seven Indian proprietors (Earle Papers).

December 19, 1727, report of Committee re: purchase of Indian lands at Hassanamisco (*Mass. Archives*

Each of the Hassanamisco proprietary families received a share in the fund that was established from the proceeds of the sale of 7,500 acres of their land. Additionally, seven Hassanamisco families each received shares of the remaining 500 acres on April 29, 1728, 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).	

The above report was accepted on June 18, 1728 (Earle Papers), but the process of allotting shares to the Indian proprietary families continued through 1730.

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). Oddly, this antedated the petition that it apparently opposed, 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). A recent scholar has stated:

> . . . in Hassanamisco the allotted lands and fund were to be indefinitely "reserved for the Indian proprietors and their heirs," . . . In addition, Hassanamisco shares were owned by both women and men, and the husband of a shareholder had access to his spouse's interest payments only while the marriage lasted-- . . . the trust fund undermined the Hassanamisco community by becoming their only material and legal tie. The Indians increasingly dealt with their white neighbors

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113:736-738).

March 19, 1727-1728. Deed from: Ami Printer, Andrew Abraham, Moses Printer, Ami Printer, Jr., Indians of Hassanamisco, in the County of Suffolk; Peter Muckamaug and Sarah his wife, of Hassanamisco aforesaid (owners and proprietors in the right of the said Sarah), of one-seventh part of the said native right; Christian Misco, relict widow of George Misco, late of Hassanamisco aforesaid, and Joshua Misco, of Hassanamisco aforesaid, son of the said deceased, being owners and proprietors of two-sevenths parts, Wits: Nehemiah How, Jonathan Adams, Isaac Whitney. Moses Printer signed in presence of John Chandler, Jr.; John Mackintire. Hassanamisco, March 20, 1727-8, acknowledged by Ami Printer, Andrew Abraham, Peter Muckamaug, Sarah Muckamaug, Christian Misco, Joshua Misco, Ami Printer. Woodstock April 9, 1728, Moses Printer acknowledge. Suffolk County Registry of Deeds, Lib. 42, Folio 206 (Pierce, *History of Grafton* 1879, 36-40).

> and the provincial government as families instead of as a larger group (Mandell 1996, 89; citing *Mass. Archives* 31:117; Mandell 1996, 220n37).

Another modern writer 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 c. 1980, [34]).

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.[20] 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-Indians.[21] No instance was located in which such land, once sold, was ever re-purchased by an Indian proprietor. For further details, see the PF and the draft technical report to the PF.

The Hassanamisco Indians could sell their lands only with approval of the trustees. The sales, which were all made by individual proprietors rather than by any collective entity, required the approval of the Massachusetts House of Representatives.[22] The land left Indian hands not only

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[20]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, and 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).

[21]April 1740, land belonging to John Abraham sold by the guardians for 120 pounds (*Mass. Archives* 31:370). November 24, 1741, John Abraham, as authorized by the General Court, sells a parcel of Ami Printer's land at Grafton to Ephraim Sherman for 120 pounds in good bills (A Place of Small Stones n.d., 33; citing Worcester Registry of Deeds 15:269).

[22]March 23, 1736, Joseph Ephraim Jr., Nipmuc at Natick, and Andrew Abraham, Jr., of Grafton, petition to sell Indian lands at Grafton (*Acts & Resolves* XII: 1734-1751, 1735/36; Chapter 261). Mentioned in Mandell (Mandell 1996, 83-84; citing *Acts & Resolves* 1735-36, Ch. 261, 23 March 1736; Mandell 1996, 219n12).

February 21, 1738, Joseph Ephraim and Andrew Abraham, both of Natick, with license, sell to Eleazer Fletcher, blacksmith, 38 lot near the Blackstone River abutting "the land of Andrew Abrams Father" (MS: Worcester Registry of Deeds 11:228).

December 27, 1738, Andrew Abraham sold additional acreage along the Blackstone River "for building a house after the English manner for his comfort" (Mandell 1996, 97; citing *Acts & Resolves* 1738-39, Ch. 121, 27 Dec. 1738; Mandell 1996, 221n66).

by way of sale, but also by way of wills made by individuals. Daniel Mandell, in *Behind the Frontier*, attributed this to the adoption of English landholding customs by the Hassanamiscos (Mandell 1996, 120-121; citing WCP 41125; Mandell 1996, 224n14).

In 1743, the Hassanamisco trustees, John Chandler, John Jones, and 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).[23] In 1746, the Massachusetts Bay legislature did pass a new, general act, under the title "Better Regulating the Indians." It provided for the appointment of three men to act as guardians for each "plantation" and did not make distinct provisions for the Hassanamisco, although their legal situation differed from that of the other Indian tribes in Massachusetts. 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]; Mandell 1996, 144).[24] 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).[25]

During the mid-18th century, the Hassanamisco families continued to make various intra-family and intra-group transactions.[26] Nonetheless, the pace of land dispersal accelerated; the

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[23]April 19, 1743, General Court accepts Hassanamesit trustees' accounts (A Place of Small Stones n.d., 35; citing *Acts & Resolves* XII: 1741-1746; 1743/44: Chapters 268 & 269).

[24]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, and 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).

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

[25]This was followed in October of 1758 by appointment of the guardians. December 30, 1758 - January 3, 1759, an order of the General Court that a list of the Indian guardians adopted in October 1758 be sent to the governor for confirmation; a list of names (*Mass. Archives* 33:75-76).

May 31, 1762, Hassanamesit guardians submit accounts to the General Court (Acts & Resolves XVII: 1761-1765: 1762/63: Chapter 1). By 1762, the Hassanamisco trustees were listed as Artemas Ward, Timothy Paine, and Ezra Taylor . The records for 1763 listed their residences: Artemas Ward (Shrewsbury), Timothy Paine (Worcester), and Ezra Taylor (Southboro), Indian trustees (Earle Papers).

[26]March 9, 1743, quitclaim from Hannah Abraham, widow of Zachariah Abraham of Hassanamisco, Indian planter, to daughter Patience David and son in law Abimilech David; 35 acres (Place of Small Stones n.d., 34-35; citing Worcester Registry of Deeds 19:445-446); 1744 July 13, Andrew Abraham, Indian of Grafton, labourer, to son Andrew Abraham, Jr.,, 24 acres of land at Grafton, 60 pounds old Tenor (A Place of Small Stones n.d., 35; citing Worcester Registry of Deeds 18:405).

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.[27] Each approved permit to sell generated a long series of documents. The 1777 deed submitted by the petitioner for the FD, from James and Mary (Tom) Thomas to Patience (Lawrence) Gimbee, was not typical of these in that it claimed title in fee simple and in that there was no participation by the Massachusetts Legislature or the Hassanamisco guardians, probably because it was a sale between Indian proprietors rather than to a non-Indian. In this, it was representative of a significant change for the period from the beginning of the American Revolution to the 1840's.[28]

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 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, nor did the designation of power to treat with the Indians in the

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November 1749, memo by Edward Goddard and Ephraim Curtis to Lieut. Ward concerning the agreement between Andrew Abraham and Abimilech David (Earle Papers). 1750 payments made May 7th: Peter Lawrence and wife; William Thomas and wife; Deborah Misco; Sarah Printer by Abigail Abram, Sarah Burnee, Deborah Abram, Abigail Abram, Elizabeth Abram. Agreement by which Andrew Abram conveys to Abimileck David and Patience Abimileck. Abigail Abram, administrator, pays the sum agreed on, since it was not paid during his lifetime (Earle Papers).

[27]November 19, 1748, Sarah Printer and Abigail Abraham, formerly Abigail Printer, Indian widows of Grafton; and Martha Printer, a minor. Permission to sell 32 acres [or two 30-acre lots] at Grafton.

October 1748, a petition of Sarah Printer and Abigail Abraham (formerly Abigail Printer) both Indian widows, that they may sell two thirty acre lots which they inherited from Ammi Printer; an affidavit of John Chandler, one of the trustees of the Grafton Indians, as to a benefit to be derived from the sale; an order of the General Court dated Nov. 18-19, 1748 permitting the sale under the inspection of the said Chandler; a statement of the appraisers as to the value of land. Martha Printer, a minor heir of Ammi Printer (*Mass. Archives* 31:600-601; *Acts & Resolves* XIV: 1747-1753: 1748/1749: Chapter 132).

[28]Deed, Worcester County, Massachusetts, Arnold to Stone. Harry Arnold of Grafton; for $20 paid by Thomas Stone; a certain tract of land lying in the westerly part of Grafton containing one acre and half be the same more or less bounded as follows . . .; no participation by Hassanamisco trustee (Arnold to Stone 1811.03.20).

November 17, 1817, Deed, Worcester Co., MA, Harry Arnold and Sally wife of said Arnold, who relinquishes right of dower, first page with metes and bounds description missing from the copy submitted; to John Sherman, for $47.12; bound description missing; no participation by Indian trustee (Arnold to Sherman 1817.11.17). Deed, Harry Arnold of Grafton, laborer, and Sally his wife, to John Sherman, Worcester Co., MA, 27 April 1818. A certain parcel of land situate in the southerly portion of said Grafton, $250, "I am lawfully owner in fee of the afore granted premises, that they are free of all incumbrance; that I have good right to sell and convey same . . ." No participation by a Hassanamisco trustee. Recorded 2 June 1818.

Deed, Worcester Co., MA, January 28, 1824, John Hector [Heckter] of Grafton to his mother Lucy Hector, for $100, the dwelling house in which I now live situate in said Grafton; no participation by Hassanamisco trustee (Hector to Hector 1824.01.28).

Deed, Worcester Co., MA, December 30, 1841, quitclaim deed for rights to water from a well on Grafton property from Lucy (Gimby) Hector and John Hector to Ezekiel Brigham (NA V025 H1510). They are designated "colored people;" there was no participation by Hassanamisco trustee (Hector and Hector to Brigham 1841.12.13; not recorded until 1866).

U.S. Constitution. The first Federal Trade and Intercourse Act was passed on July 22, 1790 (Reese c1980, [39]); however, from 1790 to the 1970's, it was not considered applicable to Indians in the original 13 colonies and their successor states, and also had no impact on the way Massachusetts interacted with the Indians within its own borders.

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).[29] After 1800, there was considerable turnover in the personnel of the trustees.[30]

On June 11, 1825, the Massachusetts legislature authorized and empowered Cyrus Leland, Trustee of the Grafton Tribe of Indians, to "sell and pass deeds to convey such part of the real estate of Lucy Gimbee otherwise called Lucy Hector and the heirs of Moses Gimbee, situate in Grafton, as he shall judge best for their interest" (Earle Papers).[31] 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).

In 1828, an accounting by the guardian of the Grafton Indians, Cyrus Leland, as successor to Jonathan Leland, submitted to the Commissioners of the Worcester County Court, provides an overview of the Hassanamisco holdings (land, personal property, and fund). Since the issue for

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[29]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 assessor's report dated January 11, 1801, at Grafton, was signed by Wm. Brigham. Tim.o Sherman, Thaddeus Read (Earle Papers).

[30]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 (also written Goodale) of Millbury (Nipmuc 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).

During this period, land sales continued: Joseph Aaron, June 4, 1790; James and Mary Thomas, June 22, 1792; James and Patience Cook, February 15, 1795; Dorothy Wiser, widow of Benjamin Wiser February 4, 1796; Alithia Johns widow of Isaac Johns, February 4, 1796; Joseph Aaron and Deborah his wife, February 10, 1796, and February 2, 1797; Sarah Phillips, 23 June 1797; Sarah Philips, January 27, 1815; Sarah Philips, January 19, 1816; (Earle Papers; Nipmuc 69A Supplement 1997). There was also one purchase recorded, November 12, 1801, by the trustees on behalf of Hannah Brown, wife of Andrew Brown, from Aaron Bull of Princeton, Massachusetts (Earle Papers; Nipmuc 369A Supplement 1997).

[31]This was subsequently done. See the bond to Judge of Worcester County probate court in regard to sale, M. Barton for Charles Brigham as agent for Moses Gimby deceased, Zona Gimbee, and Moses's son Moses Leander Gimby, Indians, court-authorized sale of about 1/3 of an acre to Barton (Brigham 1844.03.15).

the petitioner's argumentation revolves around the land, it is worthwhile to enumerate it here, since it clearly indicates that the land and funds were individually held:

Phillips family now Sarah Phillips) ten or twelve
Benja. Boston) acres land
Personal $139.50
Brown family - Real eight or ten acres land
Personal $421.50
Lucy Gimbee ten or twelve acres land
Personal $135.66
Moses Gimbee heirs a house and a small piece of land
Personal $117.83
Polly Johns
Personal $55.83 (Leland to Worcester Co. Commissioners 1828.09.09).[32]

The reports of the guardians of the Hassanamisco funds continued from 1829 through the early 1840's, with a consistent listing of the descendants of those Hassanamisco proprietary families that had not cashed in their shares of the fund.[33]

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 (1792-1865) and others "describing themselves as descendants of the Hassanamisco Tribe of Indians" (Earle Papers). The report stated:

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[32]1828, report by late trustee, Jonathan Leland, Esq., of Sutton: Phillips family; Otis Newman; Brown family [Andrew and Hannah]; Lucy Gimbee; Moses Gimbee; Polly Johns's family. Cyrus Leland trustee (Nipmuc Pet. Narr. 1984, 70). Phillips's family included Benja. Boston and Sarah Phillips; Moses Gimbee's heirs; Lucy Hector; heirs of Polly Johns; Brown family consisting of Elizabeth Brown, Debrah Brown, Andrew C. Brown, Betsey Hendrick, the heirs of Lucinda Giger (Earle Papers).

[33]September 12, 1829 (Earle Papers); February-December, 1830 (Earle Papers); October 25, 1832 (MA State Archives); January 15, 1835, February 2, 1835, January 22, 1836, January 17, 1837, Lucy Hector, Ony Gimbo; 1837 June paid for Sarah Phillips Deceased in her last sickness, funeral expenses; paid Stephen Phillips board & cloths; April 3, 1838, Lucy Hector (MA State Archives).

April 9, 1839, through March 3, 1840: Grafton Guardians Accounts: paid Lucy Hecklor, "a descendant of said tribe, as per right;" John Hecklor; Andrew C. Brown, Harry L. Arnold, Moses L. Gimbee. Dated March 11, 1840, Ira M. Barton, Guardian (MA State Archives).

1840-41 receipts and requests, to Grafton guardian: January 26, 1841, Lucy Hecktor; January 6, 1840, Harry L. Arnold; November 18, 1841, Moses Leander Gimbee by his mother Zona Gimbee; March 2, 1840, Elizabeth Brown; March 30, 1842, Deborah Brown; March 2, 1842, Elbridge Gigger; January 2, 1841, John Hecktor; November 20, 1841, Andrew C. Brown [there are more, but this includes all the names] (MA State Archives).

1841-1842 Ira M. Barton's acct. Hassanamesset Indians, dated July 2, 1842. Elbridge Gigger of Harvard; John Hecktor of Grafton; Deborah Brown of Westboro; Lucy Heckter of Grafton; Moses L. Gimbee of Worcester; Andrew C. Brown of Holden; Elbridge Gigger of Hardwick; Elisabeth Brown of Framingham (MA State Archives).

> 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 OFA historian. Without a complete listing of the signatures, it was impossible for the OFA researchers to analyze the validity of the report's comment on lack of evidence of lineal descent from the Hassanamisco proprietary families. However, the body of the evidence in the records demonstrates that John Hector, apparently the first signer, was without doubt a lineal descendant. There may have been some relationship to the 1839 petition,[34] since the docket contains the name "Lincoln;" if so, all the persons listed except Zona (Leonard) Gimby, who was the widow of Hassanamisco Moses Gimby, were documented lineal descendants of the original proprietors.

On January 23, 1844, John Hector of Grafton presented a further petition to the Massachusetts Senate and House of Representatives for sale of certain lands. The petition described him as "one of the descendants from the Hassanamisco tribe of Indians /and a grandson of Ami Printer [inserted]/," mentioned "certain lands held in common by the Indians which lands are situated in the said town of Grafton, in the town of Princeton, Paxton, and Worcester, all within the County of Worcester aforesaid, that said lands are in a wild and unimproved condition, and afford no income," and requested that they be sold for the establishment of a fund for the benefit of the

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[34]Petition, Descendants of the Hassanamesset Indians to Massachusetts Senate and House of Representatives praying that a fund for their benefit which has been last under the management of Trustees appointed by the Commonwealth, may be made good. Referred to committee on claims.
John Hecktor, Lucy Hecktor, Susan Hecktor (Bates page 3 of 13)
Leander Gimby, John E. Hecktor, Richard A. Hecktor, George Hecktor, Zoney Gimby (Bates page 4 of 13)
[listing, following listing of the descendants of Peter Lawrence and Sarah Printer (Bates Page 7 of 13)]
Benja. Phillips away (Conn.)
Elizabeth Brown)Framingham
Deborah Brown)
Cumager Brown) Holden
Genealogical sheet on Gimbee family
Resolution, April 4-6, 1839, authorizing the District Attorney for the Middle district be authorized and directed to collect all sums of money due on all the bonds and obligations held in trust by any person for the benefit of said tribe and when collected pay it in to the treasury of the Commonwealth (Hector to Massachusetts 1839.01.23; associated documents, NA V003 D0006 1839.01.23).

descendants of the tribe to be held under the direction of the Judge of Probate for the County of Worcester (Hector to MA Gen. Court 1844.01.23; notice published in the *National Aegis* a newspaper published in the town of Worcester ordered Jan. 26, 1844, for at least four days before the thirteenth day of February next; referred to the Committee on Probate & Chancery Feb. 1, 1844). Hector was granted leave to withdraw the petition March 4, 1844 (docketed March 11, 1844; Order of Notice on the petition Feb. 13, 1844). The deficiency of the petition lay in the fact that the lands mentioned were not "held in common by the Indians" as the petition has claimed, but were rather the individual property of the specific owners.

For further tracking of the Gimby/Hector/Arnold/Sisco property, see below.

Petitioner's Title Search

Petitioner 69A's Argument

To buttress its claim that the Commonwealth of Massachusetts holds title to the Hassanamisco Indian Reservation in the Town of Grafton on behalf of the Nipmuc Nation, petitioner 69A submitted a report on a title search by the Gould Title Company: Hassanamisco Indian Reservation: 80 Brigham Hill Rd., Grafton, MA - Gould Title Company Reference No. 8270; Examination of the Hassanamisco Reservation Property Deeds at the Worcester District Registry of Deeds; Larry E. Salem, Esquire, 2 Main Street, Worcester, MA 01608. This document states:

> We have been requested through Lawyers Title Insurance Company to examine the land records at the Worcester District Registry of Deeds, the Suffolk County Registry of Deeds, the Massachusetts Archives and the Town of Grafton to determine the record ownership of the Hassanamisco Indian Reservation land on Brigham Hill Road in Grafton, Massachusetts (Salem 5/29/2002, [1]).
>
> "In order to accomplish this, we have done the following:
>
> 1. In the Worcester district Registry of Deeds, we ran the Grantee index from 1731 through 1920 for the following names: Hassanamisco Indians, Nipmuc Indians and Grafton Indians" (Salem 5/29/2002, [1]).
>
> The only entries we found under those names were:
>
> > Book 391, page 333 deed from Parley Goddard to Charles Brigham, Jr. as trustee of the Hassanamisco Tribe of Indians sometimes called the Grafton Indians, conveying a small 16 1/2 rod parcel of land in Worcester situated on the southerly side of the old pine meadow road. [*sic*; no date given, no copy in record]

Book 487, Page 618 deed from John Sweeney to Charles Brigham, Trustee for the Grafton Tribe of Indians and more particularly for John Hector, conveying a small 4,000 square foot parcel of land in Worcester situated on the southerly side of Chandler Street. [copy in record, dated May 13, 1857]

2. In reviewing the 1898 County Atlas, we noted that the Commonwealth of Massachusetts was listed as the owner of property in the vicinity of the reservation land. We, therefore, ran the Commonwealth of Massachusetts in the Grantee Index (Salem 5/29.2002, [1]).

The only entry we found in the Town of Grafton is the following:

Book 118, Page 150 deed from Oliver Prescott to the Common (we can not determine exactly what this deed conveyed) (Salem 5/29/2002, [2]). [no date given, no copy in record]

3. We also ran the Grantor index in the Worcester District Registry of Deeds under the names Hassanamisco Indians, Nipmuc Indians, Grafton Indians (from 1731 through March 1, 2002), Commonwealth of Massachusetts (from 1731 through 1889) and found the following entries:

Book 45, Page 524 deed to John Sherman of 20 acres in Grafton [two deeds to Sherman in record, neither for this amount of land]
Book 393, page 391 deed to Parley Goddard of 1/3 acre in Worcester [not in record, no date given]
Book 471, Page 577 deed to George J. Rice of property in Worcester [not in record, no date given]
Book 503, Page 479 deed to George J. Rice of property in Worcester [not in record, no date given]
Book 416, page 383 deed to Sarah Walker of property in Grafton [not in record, no date given]
Book 478, Page 516 deed to John Sweeney of property in Grafton (which states "For further particulars reference is had to said record of said allotment in the secretaries Office of said Commonwealth") [excerpt in record, dated May 13, 1857; does not include the passage quoted]
Book 185, Page 472 deed to Isaac Damon of 9 acres on Quinapoxit Pond [no date given, no copy in record]

None of the above entries appear to be our locus (Salem 5/29/2002, [2]).

4. We were advised by Lawyers Title that the reservation land could be in the name of the Cisco family (Sarah and Emma) who lived on the reservation. We, therefore, ran the names of "Cisco" in the Grantee Index (from 1731-1930) to determine if the reservation land was ever conveyed to them individually. We found the following:

> Book 1912, Page 497 deed from William A. Getchell to Emma J. Ciscoe and Sarah M. Ciscoe.[35] . . . Upon further investigation, we have determined that this parcel is actually situated on Worcester Street (#80) and is shown on Plan Book 529, Plan 31, and is, therefore, not the Reservation parcel. [not in record, no date given] [footnote added]

We found two other deeds into the Cisco's . . . both of which are not our locus [not in record, no dates given] (Salem 6/29/2002, [2]).

5. . . . A deed recorded in Book 14412, Page 55 from Anna M. Mays to Emma L. White and Shelleigh M. Wilcox as Co-Trustees of the Mays family Trust, u/d/t recorded in Book 14412, Page 42 [not in record, no date given] . . . and Parcel Two is probably what Wilcox thought was 80 Brigham Hill Road, Grafton (The Reservation). Parcel Two is described as being the same premises as Book 479, Page 516, which is an incorrect reference. The land described as parcel Two is the same land that was conveyed to John Sweeney by deed from Charles Brigham as trustee for the Hassanamisco Indians recorded in Book 478, Page 516.

The parcel of land described in Book 478, Page 416, is not the reservation land. The parcel of land described in Book 478, Page 416, is combined with two other non-locus parcels of land on Brigham Hill Road, owned by John S. Sweeney (see deeds recorded in Book 427, Page 165 and Book 514, Page 590, both deeds have courses which bound on land of the "Indians") to become the 13.5 acre homestead of John Sweeney.

. . .

Our conclusion is that Anna M. Mays, the grantor in the deed to Emma L. White and Shelleigh M. Wilcox, as Co-Trustees, recorded in Book 14412, Page 55, did not have record title either

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[35]The following document, an unclear note, may pertain to this transaction: apparently an informal property transfer, involving Sarah M. Ciscoe, Mrs. E. Jane Ciscoe, "All claim to House buildings and Half the land all money paid me by my sister Mrs. Hilman Mays goes into Mrs. Emma J. Ciscoes Hands & Deed . . ." (Cisco to Mays 1914.09.17), written on reverse of a February 27, 1912, receipt from S. A. Getchell to Sarah M. Cisco.

> to the premises described in Book 578, Page 516 or the Reservation land located at 80 Brigham Hill Road (Salem 5/29/2002, [3]).

Point six of this portion of the title report was a review of Pierce's *History of the Town of Grafton*; point seven was a review of the internet site maintained by the Massachusetts State Archives (Salem 5/29/2002, [3-4]). Point eight of the title report (Salem 5/29/2002, [5]) was a review of the Suffolk County Registry of Deeds for the time period of 1639-1799; it listed a number of entries by book and page, but provided neither the dates of nor the names involved in the transactions listed. Point nine, a review of the Earle Papers at the American Antiquarian Society in Worcester, stated, "In Box 1, Folder 1 of said collection are materials covering the period of 1715-1859, including many maps, surveys, plots of land, and land deeds of the Hassanamisco Indians of Grafton. It is, however, impossible to determine exact locations of said lands" (Salem 5/29/2002, [6]).

Analysis

The information provided to the title search company and used as a foundation for the above search appears to have been insufficient to provide a basis for a comprehensive title search. Identification of the current "Hassanamisco Reservation" land must focus on the real estate owned by Hassanamisco proprietor Patience Lawrence, wife of Caesar Gimbee, Sr., and by her daughter Lucy Hector.[36] Lucy (Gimbee/Gimby) Hector left two surviving sons, Harry Arnold and John Hector. The Gimbee, or Gimby, Hector, or Hecktor/Heckter, and Arnold names continued to appear frequently in Hassanamisco records throughout the 19th and 20th centuries. One of Harry Arnold's daughters, Sarah Maria, married Samuel Sisco in 1844. The Cisco, or Sisco/Ciscoe, surname so closely associated with the modern reservation land in Grafton entered into Hassanamisco through her marriage.

In 1845, Charles Brigham, as Hassanamisco trustee, applied for letters of administration to probate the estate of Lucy (Gimby) Hector, Worcester Co., MA; Charles Brigham, trustee

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[36]January 27, 1801, petition of Caesar Gimbee and Moses Gimbee, two of the Grafton Indians, so Called, praying that the trustee may be empowered to sell and convey certain real estate belonging to them; Benjamin Heyward and Isaac Harrington empowered (Earle Papers).

February 4, 1801, petition of Lucy Hector and Hannah Gimbie two of the Grafton Indians praying to have the trustees empowered to sell (Earle Papers).

September 14, 1802. Deed. Caesar Gimbee and Moses Gimbee both of Grafton, in consideration of $100 paid us by Lucy Hector alias Gimbee and Hannah Gimbee, spinsters, sale of their right and title as heirs of the estate of Patience Gimbee dec. late wife of Caesar Gimbee decd. Wits: Benj. Heywood, Peters[?] Wheelock (Earle Papers).

January 28, 1812, interest of Moses Gimbee, sale of land (Earle Papers).

June 10, 1819, Resolve: On the petition of Lucy Gimbee alias Lucy Hector, one of the Grafton Indians, so called, praying that the trustee of said Indians may be authorized to expend so much of her estate as may be found necessary for her support: Asa Goodale, Trustee, hereby authorized; approved by Governor June 11 (Earle Papers).

(Brigham to Worcester Co. Probate Court 1845.12.17). This was shortly followed by a letter on behalf of Harry Arnold. The writer stated that: "Harry Arnold a descendant of the Hassanamisco Indians has just called on me for a remonstrants against a petition of John Hecktor his half-brother; Arnold ought in justice to have a share of the real estate jointly occupied by him and his brother" (Harrington to Davis 1846.01.29).

In connection with the erection of the historical marker at the site of the reservation (about 1935), Sarah Maria (Sisco) Sullivan (1884-1964), "Corresponding Secretary," wrote to the selectmen and officers of the Town of Grafton and the officers of the historical society concerning the land:

> The Hector and Arnold Famalies however were the only decendants left on Brigham Hill in 1847. When Grandmother Sarah Mariar Arnold Cisco wrote to Boston saying she was in a suffering condition and her land was being taken so she did not have land enough to bring up her Family on.
>
> This 4 1/2 Acres you speak of on your Tablet was Hers forever. Signed Charles Brigham then Agent for the Indians, by the Secretary at Boston, and Approved by the Govenors Council. Harry Arnold and his desendants had never left this land. Some of the Family have always lived here since.
>
> Would you please specify on the Tablet. "This 4 1/2 Acres of Land is Some of the Land set aside by the 40 Proprietors of Grafton in 1728 for the Hassanamisco Indians. In 1847 Alloted to Sarah M. Arnold Cisco & Heirs. Never Yet Owned by White Man." (Sullivan to Selectmen n.d. [ca. 1930].[37] [spelling and punctuation *sic*].

OFA researchers did not identify the 1847 document referenced by Sullivan's ca. 1930 letter in the documentation submitted.

The title search failed to note the accurate description of the existing 80 Brigham Hill land in the subsequent 1857 Hector deed,[38] as adjoining to the parcel being sold by the trustee:

> All the real estate of John Hector one of said tribe of Indians, situated in the Westerly part of said Grafton for the purpose of purchasing other real estate in the City of Worcester for the better accommodation of said Hector family, said real

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[37]In 1930, the Massachusetts Bay Colony Tercentenary Commission placed a historical marker on Brigham Hill, in Grafton, in front of the Hassanamisco Reservation (Nipmuc Pet. Narr. 1984, 156).

[38]In return for the sale of the Grafton property, the Hector family received the following: "Deed, John S. Sweeney and wife Eloisa, of Grafton, for $700, to Charles Brigham of said Grafton, Trustee for the Grafton tribe of Indians, and more particular for John Hector one of said tribe . . . A parcel of land with a barn thereon standing containing about four thousand square feet of land, more or less, situated on the southerly side of Chandler Street so called in the City of Worcester . . . For said John Hector his heirs and assigns . . . Acknowledged same day" (Sweeney to Brigham 1857.05.13).

> estate is bounded as follows to wit; Beginning at a stake & stones or corner of wall on the Westerly side of the old County road . . . So called and running by land of the grantee . . , [metes and bounds description] . . . thence by land of the heirs of Harry Arnold . . . passway to the lane one rod in width in which both parties the grantee & said heirs have equal priveledges [*sic*] to pass and repass . . . Worcester ss. The above is a true extract from the record of a deed from Indian Trustee &c to John S. Sweeney, dated May 13th A.D. 1857 & recorded in the Registry of Deeds Book 578 page 516 Attest Alex H. Wilder Reg. (Indian Trustee for Hector to Sweeney 1857.05.13). [emphasis added]

After the 1857 sale, the Arnold family continued to occupy its portion of the property. In 1859, Sarah Maria (Arnold) Sisco drafted the following statement in regard to the land:

> I write this to let the public know my situation as I am poor and in a suffering condition & have been sick two winters past and have been oblidge to call on the town for help wich there is no need of if we had not been rounged out of some of our rights in Ind- [illegible in fold of paper] wich John Hecktor sold of to a white man the same as he had it him self and ever since this man has had it. he has intruded upon us and has tried all ways to run us of what little we have wich this trade was all done un be known to me when I am decendant just as much as John Hecktor and claim my right to the Indian land. I have sined no writings for john to sell there is a lane wich was set of our land for John to drive his cows into his pasture wich my father held his right in half of it clear through. this land was devided between John Hecktor an my father Harry Arnold for each one to know their part and not to sell this man wich bought [line illegible in fold of the paper] us clear. the land he has broken the best bound on the premises and has stoped folk ploughing for us we have a cow and we have not land enough to raise our liveing an parsture our cow we have onely two acres a hundred an five rods when John has sold some five or six achers right of the place wich we need as I have a large family of children six in number the story is we are not capable of getting a liveing but let them give us a chance and see I am the onely desendant of the Hassanamisco Tribe wich resides in Grafton Sarah M. Ciscoe (Sisco to Let the Public Know 1859.00.00 ca) [spelling, punctuation, and capitalization *sic*][39]

The title search also omitted reference to a court case brought by the trustee in regard to the reserved right of way mentioned in the above 1857 deed, apparently in response to the above protest:

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[39]See also letter in regard to drainage (Ciscoe to Anonymous 1859.03.12). One copy of the above petition was submitted together with a letter dated 1869 (Cisco to Slocumb 1869.01.09); another copy was submitted separately.

> 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 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" (MA State Archives 1859.08.29). [emphasis added][40]

On July 20, 1867, two members of the Arnold family signed a one-year lease agreement, Clinton [Patience Fidelia (Arnold) Clinton of Springfield, Hampden County, Massachusetts] to Ciscoe [Samuel Crawford Sisco]; tenement in Grafton, westerly part of the house on Brigham Hill (Clinton to Sisco 1867.07.20; NA V025 H1186). The 1870 atlas of Worcester County, Massachusetts, contained a map of Town of Grafton. It showed Brigham Hill, C. Brigham, and S. Sisco on the side of the road closer to Goddard Pond (*Atlas of Worcester County* 1971 [1870], 82). Some years later, a local historian wrote:

> Of the Hassanamiscoes there is now no representative living in Westborough. In Grafton, there is one family. All the other lands reserved for the Indians have passed into the hands of the whites; but the daughters of Harry Arnold -- the granddaughters of Lucy Gimbee--still own, on Brigham hill, two and a half acres of land and a small house, built originally for their grandmother, and since enlarged. Here one of them, Sarah Maria Cisco, lives, and receives the two hundred dollars a year granted her by the State. Hers is the only land in the town, if not in the State, which has never passed out of the hands of the Hassanamiscoes. She is now seventy years old, is partially of colored blood. Her husband is partly colored and partly of the Narragansett tribe. They have several children (Forbes 1889, 180; see also a drawing of the Sisco house, Forbes 1889, 181).

The two daughters of Harry Arnold mentioned by Forbes were Sarah Maria (Arnold) Sisco and Patience Fidelia (Arnold) Brown Clinton. Sarah Maria (Arnold) Sisco died April 11, 1891,

[40]The resolve authorizing the partition is not in the record.

Grafton, Worcester County, Massachusetts.[41] Her sister lived for another 20 years, dying on April 22, 1911, also in Grafton.[42]

The children of Sarah Maria (Arnold) Sisco continued to be well known in the Town of Grafton. The obituary of her son, Louis Smith Sisco, in 1912, was specific:

> The funeral of Louis Smith Ciscoe, Brigham Hill, the grandson of the famous Hassanamisco Indian, Harry Arnold, was from the Indian reservation this afternoon at 2 o'clock. Many friends and relatives came from all the surrounding towns as well as Providence. There was a large display of floral tributes. Rev. William Elmer Blake, pastor of the First Baptist Church, officiated. The burial was in the family lot, Riverside cemetery. The bearers were: Frederick Hector, Worcester; William H. Ward, John Jackson and Lorenzo Hazzard, Grafton (69A, Sisco1912.00.00; Scrapbook).

In 1913, her daughter Delia Brown (Sisco) 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 (Letter from Chief Clerk, Office of the Secretary, The Commonwealth of Massachusetts, 30 April 1913, Cisco, Box 1). In 1914, she repeated her 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 Sisco, payable to the Town of Grafton, to be expended for his benefit for the rest of his natural life (Pope to Hazzard 1914.07.24). A 1920 article in the *Worcester Telegram* described Delia Brown (Sisco) Hazzard under the title, "Last of Indian Tribe Clings to Tribal Home," mentioning her parentage, her brother James Lemuel Sisco, and the Sisco land as ". . . probably the only tract of land in Massachusetts that has never changed ownership" (Last of

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[41]Petitioner 69A's FTM notes read: "KA [Kathleen April, petitioner's researcher]: Published Grafton *Vital Records*, Births, 13. 'Arnold, Sarah M., twin d. Harry and Salley, Oct 10 (Dec.---in CR), 1818'." For further documentation, see notes under the "Individuals" entry in FAIR.

[42]Published Grafton *Vital Records*, 13: "Arnold, Patience F., d. Harry and Sally, Oct. 31, 1829." Indian Ward of the State Last Member of Hassanamiscos. Boston *Sunday Post*, March 23, 1902. Article with photograph on Patience Fidelia Clinton; identified as Hassanamisco; the same article text appeared the next week as "Last of John Eliot's Indians." March 23, 1902, *The New York Sun*. "Mrs. Patience Clinton Alone Remains of the Hasanamisco Tribe," referencing, "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." It stated 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." See also obituary, Patience Fidelia (Arnold) Clinton; identified as Hassanamisco (1911.04.22; Scrapbook).

For additional records, see notes under the "Individuals" entry in FAIR under her name and under the name of her sister, Sarah Maria (Arnold) Sisco.

Indian Tribe 1920.03.28). James Lemuel Sisco was the father of Sarah Maria (Sisco) Sullivan and of Jessie Louisa (Sisco) Mays.

The above evidence shows that the State of Massachusetts has not, since the original allotments of 1727, treated the "Hassanamisco Reservation" in the Town of Grafton, which is the inherited property of the Sisco family, as a reservation held in common by all descendants of the original Hassanamisco proprietary families, much less held in common by the ancestors of the current members of petitioner 69A. The trusteeship over the land that was established in 1727 was ended by the Act of Enfranchisement in 1869. The State has not provided any privileges or special services to the owners of this property since the death of those members of the Sisco family who were alive in 1869 (see the discussion of annuities, below). There was no need for the State to have transferred title, since the family already held title.

Annuities

The petitioner argues that, "[i]n addition to recognizing a reserved land base for the Hassanamisco, the Commonwealth of Massachusetts also continued until the 1930's to provide annuities to certain Hassanamisco tribal members" (69A Response Report for Criterion 83.7(a) 2002.09.30, 3) and that, "[t]his clearly indicates the continuation of the commonwealth's fiscal obligation to the Hassanamisco tribal entity into the 20th century -- a continuous tribal fund" (69A Response Report for Criterion 83.7(a) 2002.09.30, 4).

There was no continuous tribal fund for the Hassanamisco after 1869. After 1887, appropriations were made on an individual basis from the State's general funds to those Hassanamisco who were alive at the time of the passage of the 1869 Act, such as Patience Fidelia (Arnold) Clinton.[43] These annuities continued until the death of the last recipient of State benefits, Elbridge Gigger (1848-1938), at age 90.[44] The appropriations noted that the

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[43] 1887, Resolve in favor of Sarah Maria Cisco of the Hassanamisco Tribe of Indians. Annuity of $200 (*Acts & Resolves*).

March 30, 1902, article, "Last of John Eliot's Indians," *New York Sun*. Refers to Patience Fidelia (Arnold) Clinton as the "last living member of the Hassanamisco tribe . . . Mrs. Clinton was born in the little house on the reservation and spent her childhood there." "Mrs. Clinton has certain claims on the beneficence of the State and a bill has just been introduced in the Legislature providing for an annuity of $200, payable through the Selectmen of Grafton" (#69 Nipmuc Pet. Narr. 1984, 124-125, 128).

April 22, 1911, obituary of Patience Fidelia (Arnold) Clinton: "the last of the Hassanamisco Indians," referred to her pension of $300 a year on account of Indian origin; survived by two nephews, a niece, and an adopted son (69 Nipmuc Pet. Narr. 1984, 125).

[44] Annuity, Liza (Gigger) Hemenway and her husband Henry Hemenway (*Mass. Resolves* 1896, Chap. 28); annuity for their son James H. Hemenway (*Mass. Resolves* 1908, Chap. 16); annuity for Elbridge Gigger Sr. (*Mass. Resolves* 1895, Chap. 96); annuity for his son Elbridge G. Gigger (*Mass. Resolves* 1909; *Gardner News*, March 13, 1909); annuity for Dexter Gigger (*Mass. Resolves* 1895, Chap. 96).

1898 Resolve, Commonwealth of Massachusetts, in favor of Althea Hazard, a member of the Hassanamisco Tribe of Indians; paid to Charles B. Sherman, Oxford, guardian. Annuity of $250, in addition to annuity of $200

beneficiaries were descendants of the Hassanamisco Indians. A petition for annuities for Sarah (Sisco) Sullivan and her daughter made in 1939-1941 was rejected by the Massachusetts legislature (both of these women were born after 1869).[45] It is clear that Massachusetts regarded these late 19th century and early 20th century pensions or annuities to Hassanamisco survivors as comparable to annuity payments under prior obligations -- not as an aspect of current or continuing guardianship or supervision.

Conclusion

The nature of the relationship between the State of Massachusetts and the Hassanamisco Indians does not fall into the category of "continuous State recognition with a reservation" that, in the cases of Historical Eastern Pequot and Schaghticoke, in itself provided a form of evidence under criteria 83.7(b) and 83.7(c). Because of the unique nature of the Hassanamisco proprietorship, Massachusetts did not hold common land, or common funds, in trust for the Hassanamisco Indians as a tribe or group at any time. Rather, the guardianship or supervisory function, which existed between 1727 and 1869, was over the shares of the land and invested funds belonging to the individual Hassanamisco descendants and later over the individual Hassanamisco descendants as Indian wards of the State. When the guardians approved land sales, the sales were, after 1727, made by individuals rather than the group as a whole. Individual Hassanamisco descendants could, and did, cash in their shares of the invested funds. The State's trusteeship function over the shares, whether land or funds, was terminated by the Massachusetts Indian Enfranchisement Act of 1869. No evidence was submitted in regard to the land and funds held by the other proprietary families after that date.

The documentation generated as a result of the State relationship is evidence and was taken into consideration for the PF. The analysis there is incorporated by reference into this FD. Additional evidence resulting from the State relationship as it existed at various historical periods that was submitted for the FD has been considered below under the specific criteria.

Summary under the Criteria

The following summary under the criteria for the FD is the Department's evaluation of all of the evidence in the administrative record to date. 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.

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authorized by Chapter 44 of the resolves of the year 1895 (Last of Her Tribe Dead 1902.10.14).

[45]In 1932, the legislature refused an annuity for James Lemuel Cisco's non-Nipmuc widow (69A Response Report for 83.7(c) Part B 2002.09.30, 34). In 1941, the Massachusetts legislature rejected legislation that would have granted annuities to Sarah M. (Sisco) Sullivan and Zara CiscoeBrough (Annuities Refused 1941.06.03).

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.

Summary of the PF

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 [*sic*] 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) (69A PF 2001, 90).

New Evidence Submitted for the FD

Petitioner 69A's Comments and Response to Third Party Comments

The petitioner submitted a *Summary of Evidence Under the Criteria* (69A Summary of Evidence 2002.09.30) *Response Report Criterion 83.7(a) External Identification* (69A Response Report 83.7(a) 2002.09.30) and a *Response of the Nipmuc Nation (Petitioner 69A) to Comments from Interested and Informed Parties on Proposed Finding against Federal Acknowledgment Published in the Federal Register October 1, 2001, Submitted to the Assistant Secretary-Indian Affairs by The Nipmuc Nation Tribal Council, November 19, 2002* (69A Response to Comments 2002.11.19, 3-4). The Response to Comments is arranged according to the submitter of the comments and then according to each criterion.

In regard to criterion 83.7(a), the petitioner states:[46]

> This response will demonstrate that: (a) the petitioner is the Hassanamisco entity as now represented by the Nipmuc Nation; (2) the Dudley/Webster and other Nipmuc descendants who became part of this Hassanamisco entity did so prior to 1930; . . . (5) the tribal entity has been identified as an American Indian entity on a substantially continuous basis by a wide variety of other external sources since 1900, and therefore, meets Criterion 83.7(a); . . . (69A Summary of Evidence 2002.09.30, 7).
>
> This response provides evidence to show that: (1) the Hassanamisco tribal entity, as now represented by the Nipmuc Nation, has been identified as an American Indian entity on a substantially continuous basis by a wide variety of external sources since 1900 and therefore meets criterion 83.7(a); . . . the tribal entity has consistently been identified as consisting of more than just the Cisco family; . . . (5) the ancestors of the Dudley/Webster and other Nipmuc descendants among the current membership of the Nipmuc Nation became part of the Hassanamisco tribal entity prior to 1930; and (6) the petitioner has revised its membership criteria to require descent from the historical tribe, evidence of ancestors' significant interaction with the Hassanamisco community prior to 1930, and evidence of continued interaction of a family line on a substantially continuous basis. These revisions have resulted in a greatly reduced tribal membership (69A Summary of Evidence 2002.09.30, 8-9).
>
> While the present membership includes many descendants of the Dudley/Webster group, and some other off-reservation Nipmuc descendants, these tribal members represent families that became associated with the Hassanamisco entity through marriage or significant interaction after the decline of the Dudley/Webster tribal entity in the 1890's and prior to 1930. All present members must also demonstrate that their family has participated in the Hassanamisco political and social community "consistently through time with a gap of participation of no more than 25 years" (69A Summary of Evidence 2002.09.30, 9-10; see also 69A Response Report 83.7(a) 2002.09.30, 1; 69A Response Report 2002.09.30, Criterion 83.7(d)).
>
> Identifications of a Nipmuc tribal entity have not been limited to the

[46]The discussion of criterion 83.7(a) as presented by the petitioner included other argumentation in regard to State recognition and title to the reservation lands in Grafton. That material has been discussed above under the topic of issues that are not criteria specific. The petitioner also presented argumentation that, "Hassanamisco was the only Nipmuc tribal entity for most of the 20th century; there was no Dudley/Webster tribal entity after 1890 and no Chaubunagungamaug tribal entity prior to 1980" (69A Summary of Evidence 2002.09.30, 9). This is not relevant to evaluation of petitioner 69A under 83.7(a) for the FD.

> Hassanamisco Reservation or the Cisco family. Other families living in other locations were also identified as being part of the tribe. These have included, for example, but have not been limited to, identifications of Hemenway family members in Worcester, and Gigger family members in Gardner, during the period prior to 1940, Wilson family members in the 1950's, and Vickers and Silva family members in the 1980's (69A Summary of Evidence 2002.09.30, 13).

Third Party Comments

The State of Connecticut submitted no new argumentation or evidence in regard to criterion 83.7(a), but rather limited comment to quotations from the PF with reference to the definition of "entity" in the *Official Guidelines* (CT/NCCOG Comments 2002.09.30, 8-9). Additional comments on the PF were received from the Town of Sturbridge, Massachusetts (Malloy to Fleming 2002.10.01) and from Peter Silva (Silva to Fleming 9/26/2002), a relative in the paternal Sisco line of the Sisco family that has since the mid-19th century owned the Nipmuc "reservation" land at Grafton, Massachusetts. Neither the Sturbridge nor Silva comments presented new evidence under criterion 83.7(a), so no specific analysis is necessary.

Analysis

Self-definition of the Petitioner

During the history of this petition, the self-definition of the petitioner changed several times prior to the issuance of the PF. 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 Dudley/Webster 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.

For the PF, petitioner 69A defined its eligible membership 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 for the PF, evidence indicated that this provision was then 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.

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 PF was 1,602. The PF evaluated the criteria for all three of the definitions used by the petitioner up to that point.

For the FD, petitioner 69A has redefined its membership and membership eligibility again. The membership as presented for evaluation for the FD is 526 persons, just under a third as many as at the time of the PF. The petitioner now states: "The 'historic Nipmuc tribe' is interpreted as meaning 'those individuals and families of Nipmuc and other Indian ancestry who were part of the Hassanamisco tribal community by the 1920's'" (*Nipmuc Nation Tribal Roll Policies and Procedures*, 2000, 4; see 69A Response Report 2002.09.30, Criterion 83.7(d) below; 69A Summary of Evidence 2002.09.30, 9). For analysis of the ancestral lines currently represented in petitioner 69A, see under criterion 83.7(e).

External Identifications

The crucial issue for the FD under criterion 83.7(a) is whether the external identifications of Hassanamisco (the "Hassanamisco Reservation" and descendants of the Hassanamisco proprietary families) from 1900 through 1979 also identified as "Hassanamisco" or as associated with a Hassanamisco entity, the antecedents of the petitioner as it now defines itself. Almost all of the specific evidence listed by the petitioner in regard to criterion 83.7(a) from 1900 through 1979 (69A Response Report 83.7(a) 2002.09.30, 6-25) was already considered for the PF; much of the petitioner's presentation in the Response Report repeats data from the PF.

The petitioner's argumentation in regard to the lack of an identification of Hassanamisco in the 1934 *Tantaquidgeon Report* appeared under criterion 83.7(c) (69A Response Report for 83.7(c) Part B 2002.09.30, 30-31).[47] The absence of an identification in this one document is of minimal significance, since there were numerous other external identifications of the Hassanamisco entity during this time period. The same is true of the 1934 BIA letter, which did not address the existence of a Hassanamisco entity at all, but merely stated that the BIA lacked jurisdiction (Zimmermann, Assistant COIA, to Sullivan 11/6/1934).[48]

Those external identifications listed in the PF that were made from 1980 to the present were of an entity that included the current components of 69A and, sometimes, more than the current components, as in the May 9, 1984, letter from Governor Michael Dukakis appointing Lucyann Swenson, now a leader of petitioner 69B, to a two-year term on the Massachusetts Commission on Indian Affairs (69A Response Report 83.7(a) 2002.09.30, 27).

Newspaper articles that identify individuals as a descendant of a tribe that once existed, or as the "last living member" of a tribe that existed in the past, do not constitute external identifications

[47]Petitioner 69A also discussed other external identifications, such as the Massachusetts Tercentenary marker at the entrance to the Grafton property, under criterion 83.7(c) (69A Response Report for 83.7(c) Part B 2002.09.30, 31-32).

[48]The BIA had already addressed the issue of lack of jurisdiction in 1907 (69A Response Report for 83.7(c) Part B 2002.09.30, 38; citing Charles F. Larabee, Acting Commissioner, Office of Indian Affairs, to Sarah M. Ciscoe, January 15, 1907, Document H1321).

of an existing American Indian entity under criterion 83.7(a) at the time of the publication of the article. Such articles were sometimes objectively in error by failing to identify other living descendants of the historical tribe, who may even have been close family members of the subject of the article. Nonetheless, such descriptors do not identify an entity, even when they identify several people, as in the 1909 comment: "There are only a few descendants of the Hassanamisco remaining" (69A Response Report 83.7(a) 2002.09.30, 7)[49] or the 1935 description of an event at the reservation in Grafton "with descendants of the Hassanamisco Indians participating" (69A Response Report 83.7(a) 2002.09.30, 12).

Similarly, the granting of annuities to individuals does not document "an awareness by the State government of a Hassanamisco entity during this [1910-1910] decade" (69A Response Report 83.7(a) 2002.09.30, 8), but only an awareness by the State government that there had once been an entity and that there were living individuals descended from it who had been alive at the time of the 1869 Enfranchisement Act. Awareness of descent, not identification of an existing entity, was also the case in the1938 State document cited by the petitioner (69A Response Report 83.7(a) 2002.09.30, 13; 69A Response Report for 83.7(c) Part B 2002.09.30, 35), a legislator's bill for the granting of annuities, which stated that Sarah (Sisco) Sullivan and her daughter were "descendants of the Hassanamisco tribe of Indians" (Annuities Refused 1941.06.03).

All of the specific items of evidence cited by the petitioner (which do not include all the available evidence) for the period from 1900 through 1940 pertain either to the reservation in Grafton or to persons or descendants of persons who had been identified as Hassanamisco on the 1861 *Earle Report*. The PF concluded that these identifications existed; the FD confirms this. However, they do not provide external identifications under 83.7(a) for those antecedent components of petitioner 69A that do not fall into either of the above categories.

From 1923 onward, there are also external identifications of a specifically Hassanamisco entity in connection with Thomas Bicknell's pan-Indian organization, the New England Algonquin Indian Council, that indicate that the Hassanamisco descendants associated with other Nipmuc, at least to a limited extent, in the context of that organization. However, one article discussed planning for a meeting of the National Algonquin Indian Council at the home of James Lemuel Sisco in Grafton, inviting: "All Indians and Descendants of Indians living in Worcester County" to gather and stating that: "The recently organized Hassanamisco Tribe of Grafton will act as hosts . . . ." (Indians to Hold Big "Pow-Wow" 1925.01.00). Another 1925 article discussing a meeting of "Hassannusit Lodge, Miscoe Indians of North Grafton" [*sic*] to plan a fair, held in the home of Mrs. Hilman Mays in Worcester, named either Hassanamisco descendants and in-laws (James L. Cisco and wife, Hilman Mays, Annie Barber, Sarah Cisco, Mabel Hamilton, Agnes

[49]Petitioner states at this point that, "the article did not mention the Hassanamisco reservation or the Cisco family" (69A Response Report 83.7(a) 2002.09.30, 7). However, since "Patience Fidelia Clinton in Grafton" was living on the Arnold/Sisco property, as the petitioner had previously noted (69A Response Report 83.7(a) 2002.09.30, 6) and was the sister of Sarah Maria (Arnold) Sisco, there was an implied mention of the both the reservation and the family.

Scott) or non-Nipmuc (Bertha Foreman, Rubin Griffin, Luella Coshburn) (Hassannunusit Lodge of N. Grafton 1925.03.27). The same was true of an article published concerning the fair in June 1925, which mentioned two more Hassanamisco descendants and in-laws (Lena Williams, Charles E. Scott), but no non-Hassanamisco Nipmuc (Indian Tribe Will Have Big Celebration 1925.05.30). The newspaper description of the 1926 fair on the Grafton reservation mentioned Wampanoag and Narragansett Indians present, but no non-Hassanamisco Nipmuc (Grafton Scene of Revelry 1926.07.04).[50]

The earliest identification which implied an external identification that any Dudley/Webster Nipmuc may have become associated with the Hassanamisco was the description of the 1927 fair on the Grafton reservation, which mentioned the presence of Mrs. L.D. Blackstone as an honoree and Mrs. Ethel B. Lewis (Three Hundred Attend 1927.07.05).[51] This was followed by Gilbert's 1948 comment that members of the "Hassanamisco Band of Nipmuc" were "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." (69A Response Report 83.7(a) 2002.09.30, 14-15). Although not naming the families at each of these locations, there is a strong probability that the reference to Blackstone was to descendants of the Dudley/Webster Jaha family, but they were not explicitly identified.

In 1943, Frank Speck included Belden, a Dudley/Webster family, among the "Hassanamisco" families that he listed (Speck 1943, 54). Gilbert, in 1949, took the list of Hassanamisco names directly from Speck (Gilbert 1949, 410). The "Curliss" in Speck's list was one specific individual descended from the Sisco family through his natural father and adopted by a non-Nipmuc stepfather named Curliss. On the basis of the notes provided to Speck by Sarah (Sisco) Sullivan, this reference did not extend to the descendants of Mary (Curliss) Vickers or to the Curliss family of Rhode Island more generally. The names included clearly do not conform to petitioner 69A's current definition of the group that had supposedly "coalesced" around Hassanamisco by the 1920's (see the listing below under criterion 83.7(b)).

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[50]The issue of whether there was actual interaction among the family lines -- as evidenced, for example, by 1926 minutes of the Hassanamisco Club showing the presence of Mrs. George Wilson -- will be discussed under criterion 83.7(b). It was not clear whether Eugene Shepherd was included in the Mohawk Club activities as a descendant of the Nedson family of Windham County, Connecticut, or because he was a brother-in-law of Charles E. Scott, who had married Hassanamisco descendant Agnes Gimby.

For criterion 83.7(a), the question is whether there are contemporary external identifications that reflect the petitioner's definition of its antecedents between 1900 and 1979.

[51]Lydia Dyer (Willard) Blackstone (1846-1932) and her daughter Ethel Evangeline (Blackstone) Lewis (1885-1964), daughter and granddaughter of Dudley/Webster Nipmuc Rebecca (Jaha) Willard. For correspondence between Sarah M. (Sisco) Sullivan and another daughter, Rebecca W. Blackstone (1882-1959), see below. Mabel Maria (Blackstone) Brooks Cossingham (1877-about 1971), who was mentioned in the oral histories as having attended Indian Fairs at Grafton in the 1950's (69A Response Report for 83.7(c) Part B 2002.09.30, 47), was another daughter of Lydia Blackstone.

In 1950, a Worcester County chapter, the Nipmuc Indian Chapter of Worcester, Inc., was chartered for a pan-Indian organization, the National Algonquin Indian Council (NAIC). The July 4, 1950, Grafton pow-wow was co-sponsored by this organization.[52] External identifications of the NAIC chapter in the newspapers indicated that in addition to non-Nipmuc Indians, several Hassanamisco descendants were active in NAIC, as were George M. Wilson, and three descendants of the Dorus family, Carl O. Bates and two of his children (who at the time identified their ancestry as Pequot). The first specific external (as distinguished from internal -- see below under criteria 83.7(b) and 83.7(c)) identification listed by the petitioner that clearly named the Dudley/Webster Wilson family as associated with the Hassanamisco, rather than with NAIC, was published in 1958 (69A Response Report 83.7(a) 2002.09.30, 16).[53] The first external identification cited that noted the family of Walter Vickers, the current head of 69A, as associated with Hassanamisco was 1969 (69A Response Report 83.7(a) 2002.09.30, 20).[54]

At various times through the first 75 years of the 20th century, the published estimates of the number of "Hassanamisco" under discussion varied from about 20 to about 200, depending on how it was defined (Nipmuc Pet. Narr. 1984, 182; see discussion under membership in the PF).

Conclusion

The majority of the external identifications through 1979 cited by the petitioner referred to the property called the "Hassanamisco Reservation" in Grafton, Massachusetts, and to its residents such as Patience Fidelia (Arnold) Clinton and Delia Brown (Sisco) Green Holley Hazzard. From the mid 1920's until the mid 1970's, these identifications specified the names of James Lemuel Sisco, Sarah Maria (Sisco) Sullivan, and Zara CiscoeBrough. Some external identifications also referred by name to descendants of the other Hassanamisco proprietary families. The

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[52]July 4, 1950, Pow-Wow, Grafton, Mass. The participants listed on the flyer were: Chief Red Bird, Clarence Smith, Narragansett Tribe; Chief Sun Cloud, Carl Bates, Pequoit Tribe; Princess Wild Flower, Doris Bates, Pequoit Tribe; Princess Dawn, Lois Mays, Hansanamisco Tribe; Chief Eagle Eye, Charles E. Hazzard, Narragansett Tribe; Princess Teatta, Thersa Pecham, Narragansett Tribe; Princess Morning Sun, Jessie L. Mays, Hansanamisco Tribe; Princess Morning Star, Elizabeth Morse, Nipmuc Tribe; Brave Fire Brand, Harry E. Bates, Pequoit Tribe; Sun Child, Elaine 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 (69A Flyer 1950.07.04).

The only Dudley/Webster Nipmuck descendant listed as participating in the program was Elizabeth (Henries) Morse, who was not listed as a member of the Worcester Chapter of NAIC in 1950. For more extensive discussion of the 1950 NAIC organization, see under criterion 83.7(c).

[53]Hassanamisco Club minutes from 1926 and internal notes by Sarah Maria (Sisco) Sullivan clearly identifying this man in 1949-1950 are in the documentation submitted. See discussion under criterion 83.7(b).

[54]The funeral of Althea (Johns) Pease Hazard in 1902 took place from the home of Monroe Vickers, a great-great-great uncle of Walter Vickers (Last of Her Tribe Dead 1902.10.14). There were no external identifications of association between the Vickers family and Hassanamisco in the intervening 67 years.

documentation provides substantially continuous identification of a continuing Hassanamisco entity, in this limited sense, from 1900 through 1979.

However, the evidence submitted for the PF and FD does not include substantially continuous external identifications of a Hassanamisco Nipmuc entity broader than the Hassanamisco proprietary descendants for the period 1900-1970. Each of the external identifications submitted is unique in some respects -- primarily in that each one, for example in 1927, 1943, 1950, and 1958, each mentioned an individual, or a few individuals, from a single Dudley/Webster family line (Belden, Wilson, or Jaha) in connection with a clear identification of the narrower Hassanamisco entity. The associations of Dudley/Webster Nipmuc descendants with Hassanamisco mentioned by external observers during this period occurred primarily in the context of pan-Indian activities in New England. An external identification of the narrower Hassanamisco entity is not the same as an external identification of the current petitioner, which is substantially different from the entity that was being identified, the Hassanamisco descendants constituting 11 of the petitioner's 526 members (see further discussion under criterion 83.7(e)). Consequently, those identifications do not apply to petitioner 69A as defined by its current membership list.

External identifications of an entity that comprised the various elements of petitioner 69A (and, for some portions of the period, additional elements no longer included in the petitioner's membership) were found by the PF to exist from the 1970's to the present. The FD confirms this conclusion.

The conclusion in the PF stands. Petitioner 69A, since the large majority of the ancestors of the membership of the petitioner as it is currently before the Department were not included in the Hassanamisco entity being identified by external observers during the period from 1900 through the mid-1970's, 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.

Summary of the PF

In regard to criterion 83.7(b) for the PF, the AS-IA noted that evaluation of petitioner 69A under criterion 83.7(b) involved 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 Dudley/Webster Nipmuc Indians, and descendants of some off-reservation Nipmuc families; and (3) the petitioner under its then-current definition, comprising all persons whom it considered to be of Nipmuc heritage. The PF found:

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[er] 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, [which] 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) (69A PF 2001, 128-129).

New Evidence Submitted for the FD

Petitioner 69A's Comments and Response to Third Party Comments

The petitioner submitted a *Summary of Evidence Under the Criteria* (69A Summary of Evidence 2002.09.30, 13-64) *Response Report Criterion 83.7(b) Community, 1780 to 1900* (69A Response Report 83.7(b) Part A 2002.09.30), *Response Report for Criterion 83.7(b), Community, 1930-2002* (69A Response Report for 83.7(b) Part B 2002.09.30) and a *Response of the Nipmuc Nation (Petitioner 69A) to Comments from Interested and Informed Parties on Proposed Finding against Federal Acknowledgment Published in the Federal Register October 1, 2001, Submitted to the Assistant Secretary-Indian Affairs by The Nipmuc Nation Tribal Council, November 19, 2002* (69A Response to Comments 2002.11.19, 3-4). The Response to Comments is arranged according to the submitter of the comments and then according to each criterion.

In regard to criterion 83.7(b), the petitioner states that:

> In order to respond efficiently and effectively within the narrow time limit to the deficiencies noted in the proposed finding regarding this criterion, the Nipmuc Nation has prepared two reports by different authors, each addressing a specific period. The first deals with the time span between 1780 and 1930, the second with the period from 1930 to the present" (69A Summary of Evidence 2002.09.30, 13).

Third Party Comments

The State of Connecticut submitted no new argumentation or evidence in regard to criterion 83.7(b), but rather mainly reiterated the findings of the PF (CT/NCCOG Comments 2002.09.30,

9-25), with some references to findings on other petitions (CT/NCCOG Comments 2002,09.30, 11) and to comments made in the on-the-record technical assistance meeting (CT/NCCOG Comments 2002.09.30, 12-14).

Additional comments on the PF were received from the Town of Sturbridge, Massachusetts (Malloy to Fleming 2002.10.01) and from Peter Silva (Silva to Fleming 9/26/2002), a relative in the paternal Sisco line of the Sisco family that has since the mid-19th century owned the Hassanamisco "reservation" land at Grafton, Massachusetts.[55] Neither the Sturbridge nor Silva comments presented new evidence under criterion 83.7(b), so no specific analysis is necessary.

Analysis of 69A and 69B's Presentation of Historical Marriages between Family Lines as Evidence for Community

Both petitioners present extensive, detailed, analyses of historical populations, emphasizing a substantial number of marriages scattered among the populations ancestral to their current membership. They are provided to demonstrate the existence of community in the past, as well as the period from the 1970's to the present. A review of this evidence must consider whether this is evidence for past community, at the times the marriages occurred and were in existence, and, in addition, whether such past marriages provide evidence for community in recent decades.

Marriages can create kinship links between the intermarrying families. They also indicate that there is some degree of preexisting contact between the individuals marrying, often that those marrying are part of the same social group. However, marriages are not necessarily within a distinct community, even if they are within a category of population. Many of the marriages may have only been marriages between people of a similar origin.

Neither the evidence submitted for the PF nor the evidence submitted for the FD showed any intermarriages, through the end of the 19th century, between the historical Hassanamisco Indians and the historical Dudley/Webster Indians. In the 18th century, there were documented marriages between the Dudley/Webster Indians and Indian families in Windham County, Connecticut (see 69B PF 2001). These continued through the 19th century, as in marriages between Sprague/Henries and Sprague/Nichols individuals with members of the Nedson/Dorus and Dixon families, neither of which has documented Dudley/Webster ancestry.

There were some 19th century marriages between descendants of both Hassanamisco Indians and of Dudley/Webster Indians with the off-reservation Curliss/Vickers family and the non-Nipmuc Hazzard/Ransom family. These continued into the first quarter of the 20th century, as in the marriages of Maud Lillian Brown to Lester Henries (1913) and Edward Hazzard (1917). They probably reflect a somewhat distinct, localized population of people of color, and/or an

[55]Silva's descent is from a brother of the non-Nipmuc Samuel Sisco (1809-1895) who married Sarah Maria Arnold, a Hassanamisco Indian, in 1844. The Silva family was omitted from the 1997 69A membership list but is included on the 2002 69A membership list.

existing social network of some individuals with Indian ancestry who maintained an Indian identity, particularly since the non-Dudley/Webster families such as Henries, Hazzard, Ransom, Dixon, and Nedson also married among one another. One of the latest marriages of this type (Sprague/Henries to Hazzard) took place in 1949; the descendants are members of 69A.

The marriages described by the petitioners, in separate and somewhat differing analyses,[56] are past marriages either between individuals from two different family lines or from different branches of the same family line. There are too few of these marriages, and the defined lines too broad, to show that these marriages linked the lines into a community. That is, a marriage between a Curliss/Vickers and a Sprague/Henries descendant, while it can be assumed to have linked their extended families, cannot be assumed to have created links for all of those in the same "family line," where that "line" is a category which is a genealogical construct but has not been shown to be an actual social group. Such is the case for both the Curliss/Vickers and Sprague/Henries family lines, both of which constitute large numbers of descendants, not all by any means members of either petitioner.

The Vickers line is defined as descended from the marriage in 1813 of Mary Curliss with Christopher Vickers. It is thus defined from a substantially earlier point than the Sprague/Henries and Sprague/Nichols lines, which are reckoned from marriages in the 1850's. As an indication of the kinship distance of Vickers descendants who are or have been officers of 69A, Walter Vickers and Charles Hamilton are third cousins. Cheryl (Toney) Holley and Walter Vickers are fourth cousins; Cheryl (Toney) Holley and Charles Hamilton are fourth cousins. Reginald H. Walley, is third cousin of Walter Vickers. Thus the older adults among the current 69A members are only distantly related, albeit sometimes through several branches of the Vickers, because of cousin marriages in the Curliss/Vickers line.[57]

Both petitioners' discussions assume that kinship connections derived from marriages in the past have social relevance in social relations in the community from 1975 to the present. Because most of the marriages in the relevant lines occurred between the 1870's and 1920's, they cannot be assumed to be reflected in continuing kinship ties. There was no interview evidence cited, and little evidence found in the interviews submitted, to provide direct evidence to demonstrate that such social ties have existed in the past 20 years.

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[56]The 69B analysis focuses on focal ancestors from the Dudley/Webster 19th century community, extending well beyond the three "traditional families" that it defines as comprising its current membership, while 69A focuses on the marriages in the lines it defines as its claimed historical community (69A Comments Vol. 5, Part B; see Appendix I). The Sprague/Henries and Sprague/Nichols lines are addressed to some extent by both 69A and 69B's analyses.

[57]Edwin Morse, Sr., head of 69B, is a half fifth cousin and sixth cousin of Walter Vickers; Morse was not related to Reginald H. Walley, but Walley's brother married Morse's sister in 1944.

Additional Analysis of Marriages Between Family Lines for 69A

There were a substantial number of marriages between Hassanamisco descendants and non-reservation Nipmuc and non-Nipmuc Indians in the 18th and first half of the 19th centuries; during the same period, there were a substantial number of marriages between Dudley/Webster families and non-reservation Nipmuc and non-Nipmuc Indians. There were no marriages between Hassanamisco families and Dudley/Webster families during that period.

The relevance for community in the 20th centuries lies with the continuing occurrence of some marriages between lines since 1850, continuing into the 20th century. The Dudley/Webster descendants of Lydia (Sprague) Nichols Shelley Henries have a substantial number of marriages with other Nipmuc in the 19th century, including some with the Curliss/Vickers descendants. The Curliss/Vickers line as a whole has relatively few marriages with other lines, but there were some between Vickers descendants, however.

The petitioner presents "endogamy"[58] charts which list chronologically marriages of a member of a defined family line with individuals of Nipmuc descent, either from within the individual's own line or between the lines the petitioner defines as its historical community. The charts also list marriages with some others claimed to be of other Indian descent. The charts list evidence that in the second half of the 20th century there continued to be an occasional marriage which continued earlier historical patterns. The description below excludes examples where claimed Nipmuc ancestry has not been demonstrated for the FD, and marriages with individuals claimed to be Indian other than Nipmuc. Some of these latter individuals, such as Lemuel Henries, the third husband of Lydia Sprague, have not been demonstrated to have the claimed Indian ancestry. Little specific context has been provided by the petitioner for these marriages, for example whether they resulted from living in the same community, contacts at Indian gatherings and organizations, or some form of social network.

The current Vickers enrollees in 69A primarily descend from four children of Mary (Curliss) Vickers, who was listed as a "Miscellaneous Indian" (*Earle Report* 1861): Sarah Ann, Chandler, Mary Ann, and Rufus Vickers. Of the total of 290 descendants of Mary (Curliss) Vickers in the current 69A membership, 113 have descent from one of the Dudley/Webster Sprague lines as well.[59] The other 177 Curliss/Vickers descendants in petitioner 69A do not have either Hassanamisco or Dudley/Webster ancestry. Many of the descendants of Mary (Curliss) Vickers

[58]The term "endogamy" refers to the practice of marriages within a defined social group. Marriages with others of Indian descent, even "patterned outmarriage" under the regulations, do not meet the definition of "endogamy." The analysis here focuses on the patterns of marriages with others of Hassanamisco or Dudley/Webster descent, without making a conclusion that these were or are occurring within an extant community.

[59]The Curliss/Vickers descendants who are also Sprague descendants are all descended from the marriage of one of the children of Sarah Ann (Vickers) Brown, Peleg Brown, Jr., to Hannah Frances Nichols in 1869. They thus derive from the Sprague/Nichols line that is also ancestral to a significant portion of the members of petitioner 69B.

have multiple Vickers descent, resulting from cousin marriages within the extended Vickers lines, particularly between some descendants of Rufus and Chandler Vickers. In a few instances, there were 19th century marriages of Vickers with other Nipmuc or others of Indian descent, with no descendants or no descendants who are members of petitioner 69A. Together, the 177 Curliss/Vickers descendants (without Sprague ancestry) and 136 Sprague descendants (including the Curliss/Vickers with Sprague ancestry) in 69A (total 313), constitute 60 percent of the total 69A membership of 526 persons.

The petitioner's chart of Sprague/Henries marriages lists two marriages to other Nipmuc families from the 1940's, one in the 1950's, two in the 1950's, one in 1970, and one in 1990.[60] For those listed as Curliss/Vickers, two marriages between lines are listed in the 1940's and 1950's. The 1960's had one marriage between individuals from two different lines and one between two Vickers descendants. The 1970's had one marriage between lines; the 1980's had one marriage between lines and one within the Curliss/Vickers, and the 1990's had one marriage within the Curliss/Vickers line and none between lines.

Petitioner 69A did not supply a marriage rate for evaluating these marriage patterns. No marriage rate was calculated for this finding, but the instances which have been identified are a small minority of the new marriages within the 69A ancestral lines at any point in the 20th century. There is, however, probably a disproportionate representation in the current membership of individuals with descent from more than one Nipmuc ancestor and/or multiple descent from the same ancestor as a result of cousin marriages, than from individuals in earlier generations whose descendants did not marry other Nipmuc descendants. This conclusion was not quantified, however. These calculations are not necessarily limited to living individuals who are enrolled with the petitioner, since the review concerns evidence for the existence of a community (whether all or most of such a community is presently enrolled with the petitioner is a separate question).

Organization of Analysis

The following analysis does not follow the time divisions in petitioner 69A's Response Reports, but rather looks at evidence for community from 1780 to 1900, from 1900 to 1930, from 1930 to 1975, and from 1975 to the present.

Community, 1780-1900

Petitioner 69A's Argumentation in Regard to Community 1780-1900

Petitioner 69A's argumentation in regard to historical community prior to 1900 states:

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[60]Petitioner 69A's Comments did not separately list or categorize descendants of Lydia Sprague and John Nichols (a non-Indian), apparently including these in the Curliss/Vickers line.

> The historic Hassanamisco, thus defined, maintained a cohesive and continuous Indian community during this time of fluctuation. While it was very much affected by the guardianship system imposed upon it by the colonial government of Massachusetts colony and subsequently, the Commonwealth of Massachusetts, this cohesion remained intact for the reasons discussed in more detail below. Briefly, this was accomplished by an overlapping kinship network, an identification by tribal members as Hassanamisco which was recognized and accepted by outsiders, a persistent unique bilateral relationship with the Commonwealth, the maintenance of ties to the tribal land, and an annual gathering of the Hassanamisco Nipmuc people (69A Response Report for 83.7(b) Part A 2002.09.30, 2-3).
>
> The petition previously submitted by the Hassanamisco petitioner lacked a unifying theoretical explanation of its own history. In doing so, the narrative missed some important generalizations about Hassanamisco social organization across time, crucial in understanding both tribal community and political leadership. The discussion that follows presents a framework through which the historic Hassanamisco community is best understood(69A Response Report for 83.7(b) Part A 2002.09.30, 3).

Analysis of Hassanamisco Community, 1780-1900

For the period prior to 1900, the most extensive new narrative evidence submitted was a typewritten copy of an article that was published in the *Grafton News* in 1958.[61] This was based on oral reminiscences of Rose Louise Taft's father-in-law, Joel Taft,[62] who had grown up on Keith Hill in the southern part of the Town of Grafton and who had, in his childhood and youth, been acquainted with the Hassanamisco proprietary families of Phillips (aka Boston) and Brown (the daughters of Andrew Comacher Brown), as well as the associated Indian family of Hendricks. This article provided considerable information on interaction, both social and economic, among some of the proprietary families into the 1830's and 1840's (Taft 1958, [2-3,

[61]Taft, R.L. (Rose Louise Taft, Mrs. Arthur Taft), "The Last of the Aborigines of Grafton as printed July and August 1958 in the *Grafton News* to Mrs. Katherine Warren."

[62]OFA does not have the dates of birth and death of Joel Taft. Petitioner 69A did not submit any information about this man beyond the 1958 publication itself. Internal evidence in the reminiscences published in 1958 indicate that he was an adolescent or young man in the period roughly from 1790 to 1840. The publication mentioned that Joel Taft's grandson, Arthur Taft, had a grandson of his own in 1958.

6-7]), with a reference to the death of Sarah Boston's daughter, the wife of Gilbert Walker,[63] in 1870 (Taft 1958, [5]).

The Taft reminiscences provide some data on the lifestyles of some of the Hassanamisco proprietary families in the period from the late 18th into the first third of the 19th century, particularly in regard to the custom of "tramping" to sell baskets and other handicrafts, and specifically document continuing association between descendants of two of the proprietary families, Sarah Boston/Phillips (c.1786-1836)[64] and Deborah Brown (c.1792-1859).[65] They are not, however, sufficiently detailed, nor sufficiently contemporary, to provide evidence that: "At least 50 percent of the group members maintain distinct cultural patterns such as, but not limited to, language, kinship organization, or religious beliefs and practices" (83.7(b)(2)(iii) or that there were, "distinct community social institutions encompassing most of the members, such as kinship organizations, formal or informal economic cooperation, or religious organizations" (83.7(b)(2)(iv). The high level of outmarriage[66] and the absence of a village-like residential community at the time indicate that there was not evidence under 83.7(b)(2)(i) or 83.7(b)(2)(ii) to provide sufficient evidence for community.

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[63]1855 MA State Census, Worcester (Kay Davis 1998 collection table, originals poor legibility.) Roll 31 H: 173 F: 235
Walker, Gilbert 37y, m, BP MD, Occ: Barber
Sarah B. 36y, m, BP MA
Sarah E. 10y, m, BP NY
Allen 22y, m, BP MD
White, Henry 14y, m, BP MA
Brown, Elizabeth 19y, m, BP MA
Johnson, Mary J. 41y, m, BP MA
Coltister, George 17y, m, BP [ ] (KA notes in 69A FTM submission).

[64]March 21, 1850. Reverse: "A Copy of the Resolve of Legislature on the petition of Chs. Brigham." Charles Brigham, Jr., of Grafton, Trustee of the Hassanamisco Indians, be and hereby is empowered to sell at public auction or private sale certain real estate situated in said Grafton, containing about 20 acres, belonging to said tribe of Indians, which was lately occupied by Sarah Phillips, alias, Sarah Boston deceased . . . [the heir was] Sarah B. Walker wife of Gilbert Walker (Earle Papers).

[65]Deborah Brown was the sister of Lucinda (Brown) Gigger (1786-c. 1839), ancestress of the Gigger family at Gardner, Massachusetts.

[66]There were no identified marriages among descendants of the seven Hassanamisco proprietary families during this period. Neither was there patterned outmarriage into other Massachusetts, Connecticut, or Rhode Island tribes. While some of the Hassanamisco married other Indians in the period between the American Revolution and the Civil War, a large majority married spouses from the wider non-Indian community.

The family of Sarah Boston's daughter was sharing a household with a daughter and granddaughter of Deborah Brown as late as 1865.[67] Census records from the second half of the 19th century show the descendants of Hassanamisco proprietary families living in proximity to one another, and sometimes sharing households with one another, in the city of Worcester.

The Taft reminiscences made no reference to the Gimby/Arnold/Sisco family that lived on Brigham Hill in the western portion of the Town of Grafton. Other evidence in the record shows contact between the Gimby/Arnold/Hector family and the descendants of Deborah Brown. Another granddaughter of Deborah Brown, Ann Elizabeth Barber, is documented as having associated with the Sisco family from the 1920's into the 1950's (see discussion below in the post-1900 section of this analysis), although the records kept by Sarah Maria (Sisco) Sullivan indicated that she believed Miss Barber to have been a descendant of Sarah Boston rather than of Deborah Brown. The new evidence thus supplements the evidence used in the PF that the Hassanamisco proprietary families maintained social ties through the mid-19th century and, more tenuously, to 1900. The new evidence submitted for the FD strengthens the documentation concerning the existence of a weak but discernable level of social interaction among the some of the Hassanamisco proprietary descendants.

Community 1900-1930

Petitioner 69A's Argumentation in Regard to Community 1900-1930

The petitioner's argumentation for criterion 83.7(b) in regard to the period from 1900 to 1930 was somewhat difficult to define, in that Part A of the Response Report concerning community

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[67]1860 U.S. Census, Worcester, Worcester Co., MA, Roll 527, page 16:
John B. Scott, 41, B, m, VT, laborer
Sarah A Scott, 38, b, f, MA
Sarah A Scott, 14, B, f, NY
Adelaide Brown, 3, B, f, MA
Elizabeth Jones, 2, B, f, MA
Emily Toney, 32, B, f, MA

1865 W2Worcester, MA State Census, R37 (GTKY Dec2000, p62)
H: 444 F:647
Gilbert Walker 47y, B, BP MD, Occ: Barber, married
Sarah Walker 46y, M, BP MA
Sarah H. 19y, M, BP NY
Thomas Barber 25y, M, BP NC, Occ: Porter, married
Elizabeth Barber 25y, M, BP MA
Addie Parker 24y, M, BP PA, Occ: Hairdresser, single
Gilbert Walker 8y, M, BP NY
Robert Brown 18y, M, BP VA, Occ: Barber, single
Augustus Toney 27y, M, BP MA, Occ: Barber, single (KA notes in 69A FamilyTreeMaker submission).

broke off at 1900,[68] whereas Part B of the Response Report concerning community did not begin until 1930. A brief mention of this period focused on annuities and state acknowledgment in 1907 and 1926 (69A Response Report 83.7(b) Part A 2002.09.30, 70-71). In its introductory *Summary of Evidence Under the Criteria*, petitioner 69A asserted:

> (1) the petitioner is the historical Hassanamisco tribal entity and not a combination of entities; (2) the named, collective Indian identity of the Hassanamisco tribal entity persisted for a period of more than 50 years and therefore meets the definition of community in accordance with part 83.7(b)(viii) of the Acknowledgment regulations; (3) families that comprised the historical Hassanamisco tribe maintained significant social and kinship ties and interacted within a cohesive tribal community from the period just following the American Revolution to 1930; (4) social and political interaction within the tribal entity during this period was not limited to the extended Cisco family; (5) beginning in the late 19th century, the tribal entity began to include descendants from the Dudley/Webster Nipmuc group who became associated with the Hassanamisco families through marriage or significant interaction before or shortly after the disestablishment of the Dudley/Webster reservation in the 1890's; (6) some Wabaquasett and off-reservation Nipmuc families became associated with the Hassanamisco tribal entity through intermarriage and other forms of social interaction during the period prior to 1930; . . . (69A Summary of Evidence 2002.09.30, 15-16).

Petitioner 69A states:

> As designated by the present Nipmuc Nation, the term "historic tribe" means that community of people descended from the original seven Indian proprietor families of the Hassanamisco reservation in Grafton, Massachusetts, as well as persons identified as Hassanamisco or Grafton Indians in the historical record. In the late 19th century, this came to include descendants from the Dudley/Webster tribe of Nipmuc, who became associated with Hassanamisco families through marriage or significant interaction before and shortly after the disestablishment of the Dudley/Webster reservation in the 1890's and prior to 1930 (69A Summary of Evidence 2002.09.30, 16).

It is possible that the petitioner intended to extend some of its hypotheses concerning community development during this period in its material concerning criteria 83.7(d) and 83.7(e) to criterion 83.7(b). The petitioner now states: "The 'historic Nipmuc tribe' is interpreted as meaning 'those individuals and families of Nipmuc and other Indian ancestry who were part of the

[68]Petitioner 69A's *Summary of Evidence Under the Criteria* indicated that the first report dealt with the time span between 1780 and 1930 (69A Summary of Evidence 2002.09.30, 13).

Hassanamisco tribal community by the 1920's'" (*Nipmuc Nation Tribal Roll Policies and Procedures*, 2000, 4; see 69A Response Report 2002.09.30, Criterion 83.7(d) below; 69A Summary of Evidence 2002.09.30, 9).

> In light of the reconfiguration of the Nipmuc nation to include those members of the Dudley-Webster band of Nipmuc who had established genealogical and social ties to the original Hassanamisco tribe prior to 1930, the Criterion 83.7(b) report presents a description of the historic Hassanamisco entity that existed during this post-Civil War period . . . (69A Summary of Evidence 2002.09.30, 22).

Petitioner 69A also indicates that to some extent, members of the Hassanamisco proprietary families became dispersed during this period, as, for example, in the statement: "Many branches of other families also spread to Providence, Rhode Island into the 20th century, including the Arnold and Sisco families. Jesse Louise Sisco was married in Providence, RI in 1903 and her two daughters, Anna L. (1906) and Emma L. (1911) were born there" (69A Supplemental Genealogical Report for Criterion 83.7(e), 83).[69]

The petitioner states that:

> By the 1920's, a number of Nipmuc families not descended from Hassanamisco lines identified with the Hassanamisco entity and became part of the Hassanamisco community. Their presence is traced through documentary records that demonstrate a range of interactions between Nipmuc families that included both formal and informal social interaction, intermarriage, and a common geographic nexus in the city of Worcester that had by the 1930's become the residential core of the Nipmuc community. Specifically, this community centered around the Dorus/Bates, Humphrey/Belden, Jaha, Henries, Pegan/Wilson, Curliss/Vickers, Cisco/Silva (Mendon Cisco), and Printer/Arnold (Grafton Cisco) family lines. The geographic concentration of these families in the town of Worcester and other members within Worcester County (including Grafton) made social interaction easily possible, ... (69A Summary of Evidence 2002.09.30, 32-33).
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> The documentary evidence, combined with oral history testimony, demonstrates relationships between members of different families of the Nipmuc community, including the Cisco family, that were created through kinship ties and an extended social structure that has resulted in a thread of continuity between these families

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[69]This statement comes in the middle of a topic announced as, "1870 Census Analysis."
Sarah Maria Sisco was also residing in Providence at the time of the 1910 census (1910 U.S. Census, NARA T624, Roll 1444, Page 121B, 7th Ward, Providence, Providence County, Rhode Island). Records of the Mohawk Club (for discussion of this organization, see below under criteria 83.7(b) and 83.7(c)) indicate that Irene (Williams) Brown, of the Hector family, was also in Providence prior to World War I.

> over several generations. . . . The response report also demonstrates how the modern community of the Nipmuc Nation is represented by the same family lines that had established social and kinship ties to the Hassanamisco entity by the 1920's. Additionally, almost all these families have a connection to the common residential nexus of Worcester, Massachusetts (69A Summary of Evidence 2002.09.30, 27-28).

For the period after 1930, the petitioner asserts:

> This response of the Nipmuc Nation demonstrates that for the period from 1930 to the present: (1) the petitioner is the historical Hassanamisco tribal entity and not a combination of entities; (2) the named, collective Indian identity of the Hassanamisco tribal entity persisted for a period of more than 50 years and, therefore, meets the definition of community in accordance with part 83.7(b)(vii) of the Acknowledgment regulations; (3) families that comprised the historical Hassanamisco tribe maintained significant social and kinship ties and interacted within a cohesive tribal community during this period; (4) social and political interaction within the tribal entity during this period was not limited to the extended Cisco family; (4) [*sic*] by 1930, the Hassanamisco tribal entity included descendants from the Dudley/Webster Nipmuc group who had become associated with the Hassanamisco families through marriage or significant interaction before and shortly after the disestablishment of the Dudley/Webster reservation in the 1890's; (5) also by 1930, some Wabaquasett and off-reservation Nipmuc families had become part of the Hassanamisco tribal entity, through intermarriage and other forms of social interaction; (6) there was no named Chaubunagungamaug tribal entity prior to the 1980's; and (7) the signed but unpublished proposed finding was correct in concluding that the historical Hassanamisco tribe (the core petitioner) as now represented by the Nipmuc Nation meets Criterion 83.7(b) (69A Response Report for 83.7(b) Part B 2002.09.30, 2; see also 69A Summary of Evidence 2002.09.30, 25-26).

OFA has assumed that 69A intended the hypotheses in the above quotation to apply to the period 1900-1930 as well as to the period 1930-1975. The petitioner's argumentation in regard to community is also found in the 69A Response Reports for other criteria than 83.7(b).[70]

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[70]For example:

> Ida L. Lewis (1869-1902), Winifred [Henries]'s first wife was the aunt to Ernest Clinton Lewis who had married Ethel Evangeline Blackstone (b. 1885, Jaha) in Rhode Island, then moved to Massachusetts and lived with Mary Olive Belden and had seven children. One can assume that Ethel, who was a very polite and mannerly women [*sic*], must have been more than offended. When you read Ethel's very proper letters to Sarah M. Cisco Sullivan that were saved in the Hassanamisco Museum Archives, and when one sees the photographs it seems quite evident how very modest and decorous she was. Despite the troubles, Ethel, her sister Rebekah (b. 1882) and

Analysis under Criterion 83.7(b) 1900-1930

Social Interaction among Hassanamisco Proprietary Descendants

Material submitted for the FD does provide additional evidence that the Gimby/Arnold/Sisco family at Brigham Hill maintained ties not only with members of their own extended family, such as Charles Clinton[71] who was living in Providence, Rhode Island, and with the Gimby/Hector descendants who had moved to Worcester by the 1840's, especially the descendants of Philena/Lena (Hector) Williams,[72] but also with the descendants of some other

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mother Lydia Dyer (Willard) Blackstone remained in contact with Hassanamisco as well as with other Indians in southern New England (69A Supplemental Genealogical Report for Criterion 83.7(e) 2002.09.30, 86-87).

[71]Son of Delia Brown Sisco by her first marriage; adopted by Delia's aunt Patience Fidelia (Arnold) Clinton.

[72]Mrs. Irene (Williams) Brown [Mrs. David Brown], President of the Providence, RI, chapter of the Mohawk Club; spoke at a meeting of the Worcester Chapter that was being organized by Sarah M. Sisco (Mohawk Club Minutes 1914.00.00 - 1951.00.00).

1920 U.S. Census, Worcester, Worcester Co., MA, NARA T624, Roll 751, Page 8B, ED 236, Page 1023:
#74/159
Walter J. Hamilton, 47, M, B, PA, Colored, 47, PA
Mable I., Wife, F, B, 30, MA
Mable L., daughter, F, B, 5, MA
Frances L., daughter, f, B, 1 10/12, MA

1930 U.S. Census, Worcester, Worcester Co., MA, Ward 3, Block 7
Walter J. Hamilton, Head, 65, B, PA/PA/PA, barber
Mable D. Hamilton, 46, Wife, B, MA/US/US
Mabel L. Hamilton, 15, daughter
Frances L. Hamilton, 12, Daughter

Mabel (Williams) Hamilton Hazard continued to appear as associated with Sarah Maria (Sisco) Sullivan until her death in 1958; her second marriage to Roswell Hazard provided a tie to the 1950 Worcester Chapter of the National Algonquin Indian Council.

"At a meeting of Hasanamesitt lodge, Miscoe Indians of North Grafton, in the home of Mrs. Hilman Mays, 33 Elliott Street, Mrs. Luella Coshburn of the Mohawk Indians and Rubin Griffin of the Penobscot tribe were admitted to membership.

Arrangements were made for a fair in the home of James L. Cisco, July 4. These chairmen were appointed: Mrs. Bertha Foreman, Indian beadwork; Miss Annie Barber, home-made cake; Rubin Griffin, ice cream and tonic; Mrs. Sarah Cisco, basketry. Hilman-Mays and Mrs. Mabel Hamilton, candy; Mrs. Agnes Scott and Girl Scouts, fancy work; Mrs. Luella Coshburn, dolls" (Hassannusitt Lodge of N. Grafton Swells Ranks, Plans Fair, *Worcester Evening Post* 3/27/1925).

Data submitted for the FD did not clarify the relationship of Agnes Scott's father, Edward L. Gimby, to the Hector/Gimby line.

Hassanamisco proprietary families -- specifically with Ann Elizabeth Barber,[73] a granddaughter of Deborah Brown. As "Miss Annie Barbour" she participated in the "Hassanamisco Club" (Hassanamisco Club Minutes 1926.05.01). She was also involved in the events around and following the installation of James Lemuel Sisco as Hassanamisco chief in 1924.[74] Interview evidence indicates that through Annie Barber, the Sisco family also maintained contact with the family of her half-sister, Adelaide (Brown-Offley) Jones, who resided in New Bedford, until the date of Miss Barber's death (Jones Interview 2001.12.27, 17, 19, 23-25, 28, 42). The informant,

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[73]Ann Elizabeth Barker [*sic* in Doughton's extract], mulatto, dau. Thomas Barker (b. N. Carolina) porter & Elizabeth Brown (b. Marlboro), 14 Arch St., b. 8 April 1866 (Worcester VR 3:10) (Doughton's Abstracts, Worcester VRs, Volume 3 1866-1870).

1880 U.S. Census, FamilySearch Index, Worcester, Worcester Co., MA, NARA T9, Reel 0567, Page 70A:
Robert Brown, Self, m, M, W, 38, OH
Elizabeth Brown, Wife, F, M, W, 44, MA
Annie Brown, Dau, F, S, W, 14, MA

1910 Worcester, Worcester Co., MA ED1859,SH23A, Liberty St. transcript.
43. Robert E. Brown Head 66y, B, BP Ohio, Occ: Barber, journeyman
44. Anna Barber stepdtr, 40y, B, BP MA, f-BP NC, m-BP MA
NB: Elizabeth [(Brown) Barber Brown, mother of Ann Elizabeth] deceased (KA notes, 69A Family Tree Maker submission).

1930 U.S. Census, Worcester, Worcester Co., MA, NARA T626, Roll 968, Page 13A, ED 26, Image 0344: Ward 3, Block 58
#95/250: Barbour, Jennie, Head, F, Ind, 64, MA/NC/MA, housekeeper, private family

She was included as "Annie Barber dec. Sarah Boston" on a list of "Hassanamiscos Still living" that appears to be in the handwriting of Sarah Maria (Sisco) Sullivan. The date Dec. 13, 1923, is in the top margin of the page, in the same handwriting, but there is no guarantee that it applied to this list. It probably did not, since it contains "Mrs. Cisco [Widow James L Cisco" whereas James L. Cisco was still alive in 1923. He died November 15, 1931.

[74]Grafton. Indian Tribe Will Have Big Celebration. Hassanamisco Tribe will conduct a big celebration at the home of Chief Lemuel Cisco on Worcester street . . . Charles E. Scott will speak. Committee in charge of arrangements: Miss Annie Barbour, president; Mrs. Jessie L. Mays, Vice president; Mrs. Agnes Scott, assistant treasurer; Mrs. Bertha Foreman, Secretary; Mrs. Lena Williams, treasurer; and Miss Sarah Ciscoe, corresponding secretary (Indian Tribe Will Have Big Celebration, *Worcester Evening Gazette* 1925).

Planning for meeting of National Algonquin Indian Council at home of James Lemuel Cisco in Grafton. "All Indians and Descendants of Indians living in Worcester County" to gather . . . . Organizing a branch of the National Algonquin Indian Association of America. "The recently organized Hassanamisco Tribe of Grafton will act as hosts . . . ." (Indians to Hold Big "Pow-Wow" 1925.01.00). Mentioned were James Lemuel Sisco, his daughters Sarah Maria Sisco and Jessie Louisa (Sisco) Mays, and Ann Elizabeth Barber.

This is distinct from the "Hassanamisco Club" meeting at the home of James Lemuel Cisco on May 1, 1926 (Hassanamisco Club 1926.05.01), referenced by the petitioner (69A Summary of Evidence 2002.09.30, 82).

Walter Sherman Jones, Sr., (b. 1921)[75] referenced not only Sarah M. Sisco and her mother Emma, but also the Goldsberry family and others mentioned in the lists of surviving Hassanamiscos (see below).

Mohawk Club

The minutes of the Mohawk Club, which have survived sporadically for the period from its formal organization on May 30, 1914, "under the direction of Miss Sarah M. Ciscoe," at the home of Mr. and Mrs. Eugene Shepard (non-Hassanamisco) through 1917 (Mohawk Club Minutes 1914.05.30 - 1951.12.15), do not reflect matters of tribal business or tribal concerns. Rather, they show a social club, focused on Indian heritage, and social activities such as suppers, picnics, and concerts (Mohawk Club 1914.06.24; Rules for the Mohawk Club 1914.00.00 post).

The membership included Arnold/Sisco descendants (Sarah M. Ciscoe, George H. Ciscoe, Jessie Louisa (Sisco) Mays) and Hector descendants (Mrs. David [Irene] Brown, president of the Providence, Rhode Island, club, who assisted in organizing the one in Worcester).[76] Also a member was Lucinda B. (Hemenway) Cummings, a descendant of Hepsibah Bowman (who was on the 1861 *Earle Report* in the "Supplementary List" of Hassanamisco).

A list of 41 "patronesses" for an October 8, 1914, supper included Mrs. James Belden, wife of a Dudley/Webster Nipmuc descendant, but the list contained many more individuals who were not part of family lines antecedent to the petitioner. From the Pegan/Wilson family, which has

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[75]Jones's interview provided additional confirmation that the ties between Zara CiscoeBrough and the other Hassanamisco descendants were not tight, although they had existed between Zara's mother and the Brown descendants:
WSJ: "And Juanita come over one day and says she went up with Chiefy [Earl Mills] and her sister to Grafton and she told she was talking to Zara. Now Zara says I don't remember any Joneses. So Juanita says, 'Oh yeah,' and she starts talking about Annie Barbour and a few other. 'Oh I know Annie Barbour but I don't remember any Joneses.' So I said 'Well Juanita I'll go up there to a powwow when they had start re-having them again.' So the year I went up there - - she was sick the year I went up there. So there was an older woman inside of the house there and I went in and I told her who I was, that Annie Barbour was my Great Aunt. 'Oh, yes.' And I says I'm related to Andrew Brown and (inaudible). 'Oh my! Oh My!' Now she had a guy up there they was trying - - he couldn't get recognition" (Jones Interview 2001.12.27, 44).
RG: "Reno?" (Jones Interview 2001.12.27, 44)
WSJ: "Zara died the year after that; the older woman was maybe Shelleigh Wilcox; maybe Anna Mays.
"RG: So Anna Mays knew" (Jones Interview 2001.12.27, 45).
Jones remembered from his childhood visits Sam and Sarah and Emma, but not Zara -- guesses she was at school (Jones Interview 2001.12.27, 46).

[76]Petitioner 69A states that Irene Brown was Irene (Jackson) Brown of the Eastern Pequot tribe (69A Response Report for 83.7(c) Part B 2002.09.30, 38n3). This Irene Brown was Irene (Williams) Brown, daughter of Hassanamisco Nipmuc Philena (Hector) Williams.

Ida Irene Jackson (1863-after 1935) of the Eastern Pequot tribe married James Williams in 1888. Her sister Phebe Esther (Jackson) Brown Spellman of the Eastern Pequot tribe was already married to Reginald Spellman in 1890.

descendants in the petitioner's current membership, Mohawk Club members included Herbert A. Wilson (Mohawk Club 1917.02.21), a brother of the George Wilson[77] who has descendants in petitioner 69A, and Herbert's future wife Rose M. Bates (non-Nipmuc).[78]

There were some other non-Nipmuc Indians, for example Roswell Hazard, who would subsequently marry Hassanamisco descendant Mabel Idella (Williams) Hamilton and be involved in the organization of NAIC in the 1950's. The petitioner was incorrect (69A Response Report for 83.7(c) Part B 2002.09.30, 47) in identifying the William Curliss who participated in the Mohawk Club as a Jaha descendant; he was the son of Henry Edward Sisco and Amelia Moore and his stepfather was Samuel W. Curliss. Samuel W. Curliss's great-nephew married a Jaha descendant fifteen years later, in 1932.

Ties with Dudley/Webster Descendants Established through the Algonquin Indian Council of New England

After the establishment of James Bicknell's pan-Indian organization, the Algonquin Indian Council of New England, in the 1920's, the number of Nipmuc descendants known to Sarah Maria Sisco expanded. After 1923, the records kept by Sarah Maria (Sisco) Sullivan referenced the Gigger family at Gardner,[79] a Hassanamisco proprietary family, and included correspondence from members of three Dudley/Webster lines -- Belden, Wilson, and Jaha.[80] The petitioner presented no description of any social ties between the Sisco family and the other Dudley/ Webster family lines that now have members in petitioner 69A during the period 1900-1930, nor any description of any social ties among or between the Belden, Wilson, and Jaha families with one another in addition to those they established with the Sisco family at Grafton. The interviews submitted by the petitioner did not contain recollection of social interaction among these three Dudley/Webster family lines in the period 1900-1930.

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[77]George Wilson and his wife Ethel were recorded as members several years later, in 1924 and 1926 (Hassanamisco Club 1926.05.01). For a full listing of those present at this meeting, see above in the discussion under criterion 83.7(b).

[78]The petitioner's genealogical submissions do not show any relationship between Rose M. Bates and the Dorus/Bates family now represented on the 69A membership list.

[79]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 ca. 1927?; Cisco, Box 5).

Letter of Mildred M. (Gigger) Murray, Gardner, MA, to Sarah M. (Sisco) Sullivan (Murray to Sullivan 9/23/1940; Cisco Box 1).

[80]Letter, Rebecca W. Blackstone to Sarah M. Ciscoe, re: meeting in Milford, program (Blackstone to Ciscoe 4/14/1923; Cisco, Box 4).

Letter of Rebekah W. Blackstone, Woonsocket, RI, to Sarah M. Sullivan (Blackstone to Sullivan 7/26/1929; Cisco, Box 1).

Hassanamisco Club

The meeting of the Hassanamisco Club as of May 1, 1926 (Hassanamisco Club Minutes 1926.05.01), included the following participants: James Lemuel Sisco, Mrs. Ciscoe [his wife, nee Emma Jane Ferris], Mrs. Agnes [Gimby] Scott, Mrs. George [nee Ethel L. Davis] Wilson, Lyman Scott, Mrs. [nee Philena/Lena (Hector] Williams, Mrs. Mable [nee Williams] Hamilton, Miss [Annie M.] Barber, Mrs. Delia/Della [nee Sisco] Hazard/Hazzard, Ross Hazzard [Roswell Hazard], Mrs. [nee Jessie Louisa Sisco] Mays, Mrs. Ida Wilson, Mrs. Tompson.

Of the participants, only the last two have not been identified as Nipmuc Indians or their spouses. Only the George Wilson was a Dudley/Webster Indian; the others were Hassanamisco descendants.

Lists of Surviving Hassanamiscos

At various times, Sarah Maria (Sisco) Sullivan compiled lists of the surviving Hassanamiscos, and other Nipmuc Indians, known to her. One list of "Hassanamiscos Still living" that appears to be in the handwriting of Sarah Maria (Sisco) Sullivan has the date of December 13, 1923, in the top margin of the page, in the same handwriting (Hassanamiscos Still living 1923.12.13 - 1940.04.24). However, there is no guarantee that the 1923 date applied to this list. It probably did not, since the body of it contained the entry "Mrs. Cisco [Widow James L Cisco" [punctuation with single bracket *sic*; see below], whereas James L. Cisco was still alive in 1923. He died November 15, 1931; she died April 24, 1940. This list also ascribed two children to George Horace Cisco; his second child was not born until November 9, 1925. With these caveats for its applicability to the 1920's (see its similarity to the list in the 1943 Speck article, below), the list reads:

> Hassanamiscos Still living
> Annie Barber a dec. Sarah Boston
> Agnes Gimby Scott
> Brown Girls xMrs. Goldsberry
> Giggers & Hemanways Gardner
> Beldings
> Believe some Tonies
> Of Cisco & Arnold Family
> Jessie Mays & 2 Doughters
> Charles Clinton War Veteran Providence
> George H. Cisco Mystic Conn 2 Children
> Mrs. Cisco [Widow James L Cisco
> Samuel Croford Cisco
> 2 Sarahs (Hassanamiscos Still living 1923.12.13 - 1940.04.24).

The Hemenways mentioned in the list above were not the Bowman/Hemenway family in Worcester (*Earle Report* 1861, Hassanamisco Supplementary List), but were descended in a female line from the Hassanamisco proprietary Gigger family of Gardner (Brown/Gigger line). The "Tonies" are unidentified, but might be the descendants of Augustus and Esther Jane (Vickers) Toney.

Another of these lists (undated, but necessarily pre-May 25, 1932, since Lydia Dyer (Willard) Blackstone was apparently still alive when it was written) stated:

> Of Hassanamiscos Now living are Gigers of Gardner Hemonway, Murrys of Boston Annie Barber of Worcester Hamilton & Williams of Worcester. Agnes Scott (Gimby) Fred Maxwell of Bridge Port. Also relative of Dr. Maxwell of Grafton. Charles Clinton Prov. Browns Worcester. Fred Gimby Prov. Ciscos & Mays [crossed out] Groton & New London Conn. Other Indians of Boston. Nipmucks Wilsons Webster. Browns & Wilsons Marlborough & Westborow. Mrs. Blackstone & Daughters of Woonsocket. In fact they are showing up [end of page] in North E. S . . . [illegible] (Mendon and Woonsocket 1927.00.00 pre). [spelling and punctuation *sic*][81]

Massachusetts Tercentenary Marker

About 1930, in connection with the project of the Massachusetts Tercentenary Committee to erect the historical marker that still stands at the entrance to the Hassanamisco Reservation property, Sarah M. (Sisco) Sullivan wrote to the selectmen of the Town of Grafton and the officers of the historical society:

> We welcome Them All at times; but don't want them to think they can come whenever they please and live here.
>
> We are still Poor and have several expenses to keep up. About 6 yrs. ago people had a habit of coming here at All times. Sundays to breakfast and staying all Day. I was obliged to work very hard all the week and get meals here all day Sunday. At least Petioned the town for License for Tea Rooms.
>
> We apreciate Your Puting up the Marker here. Hope by the time it is erected some of us can be at Home to receive the Public at All Times. You surely understand the Tablet must read so the Public must understand this is not a Free camping Ground. Have at times has People drive or let their cows ever run right through our garden and be angry because [missing] spoke to them about it. We

[81]The documentation submitted to OFA provided no identification for Fred Maxwell.

> are glad to have All Nationalities Call at times; but don't care to be imposed upon (Sullivan to Selectmen n.d. [ca. 1930] [spelling and punctuation *sic*].[82]

The reference to "[a]bout 6 yrs. ago" is apparently a reference to the activities associated with her father, James Lemuel Sisco, having become "chief" of the Hassanamisco under the auspices of Thomas Bicknell's New England Algonquian Council (for further discussion, see under criterion 83.7(c)).[83]

Community 1930-1975

Petitioner 69A's Argumentation in Regard to Community 1930-1975

The petitioner states:

> The historical Hassanamisco entity entered the decade of the 1930's as a revitalized community, held together by kinship ties and several tribal social activities designed by Sarah Cisco Sullivan (and to some extent, James Lemuel Cisco) to establish, foster, and maintain interaction between the diverse family lines that made up the historic Hassanamisco tribe. These ties have continued throughout the 1900's, and up to the present day. The Hassanamisco community is, in fact, much more complex than is presented in the proposed findings and must be evaluated more comprehensively in terms of these kinship and social ties (69A Summary of Evidence 2002.09.30, 29-30).
>
> By the 1930's those families that continued to identify with their Nipmuc heritage identified with the Hassanamisco tribal entity, as a land base and formal leadership structure no longer existed in the Dudley-Webster area. Although some families continued to acknowledge their Dudley-Webster ancestry, even in their self-descriptions at times, they had also come to acknowledge their connection to Hassanamisco (69A Summary of Evidence 2002.09.30, 30).
>
> As at the turn of the century, Nipmuc enclaves in Worcester persisted into the period of 1930-50 and beyond. The composition of these enclaves is discussed in detail in the section of the Criterion 83.7(b) narrative relative to 1960-75. An

[82]1930, Massachusetts Bay Colony Tercentenary Commission placed a historical marker on Brigham Hill, in Grafton, in front of the Hassanamisco Reservation (Nipmuc Pet. Narr. 1984, 156).

[83]It is not clear how the petitioner's assertion that "she requested other tribal members to come live on the reservation" (69A Summary of Evidence 2002.09.30, 87) fits in with the above-expressed opinions. Petitioner 69A's discussion of this issue is ambivalent (69A Summary of Evidence 2002.09.30, 88-89; 69A Response Report for 83.7(c) Part B 2002.09.30, 31-33). The only "request" cited was one declined by her first cousin, Charles Clinton, of Providence, Rhode Island, in 1939 (69A Response Report for 83.7(c) Part B 2002.09.30, 35-36).

> analysis of just the East Side enclave of 1930, also known as the Laurel-Clayton neighborhood, demonstrates that at least eight Nipmuc families were living in close proximity to one another (69A Summary of Evidence 2002.09.30, 32).

Analysis under Criterion 83.7(b) 1930-1975

Jaha Family

There continued to be some correspondence between Sarah M. (Sisco) Sullivan and Rebecca W. Blackstone of Woonsocket, Rhode Island, (Dudley/Webster Jaha family line) during the early 1930's.[84] However, a letter from Rebecca's sister Ethel (Blackstone) Lewis of Woonsocket, Rhode Island, dated January 15, 1933, excusing herself for not having stopped to see Sarah (Sisco) Sullivan's mother while on a trip to Vermont, indicates that the the social ties that had been established in the 1920's through the National Algonquin Indian Council (NAIC), the successor to the Algonquian Indian Council of new England, may not have been close. Lewis remarked that the NAIC was being reconstituted in such a way that she did not consider herself eligible for membership:

> 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 1933.01.15, Cisco, Box 5).

Families Identified by the Petitioner

In addition to the Hassanamisco families listed by Speck in 1943 (see below), the petitioner states that:

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[84]June 6, 1931, a letter from Rebekah W. Blackstone made reference to the funeral of James Lemuel Cisco; her mother had wanted them to bring her, but neither one could make it; she was 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 (Blackstone to Sullivan 6/6/1931; Cisco Box 1).

On May 26, 1932, Ethel Lewis and Rebekah Blackstone wrote Sarah (Sisco) Sullivan saying, "our dear mother passed away Wednesday at noon; funeral at 2:30 from the Baptist Woonsocket with burial in Uxbridge" (Lewis and Blackstone to Sullivan 5/26/1932; Cisco, Box 4).

A 1932 letter from Rebecca W. Blackstone to Sarah (Sisco) Sullivan enclosed her mother's obituary and funeral notice. She commented: "You wrote Mother sometime after your Father's funeral telling her none 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" (Blackstone to Sullivan 6/5/1932, Cisco, Box 4).

> The involvement of such families as Hazard, Bostic and Shepard is traced in this response through correspondences with Sarah Cisco Sullivan and records of activities related to Indian organizations that were closely tied to the Hassanamisco community, such as the Mohawk Club and Hassanamisco Club. Although these organizations were not exclusively Nipmuc in their membership, their activities allowed for both formal and informal social interaction among tribal members and between Nipmuc and other Indian people (69A Summary of Evidence 2002.09.30, 31; for further argumentation, see 69A Summary of Evidence 2002.09.30, 34-35).

Of the three family names specifically mentioned in the above paragraph, Roswell Hazard (1883-1966) and Walter Bostic (1919-1999) were non-Nipmuc spouses (Hazard of a Hassanamisco descendant; Bostic of a Dudley/Webster descendant), whereas Jeremiah Shepard (1846-1938) is not documented to have been of Nipmuc descent, although his late wife Harriet Jane White (1845-1896) descended from the Nedson Indian lineage in Connecticut and one of his sisters, Ella Shepard, had married Hassanamisco descendant Asa Elias Hector in 1881.

Hassanamisco Proprietary Descendants

The petitioner states:

> This response also demonstrates that community ties also existed outside of the reservation in Nipmuc enclaves within both Worcester, MA and the city of Providence, RI. The Worcester enclaves are described in detail. In the heart of the East Side neighborhood at 38 Elliot Street, for example, was the home of Jessie (Cisco) Mays, sister of Sarah Cisco Sullivan and a tribal leader in her own right. Her home served as a gathering place for tribal members in Worcester and for meetings of tribal leaders in the winter months in lieu of the reservation. A prime example of how close some of these Nipmuc families lived to each other is shown in the 1950 residence of 25 Clayton Street, also on Worcester's East Side. Within this one structure, most likely a three-story apartment house, lived Hassanamisco descendants Annie Barbour (a brown descendant), Maxell [*sic*] Hamilton (a Hector descendant), and Agnes Scott (1869-1953, a Gimby descendant), and Dorous/Bates descendants Lillian (Bates) lane and her family -- all established families within the Nipmuc community (69A Summary of Evidence 2002.09.30, 36).

In 1936, Sarah M. (Sisco) Sullivan wrote to the District Supervisor of the Federal Writers' Project that she was trying to write a history on the Hassanamisco Indians of Grafton and named several, stating 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 Lowenburg 1936.02.19, Cisco, Box 2).[85] [spelling and punctuation *sic*]

A 1937 Hassanamisco Reservation Guest Sign-in Book listed the following individuals, three Hassanamisco proprietary descendants and three members of the Dudley/Webster Belden family:

> James H. Belden, 41 Lowell St., Worcester, MA
> Emma L. Mays, Worcester, MA
> Warren A. Belden, Boston
> Mrs. Sarah F. Belden, Boston, (Jackson) wife of Warren
> Mrs. Mabel Jefferson, Worcester
> Mrs. Mabel Hamilton, Worcester (HA Box F, f 2).

Signers in 1940 included Mildred M. Murray, a Gigger descendant (HA Box F, f2).

In his 1943 article on the Hassanamisco, Frank G. Speck wrote:

> 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, Heminway, Hamilton, Scott, Tony, Gimbey, Brown, Moore,[86] Peters,[87] Lewis, Belden, Curliss,[88] Williams, and Cisco (Sisco) (Speck 1943, 54). [footnotes added]

Speck was incorrect in stating that the above families had resided on the reservation within the memory of Sarah Maria (Sisco) Sullivan; many of them had never resided on the reservation and some were not Hassanamisco proprietary families. Speck's comment was: "Group solidarity has

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[85]Petitioner 69A did not submit and OFA did not locate any information that identified Fred Belding.

[86]This name is not in the historical records of the petitioner, and appears in only one small modern nuclear family. ANTHONY, Sally of Douglas married Nathan Moore, int. Mar. 19, 1848 (Baldwin, Uxbridge Vital Records 1916, 205). The Anthony family was regularly identified as Indian, but as Narragansett, not Nipmuc.

[87]This name does not appear in the Hassanamisco records.

[88]"In the correspondence of Sarah Scisco [*sic*] to Frank Speck she identified a William Curliss as Nipmuc. According to Carole (Curliss) Palavra, this William Curliss was the result of an unconsecrated liasian [*sic*] between a Scisco and a Curliss and Sarah Scisco is referring to him as a Nipmuc probably because of his Scisco parent" (Unidentified report, page 9, enclosed in letter from Janis Weber of 12/02/1996).

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). Gilbert's 1949 listing of Hassanamisco families was taken directly from Speck and added nothing to an understanding of community during this period.[89]

Sullivan wrote an article, "Nipmuck Mortar Poundings," published in January 1946 in the *Indian War Drum.* At this date, she was serving on the editorial staff of the periodical as "Mrs. Sarah Cisco Sullivan, Hassanamisco Nipmuck, Mass." (*Indian War Drum* 1(1) 1946.01.00, [2]). Her article provided the following description of the Nipmuc at that date. It at least implies that as of 1946, she was possibly defining "Nipmuck" and "Hassanamisco" as synonymous and that she considered the "reservation" to be "owned by the Nipmucks as a tribe" (which was not the case with her daughter Zara CiscoeBrough in the 1960's, see below):

> The Nipmuck Indian Reservation is located in Grafton, Massachusetts. It is very small but nevertheless exists as the sole land owned by the Nipmucks as a tribe although only two persons occupy the reservation, Mrs. Sisco and her daughter. There are several Indians of the Nipmuck Tribe living in and around Dudley and Worcester. They are also referred to as Hassanmisco [*sic*] Indians (*Indian War Drum* 1(1) 1946.01.00, 17).

The Sisco family's ties with Miss Annie Barber continued into the 1950's. In 1950, Sarah Maria (Sisco) Sullivan listed Annie Barber as supporting her protest against the chartering of a Worcester chapter of NAIC (Sullivan to Dever 1950.05.15), but the letter of protest did not include her actual signature. In 1950, Annie Barber paid dues to the NAIC (Sullivan 1949.00.00 - 1950.00.00).

In 1953, Sarah Maria (Sisco) Sullivan compiled another list, mentioning:

> 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 whoes 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.

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[89]"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 [*sic*], Lewis, Moore, Peters, Scott, Tony [*sic*], 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).

> Goldsberry wife of Dr. Goldsberry. Miss [illegible] (Cisco, Box 1).[90] [spelling and punctuation *sic*]

Pegan/Wilson Family

James William Cisco, in his recollection of "family picnics" on the reservation in the 1930's, mentioned the attendance of George M. M. Wilson, whom he described as a friend of Samuel Crawford Sisco, the brother of Sarah M. (Sisco) Sullivan (69A Response Report for 83.7(c) Part B 2002.09.30, 27-28; citing James Cisco interview 82-83).

The January 1946 description of a "Nipmuck Indian Pow Wow" by Sarah M. (Sisco) Sullivan presumably referred to the one that would have been held in the summer of 1945. It described the attendance of numerous non-Indians and non-Nipmuc. She stated: "Some of the Nipmuck Indians attending were George Wilson and family, Hassanmisco [*sic*] Indians attending, Miss Annie Barbour, Mrs. Jessie Mays, from Indian Reservation at Grafton, Sara Cisco Sullivan and Mrs. Mable Hamilton" (*Indian War Drum* 1(1) 1946.01.00, 18).

A July 1946 article written by Sarah M. (Sisco) Sullivan for the periodical *Indian War Drum: The Voice of the Eastern Indians* (Sisco 1946.07.04 *in Indian War Drum* 1(6), September 1946, 8) constitutes new evidence in regard to social interaction. Under the title, "Hassanamisco Mortar Poundings From Hassanamisco Indian Reservation, Grafton, Massachusetts. Hassanamisco Indian Council is Success," she reported on the Indian Fair on July 4: "Guests came from all over the United States. It was Indian Council and Old Home Day when all friends as well as Indians come to the reservation." Speakers included Chief Owl's Head of Wakefield, Rhode Island, for the Narragansett Indians; Boy Scout Troop No. 154 of Ware; the president of The Lambs Club. Chief Sachem Night Hawk of the Narragansetts arrived in company of friends from R. I. and Milford, Connecticut. "Those who assisted were Mrs. Jessie Mays, Mr. George Wilson, Mr. and Mrs. William Moffitt, Mr. and Mrs. Willard Ballout of Worcester, Mr. and Mrs. Lewis Parker and sister of Westboro, Mr. William Quinney and Clifford Quinney of Bradford and Portland, Maine, Geroge [*sic*] Johnson and Donald Armitage of North Grafton, Mrs. Carrie Prentice, Lottie Jones, Mr. and Mrs. Flynn presented candy for the guests" (Indian War Drum 1(6), September 1946, 8). Two of those who assisted, Jessie Mays and George Wilson, were Nipmuc; most were not. The Moffits would subsequently be involved in the founding of the

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[90]ancestry.com, 1930 U.S. Census, Pontiac, Oakland Co., MI, #175/357: Goldsberry, John H., Head, M, Neg, 27, VA/VA/VA, physician; Bernice C., Wife, F, Neg, 29, MA/MA/GA; Patricia A., Daughter, F, Neg, 1, MA/VA/MA.

See also signatures on Sarah M. (Sisco) Sullivan's 1950 protest to the governor against the Nipmuc Council organized by William Moffitt: "Martha Jane Brown - Hassnamisco of Worc.; Bernice Brown Goldsberry" (69A supplementary submission).

The documentation submitted to OFA did not contain sufficient information to identify Martha J. Brown' and her sister Bernice (Brown) Goldsberry's ancestral line. Their names were included on the list of Nipmuc living in Worcester County compiled by Zara CiscoeBrough in 1975 (CiscoeBrough 1975.00.00a). There were several different nuclear families named Brown among descendants of different Hassanamisco proprietary families.

1950 NAIC chapter in Worcester. None of the others apparently had any enduring ties to a Hassanamisco entity.

Under a separate heading, but on the same page, Sullivan reported the deaths of two members of the Wilson family, "Miss Wilson" of New York and her brother, Mr. Herbert Wilson of Worcester, commenting, "[t]hey were from one of our oldest families of truest blood" (Indian War Drum 1(6), September 1946, 8). Herbert Wilson had been a member of the Mohawk Club as early as 1917.

Sullivan made notes on the genealogy of George Wilson at the same time she noted that of Roswell Hazard (second husband of Mabel Idella (Williams) Hamilton, a Hector descendant), apparently in connection with the Worcester Chapter of NAIC about 1950 (Sullivan 1949.00.00 - 1950.00.00).[91] In 1958, Wilson's obituary identified him as a "Chief in the Hassanamisco Indian Council in Grafton" (Indian Chief Thunderbird Is Dead 1958.00.00). In the case of Wilson, and subsequently of his grandson Charles Richardson, the evidence indicates that an association of this branch of a Dudley/Webster descended family with Hassanamisco did develop.

The above material comprises, basically, the submitted evidence in regard to the persons who apparently comprised the "Hassanamisco community" from the perspective of Sarah Maria (Sisco) Sullivan from 1930 through the early 1950's.

Vickers Family

Between death of Hassanamisco Indian Althea (Johns) Pease Hazzard (d. 1903), who is documented to have associated closely with Mary (Curliss) Vickers (d. 1898) and her children, and 1969, the only evidence of interaction between Curliss/Vickers descendants and the Hassanamisco entity comes from the oral history interviews and a 1982 manuscript written by Zara CiscoeBrough (CiscoeBrough c. 1982). James William Cisco, in his interview, indicated that "Poof's father" [Joseph Walter Vickers] was attending the annual Indian Fairs by 1948

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[91]For further discussion of NAIC, see under criterion 83.7(c). The William Moffitt family, associated with this initiative, had been near neighbors of Hassanamisco descendant Annie Barber in Worcester in 1930:

1930 U.S. Census, Worcester, Worcester Co., MA, NARA T626, Roll 968, Page 13A, ED 26, Image 0344:
#93/247:
Moffitt, William A., Head, M, 38, Neg, MA/Canada English/MA, truck driver, laundry
Lizzie H., Wife, 35, VA, manager, laundry
Elsie E., Dau, 15, F, MA.

The daughter, Elsie Moffitt, in turn married William E. Toney, who was on the paternal side a Curliss/Vickers descendant. On the maternal side, his grandmother was a sister of the Charles Edward Scott who married Agnes Gimby, active in Hassanamisco affairs in the first half of the 20th century.

(Cisco Interview 2001.12.19, 77).[92] Since Cisco also recalled having attended regular meetings in Grafton during the 1930's (see above), this may constitute evidence that the Vickers family was not participating in Hassanamisco events prior to World War II.

Edwin Vickers (1856-1953), grandson of Mary (Curliss) Vickers, in 1890 had married as his second wife Amanda Edith Dorus, a Dudley/Webster Indian who was listed on the 1890 distribution list. His first wife, Jane A. Pollock, mother of his children, was, like himself, a Curliss/Vickers descendant. Edwin Vickers's son, George Henry Vickers (1880-1958) was the father of Joseph Walter Vickers and the grandfather of Walter A. Vickers, current chairman of petitioner 69A (for further discussion, see under criterion 83.7(c)). This specific branch of the Vickers family did maintain a public Indian identity (Senate Hearing 1900, 110), but through a Narragansett line. Edwin Vickers was also listed as Indian on the 1930 census (ancestry.com 1930 U.S. Census, Southborough, Worcester Co., MA, NARA T626, Roll 965, Page 13A, ED 265, Image 0762). However, this branch of the very large Vickers family lived in Marlborough, Middlesex County, Massachusetts, from 1900 through 1920 and is not documented by contemporary primary evidence to have interacted with the Hassanamisco proprietary descendants from 1903 through 1938. There is no evidence that it had "coalesced" around Hassanamisco by the 1920's. The extensive correspondence of Sarah Maria (Sisco) Sullivan did not include any letters to or from this branch of the Vickers family prior to the late 1960's.

Another Vickers descendant, 69A council member Charles O. Hamilton (b. 1933), indicated that his mother had come "up to Zara's" in the 1940's, but then immediately stated that it had been Sarah, Zara's mother, whom she visited (Hamilton Interview 2001.11.27, 35). At the time of his own first attendance at one of the Indian Fairs in 1955, as the result of having read a newspaper advertisement, when he met Sarah (Sisco) Sullivan, she said that she had known his mother, Mildred Joslin (Vickers) Hamilton (1898-1982) (Hamilton Interview 2001.11.27, 44-45) and invited him to go in.[93] Hamilton's grandfather, Olin D. Vickers (1860-1943), was a brother of Edwin Vickers (above); his maternal grandmother was also a Curliss/Vickers descendant from Oxford, Massachusetts.

A typewritten manuscript, apparently prepared by Zara CiscoeBrough in connection with the preparation of the 1984 Nipmuc petition for Federal acknowledgment (Nipmuc Indian Activity - Hassanamisco Clan 1900-1982 & Chaubunagunga-maug Clan 1900-1982) described the annual Indian fair and mentioned that it included "blessing of the Ceremonial Circle by the Medicine

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[92]Petitioner 69A cites to page 80 of this interview (69A Response Report for 83.7(c) Part B 2002.09.30, 39) for this information.

[93]There is no evidence in the record as to whether Hamilton's father was related to the husband of Hassanamisco descendant Mable Idella (Williams) Hamilton Hazard. Hamilton was born in Ansonia, Connecticut. He recalled childhood visits to Worcester, Massachusetts, but they were to relatives of the Vickers family (Hamilton Interview 2001.11.27, 24).

Hamilton indicated that he met Ethel Belle (Hazzard) Jackson (1929-1998), mother of Lois Boyd and friend of Zara CiscoeBrough, about the same time, in 1957 (Hamilton Interview 2001.11.27, 48).

man, . . . the naming ceremony for children and adults, and an Indian wedding ceremony" (CiscoeBrough c. 1982, 1). This description included the statement that:

> One Nipmuc Indian man, the 68-year-old Medicine Man of the Hassanamisco clan, can remember attending the annual Indian gathering at the reservation since he was five years of age. Accompanied by his father and grandfather, also Nipmuc, this man participated in the tribe's annual cultural event, which served to reaffirm and emphasize his identity as an Indian. This childhood relationship with the Hassanamisco reservation apparently made a lasting impression on this individual, for after serving overseas in World War II, he returned to Hassanamisco in 1946 to resume his expression of Indian cultural beliefs and practices (CiscoeBrough c. 1982, 1).

The description indicated that he assisted with preparation of "many of the Indian foods sold at the Hassanamisco Fair," was "a member of the Hassanamisco Tribal Council, and has taken a very active interest in Reservation activities" (CiscoeBrough c. 1982, 1), and that, [t]his individual's connection to his Nipmuc Indian heritage has found a supportive focus in the activity of the Hassanamisco Reservation, particularly the annual Indian Fair" (CiscoeBrough c. 1982, 2). It also indicated that in the 1960's, the

> Medicine Man of the clan, mentioned earlier, frequented the annual Hassanamisco Fair yearly, as well as "travelling the circuit" of powwows which other Indian tribes presented. At these events, he acted as a representative of the Nipmuc tribe, serving to strengthen tribal identity and communications with neighboring Indian groups (CiscoeBrough c. 1982, 6).

The manuscript did not name the person it discussed. Other evidence indicates that it referred to Joseph Walter Vickers (1914-1990), the father of the current chairman of petitioner 69A, Walter Vickers. It is unlikely that he began attending the Indian Fairs at the age of five, which would have been 1919, since the first known fair was not held until 1924, associated with the naming of James Lemuel Sisco as "chief" of the Hassanamisco (see under criterion 83.7(c)). The activities ascribed to him indicated interaction between this Vickers line and the annual Indian Fairs, and pan-Indian activities, but did not show social interaction between Vickers and members of any of the other family lines now included in the membership of 69A.

Other Data 1953-1975

Aside from the interviews, the documentation submitted for the FD contained little material showing social interaction between 1953 and 1975 beyond that which was already evaluated for the PF. Petitioner 69A presents the "defining events of the period 1950 to 1975" as "the formation of the Nipmuc Indian Chapter of Worcester, the death of Sarah Cisco Sullivan, the transition of leadership to her daughter, and the formalization of the Nipmuc Tribal political structure under the leadership of Zara CiscoeBrough" (69A Summary of Evidence 2002.09.30,

36). Petitioner 69A's introductory summary briefly mentioned the death of George Wilson in 1958 and that of Sarah (Sisco) Sullivan in 1964 (69A Summary of Evidence 2002.09.30, 38-39).

A 1967 newspaper article written by Zara CiscoeBrough mentioned, "[o]ur cousins, the Silva-Arrows from Shinnecock Reservation in Long Island" and that "[r]ecently our dear departed chieftain, Chief Tumbleweed [Roswell Hazard, 1883-1966], willed us his headdress of 100 eagle plumes, regalia and many thousands of beads to be used for craftwork" (The Princess Speaks, *The Grafton News* 12/27/1967). For further discussion of the NAIC, see under criterion 83.7(c).

Community 1975-Present

Overview of Petitioners 69A and 69B

The two petitioners are organizations which draw and have drawn their membership from a pool of individuals who do not form a community or communities. Not all of them can demonstrate Hassanamisco, Dudley/Webster, or other Nipmuc ancestry. Since these were competing organizations, they have had some membership overlap and some movement of members between the two. These aspects of the two petitioners' membership are described below. The petitioners are not competing factions within a single group nor are they separate "clans" within a single tribe. For the purposes of the final determinations, the evaluation considers the organizations as defined by their past and present, joint and separate, membership lists.

While some of the Morse extended family participated in the Hassanamisco organization for a few years in the second half of the 1970's, from the point of formation of the CB in 1981, the two petitioners were *de facto* separate organizations, irregardless of official petitioning status and various joint organizations and unifications. For reasons described below, the two organizations had a variety of motivations to stay together, working as a joint organization, and petitioning as a single petitioner. Particularly important was the perception that there was a better chance of acknowledgment as a single group. Among the influences was advice from their legal and research consultants. The splitting of the two was a division within an organization or a separation of two linked organizations, not a split within a community. The degree of overlap of membership, and movement of members between the organizations, is discussed below.

Evaluation of Composition

The composition of the organization could not be precisely discerned at all points on the basis of membership lists, because there is no distinct Hassanamisco list in the record between 1979 and 2002 (although the 1995 list was divided into two sections). Information on composition is partly based on council membership or attendance, or other participation in distinct events. The existence of membership lists for Hassanamisco and CB, separate from those of the Nipmuc Tribal Acknowledgment Project (NTAP) and the Nipmuc Nation Tribal Council (NNTC), is mentioned in the record at intermediate dates but were not in the record or were not identifiable

as to their nature (see PF discussion of membership lists submitted, particularly in the early 1990's).

Definition of Community since 1975 Used in 69A's Comments and Response to Third Party Comments

Petitioner 69A's introductory Summary of Evidence (69A Summary of Evidence 2002.09.30, 38-39) did not include a discussion of the period from 1975 to the present. Elsewhere, 69A's discussion of community since 1975 is focused on its current definition of its composition, *i.e.*, the specific family lines which were listed on the 1977-1979 membership list (69A Response Report for 83.7(b) Part B 2002.09.30, 8). The 69A Comments do not attempt to demonstrate the existence of social community among the families added to the petitioner subsequent to the 1970's. It states:

> the modern community of the Nipmuc Nation is represented by the same family lines that had established social and kinship ties to the Hassanamisco entity by the 1920's and have met the membership requirements of the Nipmuc Nation. These family lines compose the current membership of the tribe and are the focus of the following discussion. Specifically, these families descend from the Cisco, Humphrey/Belden, Jaha, Lemuel Winifred Henries, Dorous/Bates, Pegan/Wilson, Silva, and Curliss/Vickers lines (including Esther Jane, Chandler, Rufus and Sarah Ann Vickers) (69A Response Report for 83.7(b) Part B 2002.09.30, 8).

The petitioner also states that:

> All of the families represented on the current Tribal Roll, under the Nipmuc Nation's present eligibility criteria, are represented on the 1977-79 Tribal Roll, indicating that a level of continuity has remained within each of these family lines over the last several decades (69A Response Report for 83.7(b) Part B 2002.09.30, 135).

The petitioner's conclusion that there was "continuity" based on the correspondence between the lists (69A Response Report for 83.7(b) Part B 2002.09.30, 135) is not valid. Regardless of the validity of the evidence of community in the 1970's, the present membership list reflects a deliberate reconstruction of the 69A, Nipmuc Nation, 1997 membership list with the intent that the 2002 list would accord with the dimensions of the 1970's listings by Zara CiscoeBrough (see discussion above). In addition, the "families"are not functioning kinship-based social units but a much larger group of descendants of a common ancestor, mostly in the mid-19th century.

Evidence in Regard to Community 1961 to 1980

The proposed finding concluded that in the 1960's and early 1970's there had originally only been a small group of about 50 people around Zara CiscoeBrough (69A PF 201, 118). This

figure was largely based on meeting attendance and office holding. The 69A response concludes that, to the contrary, there was an extant community made up of those in the Hassanamisco Foundation and others, from different families (of Dudley/Webster and other Indian ancestry) that had become connected with Hassanamisco in the 1920's. The 69A Comments view the 1977-1979 membership list, which was in evidence for the PF, and the list it characterizes as the "1975 roll," as the correct representation of community as it existed at that time. The claim is that a definite community existed and that Zara CiscoeBrough's efforts were directed at enrolling them.

The PF emphasized the early addition of individuals from the Edwin Morse, Sr., extended family,[94] as evidence that this first apparent expansion brought in individuals with no substantial prior connection to Zara CiscoeBrough or Hassanamisco (69A PF 2001). New information for this FD confirms the essential lack of connection of the Edwin Morse, Sr., extended family. In particular, a lengthy interview with his sister Lucille Walley indicates that they had had little or no contact with Zara CiscoeBrough or her family, or with the Vickers (Walley 1997.11.20).

Definition of "Tribe" in Early Hassanamisco Governing Documents, 1961 to 1980

Past Hassanamisco governing documents provide some evidence concerning the definition of the group at the time each one was created, and provide context for the membership list creation in the 1970's (see also 69A PF 2001, 175-177, for descriptions of these documents).

One formal governing document of sorts was the bylaws of the Hassanamisco Foundation, dated 1961 (HRF Bylaws 1961.12.00). This document predates the Coalition of Eastern Indians (CENA), which encouraged the establishment of written governing documents for unrecognized Indian groups. This document defines a "Working organization," established as a foundation for the stated purpose of arts and crafts, reservation programs, Indian museum, property and real estate development, and scholarships for Indians.

The document provided in part that

> Cisco family heirship rights prevail over all. A Cisco family fund will be established as trust fund that can be drawn upon when medical or financial support is needed by any legal member of the Cisco family. Principal is to be maintained. drawing of interest by discretion of family members. Monument fund, in the family cemetery known as Indian and old Cemetery either through donation or other means, not to exceed $350, so that a fitting placque or stone may be placed. (HRF Bylaws 1951.12.00).

[94]Defined as Edwin Morse, Sr, his mother, his siblings and their descendants.

This document to some degree envisions that others besides the Sisco family had some defined rights. The focus was on the foundation, and several funds, with the various aims of a museum, building a longhouse, and a scholarship fund (recipients not limited to Hassanamisco or Nipmuc). Also mentioned are some forms of economic development. The document put essentially all of the power in the hands of Zara CiscoeBrough, as "president." The Board of Directors was to be "consultants and function on in that capacity as an honorary board. Final decision will be confirmed by the president and chairman of the Board at all times." The foundation governing body in the mid 1960's consisted of CiscoeBrough, various Sisco family members and several of the Silvas (affinal relatives of the Siscos, but of Shinnecock and possibly Narragansett, not of Nipmuc, descent) (Hassanamisco Minutes 1964.07.04; Hassanamisco Minutes 1965.00.00 post). The membership of the Hassanamisco Foundation board and the provisions of the Foundation governing document reflect the involvement of those people, including both her immediate family and non-Indian friends and colleagues, who were closest to CiscoeBrough. They documents did not establish a definition of tribal membership or eligibility.

1969 Revision of the Hassanamisco Foundation Bylaws

In 1969, the Hassanamisco Foundation bylaws were revised and expanded. The annual report showed concern that the reservation continue even if the Legal Heirs (Siscos) were no longer able or willing to occupy the land. A major change was to add to the existing bylaws a clause, "that when all legal heirs were gone or most of them that other Hassanamisco Indians (with proof of heritage) could continue through Hassanamisco Reservation Foundation by election to the Board of Directors, the Memorial to the American Indian, so that this small reservation could remain always in the hands of the Indians and not revert to the State or Federal government or to private individuals or societies" (Hassanamisco Annual Report 1969.00.00).

Zara CiscoeBrough's basic aim, to preserve the Hassanamisco reservation, is reflected in the document. The 1969 revisions, and to some extent the 1961 bylaws, clearly indicated an anticipation that the Siscos (i.e., the legal heirs) might not want to be involved in the future. CiscoeBrough then looked to bring in non-Hassanamisco with whom she was involved. For this reason, in 1969, at the same time as the by-laws revision, she added Walter Vickers to the board of directors and made him and some of his immediate family "Trustees" (Hassanamisco Ballot 1969.11.15a). There was no specific information why she subsequently bypassed the Silvas in making Vickers chief, except that interviewees considered he would be an effective leader.

According to James Cisco, the bylaws were voted on by the foundation council, not by a wider membership. Asked if anybody "from the tribe" questioned that, he responded, "Not to any large extent" (Cisco 2001, 12, 19, 68).

1978-1980 Adoption of Constitution and Revisions of the Hassanamisco Foundation By-Laws

Zara CiscoeBrough in the mid 1970's was pushing a process of expanding the definition of Nipmuc that came under the rubric of her organization. A governing document, and revisions to the Hassanamisco bylaws, made in 1979 or 1980, reflected a shift to what she believed was a broader, more "tribal" definition. The ca. 1980 governing document incorporated a view of Nipmuc which was much broader than the "legal heirs," the descendants of Hassanamisco proprietary families, or the definition of community offered by the petitioner in its response to the PF (Nipmuc Tribe Constitution 1980.00.00 post).[95] At the same time, the documents continued to grapple with CiscoeBrough's dual aims of preserving the Hassanamisco reservation in the hands of the "legal heirs" while at the same time providing for continuity in the case that the Sisco family ceased to have any of its own members resident on the property.

Various drafts of the governing documents adopted at this time included a "constitution" of the "Nipmuc tribe" and an attached set of Hassanamisco by-laws (Nipmuc Bylaws 1979.00l00 post; Hassanamisco Bylaws 1978.01.00). The latter pertained specifically to the Hassanamisco foundation and the Sisco family's rights to the Hassanamisco Land. The constitution also provided for the following lifetime officers: Sachem/Chief, Zara CiscoeBrough; Council of Chiefs, George H. Cisco, Peter Silva, Jr. Walter A. Vickers, Joseph W. Vickers, Charles Hamilton, Sr., and Samuel Cisco (d. 1979).

According to the "Constitution of the Nipmuc Tribe," the "Nipmuc Tribe (or Nation)" consisted historically of a number of small tribes or bands. It stated that, "the Nipmuc Tribal council consists of all those of the Nipmuc Nation and includes all Hassanamisco or other bands related to the Nipmuc" (Nipmuc Tribe Constitution 1980.00.00 post, 1). It stated that "Only legal heirs can vote on matters directly pertaining to the Hassanamisco Reservation." Identification cards were only for registered voters, "of the Nipmuc tribe, its affiliated bands, Hassanamisco and Hassanamisco Legal Heirs only" (Nipmuc Tribe Constitution 1980.00.00 post, 2). The stated requirements to register were to produce a birth or death certificate that the registrant's parent or grandparent was "Native American," or a birth certificate that the person was "Native American" (Nipmuc Tribe Constitution 1980.00.00 post, 2-3).

James William Cisco, a first cousin of Zara CiscoeBrough, who remained in substantial contact with the Hassanamisco reservation and the events there, was questioned closely about his view of the Hassanamisco land. He stated, in his clearest statement, that "originally it was a private piece of land but over the years it's a part of the Nipmuc. Rather than just the Hassanamisco" (Cisco 2001.12.19). Cisco said further that, "When we first started having those meetings, it was the Hassanamisco. And it was thought of as being the Hassanamisco tribe. And then later, it was brought about that we were a band of the Nipmuc tribe. And that's how they started bringing in the Nipmuc and not saying Hassanamisco" (Cisco Interview 2001.12.19, 54).

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[95]See also the discussion of the 1977 New Town petition (CiscoeBrough to Dukakis 1977.00.00).

Lois (Jackson) Boyd,[96] an individual not of either Hassanamisco or Dudley/Webster descent, but from a family closely attached to CiscoeBrough, stated that she thought it was her mother's view that, "we had a right to go to the reservation when I was growing up" (referring to the 1950's) (Boyd 1998.06.29).

Additional Information Concerning the Definition of the Petitioner in the 1960's and 1970's

Anthropologist Susan MacCulloch made at least two trips to the Hassanamisco reservation in 1967 and wrote extensive notes and a draft manuscript about Zara CiscoeBrough (MacCulloch 1967.02.22). The length of the report and the detail indicate that they reflect more than a short visit. MacCulloch discusses CiscoeBrough's activities at some length but provides no indication that she was leading a tribe or community or that she was in regular contact with any Hassanamisco or other Nipmuc descendants other than her immediate relatives. MacCulloch's report does not portray the annual Indian fair as a tribal event, but as one of CiscoeBrough's efforts to promote Indians. Based on MacCulloch's background and the approach taken in her notes, it would be expectable that she would describe something in the way of activities in a community if there had been one.

MacCulloch's report does not indicate any tribal community or mention other Nipmuc than Zara's relatives, past or present. While by no means definitive, it conforms with the picture from interviews and documents that in the 1960's Zara CiscoeBrough was quite active on the "Indian circuit" (for example, visiting Mashpee and participating in the Federated Eastern Indians League), but her connections were as much with various eastern Indians as with a tribe. The broader definition of Nipmuc came slightly later, with the Boston Indian Council (BIC) and Coalition of Eastern Indians (CENA).

In 1969, Zara CiscoeBrough, in response to a BIA letter inquiring about the Hassanamisco, wrote that, "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 . . . ." (CiscoeBrough to BIA 1969). This comment predates the creation of 1975 and 1977 membership lists and the activities of CENA promoting the organization of unrecognized Indian groups. It is not entirely clear what was meant by "we are *now* in contact with many of them" (emphasis added). "Second family" appears to reflect the distinction between the "legal heirs" and any others.

Walter Vickers's and Zara CiscoeBrough's accounts of how they met and how he became involved are quite consistent with each other, but do not indicate a strong community and social connection between them. CiscoeBrough in 1970 in a letter describing her efforts to locate and

[96]Lois Boyd descends from the Ransom and Hazzard families. Members of these families were sporadically identified as Indian in early records, but do not descend from individuals listed as either Hassanamisco or Dudley/Webster on the 1849 *Briggs Report* or the 1861 *Earle Report*, nor were these families listed as as "Miscellaneous Indians" on the 1861 *Earle Report*.

document Nipmucs stated with regard to getting documentation for the Vickers family, "I did not have to go looking for them, they have been coming to the reservation for years and mother knew them all quite well. I did *not* only by sight and through a branch of the family in Worcester contacted several more" (emphasis in the original). CiscoeBrough went on to say, "Joe (or Walter) Vickers [father of Walter Vickers] knew Mr. Raymond and they in turn they started coming to see Mother although I was only here once when they came. I didn't know who they were anymore than I knew who Peter and Harold [Silva] were when we first met" (CiscoeBrough to Cisco 1970.06.00 ca).

Walter Vickers described these contacts thusly:

> Zara was a woman who was on the planning board in the town of Grafton. . . . Held the reservation together . . . She's the one that did all the work there with a friend of mine . . . Johnny Brown . . . an Apache Indian. He helped her up immensely in the early days. Then I happened on the scene and she knew my father very well because they were of distant relation. . . She got involved and took a likening to me as well as my interest in the Indian movement and that maybe one day I could possibly take her place (Vickers Interview 1998.06.30, 6-7).

A similar statement appeared in the transcript of a November 1996 NNTC meeting, where Vickers commented, "When I came here, when my father introduced me to Zara, and she said do this and do that and then I'm on the roll" (69A Minutes 1996.11.29).

In 1970, Zara CiscoeBrough wrote a letter to another Cisco, describing at considerable length her research efforts on Hassanamisco and Nipmuc ancestry. She stated, among other things, that

> I am glad to be able to locate and finalize the Hassanamisco-Narragansett-Nipmunck records. It is extremely important that we know who all our people are both now and in the future, don't you agree? Everyone has to prove their ancestry at sometime or another especially where property is involved (Zara CiscoeBrough to Martha Bell, 1970.06.00 ca). [emphasis in original]

The petitioner concludes this is part of Zara CiscoeBrough's efforts to "formalize" the membership of an existing Nipmuc community (69A Response Report for 83.7(b) Part B 2002.09.30). The document verifies that Zara CiscoeBrough had been doing research for some period of time. It does not on its face indicate that she was enrolling a known community, as opposed to locating more descendants. Like CiscoeBrough's 1969 letter to the BIA, it puts the process of locating and identifying individuals earlier than the 1974 efforts in connection with the Boston Indian Council (see CiscoeBrough to BIA 1969.)

Zara CiscoeBrough's statements and the record make it clear that she knew, or knew of, a substantial number of those put on the list before any of the enrollment processes began. Her

statements do not make entirely clear how well she knew them, or whether she had only heard of some of them. Zara CiscoeBrough was apparently resident in Boston during the early 1970's, during which time she conducted some research on Nipmuc ancestry. James Cisco in his interview strongly indicated that research was involved in Zara CiscoeBrough's enrollments (Cisco 2001.12.19). This provides some supporting evidence that she was not simply enrolling a known community.

The petitioner identifies a handwritten list, not previously in the record, as a list Zara CiscoeBrough prepared *circa* 1975 to submit to the Massachusetts Commission on Indian Affairs (MCIA) (CiscoeBrough 1975.00.00, List of Nipmuc 1975 2002.00.00 ca). The list contains approximately 200 names, divided into a section of "Worcester County residents," with approximately 177 names, and "absentees," approximately 21 names. (The petitioner notes that some of these were actually resident elsewhere). Those listed, in addition to Sisco family members, include the Silvas, a large number from the extended Edwin Morse, Sr., family (including Elizabeth Rogers (Henries) Morse), about 20 Vickers, including Walter Vickers and Charles Hamilton, Richardsons (Pegan/Wilsons), and Jahas (Palavra, Curliss and Cossingham). Also listed are a number of individuals whose Nipmuc ancestry has not been demonstrated (including some of the Hazzard descendants and Walter Bostic). The nature of this list suggests it was a precursor to the 1977 membership list, and was part of Zara CiscoeBrough's process of compilation.

The 1977 list included members of the Morse family, including Edith Hopewell and Lucille Walley, who were aware of Zara CiscoeBrough but had not, before about 1974, as far as could be determined, participated at Hassanamisco (with the one exception of the listing of their mother as a participant in the 1950 Indian Fair) and did not, apparently, have a significant relationship with Zara CiscoeBrough. Not on the list are Lois (Jackson) Boyd and her family, Eleanor (Neal) Hawley,[97] nor many others with whom Zara CiscoeBrough was in contact with at this point. Some of those omitted were Indians who had assisted her with the Fair and various other endeavors. The latter two individuals became members and officers of the petitioner beginning in 1991 but were removed from the rolls in 2002.

There is considerable correspondence in the record in the 1970's to Zara CiscoeBrough from individuals requesting identification cards. It is not always clear in this documentation whether Hassanamisco was issuing ID cards for a "tribe," or whether these were being issued for purposes of the Boston Indian Council (BIC) program, which wasn't limited to Nipmucs, however defined. There were also non-Hassanamisco lists of Indians in the Worcester area which were maintained by Zara CiscoeBrough.

[97]Her traced ancestry, which does not include Nipmuc ancestry, goes to the areas of Eastford and Ashford in Windham County, Connecticut.

Zara CiscoeBrough knew a substantial number of Indian individuals as part of the Fair, CENA and other activities. She knew a number of Hassanamisco, Dudley/Webster, and possibly other Nipmuc descendants as a result of these activities. Under the aegis of the BIC programs, she surveyed the area around Worcester in the early 1970's and learned of and made contact with more of its Indian population (see discussion of Henries family contacts). Her "circle" in the 1960's and 1970's included a number of individuals treated as if Indians but without demonstrable Indian, or Nipmuc ancestry, as well as individuals descended from other tribes (for example Lois Boyd, Johnny Brown, and Ron Messier). These were not included on her lists of Nipmuc, although other non-Nipmuc descendants, such as the Silvas, were.

Non-Nipmuc Individuals on the Hassanamisco Council

Those involved with the Hassanamisco foundation and early councils included some individuals without Hassanamisco or Nipmuc ancestry, or without an identifiable earlier connection with the group. Most notable are the Silvas, non-Nipmuc relatives of the Hassanamisco Sisco family, some of whom are enrolled with the Shinnecock. Most visible were Peter Silva, Sr., (Chief Silver Arrow) and Peter Silva, Jr. This family had a long involvement with Zara CiscoeBrough. They were active in the annual Indian Fair at the Hassanamisco Reservation and served as officers of the Hassanamisco Foundation, but were never listed by Zara CiscoeBrough as among the "Legal Heirs."

Kenneth R. Brown (known as Spotted Eagle), a non-Nipmuc relative of the Jaha/Curliss family and a presence on the intertribal powwow circuit, attended the 1979 Hassanamisco annual meeting at which the bylaws were voted upon and paid dues as a member (Hassanamisco-Nipmuc Minutes 1979.07.04). Brown several years later moved to the CB council, and then to NTAP. Brown also had an early connection with Ron Henries, Sr., and the record includes a personal letter from Zara CiscoeBrough to Brown in 1958 which indicates she knew him then (CiscoeBrough to Brown 1958.00.00).

Analysis of Evidence in Regard to Community 1975 to the Present

The petitioner provides a lengthy review of examples of social contacts as part of its description to demonstrate community from 1975 to the present. The material is presented in two sections, one general and one by individual family line (69A Response Report for 83.7(b) Part B 2002.09.30, 149-185). The petitioner also submitted tables listing specific examples, by family line, which apparently form the basis for the latter discussion (*e.g.*, Curliss/Vickers line interaction). The examples provide some evidence on informal social contacts in this period across family lines, but do not encompass the petitioner's defined membership. The definition of community used in the petitioner's discussion is limited to those lines represented in the current membership, which is based on the claimed historical community, not the membership as it was from 1990 to 2002 (see discussions of membership definition and membership list changes).

The petitioner's description for 1975 to the present is to a substantial degree dependent on the evidence for community between 1920 and 1975, which is mixed into the description of the more recent period. The evidence of community for 1920 to 1975, which is separately evaluated above, shows some amount of contact between some of the individuals in the defined lines but does not show that a community existed.

The petitioner's discussion of evidence by major family line to demonstrate community from 1975 to the present primarily presents examples of various kinds rather than a systematic description which attempts to cover all of the membership drawn from a given line. However, it does point out contacts of others than those who have held office or been active as officers in the organization.

The examples cited in the response fail to sort out connections and interactions incidental to the increased activities such as meetings after the 1970's from items of greater time depth and significance. The petitioner also fails to distinguish between contacts within a family line and contacts which demonstrate social contact more broadly among the group. In addition, most of the described contacts within a given "family line" only describe contacts within the extended family of the speaker (*e.g.*, contacts with a grandfather), not with most of those enrolled from that line, which is usually substantially broader.

Some of the examples cited provide evidence for social contacts other than attendance at meetings and the like. There is or has been some degree of informal social contact at the annual Hassanamisco Fair. The examples cited which show some informal social relationships and interaction between family lines were disproportionately drawn from the interviews with Carole Palavra, of the Jaha line, and some others from that fairly small family line. They thus do not provide evidence for most of the membership. Palavra has a fairly wide range of acquaintances, in part because of her family's involvement with Zara CiscoeBrough and frequent attendance at the Hassanamisco Fair.

The Palavra examples, and those from members of the Toney (Vickers) family cited in the 69A Response provide some evidence of informal social contacts between family lines for at least a segment of the petitioner's defined community. The petitioner cites statements from an interview with Vickers descendants Cheryl (Toney) Holley, some of which indicate a breadth of contacts with at least some individuals in a variety of families outside her own line. As with Carole Palavra, this in part reflects her family's involvement with Zara CiscoeBrough. There is some further evidence of informal social contacts across family lines, especially concerning relationships with the Wilson family (Pegan/Wilson), from an interview with Cheryl Toney's mother, Nellie Patricia (Toney) Bostic Shepard.

They Toneys' statements suggest interaction with other Nipmuc descendants within the city of Worcester, something for which the petitioner has not presented any systematic description. However, the Morse/Henries are not mentioned in their description of social contacts in

Worcester, although Lucille (Morse) Walley had many social contacts in the town as well (Walley 1997).

Concerning the Henries line, the evidence presented for broader contacts after1975 is limited to various cultural and organizational activities generated by the CB, or similar occasions. There is not good evidence that the Henries line members of the petitioner have been maintaining social relationships with the others in 69A from 1975 to the present (or before 1975).

The discussion of examples from the large Curliss/Vickers line (34 percent of the membership) do not apply to most of the broad current membership descended from Mary (Curliss) Vickers. There is no attempt to account for the breadth of Vickers enrolled at present, who are not closely related. Much of the discussion focuses on the point of view of Charles O. Hamilton, Sr., a Curliss/Vickers descendant through two lines of his ancestry and second cousin once removed of Walter Vickers.

The discussion of specific examples from the Vickers family's contacts largely cited political meetings and like formal occasions (69A Response Report for 83.7(b) Part B 2002.09.30, 136-141). The petitioner goes on to say: "In addition to these political activities, a number of other Vickers descendants can be documented as having maintained social and kinship ties to the Nipmuc community throughout this period." No substantial description of this undescribed group of individuals is provided. The petitioner states further concerning the Vickers, that

> The modern generation of this family, for example, has an extensive network of social kinship ties to almost every other Nipmuc family line, following generations of endogamous marriages and inter-relations from the previous generations (69A Response Report for 83.7(b) Part B 2002.09.30).

These intermarriages are too early to allow the assumption that social ties continue to exist and no evidence is presented or seen in the interviews to demonstrate that actual social ties continue to exist on the basis of these genealogical relationships (see also discussion of marriage patterns).

The discussion of the Silva family contacts consisted entirely of items about contacts with the Siscos (their relatives through a non-Nipmuc line) or other Silvas or references to their political involvements with the Hassanamisco council (69A Response Report for 83.7(b) Part B 2002.09.30, 169).

For the Humphrey/Belden line, the petitioner states,

> while they are not one of the major family lines Zara CiscoeBrough interacted with on a regular basis in the 1960's, their presence on the 1977 Tribal Roll indicates her knowledge and acceptance of this family as part of the Hassanamisco Nipmuc community. Likewise, their activities in response to the

> void created by Zara's death demonstrate that members of this family also considered themselves part of this community (69A Response Report for 83.7(b) Part B 2002.09.30).

The "response" referred to is not described in the petitioner's analysis. Most of the examples offered had to do with office holding by either Thomas Garr or James Lewis. The response states, however, that Garr had, earlier in his life "frequented the Hassanmisco Reservation," but later stayed away because of prejudice on Zara CiscoeBrough's part (69A Response Report for 83.7(b) Part B 2002.09.30). The presence of individuals from this family on the 1977 list, however, does not in itself provide evidence of being part of a community, absent direct evidence that the list describes a community.

For the Wilson (Richardson) line, only a few examples, other than political involvement, were described. These indicated some connections with some Vickers in Worcester. The rest of the examples concerned the period before 1975.

Annual Hassanamisco Fair

There is or has been some degree of informal social contact at the annual Hassanamisco Fair. These are cited from interviews with various individuals. There was no systematic analysis presented to quantify how many of the membership not only attended the public portions of the fairs but also found them to be occasions for informal social contacts, especially with other people than Zara CiscoeBrough.

The petitioner also cited the annual fairs, which began in the mid-1920's and continue until the present, as evidence of cooperative labor. Concerning "cooperative labor," the evidence from the Hassanamisco minutes, and interviews, indicates that, particularly in the 1970's, these events were organized and manned by members of the council and a number of non-Indians who were friends of Zara CiscoeBrough. As the PF pointed out, the minutes clearly indicated that non-members played an important part in putting on these Fairs and a review for this FD confirms this. Later Hassanamisco minutes, after 1980, only show the Hassanamisco council members as being involved and on committees to put on the fair and do not show a general involvement of the membership.

Distinct Cultural Traditions

The petitioner's response concerning criterion 83.7(b), community, asserts that the petitioner maintains distinct cultural traditions (69A Response Report for 83.7(b) Part B 2002.09.30, 110). The petitioner states that the examples presented "demonstrate how petitioner 69A meets Criterion 83.7(b)(vii) by the continuation of shared cultural patterns among a significant portion of the group that are different from those of the non-Indian populations" (69A Response Report for 83.7(b) Part B 2002.09.30, 110).

There was no evidence in the record to demonstrate that the petitioner's membership has maintained cultural differences from the non-Indian population. The cited examples, such as the activities of Bruce Curliss (also known as Black Eagle Sun), the brother of Carole Palavra (69A Response Report for 83.7(b) Part B 2002.09.30, 106), appear to be pan-Indian derived ceremonies. They show no evidence of continuity with traditional Nipmuc culture, nor do they demonstrate actual culturally distinct practices. They are of only symbolic importance. The "tribal ceremonies since the 1980's" were of pan-Indian derivation and were not shown to be shared by a community. Evidence about them indicated they were not.

The petitioner asserts that,

> the goals of continuation of tribal cultural traditions and ceremonies, including the annual gatherings, increased representation of the tribe, the protection and expansion of the tribal land base, and the quest for Federal acknowledgement . . . have been expressed through participation in tribal activities and the conveyance of Nipmuc identity that has been handed from one generation to the next" (69A Response Report for 83.7(b) Part B 2002.09.30).

None of these *per se* are examples of substantial cultural differences from non-Indians.

The petitioner states further that, "[t]here are a number of examples from the core Nipmuc families of identity and participation continuing through generations." It then cites as one example, a younger woman from the Jaha family, daughter of Carole Palavra, who "gained a strong sense of her Nipmuc heritage through close relationships with her extended family, including her great-great aunt Ethel (Blackstone) Lewis (1885-1964) and great-grandmother Mabel (Blackstone) Cossingham" (Giguere Interview, Document 2001.12.05, 3-4).

Concerning the "transmission of identity," there is good evidence in interview accounts from a number of family lines that in some lines at least some members retained knowledge of Indian, and in some cases Nipmuc ancestry, and some form of Indian if not Nipmuc identity. See especially Lucille Walley (member of 69B), who indicates distinctions as "Indian" were made within a local (and longstanding) population of people of color (Walley 1997.11.17). However, retention of identity is not in itself a significant cultural tradition within the meaning of the regulations. One form of evidence of Indian identity is the number of instances of individuals whose families participated in one or another powwow or other intertribal celebration in the 50 years before 1975 (*e.g.*, C. Palavra, Lois Boyd).

The petitioner claims that a distinct "cultural tradition of political involvement" has been passed on, by citing individuals from multiple generations of family members who have been officers or otherwise active in the Nipmuc organizations (69A Response Report for 83.7(b) Part B 2002.09.30, 107). Nothing was described to show other than a tendency, within particular families, as opposed to a shared cultural tradition of a community. The Vickers, Wilson, and Jaha "families," are the examples cited. What is provided is largely a recital of different

individuals from a line who have participated at different times (69A Response Report for 83.7(b) Part B 2002.09.30, 109). The petitioner includes a unsubstantiated claim that particular persons received special information passed on to them only, as part of these claimed traditions. Continuity of participation is not evidence of cultural differences.

Demonstration of Community by Shared Goals

The response states that: "Within the Nipmuc community there have been specific and deliberate attempts made within and between the generations of the core families to ensure the continuation of certain practices and traditions, and these have expressed themselves as the common concerns and goals of the modern community" (69A Response Report for 83.7(b) Part B 2002.09.30, 104-105). Common goals in themselves do not demonstrate cultural differences unless they are specifically derived from distinct cultural beliefs. There is no evidence of significant cultural differences which reflect "common concerns and goals of the modern community" (see Duwamish FD, 31-32).

Demonstration of community by means of "common goals" requires more than a showing that the organization pursued certain goals. It requires evidence that these goal are actually shared widely among the membership. There was no detailed evidence presented in support of this conclusion. In order to be evidence for community, the goals of members would need to be somewhat distinct from the goals of non-members, *i.e.*, be based on membership in a community. General goals such as better education do not distinguish a group's membership from non-members.

The petitioner's response concerning community states that the service programs from the State and the Boston Indian Council that Zara CiscoeBrough administered locally circa 1975 are evidence for community. The petitioner states that she used them to ensure that the needs of Nipmuc community members were met, although it notes that the programs also served others in the Worcester area (69A Response Report for 83.7(b) Part B 2002.09.30, 103). The petitioner states:

> Although the funding for these programs served other people in Worcester, clearly Zara worked to ensure that members of the tribal community were taken care of. Her records (Document H1499) provide evidence of assistance to members of at least five families of the Nipmuc community: Henries descendants, including members of the Hopewell, Morse and Walley families; members of the Hazzard and Hebert families; the Mays family; Vickers descendants from the Wiles, Toney, Hamilton and Vickers families; and members of the Bates and Lane families (69A Response Report for 83.7(b) Part B 2002.09.30).

The petitioner goes on to say these programs demonstrated the "existence of common goals and concerns within the Nipmuc community" and that "providing basic resources such as food, shelter and heat," met "a community-wide concern" (69A Response Report for 83.7(b) Part B

2002.09.30). The stated goals are so general as not to be distinguishable from the non-Indian population. The statement that they met "a community-wide concern" rests on the assumption that a specifically Nipmuc "community" consisting of the listed families existed. This has not been demonstrated by the evidence in the record. The petitioner's interpretation assumes, rather than shows, community.

Some of those on the 1975 and 1977 Hassanamisco membership lists were in fact poor and in need of supplemental services. These individuals are also found on the lists of "Indians living in the Worcester area" that were compiled under Zara CiscoeBrough's direction in 1975 and 1977. These were compiled as part of her activities in the 1970's and early 1980's, directed at needy Indian families in the Worcester area, which would have made her aware of the social and economic needs of Indians, Nipmuc or not, in the area.

A 1978 news article stated that she had expended "considerable effort as outreach worker for Boston Indian Council and personal investigations of hardship cases," mentioning also getting food vouchers for unemployed Nipmuc and the need to, "[g]et our people off the welfare rolls." The article noted her efforts to "compile a register of Nipmuc" for this purpose (Neither Gone Nor forgotten 1978.11.23).

This provides some evidence of CiscoeBrough's intent to address the needs of Nipmuc descendants in the area, although not showing that she actually gave them priority over others (69A Response Report for 83.7(b) Part B 2002.09.30, 104). Because other evidence shows that CiscoeBrough, in compiling the early Hassanamisco lists, was not "enrolling" a community, this provides at best limited evidence to demonstrate community (see also discussion of the New Town proposal, under criterion 83.7(c)).

Collective Identity

The petitioner cites briefly a number of instances which are said to show that there was a group with a named, collective identity as Indian group, which under the regulations is one form of evidence for community, if it persists over 50 years (83.7 (b)(1)(viii)). The petitioner claims this for the period 1930 to the present, and also, as an afterthought, for "all of the period addressed in this response (1780-2002)" (69A Response Report for 83.7(b) Part B 2002.09.30, 5).

The petitioner does not present a detailed analysis of this question. Among the cited items are "the annual tribal gatherings and the Hassanamisco Indian Fair," "the consistent presence of a formal leadership structure since the 1920's (under Chief Walter Vickers since 1982);" the creation of an official tribal roll; and the process of petitioning for Federal acknowledgment itself. Petitioner 69A also cites individuals, including but not limited to leaders, who "have also continuously and consistently represented the Hassanamisco Nipmuc entity to outsiders as well as to State, regional and Federal agencies and authorities." It cites as an example representation on the Massachusetts Commission on Indian Affairs since it was created in1974, "representation in the media and at public events throughout the 20th century; formal and informal interaction

with other Indian tribes" and membership in regional and national Indian organizations (69A Response Report for 83.7(b) Part B 2002.09.30).

Some cited examples do not apply. One, "an application for an Eagle Permit from the Department of the Interior signed by tribal leaders Joseph and Walter Vickers" is an individual action that does not in itself show the group has a collective identity. The petitioner incorrectly cites the claimed recognition of the group, the reservation and the annual Fair by the Commonwealth of Massachusetts as evidence of collective identity. Collective identity concerns a group's views of itself, from the inside, not external identifications.

Some of the cited examples provide limited evidence that there existed "collective identity" in that they indicate that a number of members, beyond office-holders, viewed themselves as part of an Indian group. Most of the cited types of examples refer to organizational activities and formal relationships with the State or other agencies and organizations, which do not in themselves indicate whether there is more than a nominal group identity. The best evidence for collective identity is found in interviews, rather than the cited examples, where individuals identify themselves as Nipmuc.

Evidence of collective identity is limited and is weak in this case, in part because it is often not clear if the individual is expressing an ethnic identity, as opposed to identity as part of a distinct community. It also is not always clear whether the expressed identity applies to the petitioning body, which has been quite variable in composition.

Community Land Base

The petitioner's response argues that:

> The continued existence of a tribal land base, coupled with annual gatherings that have remained consistent throughout the 20th century, demonstrate clearly the persistence of the Hassanamisco Nipmuc community. This is in accordance with precedents have that been established in previous acknowledgment decisions, including the Mohegan (1994), Snoqualmie (1993) and Eastern Pequot (2002) (69A Response Report for 83.7(b) Part B 2002.09.30, 170-171).

The demonstration that the petitioner met criterion 83.7(b) (community) in the cases cited rested on a broad variety of evidence, not simply the factors listed by 69A in the above passage. The existence of a continuous residential community, or a tribal land base, which does not apply in this case, was only one form of evidence demonstrating that the Historical Eastern Pequot is a tribe.

Comparison of 2002 69A Membership List with 1997 List used for the PF

NTAP's expanded enrollment, and the enrollment definition, was carried forward by NNTC until after the PF was issued. It thus is the primary "definition" of community from inception of NTAP, before NNTC itself was founded, until 2002. The process by which the petitioner at that point greatly reduced its membership, and the reasons for doing so, are discussed under criterion 83.7(c) and 83.7(e).

The current 69A membership list differs from that for the proposed finding in that it no longer contains names from the Thomas and Hazzard/Ransom lines, which were explained by the petitioner as not meeting enrollment criterion 2 of their enrollment criteria (see analysis under criterion 83.7(e)). The PF found that these lines did not have Hassanamisco or Dudley/Webster ancestry. The Sprague/Henries line is reduced from 235 to 40, including 23 of the Sprague/Henries/Morse extended family. The number enrolled from the Curliss/Vickers, Jaha, Humphrey/Belden and Pegan/Wilson lines remained more or less the same. The already small Printer/Arnold line (that of Zara CiscoeBrough) remained at 11; the Gigger (Hassanamisco) line was eliminated entirely, as was the Hepsibah (Bowman) Hemenway line (*Earle Report* 1861, Hassanamisco Supplementary List), whose members had not been in contact with other Hassanamisco or Dudley/Webster families since the early 20th century. The Dorus/Bates line dropped sharply from 151 to 43.

There remain 26 individuals who are on both the 69A and 69B membership lists, a sharp decrease from the 126 who were on both petitioners' membership lists for the proposed finding.

Conclusion

The evidence submitted for the FD indicates that from the mid-19th century through the early 1950's, there did continue to be community among a continuing entity made up of descendants of several of the original Hassanamisco proprietary families who still resided in Worcester County, with the exception of the Gigger line, which lived at some distance from Grafton and Worcester. The Gigger family is not documented to have remained in contact with the other Hassanamisco proprietary descendants, although it resumed some contact with the Sisco family in the late 1920's which continued until at least 1940. The functional focus of this community of Hassanamisco descendants was not in Grafton, although the "Hassanamisco Reservation" property and the Sisco family continued to be an important symbol, but rather among the people resident in the city of Worcester. The group was small, but continuing contacts and associations within such groups as the Mohawk Club and Hassanamisco Club have been documented.

From 1900 to 1953, the evidence shows the maintenance of pre-existing ties among some elements of the Hassanamisco proprietary families, the re-establishment of some tenuous ties between the Sisco family and the Giggers beginning in the 1920's, and establishment of ties between the Siscos and some Dudley/Webster families. However, all these forms of activity appear to have taken place in the context of pan-Indian organizations (the Mohawk Club,

Bicknell's Algonquian Indian Council of New England, and the Worcester Chapter of the NAIC). The membership of these organizations included non-Nipmuc Indians and non-Indians. This context adds to the difficulty in evaluating the evidence under 83.7(b). Nonetheless, it appears that the primary Hassanamisco social ties continued to be among those descendants of the proprietary families who lived in Grafton and Worcester, with notably less contact with the Gigger descendants who resided in Gardner. The evidence does not show interaction between the above persons and the ancestors of the majority of the petitioner's current membership (see under criterion 83.7(e)), while the majority of the persons who were shown by the above documents to have been interacting during that period do not have descendants in petitioner 69A (or in petitioner 69B).

The attenuated but continuous community within a Hassanamisco proprietary entity ceased to exist with the deaths of several of the older members, such as Annie Barber, Mable Idella (Williams) Hamilton Hazard, and Agnes (Gimby) Scott, in the 1950's. For example, although there were children and grandchildren in both the Hamilton, Scott, and Goldsberry families, they did not play any role in the organizations that formed under the leadership of Zara CiscoeBrough from the early 1960's onward, and have not been a part of the petitioner as it has evolved since the mid-1970's (with the one exception of the appearance of Ron Scott as one of the incorporators of NTAP in 1989). Although two of the women mentioned by Sarah (Sisco) Sullivan in the 1950's, Martha Jane Brown and her sister Bernice (Brown) Goldsberry, were listed in 1975 by Zara CiscoeBrough, they were not on the 1977-1979 membership list of petitioner 69.

A few descendants of the Gigger line had documented contact with the Sarah (Sisco) Sullivan between the late 1920's and 1940, but the family did not appear on the membership lists of petitioner 69 until 1996. They were included on the 69A 1997 membership list for the PF but are not on the 2002 69A membership list. Some of the Scott descendants were on the 1997 69A list, but are no longer on the 2002 69A list. It appears that both families were dropped because of the requirement that the petitioner imposed prior to the FD that membership eligibility required the demonstration that a family must have documented participation in the petitioner's community with no gap of more than 25 years. Thus, of the original Hassanamisco proprietary families, the only one that has continued to function more or less continuously within the 69/69A petitioner and its immediate antecedents since the 1950's is the Sisco family itself (11 individuals out of 526 members).

In regard to the petitioner's argument that a community of Dudley/Webster descendants had "coalesced" around Hassanamisco by the 1920's, the evidence does not bear out the hypothesis. Of the families of Dudley/Webster descent now in petitioner 69A, the only one which had clearly become associated with Hassanamisco by the 1920's is that of George Wilson and his siblings (Pegan/Wilson family line), who had moved to Worcester prior to World War I and who are documented as associated with and interacting socially with the Hassanamisco proprietary families by the 1920's, an association which continued through the 1930's, 1940's, and 1950's.

Conversely, from 1900 to 1930 there is little or no evidence showing interaction between the Wilson family members and other Dudley/Webster descendants.

The other families of Dudley/Webster descent who now have members in 69A are documented as of the 1920's to have associated with Hassanamisco only in the context of pan-Indian organizations (Belden, Jaha) or are not documented to have associated with Hassanamisco by the 1920's at all (Sprague/Henries, Sprague/Nichols). There is no evidence that any of them developed any closer ties to any "Hassanamisco entity" prior to the activities of Zara CiscoeBrough in the 1960's and 1970's.

Overall, the contemporary evidence concerning Zara CiscoeBrough's "enrollment" activities in the 1960's and 1970's does not provide evidence which indicates that she viewed this as enrolling an existing community, as the petitioner contends. The evolving "governing documents" are consistent with a process of expansion of the definition of Nipmuc group that she was using. The underlying evidence of social relationships between the 1920's and 1975 indicates that there was some level of contacts between some of the individuals, or their ancestors, listed in the 1970's, but that these were limited and applied only to certain individuals, who did not form a community.

The petitioner's argument concerning community from the mid-1970's is that the "historical community"as they now define it as having existed from the 1920's to the mid-1970's, continued to exist throughout the 1970's and 1980's, and maintained social relations throughout the period of sharp expansion under NTAP that began in 1990. The expanded membership of the petitioner that began in the early 1990's was in place at the time of the PF and was only reduced shortly before 69A's submission of its comments on the PF. The petitioner's comments and the accompanying documentation do not show that those within its present definition (*i.e.*, the persons on the 2002 69A membership list) made a distinction between themselves and the other people who were on the 69A membership list from 1990 to 2002 and have subsequently been removed from the membership list. The petitioner states that the 2002 list was compiled through a process of research in which the petitioner considered evidence to demonstrate social ties as well as ancestry from specific family lines. This final determination concludes that the petitioner, as presently defined, however, does not demonstrate sufficient social ties to meet the requirements of criterion 83.7(b).

Many of the examples that the petitioner listed as showing informal social interaction and social relationships among the defined community actually concerned formal meetings or political participation, or only involved close kin of the speaker. There are some examples which indicate social ties, but these were too limited in extent, to demonstrate that the petitioner meets criterion 83.7(b). There was relatively little information to demonstrate these ties for the substantial body of Vickers descendants, as opposed to the two individuals who have been active as "Chief" and council member. "Lines" are genealogical constructs and were not demonstrated to constitute social units. For some lines, such as Sprague/Henries, there was little information showing social relationships. There was little evidence to demonstrate the petitioner's claims of distinct,

shared cultural traditions. There was some evidence to demonstrate "collective identity" among an undefined portion of the membership.

The conclusion in the PF is affirmed as applying to petitioner 69A as it has redefined itself for the FD. Petitioner 69A does not meet the requirements of 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.

Summary of the PF

Evaluation of petitioner 69A under criterion 83.7(c) for the PF involved 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 then-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) (69A PF 2001, 175-176).

New Evidence Submitted for the FD

Petitioner 69A's Comments and Response to Third Party Comments

The petitioner submitted a *Summary of Evidence Under the Criteria* (69A Summary of Evidence 2002.09.30, 64-124), *Response Report Criterion 83.7(c) 1785 to 1900* (69A Response Report 83.7(c) Part A 2002.09.30), *Response Report for Criterion 83.7(c)1900-1988* (69A Response Report for 83.7(c) Part B 2002.09.30), *Response Report for Criterion 83.7(c), 1988-2002* (69A Response Report for 83.7(c) Part C 2002.09.30) and a *Response of the Nipmuc Nation (Petitioner 69A) to Comments from Interested and Informed Parties on Proposed Finding against Federal Acknowledgment Published in the Federal Register October 1, 2001, Submitted to the Assistant Secretary-Indian Affairs by The Nipmuc Nation Tribal Council, November 19, 2002* (69A Response to Comments 2002.11.19, 3-4). The Response to Comments is arranged according to the submitter of the comments and then according to each criterion.

Third Party Comments

The State of Connecticut submitted limited new argumentation in regard to criterion 83.7(c), as well as reiterating the findings of the PF (CT/NCCOG Comments 2002.09.30, 26-35), with specific citations to the petitioner's minutes and newsletters and to some newspaper articles and interviews. The focus of the State's comments was on the modern period.

Additional comments on the PF were received from the Town of Sturbridge, Massachusetts (Malloy to Fleming 2002.10.01, 8-9)[98] and from Peter Silva (Silva to Fleming 9/26/2002), a

[98]The Sturbridge comments did not submit new evidence and indicate some misunderstanding of the regulations, as in the comment that, "[t]he *Earle Report*, a key historical document, does not reflect the presence of any consistent leaders" (Malloy to Fleming 2002.10.01, 8). The regulations do not require that any specific historical document describe the existence of leadership within a petitioning group, but only that the existence of

relative, through the paternal non-Nipmuc line, of the Sisco family which has since the mid-19th century owned the Nipmuc "reservation" land at Grafton, Massachusetts through its maternal Arnold ancestors. The Silva comments focus heavily upon post-1975 leadership disputes within the Hassanamisco Council.

Organization of Analysis

The following analysis under criterion 83.7(c) does not follow the petitioner's chronological divisions in its Response Reports, but rather considers the period prior to 1900, the period from 1900 to the mid-1970's, and the period from the 1970's to the present.

Political Influence or Authority to 1900

Petitioner 69A's Argument

The petitioner asserts that the political authority or influence of the Hassanamisco Nipmuc prior to 1900 can validly be (or, more stringently "must be" (69A Response Report 83.7(c) Part A 2002.09.30, 1)) interpreted by reference to an "accordion model" developed by anthropologist Regna Darnell, which "accounts for these fluctuations [in political influence and authority] by positing a situational process in which leadership openly appeared only when crucial situations demanded or 'in matters of consequence'" (69A Summary of Evidence 2002.09.30, 66).

Analysis under 83.7(c) Prior to 1900

The 25 CFR Part 83 regulations do not directly refer to situational processes, although they allow for fluctuations of activity (*cf.* Mohegan FD). While some forms of leadership may be demonstrated only in certain crucial contexts, such as a funeral or other ritual, the regulations do not envision that a situation in which there is no extant contemporary documentation indicting any kind of overt Hassanamisco political activity for almost the next thirty years following a 1785 petition falls within such a model (69A Response Report 83.7(c) Part A 2002.09.30, 4).

For the period from 1785 to 1823, none of the recorded marriages of the individuals in the Hassanamisco proprietary families were to members of other Hassanamisco proprietary families (although some were to other Indians, the majority were to members of the wider non-Indian community). Neither was there a "village-like" residential community during this period that comprised a majority of the descendants of the Hassanamisco proprietary families. Therefore, there is no carryover evidence from 83.7(b)(2)(i) and 83.7(b)(2)(ii) to provide evidence under 83.7(c)(3) to meet criterion 83.7(c) during these years.

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political authority or influence be demonstrated by the evidence as a whole.

Role of Joseph Aaron

Petitioner 69A's assumptions sharply reduced the period of "no extant documentation" by positing an extension of the period during which political influence or authority had been demonstrated from the date of a 1785 petition submitted to the State of Massachusetts by Joseph Aaron to the date of Aaron's death in 1808, a period of 23 years during which there was no primary documentation for Aaron's having held a leadership position or taken any actions. The petitioner hypothesized this extension on the basis that, "[i]t is reasonable to assume that Joseph Aaron exerted political authority over the Hassanamisco Nipmuc community from the time of his 1785 petition until his death in 1808" (69A Response Report 83.7(c) Part A 2002.09.30, 3).

This FD does not accept such an assumption as demonstrating "substantially continuous" political leadership as required by the regulations at 83.6(e), especially in a state and region with relatively good documentation of the Indian population.

Role of John Hector

From Joseph Aaron's death until the first petition submitted by John Hector in 1837 (Earle Papers), there ensued another period of 29 years where contemporary primary documentation of political authority or influence were lacking (a total of 52 years between the two petitions). The situation was not parallel to that of the Eastern Pequot or Schaghticoke in Connecticut in which state recognition with a reservation provided a form of evidence, because of the unique legal status of the Hassanamisco proprietors. For a detailed discussion of Hector's petitions and their significance, see above under the discussion of issues that are not criteria specific.

Some of the instances cited by the petitioner (69A Summary of Evidence 2002.09.30, 67-68), especially in regard to John Hector (69A Summary of Evidence 2002.09.30, 68; 69A Response Report 83.7(c) Part A 2002.09.30, 4-12) do not reflect acts of leadership on behalf of a group, but rather were property actions on behalf of individuals. John Hector's acts were not, as the petitioner claims, "directed to external authorities on behalf of the tribe on matters that substantially affected its members" (69A Summary of Evidence 2002.09.30, 68). It is true that in one instance, he petitioned for the sale, to establish a "tribal fund." However, he was petitioning for the sale of land that had been bought with money deriving from the fund shares of, and on behalf of, the descendants of other Hassanamisco proprietary families, such the descendants of Andrew Brown (William Brown and his mother). See the general discussion of the history of the Hassanamisco lands above, under issues not specific to individual criteria; see also the discussion of land purchases in the 69A PF.

In the second instance, Hector was attempting to obtain possession of all of his mother's inheritance, excluding his half-brother. Had Hector succeeded in this effort, it would not have been possible for a situation to develop in which, as the petitioner asserts, "'decisions for the group which substantially affected its members' laid in the hands of the sole tenants of reservation property--Sarah Maria Arnold Cisco and her family" (69A Summary of Evidence

2002.09.30, 68). The Arnold/Sisco family would have been forced off the land if Hector's initiative had succeeded.[99]

Role of Sarah Maria (Arnold) Sisco

The petitioner asserts that:

> It is clear from an 1869 request for additional land that Sarah Maria Arnold Cisco, recognizing her role as custodian of the reservation, was attempting to secure additional resources for the tribe as a whole. This is sufficient evidence for political authority and informal leadership under the definition contained in 83.1 and for 83.7(c)(2)(i) "demonstrating that group leaders and/or other mechanisms . . . existed which allocate(d) group resources such as land, residence rights and the like on a consistent basis" (69A Summary of Evidence 2002.09.30, 69).

Aside from the fact that this was a one-time request rather than an allocation upon a consistent basis, this 1869 letter (Cisco to Slocumb 1869.01.09) was a continuation of the 1847 inheritance dispute between John Hector and his half-brother Harry Arnold, which was followed by the 1857 sale of Hector's portion of the land:

> Grafton Jan 9th 1869[100]
>
> Esq. Slocomb Sir -- My desire in writing these few lines to you is that you would write a petition For me to draw more land as long as it is bounded by the river and set of on Brigham hill for the Indians an 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 and as I have informed you before we have not land enough to raise our liveing and Panstiour for our cow and our house [illegible] rather Poor To and as long as Jhon hecktor has signed his negantem [?] From here and he has tried to wrong me out of my right, and has done it so far. we have tried raise Produce of our land and keep our cow an we cannot do it. my health has been very poor for the year past and I have not been able to do eny hard work at all. we cannot part with our cow for she is a great help to my family and this is nothing but the Truth: we have

[99]There is no reason to assume that Hector's actions in regard to the inheritance of his mother's property were in any way tied to the Mashpee Revolt of 1833-1834 as argued by the petitioner (69A Response Report 83.7(c) Part A 2002.09.30, 4-5). Additionally, Hector's assertions in regard to the legal status of the Hassanamisco lands, accepted by the petitioner (69A Response Report 83.7(c) Part A 2002.09.30, 8-9) were misstatements of the historical record.

[100]The letter is clearly dated 1869, but appears to be related to a series of documents from 1859.

> tried evry way to get along and I wish to know how much your Trouble will be in interceeding for me & will see you paid for it.
>
> Sarah M. Ciscoe
>
> (Cisco to Slocomb 1869.01.09) [punctuation, spelling, and capitalization *sic*] [footnote added]

While Sarah Maria (Arnold) Sisco asserted a right to additional land as a "descendant" of the "Hassanamisco Tribe of Indians," it is clear that she made the request on behalf of herself and her own family -- not "attempting to secure additional resources for the tribe as a whole" (69A Response Report 83.7(c) Part A 2002.09.30, 15) as asserted by the petitioner. Her claim that was that her immediate family, not, as the petitioner asserts, "the tribe" (69A Response Report 83.7(c) Part A 2002.09.30, 16) had been wrongfully deprived by the land sales made on behalf of John Hector, who was her late father's half-brother, of part of their late grandmother's land (the proceeds of which were deposited into Hector's own share of the proprietary funds and not into any common "tribal fund"). This was reiterated in what was apparently her draft for such a petition, submitted with the above letter: "I am decendant just as much as John Hecktor and claim my right to the indian land I have sined no writings for John to sell" (Cisco to Let the Public Know 1859.00.00 ca). The petitioner asserts that:

> By bringing the perceived in justice of the illegal transfer of tribal land to the attention of a local lawyer for the purposes of drafting a petition to the legislature, Sarah Maria Arnold Sisco was protecting the rights of all Hassanamiscos. Her concern for tribal rights is apparent and constitutes sufficient evidence for political authority and informal leadership under 83.7 (c) (1) by meeting the definition of political authority set out in 83.1 (69A Summary of Evidence 2002.09.30, 69-70).

However, petitioner 69A had asserted already the conflicting position that John Hector's efforts to bring about these same sales, here deemed to be "illegal" sales, constituted acts of political leadership on behalf of the Hassanamisco (69A Summary of Evidence 2002.09.30, 68). These assertions are, at a minimum, inconsistent with one another.

The argumentation in regard to state recognition and the existence of a reservation (69A Summary of Evidence 2002.09.30, 71; 69A Response Report 83.7(c) Part A 2002.09.30, 13-14) have been discussed above, in the section on issues not specific to the individual criteria. The petitions to the Massachusetts legislature on behalf of individuals are not indicative of political activity or influence within the Hassanamisco proprietary families as a whole, as they are from individuals and request benefits for individuals or nuclear families. Beyond this, in regard to the activities of Sarah Maria (Arnold) Sisco (1818-1891), the petitioner's arguments rely upon assumptions such as, "it is reasonable to assume she was consulted" and "it is likely she influenced or controlled" (69A Response Report 83.7(c) Part A 2002.09.30, 17). These assumptions are not acceptable evidence under 25 CFR Part 83.

"Election Day"

In regard to the correspondence from the mid-1880's regarding "election day" at the Hassanamisco Reservation (69A Response Report 83.7(c) Part A 2002.09.30, 17-20), three of the letters mentioned (June 12, 1884; 1885; 1887; 69A Response Report 83.7(c) Part A 2002.09.30, 18-19) were never in the record. They were quoted in the 1984 petition narrative submitted by petitioner 69 (69 Nipmuc Pet. Narr. 1984), but were not submitted at that time, in 1987, in 1995, or in 1997. Petitioner 69A states that they are not now available among its documents (69A Response Report 83.7(c) Part A 2002.09.30, 20). Therefore, much of the petitioner's argument is speculative.

Of the sequence of letters cited by petitioner 69A, the only one submitted as evidence is that from Sarah Maria (Arnold) Sisco to her daughter Delia Brown (Sisco) Green Holley Hazzard, dated June 13, 1886 (69A Response Report 83.7(c) Part A 2002.09.30, 18). It is unlikely that "one of the family that had been intending to come to Grafton for Election Day" who had "recently died" was an infant,[101] or that any of the other three possible deaths suggested by the petitioner[102] were that of someone who would have been described as a "family member." In fact, none of the three adults listed was even a descendent of a Hassanamisco proprietary family.

In regard to the 1886 "election day" at the Hassanamisco Reservation, the petitioner's genealogy supplies no support for the assertion that the presence of two women mentioned by Sarah Maria (Arnold) Sisco, as, "Minnie and her mother are well and send their love. They staid her till tuesday [*sic*] after election" (Sisco to Green 6/13/1886, Document H0023; cited in 69A Response Report 83.7(c) Part A 2002.09.30, 18) constitutes "evidence that during this time the Hassanamisco tribe not only held elections, but that the elections included individuals from more than one family line, in this case a line which descends from a Dudley Nipmuc family of Molly Pegan" (69A Response Report 83.7(c) Part A 2002.09.30, 18-19).

OFA research indicates that Sabra (Jenks) Cisco (c.1806/14-1897), the wife of a brother of Sarah Maria (Arnold) Cisco's husband, was the daughter of John Jenks and Hannah Pollock. Her daughter, Mary Ann (Jenks/Cisco) Hightman Bundy (1839-p.1910), in 1901 claimed Narragansett ancestry through the Sisco family,[103] but did not indicate descent from Molly

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[101]Warren T. L. Hazard (1883-January 1884); Willie P. Vickers (December 1883-January 16, 1884) (69A Response Report 83.7(c) Part A 2002.09.30, 18).

[102]Jonathon Vickers (1822-April 11, 1884), Mary Polly Vickers (1827-March 26, 1884), Theophilus D. Freeman (1834-March 26, 1884) (69A Response Report 83.7(c) Part A 2002.09.30, 18).

[103]NARA RG75, Entry 903, #3369, Mary Ann Hightman Bundy. Born 1839, Woonsocket, R.I. Resided in Worcester, Worcester Co., MA. She stated that she was granddau. of Hannah Anthony, b. 1790, and Edward Cisco, b. 1788; she did not provide the names of her Jenks grandparents. Parents resided in Glenns Falls, NY. However, elsewhere on the same form, she said: Narragansett. "I am the heir of Charles Anthony, Narragansett Tribe Charlestown R.I. A number of Indians bearing this name were living there in 1750. John Anthony married Sarah

(Pegan) Pollock. There is no evidence in the record to show that the Hannah Pollock named as the mother of Sabra Ann Jenks was a descendant of Molly (Pegan) Pollock, although the stated birthplace of Thompson, Connecticut, indicates that further genealogical research might show a connection. The more likely assumption is that they were present as sister-in-law and niece of Samuel Sisco, the husband of Sarah Maria (Arnold) Sisco, writer of the letter.

Political Influence or Authority 1900 to 1961

Petitioner 69A's Argument

The petitioner's argumentation in regard to the existence of the Hassanamisco Reservation and the significance of State recognition for the period from 1900 to the mid-1970's (69A Summary of Evidence 2002.09.30, 74-75) has been discussed above, in the section on issues not specific to the individual criteria.

The petitioner states in regard to 83.7(c):

> From 1880 to the end of the 1920's, the Hassanamisco community was a community in flux, as it adjusted to new legislation which gave them citizenship, voting rights, and legal rights in the State of Massachusetts, and to an influx of some displaced members of the Dudley-Webster band of Nipmuc, who had associated themselves with the historic Hassanamisco entity through kinship ties or by social contact. From the late 1880's to 1930, social contact was facilitated, encouraged, and enabled in several ways -- through tribal elections, social clubs, tribal fairs, and extensive correspondence -- under the direction of Sarah Arnold

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the the Widow of Geo. Yes Ninegert A Charles Anthony."
Item 15: Man's parents. George L. Bundy and Eliza Ann Bundy born St. Johns N.B. and Boston, Mass. Woman's parents. John Jenks and Sabra Ann Cisco, born Smithfield, R.I.
Item 18. To which tribe or band of New York Indians did they belong? Narragansett Montauk
Date of death of father and mother: Father, Date forgotten. Mother, 2rd March 1897
Item 23. Grandparents. Hannah Anthony, Edward Cisco.
Item 25. Names of all their children. George W. Cisco
Item 27. Hannah Anthony Born 1790, Edward Cisco Born 1788
"I am the Grand Daughter of Hannah Anthony nee Sisco Who lived in Glenns Falls New York from 1838 to 1849 My Grand Parents were Christian Indians."

The death record of Sabra Sisco does not indicate ethnicity and is inconsistent with the statements made by Mary Ann Bundy in 1901, which reversed the surnames of her father and mother:
MA State Archives, Microfilm Deaths #108, Vol. 474, 1897, Oxford, p. 689: #10,
d. March 2, 1897: Sabra Sisco, female, widow, 83 y 3 m 8 d; m.n. Sabra Jenks;
spouse John Scisco; res. Oxford, Housewife, b. Woonsocket, RI; no cemetery;
father John Jenks, b. Providence, RI;
mother Hannah Pollock, b. Thompson, CT.

> Cisco, James Lemuel Cisco, and Sarah Maria Cisco Sullivan, and the other tribal leaders (69A Summary of Evidence 2002.09.30, 64-65).
>
> During the first three decades of the 20th century, the Hassanamisco tribal entity came to consist of some of the remaining Hassanamisco proprietary families and other Nipmuc families (as well as other Indian families) that had become associated with the Hassanamisco families through marriage or significant interaction. The families that comprised the Hassanamisco tribe interacted socially and politically as part of a distinct Indian entity that was continually identified as such by external sources (see Criterion 83.7(a) report below). Although this entity had no formal governing body during this period, it did have leaders who acted in part through other organizations to exert political influence over tribal members. The influence of these leaders was acknowledged by both the tribal membership and by external sources and these leaders consistently acted upon issues that were of importance to the tribal membership (69A Summary of Evidence 2002.09.30, 72-73).

The "key political issues and goals of the Hassanamisco tribal entity through the 20th century and to the present" (69A Response Report for 83.7(c) Part B 2002.09.30, 1) as defined by the petitioner were:

1. Preservation of a Hassanamisco and Nipmuc identity.
2. Preservation and control (and later possible expansion) of the Hassanamisco reserved land base.
3. Continued receipt of financial aid from the Commonwealth of Massachusetts and other possible sources on the basis of having a distinct tribal identification and membership, and a historical entitlement.
4. Maintenance of social and political ties through periodic gatherings.
5. Maintenance of the Indian cemetery in Grafton.
6. Preservation of a distinctly Indian arts and crafts tradition.
7. Stimulation and maintenance of support for these tribal goals from both other Indians and the non-Indian community (69A Response Report for 83.7(c) Part B 2002.09.30, 1).

Analysis under 83.7(a) 1900-1961

Chronologically, the earliest item cited by the petitioner as evidence for Hassanamisco political influence or authority between 1900 and 1930 was a letter written in 1907 to the President of the United States by Sarah M. Sisco (69A Response Report for 83.7(c) Part B 2002.09.30, 38; citing Charles F. Larabee, Acting Commissioner, Office of Indian Affairs, to Sarah M. Ciscoe, January 15, 1907, Document H1321). This letter is not in the record. The reply does not reflect any political leadership. It reads:

> The Office has received, by reference of the President of the United States, your letter of the 4th instant concerning the claims to land at Grafton, Massachusetts, by the descendants of the Hassanamisco Indians.
>
> You say that your father is a descendant of these Indians and that certain descendants of the tribe have been and are now receiving small sums of money from the State of Massachusetts, growing out of their claim of ownership of this land at Grafton. However, your father has not been recognized as having a right to receive any of this money and you ask that something be done to force his recognition.
>
> In response you are advised that the Government of the United States has never since its creation had any relations with the Indians who remained in New England or who have claims for land there. The records of this Office do not contain any information concerning the claims of this band of Indians, nor has the Office ever had any transactions with the authorities of Massachusetts on the subject.
>
> It is evident from what you say that the State of Massachusetts is dealing with this question and you should communicate with the State officials in behalf of your father (Office of Indian Affairs to Ciscoe 1907.01.16).

It is clear from the responding letter that in 1907, Sarah M. Sisco's enquiry had been a personal one, on behalf of her own father, and not on behalf of a group. It does not, as asserted by the petitioner, make a statement of "tribal ownership" (69A Response Report for 83.7(c) Part B 2002.09.30, 38).

The petitioner argues that, "[a]lthough the Hassanamisco had no formal or identifiable tribal council or governing body during the first part of the 20th century, various organizations, headed by Printer/Arnold descendant Sarah Cisco Sullivan, served as a medium and forum that permitted Hassanamisco and other Nipmuc families to interact socially and politically on a regular basis" (69A Response Report for 83.7(c) Part B 2002.09.30, 9).

Mohawk Club

The first of these organizations, during the period before World War I, the "Mohawk Club" was organized by Sarah Maria Sisco in Worcester, Massachusetts, as a branch of a similar club that existed in Providence, Rhode Island. Petitioner 69A asserts that it had significance in providing tribal leadership, stating that it "helped establish the groundwork for the broader participation of Hassanamisco and other Nipmuc families in the 1920's, within the larger Algonquin council" (69A Summary of Evidence 2002.09.30, 81; 69A Response Report for 83.7(c) Part B 2002.09.30, 21-22).[104] For further discussion, see above under criterion 83.7(b).

[104]See also: Table Two: Analysis of Mohawk Club membership (NA V002 D0014 Page 1 of 1) which does not distinguish the participants by date.

Petitioner 69A states that, "[t]he proposed finding gave no credit to the documentation of the Mohawk Club as evidence for either tribal community or political influence or authority" (69A Summary of Evidence 2002.09.30, 80). After review of the evidence, this FD does not find the Mohawk Club to provide evidence for either community under 83.7(b) or political influence or authority under 83.7(c). The majority of the members of this organization were not descendants of Nipmuc families (whether Hassanamisco, Dudley/Webster, or Curliss/Vickers) nor is there evidence to show that they associated with the petitioner's antecedents outside of this club or on a lasting basis. By contrast, the majority of the ancestors of the current membership of petitioner 69A were not members of this club in Worcester. The Mohawk Club minutes do not reflect the transaction of any business associated with Hassanamisco nor even any "symbolism in regard to tribal identity" of the "Hassanamisco Reservation" (69A Summary of Evidence 2002.09.30, 73). There is no indication in the minutes that the Mohawk Club provided a social venue in which political concerns were discussed by the majority of the antecedents of petitioner 69A, or even by the Hassanamisco proprietary descendants. Thus, its meetings were not analogous to the function of the Fourth Sunday Meetings for the Eastern Pequot, as argued by the petitioner (69A Summary of Evidence 2002.09.30, 81).

Role of James Lemuel Sisco

In spite of the petitioner's argument (69A Summary of Evidence 2002.09.30, 76-78; 69A Response Report for 83.7(c) Part B 2002.09.30, 10-17), the evidence submitted for the FD does not justify ascribing more significance to the activities of James Lemuel Sisco during the period from 1924 through his death in 1931 than was concluded in the PF. As petitioner 69A states (69A Response Report for 83.7(c) Part B 2002.09.30, 16), he did "represent" the Hassanamisco to outsiders, in the sense that he appeared at the annual Indian Fairs at the reservation, made presentations to the Boy Scouts and other civic organizations, and attended some meetings of the Algonquian Indian Council of New England. However, there is no contemporary primary documentation that he performed more than these representational functions.

Hassanamisco Club

The petitioner asserts:

> It is not precisely known why an exclusively Hassanamisco organization was not formed in Grafton or Worcester during these years, but it is likely because it was felt that the tribe had too few members and resources to accomplish its goals on its own. The tribe chose to represent itself politically through organizations, such as the Hassanamisco Club, likely because it felt it was strengthened by the inclusion of other Indian people. It is certainly clear that Sarah Cisco Sullivan had an agenda for obtaining the political, social, moral, and financial support for the tribe of both the general public and of others who were either the descendants of tribes or claimed to be (69A Response Report for 83.7(c) Part B 2002.09.30, 9); see also 69A Summary of Evidence 2002.09.30, 74-75).

James Lemuel Sisco's designation as "chief" of the Hassanamisco in 1924, in connection with the establishment of the Algonquin Indian Council of New England by Thomas Bicknell,[105] did stimulate the formation of a new organization, the "Hassanamisco Club" (see 69A Response Report for 83.7(c) Part B 2002.09.30, 22-24). Unlike the Mohawk Club, which was headed by Sarah Maria Sisco but consisted primarily of non-Nipmuc, the officers elected at the organization of the "Hassanamisco Local Branch of the Algonquin Indians" on November 16, 1924 "at Chief Lemuel Ciscoe's Worcester St. North Grafton, Mass." were with one exception descendants of Hassanamisco proprietary families: "Miss Annie Barber, 128 Belmont St. Worcester, Chairman. Mrs. Hilman Mays, 35 Elliott St. Worcester As [*sic*] chairman. Mrs. Bertha Forman, Secretary.[106] Sarah M. Ciscoe, Secretary-Corresponding. Mrs. Williams - Treasurer, Worc., MA. Mrs. Agnes Scott - Asst. treasurer, Mrs. Mable Hamilton - Chairman Music, Worc., MA." (Sisco to Bicknell 1924.11.15 post).

The newspaper coverage the following summer was almost entirely in the context of the Algonquian Indian Council of New England, a pan-Indian organization. The most extensive article was "Algonquin Indian Council Crowns Chief" (*Worcester Daily Telegram*, 1924 June 30 [hand-dated]). Datelined Grafton, June 29, it indicated that in the town hall, James Lemuel Ciscoe, Worcester street, "the oldest living member of the Algonquin Indian Council of New England," was "crowned Big Chief of the council." The article described him as a direct descendant of the Hassanamisco tribe and indicated that the event had been attended by many townspeople as well as Indian descendants from all parts of Massachusetts and Rhode Island. It named his daughter Sarah Ciscoe. It also noted that there had been a prayer by Hillman Mays, his son-in-law, a musical program by his granddaughters Emma and Anna Mays, and that Miss Anne Barber, Worcester, a godchild [*sic*] 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. The article also mentioned his sister Miss [*sic*] Delia Hazard and his four children.

Both the minutes (Hassanamisco Club 1926.05.01) and newspaper coverage indicated that the "Hassanamisco Club" (see additional discussion above under criterion 83.7(b)) was more

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[105]One article specifically reported the installation of James Lemuel Cisco, age 78, residing on Worcester Street in Grafton, as "big chief" of the Algonquin Indian Council of New England ("To Be Crowned Big Chief," *Worcester Telegram*, 1924.07.08).

On August 8, 1924, the *Evening Bulletin*, Providence, RI, noted the recent elevation of James Cisco to "chief" on the occasion of a gathering of other members of the "Indian Council" (69 Nipmuc Pet. Narr. 1984, 142).

A later photograph of the Algonquin Indian Council named: Sarah Sullivan White Flower, Nipmuc; Ethel Blackstone Lewis, Nipmuc; Lydia Dyer Willard Blackstone, Nipmuc; Sarah Cisco Sullivan, Nipmuc; Bessie Manning Wootanuskee, Wampanoag-Gay Head; Minnie 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; and Ed Michaels Chief Sunset, Narragansett.

[106]The material submitted by the petitioner does not identify this woman.

heavily Hassanamisco in its membership than the earlier Mohawk Club had been. However, it seems to have had little function other than the organization of the annual Indian Fairs that were held at Grafton from 1924 onwards.

Annual Indian Fairs 1920's and 1930's

The petitioner asserts that, "[t]he establishment and continuation of the annual public fairs at the Grafton reservation, beginning in the early 1920's, was a huge political accomplishment for the Hassanamisco tribal entity" (69A Summary of Evidence 2002.09.30, 82). The petitioner also makes extensive comparisons to the Mohegan Wigwam Festival and other gatherings of New England Indian tribes during the 1920's and 1930's (69A Response Report for 83.7(c) Part B 2002.09.30, 23-27; 69A Summary of Evidence 2002.09.30, 83-86) and states that not only did descendants of the Hassanamisco proprietary families participate, but also that, "[t]he majority of the political rewards of these events were also reaped by the Hassanamisco entity, especially in terms of the resulting positive public relations that helped the tribe accomplish its political goals and enhancement of its recognition within the Commonwealth" (69A Summary of Evidence 2002.09.30, 83).

A new document submitted was a 1927 newspaper article describing the Indian Fair that year (Three Hundred Attend 1927.07.05). The petitioner states:

> A 1927 article describing the gathering stated that it was held at the home of James L. Cisco. The article indicated that guests visited the old Indian cemetery, "as well as the Indian reservation." This indicates that the fair/gathering/powwow was at the Cisco property [on Lake Ripple] and the reservation and cemetery were only visited as part of the overall event. It was at this 1927 gathering that the tribe celebrated the 81st birthdays of elders James Lemuel Cisco and Lydia Blackstone of Woonsocket, Rhode Island and the naming of tribal member Ethel B. Lewis ("Three Hundred Attend Gathering of Indians," *The Worcester Gazette*, 1927, Document 045). The 1927 article also distinguished the "annual meeting and powwow" from the "annual fair" that was held at the same time. The connotation was that the annual meeting and powwow was exclusive to tribal members while the fair, which included exhibits of native arts and crafts, and entertainment, was open to the public. Following a supper on the first night, the article noted that "the sages transacted business" (69A Response Report for 83.7(c) Part B 2002.09.30, 13-14).

The clipping, hand-dated 1927, datelined Grafton, July 5, opens with the statement: "There were over 300 guests at the annual meeting and pow-wow of the Indian tribes of New England held at the home of James L. Cisco on Worcester street yesterday, chief of the Hassanamisco tribe, which conducted its annual fair also" (Three Hundred Attend 1927.07.05). The "visits" included, in addition to the "old Indian cemetery on Providence road" and the "Indian reservation on Brigham hill," also the "spot on Keith hill which was the scene of one of the

battles of King Philip's war" (Three Hundred Attend 1927.07.05). It did not designate James L. Cisco and Lydia Blackstone as "elders," but rather as "honored guests" (Three Hundred Attend 1927.07.05). The "pow-wow of the Indian tribes of New England" phrase indicates that the organization which "transacted business" in the evening was not Hassanamisco alone, but the New England Algonquin Indian council. This did not imply that the Algonquian Indian Council of New England served "as a governing body for the Hassanamisco tribe," which the petitioner denied (69A Response Report for 83.7(c) Part B 2002.09.30, 14). However, information in the article also does not provide a basis for the petitioner's assumption that the meeting was being held by a Hassanamisco entity that was transacting its own business.[107]

The Indian Fairs at Hassanamisco continued through the later 1920's and 1930's (see discussion in the PF). A 1930 newspaper article submitted by the petitioner referred to a "huge social" that was "always held following the completion of the Indian's work" (69A Response Report for 83.7(c) Part B 2002.09.30, 27; citing "George Cisco of Groton, Son of Last Full Blooded Sachem of Indian Tribe in Bay State," *New London Day*, November 10, 1930, Document 980).

National Algonquin Indian Council 1926-1933

After the death of Thomas Bicknell in 1925, the Algonquin Indian Council of New England became inactive. On October 13, 1926, the National Algonquin Indian Council (NAIC) was incorporated as its successor (69A Response Report for 83.7(c) Part B 2002.09.30, 15). This is the group that subsequently appeared as associated with the controversies over the founding of a Worcester County unit in 1950 (see below). Petitioner 69A notes that after the death of James Lemuel Sisco, the NAIC, "no longer listed a Hassanamisco leader on its letterhead list of tribal chiefs" (69A Response Report for 83.7(c) Part B 2002.09.30, 17; citing National Algonquin Indian Council, Receipt of Membership Dues to Sarah Cisco Sullivan, July 6, 1933, Document 844).

Meetings at Grafton in the 1930's

The only other significant evidence submitted by the petitioner in addition to that evaluated in the PF is the recollection by George Horatio Cisco's son, James William Cisco, who:

> recalled as a teenager in the 1930's, attending both the annual fairs and tribal meetings. He remembers that at the fairs there was a separate component of the public event for tribal members, usually on Saturday night. He also recalled that he would accompany his father George Horace Cisco on trips from their home in Connecticut in the 1930's, to attend what he described as "our regular business meeting." He stated that "every three months they tried to have one" and that

[107]As far as can be determined from the records, this cemetery had been used only by descendants of the Hassanamisco proprietary families -- not by any wider "Nipmuc" entity.

> these meetings were separate from the fair or annual gathering. The existence of such tribal meetings is corroborated by oral history testimony from representatives of several other Hassanamisco family lines, including Pegan/Wilson, Jaha, and Vickers, among others (69A Summary of Evidence 2002.09.30, 86).

Evidence for such meetings in the 1930's is found solely in the oral interviews (other evidence documents the continued holding of the Indian Fairs throughout this decade). There are no minutes, newspaper articles, letters in the Cisco correspondence, or other contemporary primary evidence showing their occurrence or indicating who attended them.

Role of Sarah Maria (Sisco) Sullivan

The petitioner argues for an expanded understanding of the role of Sarah Maria (Sisco) Sullivan (69A Summary of Evidence 2002.09.30, 78-81), especially in a role as cultural leader (69A Summary of Evidence 2002.09.30, 79). Petitioner 69A states that:

> Beyond continued recognition as a tribal entity by numerous external sources, the evidence of social and political interaction within the Hassanamisco entity during the early part of the 20th century rests primarily on the extraordinary tribal archive that was initiated by tribal leader Sarah M. Cisco [Sullivan]. Sarah Cisco (also known as Princess Sweet Flower) kept an extensive record of her correspondence and related tribal materials. This record indicates that she maintained contact with all of the family lines now represented by the Nipmuc Nation petitioner (see criterion 83.7(b) response) and, what is more, that these families interacted on a regular basis with one another (69A Response Report for 83.7(c) Part B 2002.09.30, 8-9).

The petitioner provided extensive comparison of Sarah Maria (Sisco) Sullivan to women leaders in the Mohegan tribe (69A Response Report for 83.7(c) Part B 2002.09.30, 18-19) and provides a discussion of the letter she wrote to the selectmen of the Town of Grafton in 1930 upon the occasion of the erection of a marker at the "Hassanamisco Reservation" by the Massachusetts Tercentenary Commission (69A Response Report for 83.7(c) Part B 2002.09.30, 32-34; for a transcription of the letter see above under criterion 83.7(b)). Petitioner 69A's interpretation of the letter is that it expressed, "the ambivalence and conflict that Sarah felt between the goal of preserving the tribal land base and the limited ability to actually have it serve as a common tribal resource" (69A Response Report for 83.7(c) Part B 2002.09.30, 32). The petitioner argues that although, "no one had done more than Sarah to preserve the reservation and enhance its public identification, as well as the relationship of tribal members to it as part of their tribal identification," still, "the facts remained that both the residence and the property were too small and the financial resources too meager, especially in the midst of the Great Depression, to permit the kind of social interaction associated with reservations on which a significant number of tribal members still resided" (69A Response Report for 83.7(c) Part B 2002.09.30, 32-33).

The petitioner follows this by stating:

> Furthermore, not all of the universe of Hassanamisco descendants and certainly not that of Nipmuc descendants, was considered part of the Hassanamisco tribal entity. There was also the reality that Sarah seemed not to welcome all tribal members associated with the tribal entity to the reservation even for the annual gatherings. The oral history evidence indicates that despite her objections to the racial views of Gladys Tantaquidgeon, Sarah also discriminated against mixed-blood tribal members that appeared phenotypically to be too Black. Most of these tribal members were located in Worcester, where they interacted on a regular basis and intermarried with other Hassanamisco members, including Sarah's sister, Jessie Mays, and others that played a key role in the annual gatherings. Hoever, the evidence indicates that they did not feel welcome at the reservation (see Nellie Toney and Cheryll Holley interview, pp. 55-61, Document 877; Peter Heaney interview, p. 69; notes on Eleanor Hawley interview, document 1952" (69A Response Report for 83.7(c) Part B 2002.09.30, 33).

The petitioner at this point discusses the Indian Fairs primarily from the perspective of social interaction rather than that of political authority or influence (69A Response Report for 83.7(c) Part B 2002.09.30, 33). Under criterion 83.7(c), the petitioner argues that the primary "political" activities took place in the form of meetings at the reservation after the social events at the annual Indian Fair. Since the ancestors of many current members "did not feel welcome at the reservation," this racially defined exclusion would effectively have prevented a significant portion of the "tribal entity" as now defined by petitioner 69A from political participation during the 1930's, even though evidence from the interviews indicates that these individuals interacted socially with some of the Hassanamisco proprietary descendants who lived in Worcester.

This is the reverse of what the petitioner at this point describes as constituting a "bilateral political relationship" among "a broader group than the proprietary family lines" (69A Response Report for 83.7(c) Part B 2002.09.30, 34) and would have constituted a significant limitation on any ability that Sarah Maria (Sisco) Sullivan had to exercise actual "political influence over other tribal members, including, but not limited to, her own family" (69A Response Report for 83.7(c) Part B 2002.09.30, 34).

Hassanamisco Land Claims

Sarah M. (Sisco) Sullivan had been interested in the possibility of Hassanamisco land claims as early as 1907 (see above). This topic is again documented in 1924 and 1938 (69A Response Report for 83.7(c) Part B 2002.09.30, 28, 38). Petitioner 69A asserts that:

> The evidence also shows that when Sarah Cisco Sullivan took action in regard to land claims it was on behalf of a Hassanamisco tribal entity. When, for example, she filed a claim in 1938 for the land under both Lake Quinsigamond and Lake

> Ripple, she did so "for her own family and the tribe" (69A Summary of Evidence 2002.09.30, 78; see also 69A Response Report for 83.7(c) Part B 2002.09.30, 35).[108]

The evidence does not indicate that this was an initiative on behalf of any entity other than that of her own family, since she was making this as a "descendant of the Praying Indian tribe of the Hassanamiscos" and the persons upon whose behalf she was filing, named in the article, were all "descendants of her father" and immediate members of the Sisco family: "Jessie Louise Mays, Sarah M. Cisco Sullivan, George H. Cisco, Samuel Croford Cisco, Charles L. Clinton" (Gauthier n.d.).[109]

The 1940 statement by Mildred M. Murray of Gardner, Massachusetts, a descendant of the Hassanamisco proprietary Gigger family, that, "I believe I told you if I could be of anny [*sic*] assistance at the State House, I am perfectly willing to do so" (Murray to Sullivan 1940.09.23), does not indicate whether it pertained to the above land claim or to the concurrent effort of Sarah M. (Sisco) Sullivan to obtain an annuity for herself and her daughter.

Indian Cemetery

In regard to the Indian cemetery in the Town of Grafton, petitioner asserts:

> In 1947 Sarah Cisco Sullivan was elected trustee of the Old and Indian Cemetery, an official of the Town of Grafton (R.A. Levesque to Sarah M. Cisco Sullivan, April 20, 1947, Document H526). She served in this position for ten years in furtherance of the tribal political goal of protecting the burial ground of Hassanamisco ancestors, including her father and other family members. Her daughter, Zara CiscoeBrough, later served in this same position. Their ability to get elected by the townspeople of Grafton was an important measure of their leadership success in generally preserving and enhancing public cognizance of the Hassanamisco tribe and its reservation (69A Response Report for 83.7(c) Part B 2002.09.30, 38).

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[108]Petitioner 69A elsewhere refers to: "later attempts by Sarah Maria Arnold Cisco's granddaughter Sarah Cisco Sullivan in the 1930's to press land claims for her family and *Tribe* (Joseph Gauther, 'Claim Lake Ripple in Grafton Theirs-Descendants of Praying Tribe of Hassanamisco Ready to Prove They Own Area', unidentified newspaper, 1930, Document 1028)" (69A Response Report 83.7(c) Part A 2002.09.30, 16). [emphasis in original]

69A's report in regard to criterion 83.7(c) identifies the author of the article as James Gauthier and dates it as c. 1940 (69A Response Report for 83.7(c) Part B 2002.09.30, 35).

[109]Petitioner 69A's cover sheet (F000955005, Doc. #1028) ascribes a date of c. 1930 to this clipping. It could be dated more precisely by an internal reference to Michael J. O'Hara as chairman of the Lake Quinsigamond Commission and a Grafton Town Clerk named McIntosh. Much later, in the 1960's, Zara CiscoeBrough asserted a claim to the land under Lake Ripple on behalf of an undefined "tribe" whose members were not specified (see below).

That these two women held this trustee position does not demonstrate political authority or influence under 83.7(c). In this case, the position did not provide leadership for any Nipmuc group, nor were the electors members of any Nipmuc group.

A 1948 newspaper feature article concerning Sarah Maria (Sisco) Sullivan, under the title "Last Indian in Grafton: Lives on Land Never Owned By White Man," discussed only the immediate Cisco family. It mentioned that Sarah Sullivan had recently met her "near relatives" at the Narragansett pow-wow in Charlestown, Rhode Island, and referred to the 1938 claim to the land "now covered by Lake Ripple in Grafton and that under flood waters from Lake Quinsigamond" that she had made on behalf of "her own family and the tribe and other descendants of her father, the last chief of the Hassanamiscos" (Sandrof 1948.10.10). The article provided no description of "the tribe" nor any indication of who the members might be other than descendants of her father.

National Algonquin Indian Council, 1949-1958

Petitioner 69A states:

> In response to the proposed finding, the Criterion 83.7(c), 1900-1988 report, clarifies that the National Algonquin Indian Council was a successor to the Algonquin Indian Council of New England and that the Hassanamisco tribal entity, under the leadership of Sarah Cisco Sullivan, was associated with this multi-tribal organization (as the Worcester County Department) for more than thirty years. It points out further that the establishment of a rival "Nipmuck Indian Chapter of Worcester, Massachusetts, Inc." in 1950 represented a factional split within the Hassanamisco tribal entity. This reponse clarifies that the Worcester County Department and the Nipmuc Indian Chapter of Worcester were separate branches of the National Algonquin Indian Council. The split represented by the establishment of the chartered Nipmuc Indian Chapter was based on political, social, racial, and geographical differences that even divided members of the same family lines, including the Ciscos (69A Summary of Evidence 2002.09.30, 89-90).

The petitioner submitted a sequence of documents pertaining to this organization. On September 17, 1949, Annie (Perry) Farrow[110] sent Sarah M. (Sisco) Sullivan a membership application for NAIC (Farrow to Sullivan 1949.09.17). On September 20, 1949, a meeting of the National

[110]Daughter of Alfred C.A. Perry, active in New England pan-Indian activities from the 1920's onward and on the board of directors of this organization since its incorporation in Rhode Island in 1926; this family asserted Narragansett ancestry. At this date the head of the organization was Philip Peckham.

Algonquin Indian Council[111] Worcester County Chapter "opened at the abode of Mrs. Sara Sico [*sic*] Sullivan Hassanamisco Reservation." Mentioned as active participants or as paying dues were: Carl O. Bates, Clarence B. Smith, Lillian B. King, Maurice D. Brooks, Mrs. Mays, Mr. Moffitt,[112] Mrs. Moffitt, Mrs. Branchaud (NAIC Minutes 1949.09.20). Petitioner 69A asserts that this meeting was separate from the chapter that would be chartered in 1950 (69A Response Report for 83.7(c) Part B 2002.09.30, 39), but much of the membership was the same (see below).

Shortly after the September 20, 1949, meeting, Annie F. (Perry) Farrow, NAIC secretary, wrote a letter to Sarah Maria (Sisco) Sullivan regarding the qualifications of some applicants for membership, apparently in the Worcester Chapter of the NAIC: "When I got to the meeting I found Jesse and Mr. C. Bates & Mrs. Clarence Smith there. Mr. Smith brought in his creddentials and they were good. He also stated that Mr. Bates was related to him" (Farrow to Sullivan 1949.11.29). Sarah (Sisco) Sullivan had apparently expressed doubts as to their eligibility for membership in NAIC. Farrow continued:

> Before I let the Council vote on their membership I read a part of your letter asking me to hold up Mr. Bates card and Lillian Kings but they saw no reason why you should ask to have their cards held up and Jesse didn't think they should be so they Council accepted all of them. But I did not read the part of the letter where you said he was mean etc. (Farrow to Sullivan 1949.11.29).

She added: "They also informed us they would like to start a Council up there. But we advised them not to unless it would be an auxillary of our National Council" (Farrow to Sullivan 1949.11.29). This initiative apparently did not pertain to a Hassanamisco entity antecedent to petitioner 69A, but rather to the establishment in Worcester, Massachusetts, of a branch of a pan-Indian organization which would use the Nipmuc name.

Petitioner 69A submitted a note, possibly in the handwriting of Sarah Cisco Sullivan (on the letterhead of Sarah M. Cisco Sullivan, Indian Reservation, Grafton, MA), in regard to the genealogy of Annie Vickers, who had married Oliver Dorus, and Sam Hazzard. This was possibly, but not certainly, in connection with the chartering of the Worcester chapter of NAIC (Sullivan re: Dorus, Hazzard, and Vickers 1949). The same is true of a series of disconnected

[111]This is the National Algonquin Indian Council, although the Hassanamisco data base file maintenance forms gave it as North American Indian Council or North American Indian Club. 69A identification of author is inconsistent: one copy gives Lillian B. King, as secretary; another gives Sarah (Sisco) Sullivan. The full name in the minutes is National Algonquin Indian Council of New England (NAIC Minutes 1949.09.20-1951.12.15).

[112]Petitioner 69A is incorrect in stating that William Alfred Moffitt was Roswell Hazard's nephew (69A Response Report for 83.7(c) Part B 2002.09.30, 40). Mr. Moffitt's mother, Henrietta Hazard, was the daughter of James and Sarah P. (Talbot) Hazard; her parents were both born in Vermont. Roswell Hazard was the son of an older Roswell Hazard of Harvard, Massachusetts. Petitioner 69A's genealogical data base does not show any relationship between the two families.

genealogical notes pertaining to various individuals who later became members of NAIC in Worcester County.

In March 1950, Annie Farrow notified Sarah M. (Sisco) Sullivan that "two carloads of the Worcester people" had attended a NAIC meeting in Rhode Island and wanted to start a new organization (Farrow to Sullivan 1950.03.27). This chapter received a charter of incorporation from the State of Massachusetts on May 4, 1950 (see also discussion in the PF for 69A). Two Hassanamisco proprietary descendants, Jessie Louisa (Sisco) Mays and Mabel Idella (Williams) Hamilton, were among the incorporators, as was George M. Wilson (NAIC Incorporation 1950.05.04). The organization adopted a constitution and by-laws (NAIC Constitution and By-Laws 1950.05.04). This document indicates that Leon E. Hazard, husband of Patricia Rita Toney (both Curliss/Vickers descendants) was also an officer.

On May 15, 1950, Sarah M. (Sisco) Sullivan protested against the incorporation of the above chapter and particularly against the State's recognition of William Alfred Moffitt as its sachem (Sullivan to Devers 1950.05.15). The letter was subsequently endorsed by two other Hassanamisco proprietary descendants Agnes (Gimby) Scott and Annie Barber; it was, oddly, also signed by George M. Wilson, one of the incorporators, by June 19, 1950 (Sullivan to Dever 1950.06.19). However, the charter was officially presented to the group headed by Moffitt (who had died suddenly about May or June of 1950), with considerable press coverage, on June 20, 1950, in Boston.

Petitioner 69A has concluded that at this time, there were two separate NAIC chapters in Worcester, one headed by Sarah M. (Sisco) Sullivan and the other by a successor of William Moffitt (69A Response Report for 83.7(c) Part B 2002.09.30, 43-44). However, attendance, membership, and the location of meetings appear to have overlapped (NAIC Minutes 1950.06.00 - 1950.11.00). Petitioner 69A adds:

> It must be noted that neither the Worcester County Department of the NAIC nor the Nipmuc Chapter of Worcester, also affiliated with the NAIC, constituted tribal governing bodies of the Hassanamisco community. Rather, leadership of the Hassanamisco entity was provided by individual tribal members that gained and exercised political influence (69A Response Report for 83.7(c) Part B 2002.09.30, 45).

For the final determination, the petitioner provided additional data on reconciliation of the conflict between Sarah M. (Sisco) Sullivan and the members of the Nipmuc Chapter of Worcester during the second half of the 1950's (69A Response Report for 83.7(c) Part B 2002.09.30, 46-47), a rapprochement apparently achieved through the efforts of Mable Idella (Williams) Hamilton Hazard and Zara CiscoeBrough. The petitioner states that:

> No evidence has been found that either the National Algonquin Indian Council, the Nipmuc Chapter of Worcester Massachusetts, Inc., or the Worcester County

> Department of the NAIC continued to exist after 1957. A newspaper article announcing the 1957 annual fair, which had by then been moved from July to August, stated that it was being sponsored by the "Alqonguin [*sic*] Council, Hassanamisco Group" and that the Nipmuck Council of Worcester would be represented among the attendees (69A Response Report for 83.7(c) Part B 2002.09.30, 47; citing "Indian Fair to be Held in Grafton," unidentified newspaper, August 1947, Document 914).

In June 1957, Mabel Idella (Williams) Hamilton Hazard had written to Zara CiscoeBrough concerning membership in the National Congress of American Indians (NCAI), indicating that they were not receiving information from NAIC (Hazard to CiscoeBrough 1957.06.19). At this point, apparently, Hazard felt that Zara's mother Sarah was not yet fully reconciled (Hazard to CiscoeBrough 1957.09.01).

Relationship of External Identifications under 83.7(a) to Political Influence and Authority under 83.7(c)

Petitioner 69A's argumentation for the 1950's states:

> Newspaper articles throughout the 1950's provided information about the tribal gatherings at the Hassanamisco reservation. The proposed finding's summary chart for criterion 83.7(a) concluded that these articles identified "Hassanamisco as a contemporary Indian entity (not merely a historical tribe)." . . . A tribal entity cannot exist without leadership and representation. Leadership and representation cannot exist without the exercise of political influence over the members of an entity (69A Response Report for 83.7(c) Part B 2002.09.30, 49).

This misrepresents the provisions of the 25 CFR Part 83 regulations. It would be more accurate to state that the newspaper articles throughout the 1950's identified the annual Indian Fairs held on the property in Grafton, not "tribal gatherings." Additionally, such external identfications of an entity do not have to be accurate to enable a petitioner to meet the requirements of criterion 83.7(a) and certainly do not imply the existence of "leadership and representation" within a "tribal entity."

Retention of a Law Firm by the Sisco Family in 1959

Petitioner 69A asserts that the retention of a law firm in 1959 by the Sisco family "in connection with any benefits due us as a result of land taking on land owned by the Hassanamisco tribe of Grafton" constitutes evidence of political influence or authority under 83.7(c) (69A Response Report for 83.7(c) Part B 2002.09.30, 52-53). The pursuit of land claims is not in itself evidence under 83.7(c). In this case, more specifically, the claim interest was that of one family -- all signers of the letter were descendants of James Lemuel Cisco. It did not result from a difference of opinion between Sarah M. (Sisco) Sullivan and her daughter Zara CiscoeBrough over "how

to proceed with tribal land claims" (69A Response Report for 83.7(c) Part B 2002.09.30, 59), because the claim was not tribal in nature and the dispute was within a single family and in regard to land that was this family's property alone, not tribal property (see discussion above under issues not specific to the criteria).

Political Influence or Authority 1960's to 1985

Introduction

The proposed finding concluded that there was a paucity of information pertaining to criterion 83.7(c) concerning the time period from the 1960's to the present. Although the PFs were not issued until 2001, there was little or no information in the PF record dating after June 1998. The record for the final determination contains a far more extensive record concerning political processes and community for the period from the 1960's to the present. Included are minutes and transcripts of meetings, newspaper accounts and transcripts of interviews conducted both before and since the proposed finding.

The Early Hassanamisco Council

The petitioner argues that Zara CiscoeBrough was the Hassanamisco leader or "sachem" after her mother died on April 30, 1964, and that, through her influence, the Hassanamisco Foundation, founded in 1961, was expanded and evolved into a governing body for an extant community of Nipmuc which was continuous with that which had existed or "coalesced" in the 1920's. The claimed existence of such a community is a basic part of the petitioner's argument concerning political influence for the period between approximately 1970 and 1987. The 69A Comments reject the PF's conclusion that the 1970's were a period of expansion of membership and cite the composition of the 1977-79 membership list compiled by Zara CiscoeBrough as evidence for this community, describing it as corresponding to the circa 1920 community (69A Response Report for 83.7(c) Part B 2002.09.30). This final determination rejects the claim that the evidence demonstrates the existence of a community from the 1920's to the 1970's (see criterion 83.7(b)).

A major element in the petitioner's argument is that this community included the members of the extended Morse family (one part of the Dudley/Webster Sprague/Henries line), who became very active in the Hassanamisco organization from the early 1970's to approximately 1980.[113] Petitioner 69A asserts that they were well connected socially with Zara CiscoeBrough and others. This final determination finds that the evidence is otherwise.

[113]See also discussion in the PF under criterion 83.7(b) of evidence concerning the basis for the 1975 and 1977 lists.

The petitioner does not directly comment on the activities of Kenneth (Spotted Eagle) Brown in this period. Brown, the available evidence indicates, was a non-Nipmuc relative of the Jaha descendants involved with Hassanamisco. Thus, in a number of respects, individuals on the early councils were not part of an extant community.

Various statements made by Zara CiscoeBrough from the 1960's to 1980 about the building of the Hassanamisco council make it clear that she sought to expand the foundation beyond the immediate Cisco family, albeit insisting on the family's title to the Hassanamisco land, in order to ensure that it remained in Indian hands after her death, in the anticipated likelihood that there would not be anyone from the immediate family who would be interested in and/or able to continue to reside there and protect the land. The terms of the revised 1969 bylaws and the ca. 1980 governing document are expansive, indicating an expansion to include anyone of any kind of Nipmuc descent, not an extant community (see discussion under criterion 83.7(b)) which maintained a bilateral political relationship with the Hassanamisco Foundation or the Hassanamisco council.

There is no evidence that the Hassanamisco council played any role, as a council, in preparing th3 1977-1979 membership list. It is also not demonstrated whether there was widespread interest, *i.e.*, outside the immediate foundation council, in the protection of the land.

Political Communication and Family Representation

The petitioner's response cites an analysis in the PF of minutes of tribal meetings from 1974 to 1983, listing "12 members who took on special responsibilities" (69A PF 2001, 147). It interprets the PF (69A PF 2001, 158, ftn. 208) as signifying that 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 during the time these meetings occurred (69A Response Report for 83.7(c) Part B 2002.09.30). This is a misinterpretation of the statements in the PF.

The petitioner states that a bilateral political relationship extended well beyond those named tribal members that volunteered for special tasks. It claims that all of these individuals at these meetings represented larger family groups to which they communicated political and social information resulting from the meetings. The petitioner's response further states: "Many of the members of the tribal council were also considered to be the leaders of their respective families." The report cites only limited data, including a 2002 interview, in which it asserts: "Walter Vickers specifically noted that Buster Richardson, George M. Wilson, Jr., Walter Bostic, and Anna Mays of the council were also considered to be family leaders. As such, they communicated the business of the council to their relatives"(69A Response Report for 83.7(c) Part B 2002.09.30). The cited interview (Vickers 2002.06.13) only states briefly that Buster Richardson "had his family involved," and that Mays and Wilson were "family leaders," without further explanation or description. It did not mention communications about the council.

Walter Bostic was a non-nipmuc member of the council at that time, as Vickers himself noted in the interview, a spouse of a member.

This idea does not appear in earlier interviews, including ones with Walter Vickers. No other sources are cited and no documentary evidence was presented. There is not evidence from the available interviews or primary documents that within the 69A membership there was commonly a socially defined set of families that characterized social and political relationships in the 69A membership (The exception is the extended Morse family, because of their efforts in regard to CB).

In a variation of this argument, the petitioner states: "Decisions made at these meetings were communicated to the membership by personal contacts made by the tribal council members in attendance" ((69A Response Report for 83.7(b) Part B 2002.09.30, 118). The petitioner offers two examples in support of this proposition. One is statements in an interview of James Cisco, which indicate that even though living in Washington, D.C. area, he was well apprized of events at Hassanamisco. Both this and the second example, involving council member Charles Hamilton, referenced communication with immediate family, not broad communication.

The petitioner cites little data to show connection between the council and the rest of the people in these family lines. There was at best limited evidence to show that council members were "family representatives," and the petitioner has presented little material to show communication from them to other than immediate family members.

Informal Leadership

The petitioner asserts that after Zara CiscoeBrough's death or incapacity, in addition to Walter Vickers,[114]

> tribal members such as Carole Jean Palavra, Lois Ann Wilcox, Charles "Buster" Richardson and Anna Mays continued their work in the Nipmuc community as informal leaders, performing important functions in social gatherings, teaching cultural traditions, acting as their family's representative to the council and representing the tribe to outsiders. A web of formal and informal leadership continued to develop in these transitional years, reaching well beyond the grounds of the Hassanamisco reservation (69A Response Report for 83.7(c) Part B 2002.09.30).

There is no data cited for these assertions, which are intended to apply to the approximate time span of 1982 to 1987. Most of the available evidence only shows the participation of these individuals in the Hassanamisco council and the annual Hassanamisco Fair. There was no

[114]She became ill around 1980 and did not play an active role after about 1982. She died in January 1988.

description or data to show a "web of informal and formal leadership." As discussed, there is also no data cited or in the record to show a system of family representation. For several years during this time, Carole Palavra was a member of the CB council (see 69B FD). There was little evidence to support the claim of passing on cultural traditions (see discussion under criterion 83.(b)).

Political Issues

The basic hypothesis of the 69A response for the 1974 to 1987 period concerning demonstration of significant political issues may be summarized as stating that certain topics were taken up at meetings of the Hassanamisco council. The demonstration that these were important issues to "the membership," as opposed to the council itself, is largely, though not entirely, based on the meeting minutes of the Hassanamisco council (see also New Town discussion, below).

The issues, taken up at one or another meeting in this period, which are described by the petitioner as important to the membership, are characterized by 69A as having continuity with "the political goals of the tribe throughout the 20th century." These were summarized by the petitioner as:

> to preserve a "positive" Hassanamisco identity; to gain financial aid on the basis of having a distinct tribal identification and membership; to continue to maintain social and political ties through periodic gatherings; and to continue to garner support of tribal goals from both other Indians and the non-Indian community (69A Response Report for 83.7(c) Part B 2002.09.30).

The petitioner goes on to identify as "another long-term tribal political goal" the "preservation and potential expansion of the Hassanamisco reservation." Specific data outside of the fact that minutes of meetings showed the topic was discused was not cited to show that the rest of the membership was strongly interested in the preservation and expansion of the reservation. The fact that the meetings dealt with these items does not show how important these goals were to the overall membership. There is some discussion in interviews of views of the land, and whether it was important to, or belonged to, other Nipmuc beyond the Cisco family (see discussion under criterion 83.7(b)). These interview discussions were not sufficient to show how widespread interest and opinion may have been and for what time periods.

Petitioning for Federal Acknowledgment as Evidence for Political Authority or Influence

Petitioner 69A, in describing the history of the joint petitioner 69's efforts towards obtaining Federal recognition from 1974 to 1987 states that: "Submitting a letter of intent to petition for Federal acknowledgment clearly provides evidence that the tribe had political influence over its members." The reasoning is that the leaders took this action "in furtherance of tribal goals and with the support of tribal members." It states that: "Federal acknowledgment or recognition became an important tribal goal by the late 1970's," citing minutes and meetings during that

time period. It also states that "many tribal resources were devoted to the effort, including the discretionary time and money of several tribal members" (69A Response Report for 83.7(c) Part B 2002.09.30, 94-95).

Considerable time and attention has been directed towards Federal acknowledgment from the 1970's on by individual leaders and councils. There is evidence that the membership was aware of the acknowledgment efforts before 1987, such as a March 1980 community meeting (Nipmue Minutes c. March 1980). The petitioner cites an interview with James Cossingham, leader of the FRC effort, who stated that, [w]e did everything you could possibly do to make the greater community aware of what was going on" (cited by petitioner as Cossingham interview I, p. 17). This statement appears to pertain to community meetings in and around 1987. There is no cited evidence to show a substantial mobilization of community support for the effort during this time period (see discussion below of the FRC effort as not demonstrating membership interest).

Simple awareness of a petitioning effort does not provide substantial evidence that the membership viewed this as an important issue. Most, if not all, petitioners have acknowledgment as a goal and have communicated that fact to their membership. This in itself does not demonstrate this is a significant political issue for the membership as a whole.

The discussion of conflicts, presented in a separate section below, describes the evidence as to whether the conflicts demonstrated membership interest and involvement in the issues relating to those conflicts.

New Town Proposal 1977

The petitioner devotes considerable attention to the New Town proposal advanced by Zara CiscoeBrough and the council in 1977 and 1978. CiscoeBrough drafted an elaborate proposal to develop a self-sustaining community on the grounds of a former state hospital at Grafton. The plan would have included farming and other economic enterprises, schools, housing, and a variety of social services. The group eventually lost out in the competition for this surplus land to Tufts University.

In 1977, a petition was sent to Massachusetts Governor Michael Dukakis, asking for return of 500 acres of land at the hospital. The petition stated:

> We, the undersigned members of the Nipmuc Tribe or Nation, it's [*sic*] affiliated Tribes or Bands of the Hassanamisco's-Pegans and all other tribes within the Nipmuc Nation , do hereby petition . . . Governor . . . Dukakis and the State of Massachusetts, to return to us a portion of land that was originally part of Nipmuc Territory, called Hassanamesit Plantation. We hereby petition for 500 acres now part of the Grafton State Hospital (CiscoeBrough *et al.* to Dukakis 1977.00.00). [emphasis in original]

The petition contained 37 signatures, largely drawn from the Cisco (five signers), Joseph W. Vickers (five signers), and Silva (eight signers) families, as well as 13 members of the extended Morse family (defined as Edwin Morse, Sr., his mother, his siblings, and their children). It also included three non-Nipmuc spouses. Only one Jaha descendant, Dorothy (Cossinham) Curliss, was included. As the petitioner notes, absent are the signatures of "Charles Hamilton, Carole Palavra and her children, or any representative of the Pegan/Wilson line such as Buster Richardson." Walter Vickers also did not sign. Except for the three spouses, the signers were all descendants of the family lines now represented in the 69A membership. The 1977 New Town petition's "definition" of Nipmuc reflects the broad definition that was developing during this time period. By comparison, the 1977 membership list had 99 names on it, but the additions made by 1979 had expanded it to 246 names.[115]

Zara CiscoeBrough worked with the Federal Regional Council, an umbrella organization helping recognized and unrecognized groups. The petition to Governor Dukakis followed advice from the Director of the Federal Regional Council to CiscoeBrough that she, "forward a petition of Nipmuc Tribal Members to Governor Dukakis, asking for restoration of some grounds at the Grafton Site. This will help identify what has appears to many to be a 'hidden group' -- I don't think a petition from non-Nipmuc would have the same import" (Buesing to Zara CiscoeBrough 7/12/1977A). [underlining in the original]. As an alternative, he suggested a letter signed by all of the group's "chiefs and councillors."

The New Town proposal cited the apparent needs of "the Nipmuc population" for jobs, education and health services and was intended to address these. It is quite likely that this proposal is a built on the work that Zara CiscoeBrough did in connection with the Boston Indian Council from 1974 through 1976 (see also discussion under criterion 83.7(b)). Shelleigh Wilcox and Emma Mays, who were on the Hassanamisco council, also had connections with service-oriented organizations in the area.

The proposal outlined a set of offices, and individuals proposed to fill them. The petitioner asserts that list of individuals proposed "demonstrates widespread tribal involvement in the proposal and preparedness on the part of the tribe to mobilize members and resources and organize economic activities (evidence of political influence under sections 83.7(c)(1)(i) and (iii) and 83.7(c)(2)(iv)" (69A Response Report for 83.7(c) Part B 2002.09.30). Those listed were for

[115]The 19 pages of the 1977-1979 list submitted with the 1984 69 Nipmuc petition 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 the Silva relatives of the Cisco family on the paternal line who are not documentable as Nipmuc. 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 from 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.

the most part the members of the Hassanamisco council. Naming them as proposed office fillers for a new project does not indicate any actual mobilization of them or the membership.

There was no indication that the proposal if it had been implemented was to involve mobilization of "community" resources. The proposal was enormously ambitious, as Zara CiscoeBrough was subsequently advised. Except for the 1977 petition, there is no substantial evidence of actual mobilization of members, other than the council, in the creation of this proposal.

In a 1978 letter, Zara CiscoeBrough referred to a "a special meeting of members of the Nipmuc Tribe" which voted to propose a "feasibility study of the New Town Project." It went on to say, "[o]ur Nipmuc people are very enthusiastic about the project" (CiscoeBrough to Berlinguet 1978.00.00 post). This appears to refer to a "special meeting" probably June 8, 1978, which was attended by about 49 persons. Aside from approximately six non-Indians, the Nipmuc attendance was largely drawn from the extended Morse family, with no Vickers except the Hamiltons, and some Silvas (Hassanamisco-Nipmuc Attendance 1978.06.08, Hassanamisco-Nipmuc Minutes 1978.06.08). Thus, it does not appear to have drawn from most of the claimed community.

The petitioner notes that: "In the Eastern Pequot final determinations, the BIA held that petitions to State government constituted evidence of political influence (Eastern Pequot FD 2002, 21)" 69A Response Report for 83.7(c) Part B 2002.09.30). The Schaghticoke PF and FD do so as well, but the statements should be taken in the context of the petitions which were under discussion in those findings, which were presented to State governments in the 19th century by tribes for whom the existence of community had been established by other evidence. The political significance of a 20th century petition, when the signers have not been shown to be part of a community, is more limited in nature.

Annual Indian Fairs

In response to the PF, the petitioner argues that the annual fairs in the 1980's were not prepared in part by non-tribal members, as had been the case admitted before, but by "tribal leaders." The petitioner cites the example of 1986, where various Hassanamisco officers filled various positions from controlling the gate to co-chairing (69A Response Report for 83.7(c) Part B 2002.09.30, 131). While accurate, and consistent with minutes from other years in the 1980's, this does not demonstrate involvement beyond the immediate council. Therefore, it does not provide evidence that the organization and presentation of the event was a community project.

Concerning the annual fair, the petitioner says:

> As always, planning for the annual fair was a major issue; tasks were allotted to council participants: Walter Vickers, Buster Richardson, Peter Silva, Jr., Ron Messier, Reginald Walley, Walter Bostic, Charles Hamilton, Joseph Vickers, James Cisco, Shelleigh Wilcox and Anna Mays (Nipmuc Tribal Council Minutes,

> 1962-1996, Hassanamisco Council Minutes, 1989-1991, Document 1231) (69A Response Report for 83.7(c) Part C 2002.09.30, 9). [footnote omitted]

Since there is little or no evidence that organizing and holding the annual fair demonstrated mobilization of community resources or membership, the petitioner's claim that, "[t]he successful continuation of these gatherings provides evidence of the ability of the Hassanamisco tribal entity to mobilize its membership and resources for tribal purposes (evidence of political influence and authority in accordance with 83.7(c)(1)(i))" is not demonstrated.

The petitioner offers as examples of Hassanamisco council activity that:

> In meetings from February 1988 through the autumn of that year, the Hassanamisco council regularly took up subjects such as the maintenance of the reservation, fund-raising for tribal projects, the annual fair and control over its membership. Two matters stand out: the fund-raising for and the repair of the longhouse on the reservation, and the planning of the annual fair. The council was concerned about the condition of the longhouse and devoted some time to developing schemes to raise money for repair. It ordered cards and T-shirts to sell, sent out letters asking for contributions for restoration and spent hours performing upkeep on the grounds (Nipmuc Tribal Council Minutes, 1962-1996, Hassanamisco Council Minutes, 1988, Document 1231).
>
> Planning for the annual fair began months ahead of the event and was managed by Hassanamisco tribal leaders (69A Response Report for 83.7(c) Part C 2002.09.30).

None of the minutes cited for 1988 show evidence of member involvement or that these issues were of importance to the membership. In themselves, most of the activities described were low-level planning. The committees named were drawn almost entirely from the council itself.

Sanctioning of a Council Member

A minor claim is that in 1988, the Hassanamisco council suspended Peter Silva, Sr., and that, "[t]his sanctioning of a tribal member by the council provides evidence of its political authority to control the behavior of its membership." The suspension does not demonstrate that the council had actually influenced the behavior or beliefs of this member -- suspension of membership or ouster from office does not provide such evidence (see by comparison Little Shell, Snoqualmie, and Eastern Pequot for explanations of this distinction).

Representation to Outside Authorities

The petitioner describes dealings of Walter Vickers and/or the Hassanamisco council with outside authorities, citing this as evidence to demonstrate political influence under criterion 83.7(c). The petitioner's response states:

> The interaction of the Hassanamisco council with the State Commission in regard to reburial and other issues provides evidence of its representation of the tribe in dealing with external authorities. This is one of the ways in which political influence or authority is defined in section 83.1 of the Acknowledgment regulations and is in keeping with the precedent established for such evidence in the Snoqualmie case (Snoqualmie PF 1993, 25) (69A Response Report for 83.7(c) Part C 2002.09.30).

The petitioner also asserts that the acceptance for consideration of the New Town proposal (see above) by the State, "demonstrated that knowledgeable external authorities recognized tribal political influence and that tribal leaders dealt with external authorities on this tribal issue (69A Response Report for 83.7(c) Part C 2002.09.30).

The conclusion in Snoqualmie, and in similar evaluations in Grand Traverse and San Juan Southern Paiute, was that there was a leader who dealt with authorities to gain help or jobs for members, as for example leading a work crew of members, in circumstances where there was an existent community and a demonstration that the matters dealt with were of importance to the community. Most of the dealings of the Snoqualmie governing body with external authorities were not accounted significant evidence under criterion 83.7(c). There were no equivalents in petitioner 69A's case to the activities of the Snoqualmie leader, Jerry Kanim.

Representation to outside authorities must be in regard to matters of consequence, not simply external dealings. External dealings of petitioners with state or other authorities are often limited in character. External relationships with outside authorities *per se* have not been treated as evidence of significant political influence, since petitioners which have not been shown to exist as communities with political influence may, nonetheless, have regular dealings and status with State agencies (see Indiana Miami). The Hassanamisco council was not shown to be dealing with the MCIA on any matters of consequence to the membership.

Annual Meetings

One of petitioner 69A's key claims is that annual membership meetings were held during the Hassanamisco fairs, at which business was discussed and information disseminated and that the Hassanamisco fairs were "tribal gatherings." The petitioner's response stated: "The evidence from the oral history interviews indicates clearly and consistently that Hassanamisco tribal business meetings were always held as a separate and distinct part of the gatherings at the Grafton reservation"(69A Response Report for 83.7(c) Part C 2002.09.30).

The claimed time span is not clearly specified, nor is it indicated that these meetings continued after 1996, when the Hassanamisco council stopped meeting (see below). There is some documentary evidence for these meetings, as in instances in the 1980's where the meeting was indicated to be held on a different weekend than the annual fair. The specific documentary evidence of such meetings is limited, as to numbers and subjects of such meetings and how, particularly, these related to the Hassanamisco council activities.

The petitioner's response does not reference any of the documentary data in connection with these meetings. The PF stated with regard to the annual fair, that "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'" (69A PF 2001, 117). These appear to be the "tribal meetings" referred to in the petitioner's response.

The petitioner cites interviews that it asserts demonstrates that during the 1970's such tribal meetings were held on the last day or evening of the annual fair and presided over by Zara CiscoeBrough[116] (Silva 2001.12.10, 35-37; Cisco 2001.12.19, 41; Giguere 2002.02.27, 110-111, 115-116; Hamilton 2001.11.27, II, 26-27). The interviewees gave fairly specific descriptions of meetings at the annual Fair in the 1980's, claimed as limited to Nipmucs (C. Hamilton), the night before the main fair gathering. James Cisco described Federal recognition as a topic after 1978. Several other individuals also recalled meetings which are identifed as in the 1980's (Palavra, Silva, Hamilton).

The documentation for the 1979 annual meeting indicates a maximum of 20 people attended. (Hassanamisco-Nipmuc Minutes 1979.07.04). The list is difficult to interpret, but at least four listed were spouses or other non-members. Several of the Henries family were present. Although the meeting concerned important matters such as voting on the new by-laws, the attendance was small and limited.

The documentation for the 1980 annual meeting indicates that major issues were discussed, such as the status of the petition and the status of the Hassanamisco land vis-a-vis the non-Cisco portion of the membership (Hassanamisco-Nipmuc Annual Meeting Attendance List and Minutes, 1980.07.05). The attendance (exclusive of spouses) was 11, including Ciscos, Hamiltons, Vickers, Palava/Curliss, thus was essentially the small group on the then-council, and was not a "tribal meeting."

Walter Vickers' recollection of this meeting similarly indicates a small attendance, basically of the existing council. He stated that attending were: "My cousin Charlie Hamilton, my father, a council of people, I believe Buster Richardson, some more of the Ciscos. A couple of the old timers . . . There were several people. It was unanimous" (Vickers 1998.06.30, 6-7).

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[116]CiscoeBrough was no longer active after about 1982. She died January 7, 1988.

The interviews cited by the petitioner include references to "family meetings." It is unclear whether the reference is to the documented 1979 to 1982 meetings, or to earlier ones that were essentially those of the Hassanamisco foundation. The petitioner cites Carole Palavra's interview statements, which in part concern the rejection of donations from her family by Anna Mays, one of the Cisco's. This suggests some form of earlier meetings, possibly in the late 1960's, when Mays was still resisting the expansion of the Hassanamisco Foundation organization into the Hassanamisco council.

Family Groupings

As described under criterion 83.7(b), with the notable exception of the extended Morse family, there was little evidence from interviews or the numerous transcripts of meetings to demonstrate that the petitioner's membership, even the present one, identifies family groupings as social units nor, especially, that they form part of the basis of political dialogue. The extended Morse family has operated as a somewhat cohesive political group post-1980. The petitioner only makes reference to family groupings in the context of asserting that the "tribal meetings" at the Hassanamisco Annual Fair gatherings were analogous with the annual Snoqualmie General Council. At these Snoqualmie meetings, inter-family conflicts were a major part of the political process (Snoqualmie PF, FD). There is no showing that the Hassanamisco annual gatherings had any of the character of the Snoqualmie meetings, which were used by that tribe as the occasion to settle major political issues and disputes.

Analysis of Nipmuc Organizations, 1985 to 1996

Introduction

The extended description below provides the background for examining whether and to what extent the events and organizations described for the period between 1985 and 1996 represent significant political processes for petitioner 69A or 69B. The description is a complete reexamination of data concerning organization, leadership and communal events, reviewing the extensive new materials submitted in response to the PF and as well as that in the record for the PF.

Federal Recognition Committee (FRC)

Around 1985, the CB council and the Hassanamisco council organizations established a Federal Recognition Committee (FRC) to pursue work on the petition.[117] A moving force was James Cossingham, who pushed for a unified government and offered his support in securing funding to finish the "Federal Recognition Project" (Reno to Morse and Vickers 1986.01.29; 69 Minutes

[117]Alternative terms appear in the documents, such as Nipmuc Federal Recognition Petition Committee and the temporary Federal Recognition Petition Committee).

1986.06.07). The various descriptions of the FRC and its activities do not indicate membership participation or opinion, but demonstrate only the activities of the two councils and the individuals on the FRC.

Several interviewees characterized the situation as one in which the two organizations could not get along, but that the initial 1984 technical assistance letter from the BIA indicated that they would do better together.[118] They also understood the letter to indicate that the petition needed to be completely redone. A description of FRC said:

> Independent review by Nipmuc scholars and outside consultants affirmed the necessity to discard the pending petition and reinitiate research toward a thoroughly recast petition document. The old one was based on poorly researched secondary materials, and was at best a history of one clan which had only recently provided informal leadership to the tribe (Doughton 1991.00.00b).

Dolly Swenson of the CB described the situation before the FRC was formed as "we were plugging along, the two clans just couldn't get along. So, we kind of went our separate ways. But then we got a deficiency letter . . . it was told to us, by the Branch of Acknowledgment, that we would probably have a better chance if we joined" (Swenson 2001.05.14).

In 1986, the committee membership was established as Kenneth Brown (Spotted Eagle), James R. Cossingham, Jr., Ron Henries, Sr., Edwin Morse, Sr., Walter Vickers, and Charles O. Hamilton (69 Minutes 1986.06.07). Interview accounts indicate that Cossingham, Henries, and Brown were most important, together with Peter Silva, Sr. (Silver Arrow), who became an active member of the committee at some point, apparently in 1987 (Cossingham to Nipmuc 1987.06.29; Doughton 1991.00.00b) Ron Henries was, apparently, appointed executive director.

Edwin Morse, of CB, in 1986 characterized the effort as a joint effort on behalf of the Nipmuc, (CB Minutes 1986.06.16) and as having representatives of "both bands." He said that the membership had changed at some point because of "dissension," and that this joint effort was to work on "final stage of [the] petition." In Morse's view, the executive director was not to be a a grand sachem or take place of either current chief but a "general spokesperson in dealing with the Federal government." There was to be, in his view, a "[o]ne time id card for those on the combined tribal rolls." Significantly, he characterized the committee members as neither appointed by nor subject to the "clan councils."

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[118]Petitioner 69 submitted a response to the first, 1984, TA letter on June 16, 1987. The FRC worked with the petition researchers, visiting BAR, together with petition researcher Steve Reno, to deliver the petition supplement (Memo from J. Cossingham to Nipmuc Federation Committee Members 1987.06.29). A second TA letter in response to the submission was issued February 8, 1988, which indicated continued problems with the petition.

The two most important figures, Cossingham and Henries, were at least nominally from CB, but it does not appear that they functioned in response to Edwin Morse's ideas. They endorsed a more expansive Nipmuc organization, beyond simply a combination of the two "clans."

Documentation of a planned membership "mass meeting for 6/7/1986" concerning the new recognition effort is not in the record. According to Hassanamisco council minutes, a letter about the meeting was to be sent to "everyone on our tribal roll" (Hassanamisco Minutes 1986.06.01). Documentation was also not in the record for an anticipated "Mass meeting, to be Saturday, September 20, 1986 at the Hassanamisco Reservation." Its stated purpose was to vote for a permanent committee, and on "bylaws, id cards, land base, and the criteria for identifying Nipmuc people." The petitioner's researchers were to be invited to discuss the "state of the petition" (69 Minutes 1986.06.07).

The FRC is referred to here as a "joint effort," as the parties themselves did, because although the Nipmuc at this point were nominally a single petitioner, there were two separately functioning organizations. In August 1986, Vickers and Morse, as "chiefs" of the two organizations, issued a "unity" call. It stated: "The time has come for us to join together. A meeting for all Nipmuc people is scheduled for September 20, 1986, at the Hassanamisco Reservation Its purpose is to formulate our government, so that when we meet with people from the U.S. Dept. of Interior, we are one government" (Vickers and Morse to Nipmuc Brothers and Sisters 1986.08.02).

Earlier, in May, Vickers and Morse had sent a letter to the membership, addressed to "All Nipmuc People." The letter stated in part: "As clan chiefs, we feel it is necessary to convene a meeting of all Nipmuc people, so that we may reorganize our tribal government. We have temporarily established a tribal committee which is presently developing preliminary work and ideas for first draft of constitution." The letter emphasized that the committee was temporary and that it had "no jurisdiction or authority over any existing clans" (Vickers and Morse to "All Nipmuc People1986.05.03).

An announcement for a November 4, 1987, membership meeting stated that the purposes included the "[p]ros and cons of recognition, method to purge the tribal rolls, form permanent committee, voting procedures, whether to proceed recognition [*sic*], ANA." The announcement stated that the, "[p]resent committee has no jurisdiction or authority over existing clans, intent only to move the process along." Ron Henries, the FRC executive director, urged Dolly Swenson to attend this community meeting, saying she and her family should come, and that "she of all people should be heard" (Henries to Nipmuc People 1987.10.00). Swenson had objected to the committee, claiming she had been pushed off of it.

The November 4, 1987, membership meeting was attended by about 100 people. The meeting was attended by the Chief of BAR, who discussed the acknowledgment requirements. There was no information as to who had attended or further detail as to what had occurred. Peter Silva and James Cossingham, identifying respectively as Hassanamisco and CB, may have conducted

the meeting (Duckett 1987.10.06). Subsequently, the FRC visited Washington to consult with BAR.

Although created specifically for the purpose of pursuing the petition, the committee as part of this effort conducted work towards constructing a single governing document and governing body and membership definition. The FRC was proposing to establish a new corporation. In response, Donald Hinckley of the CB, at a November 18, 1987, meeting objected to the extent of requesting that the separate CB incorporation remain in place (69 Minutes 1987.10.18). At the same meeting, there was a discussion "whether this meeting's attendees should be a governing body to determine agendas discussed." A motion was passed for "a large meeting to elect a permanent governing body." It was stated that there were "not enough at this meeting to be considered representative to vote on issues of such long terms. Need at least 100 present, and only approximately 40 attended"(69 Minutes 1987.10.18).

A followup community meeting to that held in November 1987 was scheduled for January 18, 1988, where it was hoped to have enough attendees to adopt a governing document. Additional topics planned were a vote for committee to determine who was Nipmuc, who was to chair meetings, whether to continue ANA and BIA proposals, and who was to decide rules for access to documents. There was no specific record found to show whether this meeting was actually held and, if so, how many and who attended.

A September1988 letter from James Cossingham indicates that the FRC may have been somewhat inactive during that year. Cossingham's letter made no mention of meetings or work on governing documents, describing only efforts to get ANA grants and/or seek financial backers (Cossingham 1988.09.00).

Accounts differ as to the level of Vickers's and Morse's input into FRC's activities. Notably Vickers and Morse declined to go to Washington, DC, to a meeting with BAR in 1987 when some of the FRC members went. Cossingham indicated these two men focused on other activities such as powwows and other gatherings (Cossingham 1998.01.22). The minutes of the Hassanamisco council in these years (*cf.* Hassanamisco minutes 1987.11.00), mostly concerned narrow, limited issues, like the annual Fair and "Friendship Days." The CB focus in 1987 was similarly narrow (there are no CB minutes after 1987, though it continued to hold some of its events.) The composition of the Hassanamisco council remained the same as earlier. CB had seen some significant changes from 1982 to 1987 (see the 69B FD). Available evidence indicates that the two organizations were maintaining some form of separate membership lists as late as 1987-1988, which were substantially smaller than the lists created in the first half of the 1990's (Gution 1987.09.09; Sheehan 1988.08.01).

Ron Henries stated that he had a primary role in the next stage of organization, after the FRC, which may have resulted from the 1988 obvious deficiencies (OD) letter provided by the BIA as technical assistance in regard to the 1987 supplementary submission by petitioner 69. Although Henries had been terminated from the CB council in 1984 for lack of attendance, he claims that

Morse contacted him in 1988 about furthering the acknowledgment effort. He describes this contact as having, "met with the Nipmuc." According to Henries, Morse sent him a copy of the OD letters and asked him to do something about it, saying that he "didn't want to be bothered anymore" (Henries 1998.07.13, 20-30). Henries's account seemingly merges several different events, but indicates that a group including Kenneth Brown, Walter Vickers, Peter Silva, Sr., and two other people met and asked him to organize a further effort. Henries indicates that at some point, another organizational vehicle beyond the FRC was sought for the process. In his interview, he describes his "discovery" of the New England Native American Institute (NENAI), which John Peters of MCIA brought to his attention (Henries 1998.07.13).

The New England Native American Institute (NENAI) and the Creation of the Nipmuc Tribal Acknowledgment Project (NTAP)

NENAI was a nonprofit organization with the goals of doing research on Northeastern Indians and educating Indians and the public. It was formed in 1986, but there is little information in the administrative record concerning it until 1989. According to Ron Henries, he was contacted around 1989 by John Peters, the Commissioner of Indian Affairs in Massachusetts. NENAI had written Peters seeking some money from the State to do some kind of Nipmuc program. Henries quoted Peters as saying, "he said that he didn't respond to them and didn't give a reply yet because he didn't know if they had a right to do something on behalf of NIPMUKs" (Henries 1998.07.13, 20-30).

Thomas Doughton was director and a non-Indian named Peter Heaney was vice-president. Thomas Doughton, who claimed to be Nipmuc, has not been shown by the evidence to have had any prior association with either the Hassanamisco or CB organizations.[119] Henries asked to meet with Doughton and Heaney, taking with him approval from Morse, the head of CB. Henries challenged NENAI's right to do a Nipmuc project without authorization from the FRC or the councils.

Initially in 1989, Doughton developed a proposal for an ANA grant to be administered by a sub-unit of NENAI, of which he was then the director, on behalf of the "Nipmuc Tribe." He is recorded as having met with Kenneth Brown (Spotted Eagle) (of CB) and Ron Henries. Doughton's original proposal was for NENAI to handle the ANA grant on behalf of the Nipmuc. He presented this proposal to the NENAI board in April 1989, which agreed to it. Doughton had already developed a detailed proposal by then. At that point, Ron Henries was NTAP president and Doughton was NENAI president, an arrangement that didn't last long.

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[119]Doughton descends from the line of Alice Susan (Dorus) Bates, daughter of Charles and Mary Ann (Dixon) Dorus. His ancestor was brother of the Connecticut Indian Esbon Dorus who married a Dudley/Webster woman. According to Doughton's statement, he grew up in the immediate vicinity of Brigham Hill and knew Sarah M. (Sisco) Sullivan and Zara CiscoeBrough during his childhood (DeMarce Notes, site visit 6/5/1997).

According to one source, Doughton's link to the petitioners was that he had lived at one point across the street from the mother of Edwin Morse, Sr.

By June, the ground had shifted. Henries, James Cossingham, and a third individual, Ron Scott,[120] incorporated the NTAP on June 27, 1989, the same date as a complicated agreement was signed between NTAP and NENAI, represented by Doughton and Henries, for the latter to administer the ANA grant (NENAI/NTAP Contract 1989.06.27). This duality led to conflict in succeeding years, as NTAP took over succeeding ANA grants and battled with Peter Silva, Sr., who became affiliated with NENAI in 1989, for project materials developed in the first year of the grant. One of the issues was apparently the terms of Doughton's separate contract to carry out the work. Henries indicated that he supported Doughton in the conflict.[121] Doughton apparently broke with NENAI in an effort to obtain control of the acknowledgment efforts. He gained the backing of the two councils to establish the new organization, the NTAP, to direct the acknowledgment effort.[122]

The key figures in this period were Doughton and Ron Henries, who appear to have driven the efforts of NTAP. James Cossingham provides some indication of the political maneuvering behind the shift from NENAI, indicating that Vickers and Morse were uncomfortable with the original arrangements, leading to the establishment of NTAP as a vehicle for receiving the funds. James Lewis gives Peter Silva some of the credit for the initial efforts in this period, an indication of a Hassanamisco role (Cossingham 1998.01.20; Cossingham 1998.01.22). He names the key figures as himself, Kenneth Brown (Spotted Eagle), Ron Henries and Pete Silva. Cossingham indicates that Vickers and Morse were in favor of it but that he wanted a paper, "saying they were in it together so it would not look like doing it by themselves." James Lewis, another key figure, sought, "to have everybody in the loop." He stated that he solicited Morse's

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[120]Ronald "Count" Scott, a resident of Worcester, Massachusetts, was a grandson of Agnes (Gimby) Scott; he died shortly after the incorporation, in June 1989. This is the only record of his involvement with the petitioner. There is no evidence of his participation in Hassanamisco activities between his grandmother's death in 1953 and his appearance as one of the incorporators of NTAP.

He was, however, listed as #108 on Zara CiscoeBrough's 1975 "Tribal Role," [*sic*] which was divided into two sections, "Reservation Legal Heirs" and Vickers Clan (Reservation Legal Heirs 1975.00.00 ca). Everybody except the 13 Reservation Legal Heirs (Sisco family) was classified under "Vickers Clan," no matter what the family line, including the Edwin Morse, Sr., family. Scott's children were on the 1997 "1,640 Roll" submitted for the FD by 69A.

[121]Henries later split with Doughton, who was fired in 1991. Doughton was suspected of trying to develop a group he could control.

[122]With the departure of Doughton, there was a turnover on the board of NENAI, but there continued to be members from one or the other petitioner organizations. The political significance of this, if any, is unclear, although the composition of the NENAI board appears to have been somewhat CB oriented. In 1990, Carole Palavra and Ron Henries joined the board. Palavra reported also brought in Donald Hinckley and Paul White, both affiliated with the CB council. Palavra and her son Bruce Curliss had also been on the CB council a few years earlier, but had left. Kenneth Brown, also originally of CB, also was appointed to the board at the November 1990 annual meeting. There is no information about NENAI's activities after that, except for the conflict with NTAP, over a period of several years, concerning control of the research materials developed. Despite the presence on the board of figures who were or had been officers in one or the other petitioner, it did not play a role within either organization. The organization continues to function until the present.

and Vickers's support for the original effort and that they were reluctant so, "we formed NTAP" (Lewis 1998.06.30, 14).

The only evidence of involvement of the CB and Hassanamisco councils was a letter, dated July 22, 1989, signed by Walter Vickers and Edwin Morse, Sr., for the Hassanamisco and CB councils respectively, which effectively designated NTAP to carry the acknowledgment effort forward (Morse and Vickers Legal Mandate from Tribal Chiefs to pursue program objectives, 7/22/1989). What discussions and negotiations went on to establish this agreement are not recorded in the minutes of the Hassanamisco council nor is the agreement itself referenced in the council minutes.

With the formation of NTAP the FRC was superceded, if not officially disbanded.

The NTAP Program

In 1989, with the creation of NTAP and the leadership efforts of Thomas Doughton, a quantum shift in Nipmuc organization occurs. NTAP, utilizing the newly obtained ANA funds, launched a multi-year project to finish petition research and produce a revised petition, conduct a census, and enroll all individuals of Nipmuc descent.

The critical effect of NTAP was that it reflected a very broad view of who was Nipmuc. It went well beyond the membership definitions and membership lists of the two organizations. Doughton especially, and James Cossingham were strong proponents of this broad definition. There is little indication that those involved considered that they were enrolling an existing community or political body. The statements of membership definition and goals indicate the opposite, calling for finding anyone with "Nipmuc heritage," *i.e.*, ancestry, and also accepting ancestry from any Nipmuc historical band. This broad goal and membership definition appeared in the first ANA proposal in 1989 and continued afterwards.

There was no evidence that James Lewis and Ron Henries were opposed to the broad membership expansion. Henries's role was a major one in several meetings bringing in already prepared drafts of a constitution and/or resolutions embodying the same expansive definition. There was limited indication at this point of political opposition among the petitioners' memberships to a broad enrollment beyond Hassanamisco and Dudley/Webster descendants or beyond an extant community. However, the CB leaders Edwin Morse, Sr. and Dolly Swenson did offer some important dissents from the broadest definitions proposed at some points (see discussion of Dolly Swenson's objections in the 69B FD).

Dolly Swenson provides an interesting perspective on the enrollment of NTAP, which was carried forward, describing that, subsequently, after the combined NNTC was formed,

> when we started to go to meetings, trying to get along, we wanted to stick by the three criteria that originally we submitted to the BIA, which was the report, the

> disbursement lists, and the census. The other group outvoted us all the time because they were letting in supplementary rolls, and miscellaneous rolls that were diluting the rolls. They weren't adding up to be Nipmuck Indians. Then pretty soon the Nipmuck Indians were being outvoted by people who . . .couldn't go back to the original rolls that we established as criteria (Swenson 2001.05.14, 16-17).

This appears to be an indication that the "expansion" was not ignored by the CB leaders, though the objection could represent mainly a concern with being outvoted and swamped by the newcomers. In a comment made after the PF, James Lewis, who was active with NTAP, said, he felt that they were putting too many people on, that it was not community (Lewis 2002.01.30). Lewis attributed the process to Thomas Doughton's, "putting them [the additional members] on, as votes he could control" (Lewis 2002.01.30, 54-56). Although Doughton was out of NTAP after 1991, there was no move by any of these leaders to limit the enrollment, which had largely been completed by then.

An important question is the relationship of NTAP to the two "bands." A resolution passed by the NTAP board at a November 24, 1991, membership meeting stated:

> While the existing Nipmuc bands may continue to advocate for the interests of their membership, a duly elected tribal government will represent all Nipmuc men, women and children of Massachusetts, Connecticut, Rhode Island, and elsewhere. Our political and social cohesiveness . . . "will be strengthened by the constitution, a legal mechanism by which our tribe will deal with location, state federal agencies and bureaus" (Resolution 1991.11.24).

The constitution was to provide a "legal corporation and institutional structures for undertaking political, economic, and social development" (Resolution 1991.11.24).

At the November 24, 1991, meeting an "Interim Tribal Council" (ITC) was established. The question of consulting with the two band councils came up in a few instances in the subsequent ITC and NTAP community meetings concerning the new governing document and governing body, but it does not appear to have been a major issue. There is a substantial disconnect with the supposed "band" affiliations of those on the NTAP Board and the ITC, and the councils, and little indication of these individuals actually representing specific band interests. Ron Henries made several efforts to state that the ITC was only for drafting a new constitution and was not a substitute council (Henries to Cossingham 12/1991), indicating that there was objection being expressed in some quarters that the ITC was behaving like a council rather than a constitutional committee.

Seventy-three individuals are listed as having attended this important meeting. The attendees did not include Walter Vickers, the head of the Hassanamisco council, or any of his family. Those attending did include Edwin Morse, Sr., and part of his extended family. The attendance

also included a number of individuals who would be removed from the petitioner's membership in 2002 and individuals from the CB's Dorus/White line who also have not established Dudley/Webster Nipmuc ancestry (NTAP Minutes 1991.11.24).

Discussion of NTAP Goals and Membership Definition

The hallmark of the NTAP project was the vast expansion of membership, well beyond those who were had previously been members of the Hassanamisco and CB organizations. It is not possible to determine the exact membership of the two organizations at the time the NTAP project was started, as there are no contemporary membership lists in the record between 1979 and 1995. However, miscellaneous sources give estimates or summary figures in the preceding decade, of perhaps 600-800 in Hassanamisco and 300 in CB (Festival Celebrates 1988.08.01).

NTAP's goals were to locate descendants of the "Nipmuc Tribe," regardless of what pre-contact band or historical praying town these might descend from. It in part was looking for a larger body of descendants outside of Massachusetts, in Connecticut and Rhode Island.

The 1989 articles of incorporation of NTAP include as one goal, "to facilitate and empower final tribal structure for Nipmuc by developing a tribal roll, undertaking a Nipmuc census and tabulating this and developing a needs assessment survey of the Nipmuc" (NTAP Articles of Organization 1989.07.12). The accompanying by-laws stated one purpose as "to assist a Nipmuc Tribal entity-in-formation" (NTAP Articles of Organization 1989.07.12).

A NTAP flyer announcing a meeting in 1990 asked: "Are you a Nipmuc Indian or of Nipmuc Heritage?" going on to state, "the Nipmuc Tribe is trying to identify You." It continued:

> The NTAP, a federally funded collaborative effort of Nipmuc tribal interests, is working to establish that the contemporary Nipmuc are the legal heirs and blood descendants of the original Indian people of central Mass, northeast Connecticut and northern Rhode Island. This work in establishing who we are is the first step of a multiyear Project program to revive, renew, and strengthen governance structures as part of a Nipmuc tribal reorganization and to develop social, economic and legal strategies aimed at Nipmuc political and economic self sufficiency (NTAP Flyer 1990.08.22 NTAP Flyer 1990.09.18).

Similar statements appeared throughout the next several years.

A 1990 letter stated that the project's goal was to, "[e]stablish . . . legal heirs and blood descendants of the [Nipmuc]" (Letter NTAP to Nipmuc Community 1990.00.00). At an early NTAP "community meeting," the issue was raised whether to pursue land claims as individuals or as a "tribal community."

About 1990, an undated NTAP "fact sheet" titled, "Nipmucspohke: Reorganization of the Fresh Water People," stated that, "[t]he project has spent years trying to identify all men, women and children who are the heirs and bona fide descendants of the original Nipmuc tribe." It stated these were: "Entitled to voting rights, and on the constitution and join the land claims suit" (NTAP 1990.00.00, 3).

In 1991, NTAP provided a "fact sheet on verification of Nipmuc and Nipmuc Tribal heritage" which detailed a "[s]ingle uniform standard for tribal certification based on historical and genealogical evidentiary rules." The document titled "NTAP Verification of Nipmuc and Nipmuc Tribal heritage" (Doughton 1991.03.00) is apparently the written "protocol" referred to in minutes and reports. It provides a lengthy discussion of particular historical lists (such as the *Earle Report* and the 1886-1891 Dudley/Webster distribution lists) as well as general categories of historical documents. It indicates no limitations on membership nor does it state that certain lists could not be used. It does not contain a specific set of membership eligibility criteria, referring only to developing a list of *bona fide* "Heirs and assignees" of the "aboriginal Nipmuc Tribe." It avers that the, "leadership feels that Status registration forms should be sent to MCIA." It calls for a "rigorous documentary approach," but notes that for individuals without documentary evidence, the "program feels 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" (Doughton 1991.03.00).

The April 3, 1991, NTAP minutes stated that at that point, two lists totaling 2,030 were given to the NTAP Board. These were lists that had been "completed and submitted to the State Indian Commission." There were other lists which were incomplete, for reasons such as missing addresses. There were 1,280 "confirmed" and also an "additional 750 people of bona fide Nipmuc heritage for whom research has not been completed." The additional 750 would be enrolled "if certain documents pan out." It was stated that they needed to obtain documents which were "known to exist" (NTAP Minutes 1991.04.03, 1-2).

This expanded membership is particularly relevant because the enrollment established under NTAP was carried forward under the NNTC and were effectively submitted as the 1997 "1,640" roll for the 69A proposed finding. Much of this expanded membership was removed from the 69A 2002 membership list, in response to the proposed finding against acknowledgment of 69A.

This FD report does not revisit the details of lengthy history of the NTAP enrollment, especially after 1992, and the details of how it came to form the basis for 69A's 1997 Nipmuc Nation "1,640 Roll" membership list submitted for the PF (see 69A PF 2001). It focuses on the effect on the composition of the organization, and what evidence the organization's actions regarding enrollment from 1989 to 1996 provide concerning the existence or lack of existence of community.

Events of 1993 and 1994

By 1993, conflicts had arisen between NTAP and the two councils. During 1993 and 1994, there was clearly a contest for influence between the "acting tribal council" of NTAP[123] and the Hassanamisco and CB councils. By this point, the NTAP board was acting as if it were a governing body, with broader functions than the two other organizations, although at points denying that it was a governing body. During 1993, possibly as a result of this conflict, the CB council was "reestablished."[124]

At the same time that it does not appear that the NTAP board members were specifically representing the interests and views of the Hassanamisco and CB organizations, there was some evidence of conflicts within NTAP over the role and status of the two "band" organizations. The available information does not allow for fully identifying the roles of all the parties and what constituencies, if any, they represented.

At various points, Doughton, NTAP board member Conrad Luster, his sister Joan Luster, one of the staffers, and possibly Ronald Henries, Sr., another board member, were in disagreement with the actions taken by the rest of the NTAP board. Joan Luster, who at the time of writing had been fired as an NTAP staff member, wrote a letter to a newspaper in 1993 saying, "Walter Vickers and Morse only speak for their portions of the Nipmuc: (Luster to Editor 1993). In 1992, at a meeting of the NTAP "interim tribal council," Luster, as NTAP staffer, asked that the constitution acknowledge the existence of two bands. The minutes stated: "Ron Henries said that meetings should be held with the band chiefs. But he didn't commit to setting up such meetings" (69 Minutes 1992.03.02). Henries himself stated that, "there is clearly no interest on the part of [NTAP] council members in a representative government." Luster also said she did not "believe we can legitimately do this [continue with revising the constitution], unless government represents all of the people."

An angry document by Thomas Doughton, written in July 1993, described some of the conflicts. Doughton, as he would again do later, attacked the NTAP process of adopting a constitution as being done without consultation with the Hassanamisco and CB councils (Doughton 1993.07.00). He indicated that of the ITC board, Dolly Swenson had not attended meetings or participated, and that Tom Garr and Elizabeth Kiser said that, "they hadn't seen the full draft of the proposed constitutions" and that a "small group of individuals" -- "most from the same small family" drafted the constitution (Doughton 1993.07.00). It was not clear whom Doughton referred to.

[123]The relationship, and effective distinctions, between the NTAP and the "Interim Tribal Council" is difficult to determine. The two overlapped and appeared to act more or less in concert.

[124]It was not clear whether it had actually stopped functioning, but there were no minutes in the record since 1987.

Doughton's July 1993 critique gives some indications that the proposals for a constitution had generated some opinion among the NTAP membership. Among the complaints that he claimed had been expressed to him or to the NTAP professional staff were a lack of consultation with the membership and the inclusion of a provision for a sachem in the draft constitution. There was no indication who, or how many, voiced the opinions cited. Doughton, here, may have been primarily reflecting the disagreements internal to the NTAP board and staff.

Three of those most visible in these conflicts and critiques of the process of drafting the 1993 constitution were Conrad and Joan Luster and Thomas Doughton himself. None of the three have demonstrated Hassanamisco or Dudley/Webster ancestry and none of them had any substantial previous connections with either the Hassanamisco or CB organizations or, as far as is known, with any of the major family lines in those organizations.

Concerning the NTAP constitution, apparently referring to the one claimed to have been adopted in February 1993, Ron Henries stated that, "[t]he number of people that may have voted on that thing was somewhere in the neighborhood between absentee and then [inaudible] say, 250 or -- at least 250 people" (Henries 1998,07.13, 42-44). He also stated that Edwin Morse, Sr., voted for it and that Walter Vickers voted for it by absentee ballot.[125]

Ron Henries stated further about the NTAP sponsored constitution, that:

> During -- I meant to say -- during the project time, one of the things that took place -- there were elections, there was a Constitution process that took place. And the Constitution was voted on, you know, by the NIPMUK people. Everybody had an opportunity. There was about two or three drafts that went out. Tom Dowton [*sic*] tried to circumvent that process by saying that the constitution was no good, that we really needed, blah, blah, blah (Henries 1998.07.13).

It is clear that the process for developing a constitution that went on between the November 1991 membership meeting which passed a resolution authorizing a constitution and the apparent "adoption" of the constitution at a February 1993 membership meeting generated substantial conflict of some kind that was expressed at a "community meeting" in November 1993. There was no good evidence to demonstrate how important or widespread opinion about the issues raised in these conflicts were, nor whether they involved all segments of the NTAP membership, only those linked to the Hassanamisco and CB organizations, or only the individual leaders and members of the different councils.

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[125]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 record and the two petitioners do not provide the full reasons for the conflicts over the drafting of a constitution and the different definitions of membership eligibility and of service area. Particularly, the petitioners have not provide information as to whether these represented issues of significance to some tribal community, since several of the key figures had no real connections to either of the existing groups. There was no evidence in these particular conflicts that the actions of various individual objectors were taken as leaders of a portion of the membership, or whether they were expressing their individual objections.[126]

Morse wrote to BAR November 22, 1993, saying he wanted things "put on hold," and challenging NTAP as an unauthorized group representing the Nipmuc and saying the only ones recognized by Massachusetts were CB and Hassanamisco (11/22/93 Morse to BAR). NTAP at this point was without funds, and its office had been closed. However, the record of a November 21, 1993, community meeting that was held by NTAP indicates the organization was still active, and that there was direct competition between it and the two councils.

The two "band" organizations appeared to attempt to separate from NTAP in late 1993. A November 17, 1993, newspaper article said that the CB was calling a general council meeting of members and that CB and Hassanamisco had recently established an (apparently joint) agreement with financial backers for a casino (Branca 1993.11.17). The article quoted Morse as saying the combined group claimed 800 members recognized by Massachusetts, contrasting it with the much higher number of NTAP members. The November 1993 NTAP minutes said the two "chiefs" had agreed to a joint government.

Apparently in response to NTAP, a new "executive committee" was formed in December 1993 (1993.12.30.) The "executive committee" consisted of Edwin Morse, Sr., and Edwin Morse, Jr. for CB and Walter Vickers and Charles Hamilton for Hassanamisco. The new executive council passed a resolution that, "only they speak for the Nipmuc and that therefore that attempts by the TAP Jim Louis [*sic*] and others do not represent the Nation and are not authorized to hold elections or to attempt to change the tribal form of government" (Resolution 1993.12.30). The letterhead had a "Nipmuc Nation Logo" on top, with Morse listed on the left and Vickers on the right. There were to be two treasurers, one from each "clan." Each "clan" was to have its own bylaws. The executive committee established brief by-laws, which seem to reflect certain CB ideas, and was dedicated to maintaining a dual structure.

This committee declared the "Federal Acknowledgment committee," evidently NTAP or possibly the ITC, to be abolished and denied that James Lewis (then the leading NTAP figure) represented anything they had agreed to. The committee then proceeded to discuss getting back the materials and equipment from NTAP. The two councils agreed they would work closely together and communicate regularly. Nothing was said about membership. It may be that

[126]See also the discussion in the 69B FD of Dolly Swenson's objections to NTAP and NNTC membership definitions.

Vickers and Morse had united to obtain financial support and at the same time exclude NTAP from influence.

Thus at this point a three way conflict had emerged, despite the earlier low profile of the two "band" councils. A January 18, 1994, NTAP resolution declared that only NTAP was the legitimate Nipmuc representative.

The December 1993 "dual" executive council was apparently quite short-lived. In February 1994, Walter Vickers declared his support for NTAP (Vickers 1994.02.09), re-endorsing NTAP. NTAP Board minutes indicate that Morse was the primary source of conflict (NTAP Minutes 1994.02.22; NTAP Minutes 1994.04.12) and that attempts by NTAP leaders to negotiate with him were, in the first part of the year, not very successful. The record contains many of documents indicating that all three organizations were negotiating with several different possible financial backers at this time. A detailed history of these negotiations was not made for this finding, but the record indicates that there was competition for support of backers, in which some parties within the three considered combining to obtain backing. The specific approach taken by the backers was not analyzed for this report, as to whether they favored a combined group or separate groups.

The process for establishing a council envisioned under the February 1993 NTAP constitution evidently faltered. At November 1993 membership meetings, nominations were made, but as of March 10, 1994, no elections had been held, and the overall evidence is that the envisioned elections were never held. Dolly Swenson in a letter attacked the legitimacy of all three organizations and NTAP's delays in holding an election, saying that once a council was elected under the NTAP constitution, it would "be the sole representative voice of the Nipmuc Nation" (Swenson to Nipmuc Brothers and Sisters 1994.03.11). Limited evidence is available on this question, but some individuals indicated that this plan foundered on the conflicts described, or the inability of the NTAP group to in fact mobilize the entire membership.

A "community" meeting was held May 21, 1994, which was an attempt led by Bruce Curliss, the Nipmuc MCIA commissioner, to resolve the conflicts. The reported attendance was 40, with no attendance list available. The ensuing discussion turned on who or which group would be able to get recognition. The validity and authority of the NTAP board was attacked in the meeting. In the account in the *Nipmucspohke* newsletter, the initial tone of unity was ended by Edwin W. Morse, Sr.'s, comments that he had "a new contact, don't need NTAP or Hassanamisco" (*Nipmucspohke* 1(1), Spring 1994). According to the article, Morse averred that he, and everybody else, was mainly interested in gaming. The article reported that the upshot of the meeting was that, "Curliss, NTAP and Chief Vickers would continue the process of electing a universal tribal council, should that be the people's decision" (Curliss 1994.05.21; *in* *Nipmucspohke* 1(1), Spring 1994).

On May 21, 1994, at the same time as the "unity" meeting was held, the Hassanamisco council met and apparently engineered a revised and somewhat expanded version of their council, using

the title the "Nipmuc Indian Tribal Council." James Lewis and Ron Henries, key NTAP figures, were added as "consultants" "with the privileges of council members." The latter phrase was not explained. Also added to the council were a few other individuals from the same families already represented. The two "consultants" may have been added to the council to strengthen Hassanamisco's hand, and perhaps ally with two of the NTAP's most important leaders. None of the information on this meeting indicates whether any broader political backing for the particular move was involved than the old Hassanamisco council itself.

During 1993 and 1994, the Hassanamisco, CB, and NTAP councils were in part competing with each other and in part seeking alliances with each other. A major element in the competition was seeking financial backing for a given organization and its petition efforts. The CB was, overall, more likely to oppose than to ally with the other two. In these conflicts, there was limited evidence to show that portions of the membership, as opposed to the leaders, were involved. The clearest indication of possible membership opinion is found somewhat later, from 1994 to 1996, where there were expressions of concern about the perceived inability of the organizations to unite.

Formation of the Nipmuc Nation Tribal Council (NNTC)

The conflicts of 1993 and early 1994 led in August 1994 to the creation of Nipmuc Nation Tribal Council (NNTC) or Nipmuc Nation Interim Council (NNIC) which was created by agreement between the CB council (or at least Edwin Morse, Sr.), the Hassanamisco council (or at least Walter Vickers), and the NTAP leaders. Despite the representations to the contrary of some NTAP leaders, that organization had clearly become an independent Nipmuc organization and not merely a vehicle for the two councils to pursue acknowledgment. There is no evidence that the NTAP's other goals (including the ITC as a creature of NTAP) were what the Vickers and Morse had in mind when they agreed to the establishment of NTAP. This is consistent with the appearances from interview and other data that the NTAP leaders were not particularly consulting with either of the two councils. Likewise, this consistent with the fact that while some individuals active in or holding office in NTAP or the ITC were at least nominally identified as members of one or the other band, *e.g.*, Ron Henries and James Cossingham, others, such as Thomas Doughton and Conrad Luster did not have any substantial past involvement with either organization.

One individual very active in NTAP and then the NNTC referred to this as a "merger into a single council," pinpointing Morse, Vickers and James Lewis as the leads in its formation (Luster 1998.07.02). Ron Henries in 1998 offered a variant version of how the NNTC came about (Henries 1998.07.13). Henries implied that it came about in part because of an impasse with the two bands dealing with different potential backers. Henries described the process as occurring at his initiative under these circumstances, and indicated that he contacted Edwin W. Morse, Sr., and offered to organize a meeting to be held on the CB land at Thompson. The meeting included leaders from each of the three organizations. Henries indicated there may have been a number of meetings, some with potential investors. With the formation of the "unity"

council, separate financial backing agreements that backers had made with NTAP and Hassanamisco were to be terminated (69 Minutes 1994.11.16). Procedures were to be set up for reviewing proposals from potential financial backers.

The new council had specific individuals identified as from each of the three organizations, as follows:

> Chaubunagungamaug: Edwin Morse Sr., Edwin Morse Jr., Dolly (Morse) Swenson, Ruth (Morse) Bessette, Ronald Henries, Sr.
> Hassanamisco : Walter Vickers, Pam Vickers, Charles Hamilton, Pamela Ellis, Mary Ann Hendricks.[127]
> NTAP: James Lewis, Conrad Luster, Don Gould, Bill Gould, Ray Cote.

Interview information generally indicates that once the NNTC was formed, the CB portion, though technically part of it, either did not participate or was consistently in opposition to the rest of the council, while the Hassanamisco council portion was not conflict with the NTAP portion.

Walter Vickers's view was that, "NNTC not intended as a supreme governing body with authority over the separate councils but as a representative body where members of the councils could meet and take up issues important to the entire tribe" (Walter Vickers, 2002.06.13). He said that therefore the Hassanamisco council did not disband in 1994. Vickers said the Hassanamisco council continued to meet with about eight to ten members, identifying Charlie Hamilton, Buster Richardson, Emma White, Reggie Walley, Anna Mays and Shelleigh Wilcox, all of whom had been active in the preceding two decades. He identified the issues that the Hassanamisco council itself dealt with as reservation maintenance and the annual fair, an observation consistent with the available minutes. Hassanamisco council minutes that year almost entirely concerned planning for the annual fair.

Vickers claimed that the Hassanamisco council brought issues to the NNTC, but there was no direct evidence of this. However, Vickers also noted that the Hassanamisco council stopped meeting in 1996 because he could not keep up with both and NNTC "was dealing with the important issues." There are no minutes for the CB in the record from 1988 to 1993, when a meeting was held to "restart" that council (see discussion in the 69B FD).

CB and, apparently separately, NTAP submitted petition supplements to the BIA in 1994. By the end of 1994, with the "unification," and the financial backers, a new set of consultants was brought in, and a new round of research commenced, along with arguments over what the membership definition should be. The perception remained that the organizations needed to

[127]Ellis and Hendricks were from the Thomas descent line that was on the 1997 69A membership list but is no longer included on the 2002 69A membership list. For discussion of this family's background and involvement with the petitioner from 1994 through 1997, see the 69A PF.

remain together as a single petitioner to be recognized (Townsend). NTAP was still in existence in this year, but being eclipsed or, rather, its leaders came to be leaders of the NNTC.[128]

Analysis of Evidence for Political Influence, 1987 to 1996

The Character of NTAP

The 69A petitioner clearly describes the NTAP organization as a political body, and takes the view that the entire combined membership was a political community. Regarding NTAP, it stated : "The NTAP Board of Directors was, as will be argued, a *de facto* governing body; its significance would be tacitly confirmed with the acceptance of its census as a sizable part of the 1997 tribal roll and when it contributed five members to the fifteen-member Tribal Council"(69A Response Report for 83.7(c) Part C 2002.09.30, 17). The petitioner went on to say, "The NTAP became the representative body for most of these new members; with no political ties to either Grafton or Dudley/Webster, the Project was their link to the greater Nipmuc community" (69A Response Report for 83.7(c) Part C 2002.09.30, 20).

By implication, the petitioner's position is that NTAP only represented those who were not part of the Hassanamisco and CB groups. There is no evidence for this in the record about NTAP. Its leaders included people like James Cossingham and Ron Henries, with links to the two other organizations, to the extent the groups are identifiable as such. The only significant evidence of distinct organizations are later statements, by the NNTC, concerning the 69A 1997 "1,640 Roll," which characterized it as being drawn from the "rolls of all three groups" (see discussion above).

This argument by the petitioner conflicts with the primary view presented by the 69A response that there was only the Hassanamisco community, as defined, and that this community included the Sprague/Henries descendants. Because there was no longer a separate Hassanamisco council after 1996, there is little support for the idea that Hassanamisco was a distinct political body before that point and less after that point. The petitioner's reference elsewhere in its response to NTAP as an "affiliated organization" does not accurately represent the political events and the relationships between the different Nipmuc organizations, their leaders, and memberships (see discussion above).

The petitioner at one point states the NTAP "drew Nipmuc from both tribal entities as well as from families not associated with either Grafton or Dudley/Webster. A community of sorts developed within the NTAP through shared goals, frequent meetings and Nipmuc identity" (69A

[128]Also in 1994 the Nipmuc Indian Association of Connecticut was formed, Significantly, the founder and president was Joan Luster, who had worked for and then bitterly opposed the NTAP elections. "Officers prior to elections" also included Donald Hinckley, of CB, as vice president, George Munyan, formerly of CB, as treasurer and Duane Luster as secretary. The group planned to seek recognition from Connecticut. The purpose was to strengthen the social ties of the Nipmuc in Connecticut and preserve historical Nipmuc village sites (*Nipmucspohke* 1994.04.00). The organization still exists today.

Response Report for 83.7(c) Part C 2002.09.30 ca. 23). The response goes on to say that "Darnell's 'accordion model' predicts the success of the NTAP 'recruitment' effort.[129] After years of economic dispersal, Nipmuc returned to tribal entities and joined the programs of the NTAP to share in the resources it promised" (69A Response Report for 83.7(c) Part C 2002.09.30). The petitioner contrasted NTAP's resources with the limited resources of the two councils, and stated that the two "kept to a conservative agenda of traditional aims." The statements understate the degree to which the Hassanamisco leaders and council members participated in NTAP, and ignores their even greater, and more formal, participation in the continuation of this expanded group under NNTC. The question of the continued separateness of a Hassanamisco group or council is discussed below.

The 69A petitioner clearly describes the NTAP organization as a political body, and takes the view that the entire combined membership was a political community. Regarding NTAP, it stated: "The NTAP Board of Directors was, as will be argued, a de facto governing body; its significance would be tacitly confirmed with the acceptance of its census as a sizable part of the 1997 tribal roll and when it contributed five members to the fifteen-member Tribal Council" (69A Response Report for 83.7(c) Part C 2002.09.30, 17). At the same time, the petitioner went on to say, "The NTAP became the representative body for most of these new members; with no political ties to either Grafton or Dudley/Webster, the Project was their link to the greater Nipmuc community" (69A Response Report for 83.7(c) Part C 2002.09.30, 20).
By implication, the idea behind this latter statement is that NTAP only represented those who were not part of the Hassanamisco and CB groups, contradicting the other statement. There is no evidence for this latter view in the record about NTAP. Its leaders included people like James Cossingham and Ron Henries, with links to the two groups, to the extent they are identifiable as such. The only significant evidence of a distinction are 1996 statements, by the NNTC, concerning the membership list submitted for the proposed finding, which characterize it as being drawn from the rolls of all three groups.

Formation of FRC and NTAP Claimed as Demonstrating Political Process

The petitioner describes the events leading to the formation of the FRC and eventually NTAP as demonstrating a conflict between 1986 and 1989 over the continued pursuit of Federal

[129]The petition refers to the "accordion model" to explain the NTAP and post NTAP NNTC period. This model applies to traditional band societies and has no application to circumstances of populations within a larger society, who may, based on ancestry and identity, join an organization, or even develop some degree of community. Under the regulations, however, community must exist, and there is no good evidence that this larger population even came to form a group that is a distinct social community or that it exercised significant political authority within its membership.

In traditional band societies, there exists a web of kinship and other social relations, which extend beyond the band, within which band organizations are established and change in composition over time. Changing band membership in a traditional society is not the equivalent of joining a Nipmuc organization which is not a community. The petitioner itself identifies many of those joining under NTAP and then continuing as not having any community connection up to that point.

acknowledgment by the Hassanamisco petitioner (69A Response Report for 83.7(c) Part C 2002.09.30, ca 95-96). It describes this controversy as providing "a good example of the bilateral political relationship that existed between the Hassanamisco leadership and its membership." It states that after Walter Vickers decided to withdraw the group from the petitioning process, "a group of tribal members reacted by organizing their opposition, eventually gaining enough support to overturn the decision" (69A Response Report for 83.7(c) Part C 2002.09.30).

The petitioner portrays the creation of NTAP, and the predecessor Federal Recognition Committee (FRC) as a political process within an existing entity. The documentation and interview evidence indicate only that some individuals actively sought to continue the acknowledgment efforts and eventually convinced Walter Vickers to endorse their efforts and the establishment of the FRC and NTAP. What is not shown is that there was a major conflict over this question within the group, or that these individuals convinced Vickers because they had strong community opinion behind them. Instead, they were individuals with energy, knowledge and some financial resources (see also description below).

The petitioner cites the May 5, 1989, letter from James Cossingham to the BIA asking for BIA recognition as spokesperson of the Nipmuc (Cossingham to BIA 1989.05.08). This letter stated in part that, "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" [Edwin Morse, Sr.] (Cossingham to BIA 1989.05.08). The letter notes the opposition at that point of Walter Vickers, disparaging him, and by implication both the CB and the Hassanamisco councils, by saying:

> 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 (Cossingham to BIA 1989.05.08).

There was no evidence how many "members of both bands" actually favored or opposed their efforts. None of the interviews of the leaders in this period describe such support.

The petitioner further elaborates its view, stating:

> the circumstances brought to the fore a situational leader in the person of tribal member James Cossingham, who had not previously been involved in the Hassanamisco leadership. His influence and action in keeping the tribe focused on the goal of Federal recognition was certainly in keeping with the model of situational leadership (69A Response Report for 83.7(c) Part C 2002.09.30).

The idea of a situational leader is in contrast to an office holder, and identifies an instance where an individual, not holding a formal position, acts as a leader with regard to a particular type of

situation, *e.g.*, fishing, as opposed to being a leader in general (*e.g.*, a "chief"). Applying this label in this instance does not provide evidence concerning possible political following of a leader.

The petitioner has overstated the evidence as to whether there was political backing among the membership. It is possible for a few individuals to form a committee and take actions. There is no substantial evidence that the inactivity of the acknowledgment effort this was a matter of controversy within the membership in general of either organization, or that the committee members, drawn from both organizations, had substantial followers for their efforts.

The petitioner's report states: "The Nipmuc Tribal Acknowledgment Project (or NTAP) . . .seized the chance to gain a significant voice in governance, though its reach was probably unanticipated and considered unwelcome by many [3]" (69A Response Report for 83.7(c) Part C 2002.09.30) without noting that this organization, and its governing body, went far beyond the Hassanamisco group as it defined by the 1977-1979 membership list.[130]

The petitioner notes that the materials presented go beyond those available in these subject areas for the PF, and that:

> documentation and description of these events presented here provide evidence that tribal members considered the tribal issues acted upon to be of importance and that there was considerable internal conflict over tribal issues, goals, and decisions. These are two of the kinds of evidence specified in the Acknowledgment regulations for meeting Criterion 83.7(c) (83.7(c)(1)(ii) and (v). As the BIA found in the Eastern Pequot case: "These conflicts, as conflicts typically do, showed which issues are important, how widespread the interest is, and in general provide data about political processes and community which a quiet period does not" (Eastern Pequot FD 2002, 25) (69A Response Report for 83.7(c) Part C 2002.09.30).

While many of these events may be characterized as "political" in the sense that conflicts occurred, passions were aroused, and power and influence sought, it does not follow without specific evidence that these were occurring within (or between) social communities. A large, but

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[130]Elsewhere, the petitioner's response presents the organizations in a different light, stating:

> By 1993, the political sphere of the Nipmucs had largely split into three entities, each with its own leaders: (1) the traditional Hassanamisco entity under tribal leader, Walter Vickers, focused on the Grafton reservation, and recognized by most Nipmucs; (2) a group based at Dudley/Webster, governed almost exclusively by the Morse family and striving to displace Hassanamisco as the center of Nipmuc governance; and (3) the NTAP, an insurgent organization authorized to work for Federal acknowledgement [*sic*] of the tribe, but which had expanded its political influence considerably and now represented a significant proportion of Nipmuc peoples (69A Response Report for 83.7(c) Part C 2002.09.30).

by no means entire part of these processes do not show evidence of being more than conflicts between or within organizations, or between individuals seeking influence within organizations. By comparison, in the historical Eastern Pequot, there was substantial evidence of mobilization of membership and opinion, occurring within a single political system (EP, PEP FDs 2002).

According to the petitioner,

> [t]hese events provide evidence of the existence of: (1) political processes within the tribal entity (25 CFR 83.1); (2) "a flow of political opinion and thus a bilateral political relationship" in accordance with the Snoqualmie precedent (Snoqualmie PF 1993, 29); (3) an issue acted upon by leaders that was of importance to the membership (25 CFR 83.7(c)(1)(ii); and (4), internal conflict over group goals and decisions (25 CFR 83.7(c)(1)(v) (69A Response Report for 83.7(c) Part C 2002.09.30).

As described, there was not evidence that these conflicts within the 69A petitioner occurred within a political community, nor was there any significant evidence of membership opinion concerning how to proceed with the acknowledgment effort. Thus none of the forms of evidence stated in the above paragraph have been shown.

The Significance of Conflicts between Hassanamisco and the CB, and within the NNTC

The petitioner argues that the conflicts between the CB council and the Hassanamisco council, which occurred from the former's creation in 1980, to varying degrees until 1996 and after, demonstrated significant political processes. The petitioner refers to these as "contests over political authority," stating that the:

> conflicts between the Hassanamisco tribal entity and the Dudley/Webster group (which in the 1980's began to use the name Chaubunagungamaug band), affiliated organizations such as the New England Native American Institute (or NENAI), the Nipmuc Tribal Acknowledgement Project (or NTAP), and tribal members offer ample evidence of the strong feelings and identities driving these battles (69A Response Report for 83.7(c) Part C 2002.09.30).

Clearly there were conflicts for influence and status between the Hassanamisco Council and the CB council and between the CB and the balance of the NNTC. Many of them occurred in the context of events from 1987 to 1996 described above, concerning NTAP and the NNTC.

The petitioner asserts that the documentation of the events and conflicts in FRC, NTAP, and the Nipmuc Nation Tribal Council (NNTC) provides "evidence that tribal members considered the tribal issues acted upon to be of importance and that there was considerable internal conflict over tribal issues, goals, and decisions." The 69A response goes on to say, citing the Eastern Pequot case: "These conflicts, as conflicts typically do, showed which issues are important, how

widespread the interest is, and in general provide data about political processes and community which a quiet period does not" (Eastern Pequot FD 2002, 25)" (69A Response Report for 83.7(c) Part C 2002.09.30).

There is little evidence which demonstrates these conflicts were of importance to the 69A membership as a whole, as opposed to the leaders. An extended discussion of the conflicts between the CB and the other two organizations is outlined in the organizational history from 1985 to 1996. As this description indicates, there was some, but not extensive evidence that these conflicts involved major portions of the membership. The comparison drawn by 69A to the two groups within the historical Eastern Pequot is thus not accurate. In that case, opinion and concern with the division, and the conflict between the two parts, was widespread and of very long historical standing (EP, PEP FDs 2002).

The petitioner's response also cites conflicts over representation of Nipmucs on the Massachusetts Commission on Indian Affairs between 1982 and 1986. The Hassanamisco Council had originally supported Dolly Swenson of CB as a replacement for Zara CiscoeBrough, but conflict later developed over the attendance of Hassanamisco council member Walter Bostic at MCIA meetings (Swenson to Hassanamisco 1985.01.21). The petitioner's interpretation is that this conflict, and others, demonstrates "controversy over group goals and decisions" and, therefore, provide evidence of political influence in accordance with section 83.7(c)(1)(v) of the acknowledgment regulations" (69A Response Report for 83.7(c) Part C 2002.09.30). The data presented actually represents conflicts between two organizations -- a specific representation by Hassanamisco that it was separate, and therefore ought to have representation. There is no specific discussion of group goals or controversy over them, nor internal controversy, in this connection, but only a competition between two organizations.

Petitioner 69A characterizes the conflicts within NNTC up to 1996 as "faction-like conflicts" that took place within the expanded Nipmuc entity "and thus provide evidence up to 1996 under 83.7(c)(1)(iii)" (69A Response Report for 83.7(c) Part C 2002.09.30) (see also 69A PF 2001, 175, which is more accurate). Elsewhere, however, it characterizes this as "feuds between several council members" (69A Response Report for 83.7(c) Part C 2002.09.30). The interview and documentary evidence indicates the conflicts were mainly between Morse and the others on the NNTC during that period. Before 1996, as described above, there was also a long-running conflict or competition between the Hassanamisco council, the CB council and NTAP, in part as the two former groups sought to diminish or overcome the influence of NTAP. The petitioner cites these conflicts, and their intensity, as demonstration that there, "was considerable controversy over tribal goals and decisions (one of the kinds of evidence specified as acceptable to meet the Criterion in 83.7(c)(1)(v)" (69A Response Report for 83.7(c) Part C 2002.09.30).

There was only limited evidence to show that these conflicts were over issues of concern to the membership and that the interest in them was widespread among the members of the three organizations. Even if these conditions were shown, they would not be evidence under criterion 83.7(c) because there is not good evidence to show either that these conflicts occurred within a

community or were "external conflicts" between two communities. In the alternative, these conflicts were not shown to be political mobilizations against outside groups with which there was competition (*e.g.* Hassanamisco versus CB). The evidence for this FD is that none of the three units that combined under NNTC were communities, not was the overall NNTC membership as it was defined by the 1997 69A membership a community.

Hassanamisco as Separate Council

Addressing by implication the activities of the Hassanamisco council after the beginning of wider organization around 1985 and wider membership after NTAP began the petitioner states: "From the 1980's until the creation of the Nipmuc Nation Tribal Council in 1994, the Hassanamisco council retained a strong thread of continuity in its members, concerns and activities" (69A Response Report for 83.7(c) Part C 2002.09.30). It states also that:

> For many years, the tribe had held a set of traditional aspirations that both its leaders and followers agreed on: the preservation of tribal identity, the retention, control, and maintenance of the remainder of the tribe's land, the reservation on Brigham Hill Road; the perpetuation of cultural traditions; working for an expansion of the tribe's lands and economic opportunities; and since the 1970's, Federal acknowledgement. The councils of the years following Zara's death held strictly to those community goals with little deviation (69A Response Report for 83.7(c) Part C 2002.09.30).

The continuity of council membership is not significant evidence of political processes, especially given that is was an unelected council. There is no substantial discussion or citation of evidence of member opinion and communication with the council on the particular issues. As discussed above, there was little or no evidence of member participation in the planning and organization of the annual fair, and some, in the early years, of non-member participation and resources (see also 69A PF 2001). Thus it was not shown that there were "followers" that agreed with these goals and issues.

The available evidence does not demonstrate that there was a distinct Hassanamisco *group* after the influx of members and participants triggered by NTAP, even though a separate Hassanamisco council continued until 1996. The Hassanamisco council maintained a membership list distinct from NTAP's, but there was no evidence concerning the size and character of such a list. Even though the NNTC is described as formed by three bodies of Nipmuc, there is no demonstration that, even though there were leaders identified with each of the three "groups," that these in fact constituted distinct groups. There was substantial overlap in enrollment during these time periods between 69A and 69B. Aside from certain individuals, specifically with the three councils, there is not good evidence that, after 1989, there were reasonably distinct bodies of people affiliated respectively with the Hassanamisco council, the CB council and NTAP.

At points, the petitioner's response itself discusses events in a way which blurs any distinction between the Hassanamisco and the broader membership created under NTAP and carried forward by NNTC. As noted, soon after Morse withdrew his organization from NNTC in May 1996, Hassanamisco stopped having separate council meetings. As the petitioner stated, "After Morse left, Walter Vickers and NNTC led the nation through both acknowledgment and gradual expansion of services. It continued to plan for, organize and conduct the annual fairs, and several other social and political gatherings" (69A Response Report for 83.7(b) Part B 2002.09.30, 27).

Political Organization of 69A 1996 to Present

Political Participation of Individuals Not Part of the Claimed Historical Community

Important evidence about the expanded membership initiated under NTAP and carried forward under NNTC is the advent of a substantial number of individuals and family lines who attended membership meetings that discussed or voted on political matters and held office who were not visible in the record about the Hasanamisco and CB organizations before that time. One of the most important figures in the petitioner's political processes from 1989 to 1997, with some inactive periods, was Thomas Doughton. As has been described, he exercised substantial influence on the petitioner's leaders and on the formulation of the governing documents and enrollment processes it carried out for a substantial number of years.

Office-holders from 1990 to 1996 in NTAP, the interim governing council, and NNTC were reviewed, as were also NNTC office-holders from 1996, when CB withdrew, until the present. This analysis demonstrates that some individuals with no past connection with the Hassanamisco Council or the CB council have been constant leaders in the current 69A organization and its predecessor organization. Some have not demonstrated Nipmuc ancestry of any kind. Others have demonstrated Nipmuc ancestry of some other kind, but not from the historical Hassanamisco proprietary families or the Dudley/Webster reservation. Among the most prominent have been Conrad Luster, Joan E. (Luster) Maddox, Eugene Martin, and Joseph Delgardo. Of these, Conrad Luster was involved for the longest period of time and exercised the most influence. Lois (Jackson) Boyd and Eleanor (Neal) Hawley, individuals with a long association with Zara CiscoeBrough and Hassanamisco, but without documented Nipmuc ancestry, also became officers in the late 1990's.

The proposed finding concluded that the September 13-14, 1997, Nipmuc "Homecoming" was not purely a social meeting, but one at which a draft constitution was circulated and discussed. The petitioner's response states that "of the four hundred and two attendees on the sign-up sheet, sixty-four are current Nipmuc Nation members" (69A Response Report for 83.7(c) Part C 2002.09.30, 34-35). By contrast, a 1997 study of the attendance at this meeting by one of the petitioner's researchers had concluded that 215 of 354 attendees who signed in were members on the "1,640 Roll" that 69A submitted to the BIA for acknowledgment purposes and another 31 were children, parents or siblings of those on this list who were not listed because of "inputting

problems" (Handsman 1997.12.03).[131] Thus, from this example, there was participation in political meetings by a substantial number of individuals who are not only not part of the present petitioner (69A Membership List 2002) but are now considered by the petitioner to have no community connection with it.

Membership Definitions, Enrollment, and Constitutional Revisions in 1996 and 1997

In 1996, with the 69 Nipmuc petition under active consideration and resources available to revise the petition, there was an increase in work on the petition. Petitioner 69 had a technical assistance meeting with BAR in April 1996.

By August 1996, after withdrawal of the CB organization the preceding May, the board of NNTC, calling itself the "interim NNTC," was stressing that "13 of the original 15" members of that council were "pressing forward aggressively with recognition" (*Nipmucspohke* 1996). Edwin Morse, Sr., and Edwin Morse, Jr., were not listed and had withdrawn. Dolly [Lucyann Morse] Swenson and Ruth (Morse) Bessette from CB remained on the NNTC board until approximately November 1996, when they were forced out. The fifth CB member, Ronald Henries, Sr., remained with the NNTC.

One set of researchers, Christine Grabowski and Roger Jocelyn, had been working since approximately fall 1995, and then were replaced in early 1996 with another set of researchers, Jack Campisi and William Starna. Starna and Campisi in turn were replaced during the fall of 1996. Committees of NNTC members were formed to monitor the genealogical and historical research. The research was to focus on documenting the period after 1900 (Newsletter 1995.09.00).

A complicated series of events concerning enrollment and the definition of membership began at this time. Although it is impossible to sort out here all of those involved and all of the actions, the basic action taken was that the NNTC, as part of the new effort on the petition, initiated in 1995 a process of revising the membership criteria and reviewing and revising the membership list (Quigley to Reckord 1996.05.09). These efforts provide evidence concerning how the petitioner was defining itself, and whether the enrollment was of an existing community. It also provides information concerning whether the enrollment process and membership definition were political issues for the membership or were simply driven by the research concerns and internal council conflicts (see also criteria 83.7(d) and 83.7(e) of the 69A PF 2001 and this FD for specific details). None of the definitions used in 1995 and 1996 appeared to reflect an existing community, but only narrower versus broader sources from which to trace descent. This occurred at the same time that work was still going on to revise the 1993 constitution.

[131]The reason for the discrepancy in the total for attendees that signed in was not determined for this report.

The NNTC, by letter of March 4, 1996, to "tribal member/applicant" informed them that "it has become necessary for every tribal member/applicant to fill out a federal government approval [*sic*] genealogy form." The letter stated that it was "not our purpose to remove anyone from the tribal rolls, but only to have the necessary documentation for everyone who claims to be Nipmuc." The letter gave applicants 15 working days to submit the required information. It stated that "All previous forms given to NTAP, Chaubunagungamaug Band and Hassanamisco will not be accepted and that all tribal cards from the above mentioned groups are invalid as of this date "due to the need to purge our tribal rolls" (NNTC to Dear Tribal Member/Applicant 1996.03.04).

This letter cited the relevant rolls for tracing ancestry as, "the 1861 Earle report for the Dudley/Webster CB bands and the Grafton Hassanamisco Band, 1890 Disbursement list for the Dudley Indians, and the 1910 census, tracing back to the core of the Webster Dudley Grafton bands" (NNTC to Dear Tribal Member/Applicant 1996.03.04). Essentially the identical letter was again sent out on October 1, 1996 (Vickers to Tribal Members 1996.10.01). This definition appears to reflect the advice given by the two teams of petition researchers, who advised the organization that it was necessary to be able to trace back to clearly defined lists or rolls.

In 1996, NNTC specified the membership criteria as blood descent directly from, or through collateral relatives of, persons listed on the 1861 *Earle Report*, Massachusetts court documents created from 1886 to 1890 in connection with the Dudley/Webster assets disbursement, guardianship records maintained until 1869 (wherein identified as Nipmuc) and others of Nipmuc heritage certified through additional criteria established by the NNTC (NNTC 1996). It stated that, "all individuals of Nipmuc heritage, on previous tribal rolls, are eligible for enrollment, including 1977 Zara CiscoeBrough, and 1992 Tribal Census/Roll." This conflicted with NNTC statements before or immediately after that the criteria might result in removal of some from earlier rolls.

In certifying its membership list to the BIA in September 1997, the NNTC provided an extensive history in justification of how it was created (Certification 1997.09.00). It cited the February 1993 constitution as its authority, although the NNTC had not been established under that constitution The NNTC recited as one basis for the list that, "Zara CiscoeBrough as sachem in 1977 drawing upon personal knowledge of family relationships known to Nipmuc elders and utilizing historical source materials did develop a tribal roll." It then referred to a 1995 list developed by Walter Vickers.[132] It declared further that the September 1997 list was drawing on the 1992 NTAP census and the Nipmuc Nation Tribal roll of 1996 submitted to the BIA. The letter enclosed the original NTAP protocol for determining Nipmuc heritage. That letter stated that it had been determined that 1,640 individuals met the eligibility criteria.

[132]In 1995, Vickers was reported to have completed "a provisional Nipmuc Tribal Roll" (Nipmuc Nation Tribal Roll 1995.04.09).

In 1995 and 1996, both of the research teams working for the Nipmuc Nation had raised considerable concern over the ancestry of a number of those on the rolls at that point. The second team reported in February 1996 that the first team, by then replaced, had said that so far they could not find evidence showing that historically there was a single entity to which the 69A members traced back. They raised the question of how to define the base roll for determining membership. There had been extended discussion by them with the petitioner whether to present a much narrower roll, dropping 900 and presenting a roll with only 400 (69 Minutes 1996.02.03). At a February 26, 1996, conference, held by telephone, researcher William Starna, along with the petitioner's attorney, discussed the issue of establishing the roll. He explained to them that what was needed was a certified roll, back to a base roll. His team was to review this together with the petitioner's genealogical committee. Starna in mid-April 1996, immediately before a BAR TA visit, was still advising them of the need to establish a clear base roll designation and to have a complete membership list. It was noted at that time that 1,100 membership forms had been sent out, and that 400 had come back as undeliverable (69 Minutes 1996.04.24). Starna also expressed concern with not being able to document ancestry for all of those on th then list, something the earlier research team had also been concerned with.

At a March 16, 1996, NNTC committee meeting of Guy Conrad, Walter Vickers, Ronald Henries, Sr., Edwin Morse, Sr., and Edwin Morse, Jr., there was conflict over the definition of membership and how to compile the membership list. The word for word transcript of this lengthy meeting gives no evidence that the parties in conflict were reflecting public opinion or interests (69 Nipmuc Minutes 1996.03.16). The conflicts had to do with perceived failure of some individuals to notify others of what actions were being taken, whether the backer's representative was exercising too much influence, and other concerns with the actions by the person then heading the genealogy effort. The transcript confirms the push by the researchers that they be able to demonstrate how people got on the rolls and to whom they traced. The document indicates that the council was working from rolls maintained by Vickers (probably his 1995 roll) and Morse, as well as from separate NTAP compiled rolls.

BAR advised Walter Vickers in April 1996, prior to a site visit by a BAR researcher that, "some standards for membership could hinder Federal acknowledgment, such as the 'adoption' of large numbers of people without tribal descent or the enrollment of families with no history with the tribe" (Reckord to Vickers 1996.04.00). The letter stressed the importance of descent from a historic tribe. This advice was a followup to earlier advice to the petitioner concerning their membership criteria.

It was noted in NNTC minutes in May 1996, that a professional genealogist had been hired and had certified that the members of the NNTC council could trace their ancestry (69 Minutes 1996.05.06). Again, in October, it was stated that the genealogy of 15 council members, had been reviewed by a "paid genealogist" (Nipmuc Nation Memo 1996.10.03). The conclusion then was that 14 were okay, and that one needed more dcoumentation but was probably okay. Dolly Swenson, a CB member on the NNTC, agreed that council members themselves should have their genealogies reviewed (Swenson to *Nipmucspohke* 1996.05.06). The issue was also

raised at a October 23, 1996, NNTC meeting concerning Lois Boyd (who ultimately did not document Nipmuc ancestry) and Conrad Luster (who subsequently provided documentation to the Pegan/Pollock line ancestral to the Curliss/Vickers family). The issue of whether all of the council members could demonstrate Nipmuc ancestry would continue to be raised over the next five years. There was not always information to identify who was raising the issue, and less concerning how many members, of what descent, were concerned.

On August 27, 1996, the NNTC submitted a membership list of 477 to the BIA, designating it as superceding any previous roll. It was not clear at the time whether this represented all the members that they could locate and document or if it reflected a stricter standard of definition. At one point in 1996 community studies were being conducted on the basis of that roll (Starna to Vickers 1996.09.30). There was no information about the composition and basis for this particular list. The list was superceded by the much larger roll submitted in October 1996.

It was reported at a June 14, 1997, membership meeting that the membership list was a combination of the Hassanamisco, CB and NTAP rolls, for a total of approximately 1,800. It was announced that everyone listed on any of these rolls was a Nipmuc Nation member. It was also announced that there was now an enrollment procedure which supported the "homelands model" of the Nipmuc Nation (*Nipmucspohke* III.2), an expansive approach to membership. The revisions to the constitution were also described as incorporating the "homelands model."[133] Both the 1997 enrollment approach and the proposed constitutional revisions show the influence of Thomas Doughton, who had been rehired.

The draft constitution presented at the September 13, 1997, Homecoming event called specifically for the "homelands model," utilizing election districts to determine proportionate representation for council membership. Also included were representatives for elders, representatives for Massachusetts, Rhode Island and Connecticut, for Nipmuc not living in "homeland" districts, and one for Nipmuc children (69A Constitution 1997.09.13).

The draft constitution circulated at the Nipmuc Homecoming gathering continued to contain broad language concerning membership eligibility, stating in part that all individuals of Nipmuc

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[133]The "homelands" model was contrasted with a "core area model," and is consistent with a broader enrollment, especially extending geographically into Connecticut and Rhode Island. The "homelands model" was not specifically linked to a particular choice of base roll documents, but implied the inclusion of more who did not trace ancestry to specific *Earle Report* and Disbursement lists (see 6/14/97 DE). In addition to aligning the constitution and enrollment procedures with the "homelands model," it was announced that community research for the petition "to help fill the gaps between 1920 and 1970" would also follow that approach, in contrast to the 1992 research conducted by NTAP.

It was said in a meeting in 1997 that previously they had followed the "BIA model, of core area and everybody's relationship to it. Now we will target the Nipmucs living as individuals is clustered areas, Nipmuck Homeland areas . . . Several researchers in the past have suggested this model is more accurate" (Newsletter 1997.07.00).

heritage were eligible, if on previous tribal "roles," including Zara CiscoeBrough's 1977-1979 roll, along with the "authorized 1992 tribal census and tribal roll of NTAP."

The issue concerning the membership provisions has been between a broad definition and an even broader one. Inability to trace to a particular historical roll or other sources as designated has effectively been a distinct issue -- raised in political conflicts, but also raising problems because council members are involved. Part of the issue was whether to allow descendants, otherwise identifiable as Nipmuc or even specifically Dudley/Webster descendants but from Earle's "Miscellaneous Indians" list. No one from the organization is noted as raising a question of who had been part of a community, as opposed to being of Nipmuc descent under whatever definitions were currently in use, until after the issuance of the PF. At that point, the question also arose of how to treat individuals with long-standing social ties who did not have the requisite ancestry.

Evidence Concerning Membership Interest in Political Issues

The NNTC submitted to the BIA a constitution approved by the council November 28, 1996, although apparently noting that it had not yet been ratified by the membership. In 1997, the NTAP board's plans to revise the February 1993 constitution became a more active project. Membership meetings to discuss the revision process were held in June and September 1997.

The report of a June 14, 1997, membership meeting implied broader member interest and opinion about the constitutional process, but did not indicate who or how many had expressed opinions. (*Nipmucspohke* III.2). The opinions at the meeting were such that it apparently forced the inclusion of noncouncil as well as council members on the constitution committee created at that time. One of the expressed ideas was that the existing constitution did not fit the "homelands model" well enough. Ron Henries also indicated that the BIA had indicated that the existing council did not seem to have been put in place under the existing constitution, hence plans were announced for new elections after the new constitution was adopted.

Despite this meeting, one of the petitioner's researchers, Russell Handsman, who was hired in 1997, criticized the then constitutional process. He stated that there was a greater degree of community involvement in the earlier constitutions, characterizing them as having been "written and debated by the community" in meetings in November 1991 and February, April and June 1992, "during NTAP" (Handsman 1997.12.12). The earlier, July 1993, critique by Thomas Doughton, who had been central to the NTAP era efforts, gives some indication that the earlier proposals for a constitution had generated some opinion among the membership, although not how widespread this was. It is clear that the process for developing a constitution between the November 1991 meeting which passed a resolution authorizing a constitution, its apparent "adoption in February 1993, and a community meeting in November 1993 generated a high level of conflict (see discussion above under NTAP).

Doughton, in response to NNTC constitution revision plans, in June 1996 attacked the authority of NNTC to change the membership criteria. He stated; "Your proposed criteria exclude and discriminate [*sic*] significant numbers" (Doughton to Whom It May Concern 1996.06.00). He challenged the NNTC's authority to do this without notice, hearings, discussion, of outside input. There was no evidence whether his viewpoint coincided with a large body of public opinion, even among those who would have been excluded under the proposed criteria.[134] Dolly Swenson also clearly challenged the definition of the base rolls in 1996, on the opposite grounds, as too broad. Swenson argued that it would let in non-Nipmuc, saying, "if your ancestor happened to be in Massachusetts at the time--doesn't mean that they were Nipmuc" (Swenson to *Nipmucspohke* 1996.05.06).

Overall, during the lengthy period of drafting and revising its constitution that the NNTC went through, there was only limited evidence concerning whether the constitution and its provisions were significant political issues among the membership in general. The petitioner has not presented a systematic analysis of the available data bout conflict and opinion over the revision and adoption of a constitution for the organization between 1993 and 1998. Before 2002, only one version of a constitution was adopted by a membership meeting as opposed to council action, in 1993. There was little information concerning this particular meeting. On the other hand, the delay in getting a revision after 1993 was in part because of conflict and disagreement over its provisions. Other than one or two instances, there was no indication in the many documents about the process whether the constitutional drafters represented particular subsets or constituencies within the membership.

In discussing political issues, the petitioner has not directly described possible sources of membership interest, referring mostly toe "community opinion" without specifying further or explaining the claimed community to which this referred. The evidence that does exist concerning expression of membership opinion is not specifically attributable to the "Hassanamisco" community currently defined by the petitioner, but involved many of the people added under NTAP and carried forward under NNTC who were not previously part of either the Hassanamisco or CB organizations. Thus "community opinion" in the mid-1990's may have included opinions from many individuals not of Nipmuc ancestry (whether from Hassanamisco, Dudley/Webster, or the petitioner's claimed 1920's community). Even if the Hassanamisco and CB organizations had been demonstrated to be communities, given the involvement of these numerous others, a majority of the petitioner in 1997, information about membership opinion and participation in conflict at that time is not relevant data to demonstrate political processes within a community. While there may have been some membership opinion, there was not a community that it was coming from.

[134]Doughton was brought back as a staff director by January 1997 to work on the membership list, only to be let go again after the revisions were not produced (Vickers to Reckord 1997.01.15).

At least some individuals, *e.g.* Thomas Doughton, and possibly a sector of the expanded membership, had an interest in maintaining the broad membership requirements. However, James Cossingham was a strong supporter of the expanded membership, and his family line was one of the most closely connected to Zara CiscoeBrough in the 1970's and early 1980's.

Walter Vickers, speaking of constitutions, was unable or unwilling to specifically name issues involving them (1998 1998.06.30, 27-28). Asked in1998 about issues important to the council, Vickers volunteered that, "genealogy has always come up in anything that we ever do. Somehow genealogy always comes back to haunt us. We've had so many people working for us." He referenced the inclusion of individuals who couldn't trace to Nipmuc. Asked further what issues were important "on the part of the people," Vickers responded that New Town was, noting that the question went back some time. "People were interested in that then, and in some manner they're still interested in that" (Vickers 1998.06.30, 27-28).

Thomas Doughton in 1996, as part of his challenge to the Nipmuc organizations, questioned the authority of the "new NTC" to act at all, asking, "[w]hy have we received no prior communications from this group?" He stated that,

> rumor in the community claims this council appointed by the so called councils at Grafton and Webster and the NTAP. Who gave any of these groups the authority to appoint a council? As A Nipmuc people we have never elected a council at Grafton, Webster, or NTAP . . . How has anyone become a member of the Hassanamisco council? . . . Where when and how often does this council meet? Who has elected Walter Vickers chief of anything? (Doughton to Whom It May Concern 1996.06.00).

He posed similar questions about Morse and the CG: "Never once seeking approval from us or even informing us of what it does" (Doughton to Whom It May Concern 1996.06.00).

There was little information concerning who in the various memberships may have shared these opinions, though they suggest a degree of isolation of the councils from the membership. Member complaints that are noted at some membership meetings about the constitutions were sometimes a subset of broader complaints that the council was not communicating with the membership and letting the people know what was going on. However, at one meeting, when the issue of communication was pressed by one of the attendees, one NNTC council member stated that 1,500 letters had been sent out for the meeting, but only a few members were in attendance. There was no attendance list or figure for this meeting.

Concerning other issues, the petitioner's response cites the concern of the NNTC and earlier councils with Deer Island, an area of historical 17th century Nipmuc burials, between 1991 and 1999 (69A Response Report for 83.7(b) Part B 2002.09.30, 24-25). While the council sent representatives to meetings to meet with State officials dealing with the issue, there was no indication of widespread member participation or interest in this issue, or reason to believe from

interviews that such a long-ago event as the internment of Nipmuc praying Indians during King Philip's War in the 1670's was still of widespread interest or concern to the membership as a whole. Precedent is that participation in intertribal organizations and symbolic assertions of identity are not in themselves evidence of substantial political processes.

Evidence Concerning Voting and Elections

At the June 14, 1997, membership meeting at Hassanamisco, five individuals were "nominated" for the five vacant council positions (four formerly held by CB and that of James Cossingham, who had resigned) (Newsletter 1997.07.00). There was no information concerning who supported these nominees. Two other individuals were "nominated" as alternates. The record does not show a vote on these nominees, who were accepted onto the NNTC. Attendance at this meeting was 70 persons.

Projected dates to ratify the constitution in April 1998 and to elect and seat the new tribal council in June were not met. Walter Vickers, interviewed in June 1998, explained matters concerning the lack of a vote to ratify the revised constitution in this way:

> We formed a committee to write up a new constitution because the general membership wanted it that way. Well, the one that they came up with wasn't approved by the entire membership, so it had to be taken back to the drawing table, and it's still being worked on now. We were suppose to have another meeting on it to vote on it, but that was canceled because the voting would have disturbed several people, and we just didn't want that to happen (Vickers 1998.06.30).

Vickers went on to say, concerning a plan to finally have an election of the council by the membership, that, "We also held back on voting the interim council out" because they wanted to wait until the finding came out and he felt the people on the council at that point "knew the ropes" and that it "would disturb the whole tribe." He remarked further that "A lot of people disliked that" (Vickers 1998.06.30).

Revisions to 69A Constitution, Council and Membership after the PF

At an October 22, 2001, membership meeting, the 69A (NNTC) council discussed what its response would be to the proposed finding (69A Minutes 2001.10.22). It stated clearly that those not documenting Nipmuc ancestry would be dropped off the membership list. One person in the audience claimed that only two council members could document their ancestry. It was suggested by the council that, once recognized, petitioner 69A would be able to add people back to the list (69A Minutes 2001.10.22).

Subsequent to this meeting, 69A's lead petition researcher provided to the petitioner the definition of community, asserted to have existed in the 1920's, that has been used in the 69A

response to the PF. He urged the council to revise the membership list to reflect this. This resulting reduction in membership was substantially greater than reducing the list by taking off those who could not document Nipmuc ancestry by one of the more general standards the group had been using. The enrollment criteria for 69A were revised, rejecting the broad NTAP-based model. The suggested criteria were explicitly to be based on community, not just ancestry, excluding, as it was put, those "of Nipmuc ancestry but nobody knows you."

The petitioner states that the revised constitution, adopted in November 2001, which implemented the recommendations was adopted by an 85 percent vote (69A Response Report 83.7(d)). No information was provided about this vote, as to who and how many had voted on this change.

The 69A response contains no information concerning membership opinion about the reduction of the 1997 membership list, as to whether anyone and, if so, who, objected to or supported this. It would appear from the 69A minutes that it was primarily the petitioner's interpretation of conclusions of the PF and the subsequent on-the-record technical assistance meeting that led to this change. Thus the reduction did not correspond to a preexisting division within a community. Reactions to taking off individuals with long involvement is briefly reflected in the interviews with some of those individuals (Hawley 2002.04.29; Boyd 2002.01.04) and in the minutes of the October 22, 2001, NNTC meeting, but if this has been a political issue for the membership in general, however defined, it is not demonstrated or even discussed in the 69A Comments.

The records submitted for 2002 do not provide any discussion of a council election indicated as planned for June 29, 2002. As such, no evidence of potential political processes was provided. The record does include a substantial list of original nominees (for pre-election vetting by genealogical council), along with nominators and seconders. No records of the election committee were submitted. The election was to allow absentee balloting.

Conclusion

The evidence does not indicate that political influence and authority existed within a Hassanamisco entity between 1785 and 1900 at a level sufficient to meet criterion 83.7(c). The community that existed among the Hassanamisco proprietary descendants during the periods from 1785 through 1869 and from 1869 to 1900 was not at a sufficiently high level to provide carry-over evidence under criterion 83.7(c)(3) (see discussion under criterion 83.7(b)).

Since the other major components or families antecedent to petitioner 69A (Dudley/Webster descendants and Curliss/Vickers) were not associated with Hassanamisco prior to 1900, nor have they been shown to have amalgamated with Hassanamisco either prior to or subsequent to 1900 within the meaning of the 25 CFR part 83 regulations, petitioner 69A does not meet criterion 83.7(c) prior to 1900.

For the period from 1900 to 1961, the evidence in the record does not demonstrate that any Hassanamisco "tribal entity" that included the majority of the current petitioner's ancestors existed in any definable sense. Through the late 1950's, there continued to be a tenuous community of the descendants of the Hassanamisco proprietary families (excluding the Giggers) who maintained a connection with one another as well as maintaining a public identity in connection with the Hassanamisco Reservation and the annual Indian Fairs. There is no indication that, however, this group, as manifested in the Hassanamisco Club in the 1920's, had any function beyond that of organizing the fairs. Within this group, the evidence clearly indicates that the Sisco family had a certain primacy of place, but there is no indication that they maintained a bilateral political relationship with the other proprietary descendants, much less with the larger group of Dudley/Webster and Curliss/Vickers descendants antecedent to the family lines currently comprising most of the petitioner's membership.

Most of the "political" events and activities cited by the petitioner took place, from the 1920's through the late 1950's, in the context of pan-Indian organizations in New England, specifically the Mohawk Club, the New England Algonquin Indian Council and, subsequently, its successor group, the National Algonquin Indian Council. The leadership of these organizations did not exercise political authority or influence over the people who would have been in the "1920's community" as now defined by petitioner 69A. The ancestors of the majority of the petitioner's members did not participate in these, insofar as can be determined from the evidence available, whereas the majority of the people who were in these organizations in Worcester County, Massachusetts, with Sarah M. (Sisco) Sullivan as organizer and/or officer more or less steadily, do not have descendants in petitioner 69A. Thus they did not provide a venue for any bilateral political relationship among leaders and followers antecedent to 69A. In so far as there were activities associated with the Indian Fairs, there is no indication that, with the exception of the Wilson family, the ancestors of petitioner 69A's current membership as descended from the Dudley/Webster Indians (Jaha, Belden, Sprague/Henries) and from the Vickers family were involved in any way other than by attending the fairs.

Various statements made by Zara CiscoeBrough from the 1960's to 1980 about the Hassanamisco council make it clear that she sought to expand the Hassanamisco Foundation beyond the immediate Sisco family, albeit insisting on the family's title to the Hassanamisco land, in order to ensure that the land remained in Indian hands after her death. The terms of the revised 1969 bylaws and the *circa* 1980 governing document were expansive, indicating an expansion of membership to include anyone who demonstrated any kind of Nipmuc descent, not an extant community which maintained a bilateral political relationship with the Hassanamisco Foundation or the Hassanamisco council. Specifically, there is no evidence that there was any political connection to Hassanamisco at any time prior to the 1960's for the large Curliss/Vickers line or prior to the mid-1970's for the Sprague/Henries/Morse line.

Although the petitioner nominally included the CB organization, petitioner 69B, from the latter's formation in 1980 until its withdrawal from the greatly expanded Nipmuc Nation in 1996, in practice functioned as a separate organization. Consequently, for purposes of this evaluation, it

is treated as a separate entity, and evidence concerning political influence within petitioner 69A is evaluated in terms of the Hassanamisco organization until 1990, and after that in terms of the greatly expanded organization which was created beginning in that year and which continued until the reduction of the membership by approximately two-thirds in 2002.

Concerning the Hassanamisco council from 1978 to 1996, there is little data to show a connection between the council and the remainder of the Hassanamisco or Nipmuc Nation membership. There was at best limited evidence to show that council members were "family representatives," or that there was communication from them to other than immediate family members. Although for some years there were annual membership meetings of the Hassanamisco, organization, the evidence is that attendance at these was sparse and primarily limited to council members.

There was only limited evidence that the issues dealt with by the Hassanamisco council were of importance to the members. Although Hassanamisco council meetings dealt with items such as the annual fair, Federal acknowledgment, and preservation of the Hassanamisco land, council meetings in themselves do not automatically provide evidence to show whether these goals were important to the overall membership. Available interview evidence did not show whether interest and opinion was widespread among the membership and for what time periods. There is little evidence that organizing and holding the annual Hassanamisco fair demonstrated mobilization of community resources or membership, since most of those involved were council members, while some individuals who participated were not part of the organization.

There was no evidence that the expansion of the petitioner's membership under NTAP by 1992 to more than twice the estimated size of the Hassanamisco organization in 1988 was a political issue for those within the Hassanamisco membership as it had been defined under the chairmanship of Zara CiscoeBrough beginning in the mid- to late 1970's. The narrowing of the enrollment in 2002 came about as a response to the PF against acknowledgment of 69A, which concluded that this expanded membership was not a community. It did not occur as the result of membership opinion. There was no evidence that the reduction occurred along the lines of a division within an existing community.

Additional evidence that the Hassanamisco council did not exercise political influence in an existing community was that there was no evidence of membership comment or question concerning the 1996 dissolution of the Hassanamisco council in favor of the larger NNTC. NNTC had been formed in 1994 as a governing body incorporating the Hassanamisco and CB councils and NTAP (which was treated as a separate body).

Although there is some evidence from 1990 to 1998 of conflict and of membership opinion concerning the development of a governing document and the definition of membership used under NTAP and NNTC, there was no evidence at all that leaders of NTAP or its predecessor the FRC, had any followers or represented any constituency within the membership as it was defined at any point.

The evaluation of evidence for political influence within petitioner 69A from 1962 to the present must take into account both the lack of evidence for a community at any point and the substantially fluctuating size and nature of the membership of the claimed "community" in which political influence might have been exercised. This FD finds that there was no community that was led by Zara CiscoeBrough from the 1960's to 1982, nor, following her, by the Hassanamisco council, nor, subsequently, under the NNTC, the present governing body of the petitioner (see discussion under criterion 83.7(b)).

The evidence after 1990 about membership opinion on possible political issues and concerning conflicts which might show mobilization of the membership is limited. Further, the evidence after 1990 is not specifically attributable to the portion of the 1990 to 2002 membership that constitutes the "Hassanamisco community" as now defined by the petitioner. Rather, it involved many of the people added under NTAP and carried forward under NNTC who were not part of the pre-1990 Hassanamisco organization. These individuals, who were the majority of the NNTC members in 1997, were mostly not of either Hassanamisco or Dudley/Webster Nipmuc ancestry. Neither did they descend from the petitioner's claimed 1920's community. Even if the Hassanamisco organization had been demonstrated to be a community, the involvement of these numerous others, a majority of the petitioner's membership from 1990 to 2002 and including several of the people most active in the NTAP and NNTC organizations, means that most of the limited evidence does not demonstrate the exercise of political influence within a community nor within the community as redefined by 69A for the PF.

Consequently, the available information about membership opinion, possible political issues, and participation in conflicts from 1990 to 2002 is not relevant political data to demonstrate political processes within a community. Many of the largest and most active meetings drew from the broader membership, as it was presented for the PF, which is no longer part of the petitioner. This broader membership consisted in large part of persons who either did not have Nipmuc ancestry or community connection by the petitioner's own self-definition. A number of the petitioner's leaders from 1990 until 2002 were drawn from this broader membership.

There was only limited evidence to show that conflicts were over issues of concern to the membership as a whole as opposed to leaders and officers and that the interest in them was widespread among the members of the Hassanamisco, CB, and NTAP organizations. Even if these conditions were shown, these conflicts would not demonstrate that the petitioner meets criterion 83.7(c) because there is not good evidence to show either that they occurred within a community or that they were "external conflicts" between two communities. In the alternative, these conflicts were not shown to be political mobilizations of a community against outside groups with which there was competition (*e.g.* Hassanamisco versus CB). The evidence for this FD is that none of the three units that combined into the Nipmuc Nation under the NNTC were communities, nor was the overall Nipmuc Nation membership as it was defined by the 1997 69A membership list a community within which political influence was exercised. There is no good evidence that the council of the Hassanamisco organization and NTAP represented different political constituencies which might have expressed different views.

The conclusion in the PF stands. Petitioner 69A does not meet the requirements of 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.

Summary of the PF

Criterion 83.7(d). The petitioner submitted a copy of its current governing document, which contained information concerning the group's membership criteria. The petitioner met this criterion.

In more detail, for the PF the petitioner submitted a copy of its certified governing document which was dated 1993. "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" (PF, Summary Chart for Criterion 83.7(d),1). Also see the Summary Under the Criteria for the Proposed Finding (69A FD 2001, 176-181), for a history of the various governing documents in use prior to, during, and after this petitioner's joint status with the 69B petitioner. The Summary Under the Criteria for criterion 83.7(e) (69A PF 2001, 182-190) and the Summary Chart for criterion 83.7(e) must be read for an understanding of the membership criteria found in the various governing documents used by the petitioner from 1978 to 1996, including a summary of the membership criteria in the group's then current governing document: the 1993 constitution. The 1993 constitution specified that those eligible for membership must be "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]). The constitution did not contain provisions requiring descendants of the historical tribe to have maintained tribal relations in order to be enrolled, and appears to have relied on the standards used by the NTAP in preparing the "1992 Nipmuc Census" (69A PF 2001, Summ. Crit. 184-188).

At the time of the PF, the BIA found that some of the petitioner's members descended from ancestors who were identified as Hassanamisco or Chaubunagungamaug in the 19th century. However, other members descended from ancestors who were identified as "Miscellaneous Indians" in the 1861 *Earle Report*. The petitioner claimed that these "Miscellaneous Indians" were from the former praying town of Natick, but that could not be established by the evidence available at the time of the PF (69A PF Summ. Crit., 203; 69A PF Summary Chart e, 1).

New Evidence Submitted for the FD

The Nipmuc Nation's response, Volume I, Summary of Evidence Under the Criteria (69A Response Report 2002.09.30, Narr., 124) summarizes of the petitioner's current governing document and membership criteria. The section called "Response Report for Criterion 83.7(d), Membership Criteria," briefly describes the sequence of events, beginning with drafting a new constitution in 1996 and subsequent meetings and workshops on constitutional reform, that led to the group amending and ratifying the constitution of the Nipmuc Nation on November 3, 2001.[135] The constitution describes the new membership criteria, as does Section VII of the *Nipmuc Nation Tribal Roll Policies and Procedures* manual (*Policies and Procedures*).[136]

> The membership criteria require evidence of both descent from the historic Nipmuc tribe, and participation of the family line in the social and political community of the tribe on a substantially continuous basis. The application of these criteria has resulted in a greatly reduced tribal enrollment and has helped ensure that all tribal members and their family lines also meet the criteria set forth in the Acknowledgment regulations for community (83.7(b)), political influence or authority (83.7(c)), and descent from the historical tribe (83.7(e)) (69A Response Report 2002/09/30, Narr., 125, Policies and Procedures, 4).

Section I of the 2001 constitution defines eligibility for membership, describes the method for determining membership, sets up an "Office of Genealogy" and a genealogy committee, establishes an appeals process, calls for a membership list, and defines a "member in good standing" as someone whose name is on the membership roll, is not on inactive status, and not "serving out a removal from Good Standing pursuant to a Judiciary Committee censure" (69A Constitution, Sec. I, (G),2). According to this section, individuals whose names appear on the roll of any other tribe or band are not eligible for membership in the Nipmuc Nation. It does not specify that the tribe or band has to be federally recognized.[137]

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[135]The narrative states that the committee completed its work in April 1998, that "internal disagreements regarding the BIA's directive to not change the roll during active consideration forestalled the petitioner's proceedings for over three years" (69A Response Report for Criterion 83.7 (d) 2002.09.30, 1).

[136]The petitioner states that this document was formerly called the "Nipmuc Tribal Maintenance Procedures of the Nipmuc Tribal Acknowledgment Project" and were amended for use by the Nipmuc Nation Genealogy Committee and formally approved by the council on January 14, 2002 (69A Response Report for Criterion 83.7(d) 2002.09.30, 2).

[137]The BIA's analysis of the September 2002 Nipmuc Nation membership list showed that 26 names also appeared the 69B petitioner's membership list. An additional fourteen Nipmuc Nation names (all members of a single family in the petitioner's Cisco/Silva family line) appear on the Shinnecock Tribal Nation's 2003 membership list. Section VIII of the procedures manual provides that dual enrollees remain on the membership list and have 60 days "conditional" status in which to provide evidence that they have relinquished membership in the other tribe.

Analysis

Copies of these documents were included in an appendix (Volume IV: Part A) to the comments; however, there is no date on the document or certification by the council that this is the current governing document. Some of the text appears in a different font than from other sections and may indicate sections that were amended. The petitioner included a copy of a flier announcing a "Constitution Referendum" on November 3, 2001, and a sign-in sheet with 14 names on it for a November 5, 2001, meeting, but no minutes of that meeting and no information on how many attended the "Constitution Referendum" or voted for or against the 2001 constitution. The petitioner did include a resolution dated September 23, 2002, certifying the membership list that included the statement:

> Whereas, the criteria for membership in the Nation is established in the Constitution of the Nipmuc Nation ("Constitution") and the Nipmuc Nation Tribal Roll Policies and Procedures ("Policies and Procedures"); and
>
> Whereas, in accordance with Section 1 (Tribal membership) of the Constitution, the Nation's Genealogical Committee has reviewed genealogical research data and made recommendations regarding eligibility for tribal membership to the Nation's Office of Genealogy; . . . (69A Resolution 9/23/2002(a)).

thus, implying that the constitution is in effect.

Further clarification of the membership criteria appears in the group's *Policies and Procedures* manual:

> Persons who are lineal descendants of a person or persons identified as being part of the historic Nipmuc Tribe and who can demonstrate that their family members and ancestors participated in the political and social community fo the historic Nipmuc tribe on a substantially continuous basis shall be eligible for enrollment in the Nipmuc Nation.
>
> As used herein, the following terms shall mean:
>
> Historic Nipmuc tribe: those individuals and families of Nipmuc and other Indian ancestry who were part of the Hassanamisco tribal community by the 1920s.
>
> Substantially continuous basis: consistently through time with a gap of participation of no more than 25 years (69A Policies and Procedures, Sec. VII, 4).

Each applicant must complete the official registration form. The constitution also states that the group uses the method set up by NTAP for determining membership eligibility. A genealogist

was to be hired to accept applications, conduct research, maintain the genealogical records and membership roll, and issue membership cards.

The Policies and Procedures manual states that the burden of proof is on the applicant to establish eligibility for enrollment, using a preponderance of evidence standard. It lists several kinds of evidence, primarily certified copies of birth or baptismal records that identify the parents, but it also allows that the committee may accept affidavits and other documents to verify descent (Policies and Procedures, Sec. V, VII, 4). The policies manual also states that anyone who knowingly provides false information regarding his or her descent from Nipmuc ancestors, or adoption by a Nipmuc member is, "subject to loss of membership" (Policies and Procedures, Sec. XXII, 9).

Adoption

The 2001 constitution states that anyone who is a blood descendant or an adopted child of a person identified as Nipmuc is eligible for membership. However it also specifies: "If an adopted child determined to be a member of the Nipmuc Nation has children, or adopted children, who are not other wise identified as Nipmuc, such children are not eligible to become members of the Nipmuc Nation" (Sec. 1, A.).

According to this manual, the genealogy committee, which is appointed by and answerable to the council, is composed of seven individuals in the petitioner's membership who have an "interest and genealogical experience." They serve for staggered two-year terms with no restrictions on the number of terms served (Policies and Procedures, Sec. III, 3). They meet at least six times a year. Four members constitute a quorum. The genealogy committee reviews the application and documentation and makes a preliminary determination of whether the application is complete and whether the supporting documents are sufficient to determine eligibility. If the application is incomplete, the applicant has 60 days to submit additional information. If the application is complete, the chairperson of the Office of Genealogy is notified and he or she schedules a review of the application at the next regular meeting of the genealogy committee. Applicants must be approved by a majority vote of the entire committee. This section implies that approval of an application must be made by the full committee, not just a quorum (Policies and Procedures, Sec. XI, p.6).

The Constitution also states that the council will set up a genealogical committee, composed of members of the group "to review genealogical research data and to make recommendations to the Office of Genealogy" and to notify applicants of the final determination of their applications. It is not clear if the committee or the genealogist report to the Nipmuc Nation council or that the council votes on any membership issues. The council's duties listed in Section IV do not include any references to validating the membership list, certifying new members, etc. Thus it is not clear from the language in the constitution if, when, or how the governing body certifies that the membership list is accurate and complete. The Policies and Procedures states that the Genealogy Committee will make a quarterly report to the council that includes the current tribal roll, listing

at a minimum each enrolled member of the Nipmuc Nation, his or her roll number, full name, date of birth, and sex (Policies and Procedures, Sec. XXV, 9). However, Section XIV of the Policies and Procedures manual, states that both the genealogy committee and the council must certify that the membership roll is complete and accurate. The September 23, 2002, council resolution certifying that the membership list is accurate and complete was signed by the group's chairman, vice-chairman, chief, and six council members, as well as all seven members of the genealogy committee (Nipmuc Nation 2002.09.23).

Removing Names from the Membership List

The Policies and Procedures manual also addresses at some length the ways for removing a name from the membership list: (1) by relinquishment (adult members over 18 who notify the genealogy office in writing membership; (2) by abandonment (adult members who fail to report, in writing or in person, to the Office of Genealogy for five consecutive years); or (3) by death or disappearance (when there is proof the individual is deceased, the name shall be removed from the membership list; however, when the individual has not maintained contact with the group for over five years and committee has been unable to locate an individual at the last known residence or business address, then the group assumes the person to be dead or to have abandoned his membership) (Policies and Procedures, Sec. XVIII-XX, 8). However, such removal may not be permanent. Section XXIV provides that anyone who has lost his or her membership rights may regain those rights by petitioning the genealogy committee. The request will be posted at the next annual meeting. The membership is allowed to comment on the request, but the genealogy committee has the power to reinstate the individual. Also, removal does not prevent other family members from joining the group at some future date. The policies manual also provides that children born to an individual who has lost or relinquished his membership are eligible for membership (Policies and Procedures, Sec. XXIII).

Governing Body: Officers and Council

Section II of the constitution describes the composition of the governing body, terms of office, and election of officers. The governing council has 15 positions, including a chairperson, vice chairperson, treasurer, and clerk who are elected by the council from its membership. Section III describes the council's authority and jurisdiction, and Section IV lists the council's duties. The constitution also calls for a "traditional government,"with a chief (a lifetime position) and elders council (those who are 65 years old) (69A Response 2002.09.30, Constitution, 8). The purpose of the chief and elders council is to "cultivate and perpetuate the customs, heritage, and religion of the Nipmuc Nation" and provide "cultural and spiritual advice and make comments to the Tribal Council," which has the responsibility of conducting the "day-to-day business, legal and political affairs of the Nation" (69A Response 2002/09/30, Constitution, 8). According to this document, Walter A. Vickers (Chief Natchaman) will continue in his role as chief, which includes acting as the official representative of the Nipmuc Nation at social functions, conventions, and the like. The chief will nominate three members in good standing to replace

himself as chief. The Elders Council will then choose one of the three nominees to be the new chief.

Section III describes the council's authority to adopt laws and regulations, govern and manage property, secure and maintain funds, establish committees and administrative processes for the group. It includes provisions for regulating the conduct of non-Indians on Nipmuc property, establishing corporations "compensation and stipends" for officers and employees, negotiating contracts, etc. and "the adoption of laws pursuant to which the members of the nation will be bound and the affairs of the Nation will be governed" (69A Response 2002/09/30, Constitution, 11-12).

One of the duties of the council described in Section IV is to maintain "the Nation's Library" that will house all of the ordinances, resolutions, or other laws that prescribe ". . . the conduct that Members of the Nation must follow. . ." that were passed by the council. Any member in good standing is to have access to the Nation's Library (69A Response 2002/09/30, Constitution, 15).

Meetings

Section V describes the types of meetings. The council is to meet at least once a month and at least one meeting a month will be open to all members in good standing. The chairman or council members may call special meetings by giving at least seven days notice to all members of the council. The general elections will be held every other year during the annual September meeting that takes place during "Homecoming."

Eligible Voters

Section VII of the constitution describes eligible voters as members in good standing who are 18 years old "by the next Annual September meeting or vote of the Nation." The constitution does not allow proxy voting. This section calls for general elections to be held at every other Annual September meeting and describes how a qualified voter may propose referendum questions that are to be voted on at the next annual election. Section IX provides the procedures by which two-thirds vote of the qualified voters at any annual meeting or other meeting called for that purpose may amend the constitution.

The Response states that the Nipmuc held community meetings to discuss amendments to the constitution in 2001, citing a meeting in August 18, 2001, which was attended by 78 members and the constitution committee (69A Response Criterion 83.7(c) Part C 2002/09/30, 29-30).

One issue that was raised in June of 2001 pertained to "sanctioning" members:

> Since 1995, the current Nipmuc Nation Tribal Council (NNTC) has found occasion to assert more formal political authority and develop a written policy to

sanction members. This policy, called Inactive Status, was enacted during the June 4, 2001 NNTC meeting.

The Inactive Status policy operates as a censure for members of the Nipmuc Nation who fail to comply with the Resolutions of the council or any law of the Nation. The vote must be two-thirds in favor of Inactive Status for a member to be placed on Inactive Status. Such a member cannot attend meetings or functions of the Nation; cannot run for Tribal Council is not eligible to vote in the Nation's elections or referendums; not eligible to serve on the Tribal Council; and is subject to "any other penalties imposed by a two-thirds vote of the Tribal Council in the best interests of the Nation." The member can formally request a special closed hearing with the council to present evidence in their defense and seek reconsideration. Such a request needs to be requested within 72 hours of the original Inactive Status vote. The censured member may also formally request a hearing after six months following the initial vote. The Inactive Status may be removed from a member by a two-thirds vote of the council (69A Minutes of Tribal Council Meetings, June 4, 2001, 8-9, Document 1931).

According to extant minutes of the NNTC, this form of political authority has been used twice, both times against former chairs of the NNTC (69A Response for 83.7 (c) Part C, 30).

Section I of the constitution goes into more detail about the standards, prohibitions, effects, hearings and appeals concerning being placed on Inactive Status.

Conclusion

Petitioner 69A has submitted a copy of its current governing document, a 2001 Constitution, and membership criteria, including a "Nipmuc Nation Tribal Roll Policies and Procedures" manual that was approved by the council on January 14, 2002. Therefore, the petitioner meets criterion 83.7(d).

The conclusion in the PF stands: petitioner 69A, the Nipmuc Nation, meets criterion 83.7(d).

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.

Summary of the PF

The PF found that from the colonial period through the end of the 19th century, the historical Hassanamisco (Grafton) Indians and the Chaubunagungamaug (Dudley/Webster) Indians were never considered to be a single tribe. The two groups had a common background in the pre-contact Nipmuc Indians of freshwater Massachusetts and shared at that time a common language and culture. However, as they emerged from the era of the establishment of the praying towns in the second half of the 17th century, they had distinct lands, distinct overseers, and little documented interaction throughout the 18th and 19th centuries (see the 69A and 69B PFs 2001 for more extensive discussion). The PF did not accept the petitioner's argument of a single Nipmuc nation composed of the Hassanamisco and Dudley Indians in the pre-contact and colonial periods for the purposes of criterion 83.7(e).

The PF found that petitioner 69A defined descendants of the 18th and 19th century Hassanamisco Indians and Dudley/Webster Indians as eligible for membership, on the basis of the 1849 *Briggs Report*, the 1861 *Earle Report*, Earle's 1861 Supplemental List of Hassanamisco Indians, the Earle Papers, and the Massachusetts guardians' accounts for the Hassanamisco proprietary families as some of the evidence found in the record (69A PF Summ. Crit. 2001, 198-218). The PF also found that petitioner 69A accepted descent from individuals identified as "Miscellaneous Indians" in the 1861 *Earle Report* and from "Connecticut Indian families" the petitioner appeared to consider "related to known historical Nipmucs" (69A PF Summ. Crit. 2001, 209).

Under criterion 83.7(e), the PF found that petitioner 69A, had submitted a membership list with 1,602 persons on it that had been certified by the governing body (69A "1,640 Roll" 1997).[138] The petitioner documented that 8 percent of its membership descended from Hassanamisco Indians, 30 percent of its membership descended from Dudley/Webster Indians, and 16 percent of its membership descended from non-reservation Nipmuc. The PF also found that 31 percent

[138]The 69A 1997 membership list as submitted contained 1,640 names; after removal of deceased individuals and correction of duplicate entries, a list of 1,602 persons was used for the PF.

of the 69A 1997 membership were documented to be in-laws or collateral relatives of identified Nipmuc, but not Nipmuc descendants in their own right. An additional 11 percent of 69A's 1997 membership were from a line which asserted, but had not documented, descent from the former Indian "praying town" of Natick. Of the remaining, 1 percent of the membership was not ascribed to any family line and 3 percent were not fully documented (69A PF Summ. Crit. 2001, 218).

The PF concluded that:

> As of the issuance of the proposed finding, only 54 percent of the petitioner's membership has documented descent from the historical Nipmuc 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 criterion 83.7(e) (69A PF Summ. Crit. 2001, 218).

New Evidence Submitted for the FD for Criterion 83.7(e)(1)

Petitioner 69A's Comments and Response to Third Party Comments

Petitioner 69A submitted a *Response Report Addressing Criterion 83.7(e), Descent from a Historical Tribe* (69A Response Vol. IV, Part B), and separate *Supplemental Genealogical Report for Criterion 83.7(e)* (69A Response Vol. IV, Part C). Petitioner 69A stated that its report demonstrated that its members descended from the "historic Nipmuc tribe" meaning "the Nipmuc and other Indians who were part of the "Hassanamisco tribal community by the 1920s" (69A Response Vol. IV, Part B, 2). and were "members of family groups that have consistently maintained tribal relations with the Hassanamisco Nipmuc tribe" (69A Response Vol. IV, Part B, 1).

Petitioner 69A asserts that individuals:

> who are the lineal descendants of a person or persons identified as being part of the Historic Nipmuc Tribe and who can demonstrate that their family members and ancestors participated in the political and social community of the historic Nipmuc tribe on a substantially continuous basis shall be eligible for enrollment in the Nipmuc Nation (69A Response Vol. IV, Part B, 2).

Petitioner 69A defines "substantially continuous basis" as meaning "consistently through time with a gap of participation of no more than 25 years" (69A Response Vol. IV, Part B, 2).

The petitioner then describes a sequence of events that it purports explain the circumstances surrounding the inclusion of Dudley/Webster and other Indian descendants in the "Hassanamisco Nipmuc community" of the early 20th century, the subsequent "[p]olitical battles and power struggles since the death of Zara CiscoeBrough" in 1988 that "complicated the compiling of a tribal roll that . . . accurately reflected the Hassanamisco Nipmuc community," and the "changing nature of the tribe itself" (69A Response Vol. IV, Part B, 2). The petitioner argues:

- that the 1997 membership list was "soon found by the Nipmuc Nation to be erroneous and an ongoing source of internal conflict" (69A Response Vol. IV, Part B, 2);
- that after the sale of the Dudley/Webster land in the late 1800's until the 1980's, "Hassanamisco had been the center of Nipmuck political activity" (69A Response Vol. IV, Part B, 2);
- that "with the resurgence of a group of Dudley Indians as a separate Chaubunagungamaug band in 1981, some families that had been a part of the Hassanamisco Nipmuc group since the 1920's felt obliged to participate in the activities of the newly constructed Chaubunagungamaug group" (69A Response Vol. IV, Part B, 3);
- that "when the two Nipmuc groups combined in 1994 and then separated again in 1996, most of Hassanamisco families with Dudley ancestry left the Chaubunagungamaug group and returned to Hassanamisco" (69A Response Vol. IV, Part B, 3);
- that the "dramatic increase in membership in the Nipmuc Nation in 1997" was the result of NTAP and "many Indians of clear (and not-so-clear) Nipmuc descent and varying degrees of political ambition that had attached themselves to that entity [NTAP]" (69A Response Vol. IV, Part B, 3);
- that the current membership criteria "more accurately reflect the Hassanamisco tribal community as it has developed through time" (69A Response Vol. IV, Part B, 3);
- that the "family lines on the current roll (2002 Roll) have documented descent from the historic Nipmuc tribe and have maintained community and political ties with the Hassanamisco community from at least the 1920's to the present (69A Response Vol. IV, Part B, 3);
- that all families on the 2002 membership list "were also represented on the 1977-1979 tribal roll" compiled by Zara CiscoeBrough (69A Response Vol. IV, Part B, 3).

Petitioner 69A's response report also included a list of the documents in the "Nipmuc Nation Tribal Research Archives" that it used to research and document each family line (69A Response Vol. IV, Part B, 5-6). Petitioner 69A also submitted a new genealogical database in the Family Tree Maker (FTM) genealogical software program and described the basis of its creation: "The foundation of Nipmuc 69(a) was derived from the 1997 Nipmuc Nation roll, the 1861 John M. Earle Report and certified vital records" (69A Response Vol. IV, Part B, 8). The "Notes" page for individuals in the genealogical database included transcriptions of vital records, censuses, and other historical documents that confirmed birth and death dates and parent-to-child connections or other family relationships, as well as citations to OFA's GTKY file.

The petitioner stated that it applied the following guidelines to assist the genealogical committee in determining if the applicant met the current membership criteria: "documented Nipmuc/Indian ancestor prior to 1920," documented connection to the Hassanamisco in 1920, a family was on previous membership lists [since 1975], "endogamous marriages/unions," census records, correspondence, sign-in sheets, and other documents in the "Hassanamisco Archives," oral histories, "associated lines," or additional evidence that did not fit into one of the above categories (69A Response, Vol. IV, part B, 111-13). The petitioner's "tools" or "guidelines" were listed as; "documented Nipmuc/Indian ancestor prior to 1920," "documented connection to the Hassanamisco by the 1920's," "appeared on previous membership lists [since 1975]," and participated in "endogamous marriages/unions." Petitioner 59A also listed sources such as census records, correspondence, sign-in sheets, and other documents in the "Hassanamisco Archives," oral histories, "associated lines," or additional evidence that did not fit into one of the above categories (69A response, Vol. IV, part B, 11-13).

The "Family Line" and "Ancestry" cited in the text of 69A's response to the PF were: Curliss/Vickers ("Non-Reservation/Pegan/Dudley"), Dorus/Bates ("Wabaquasett"), Jaha (Dudley), Humphrey/Belden (Dudley), Pegan/Wilson (Dudley), Printer/Arnold (Hassanamisco), Sprague/L.W. Henries (Dudley), and Cisco/Silva ("Non-Reservation/Narragansett") (69A Response Vol. IV, Part B, 13). Petitioner 69A then included a brief description of each of the items in the above guidelines that it used to verify each of the family lines met the petitioner's membership criteria.[139]

[139]The ancestral lines in petitioner 69A's September 2002 membership list do not match the eight categories listed in the text of the report, but appear to be more finely defined family lines based on marriages between some of the eight family lines referred to in the Response Report. The ancestor column in the petitioner's September 2002 membership list identifies the following ancestral lines:
Belden; Belden & Sprague/Nichols; Belden/Braxton
C. Curliss/Vickers; C. Curliss/Vickers & R. Curliss/Vickers;
C. Curliss/Vickers & R. Curliss/Vickers & M.A. Curliss/Vickers
Cisco/Silva; Printer/Arnold
Curliss/Lewis (This is Nancy Vickers, not the Mary Curliss/Christopher Vickers line)
Dorous/Bates; Humphrey/White
Jaha; Jaha & Anthony
M.A. Curliss/Vickers; M.A. Curliss/Vickers & S.A. Curliss/Vickers &Hazzard/Ransom

The "Supplemental Genealogical Report" submitted as a part of the 69A's response included sections on "Colored State Records" (its argument concerning how "racist attitudes towards Indians and Indians of mixed ancestry" were reflected in the identification of Nipmuc or other Indian ancestors in the historical records as "colored" or "free people of color" (fpc)), "Endogamy in Nipmuc Country – Kinship Networks, Nipmuc Nation Lineages" (using the family network of Ichabod Coffee as an example), "Distribution Patterns Found in Federal and State Censuses"(including analysis of how the distribution of the membership was related to the growth of the railroads), an explanation of the data in its "Nipmuc Country Census Notebook" and a brief analysis of the 1870 to 1920 censuses, and Civil War pension abstracts.

Volume V of petitioner 69A's response report is titled "Appendix for Criterion 83.7(e)" but the first page of the text refers to "The Nipmuc Country Census Notebook." The appendix includes maps and abstracts of census reports from 1790 to 1920. The introduction explained that Table 1 of the notebook "represents the census data that was cited in the April 1997 GTKY file" and some citations from the December 2000 GTKY file that the OFA sent to petitioner 69A (69A Comments, Vol. V, 1). The petitioner also stated that "If someone with a different surname was listed in the household associated with identified people in the Nipmuc FTW pedigree that name was generally included as well on the list" (69A Comments, Vol. V, 1). The focus area for 69A's census reports appears to be the population of people identified as free people of color in the "tri-county area of Worcester Co., MA, Windham Co., CT and Providence Co., RI" (69A Comments, Vol. V, 1), which would include the network of the Nipmuc families identified by the petitioner.

The petitioner's abstracts of the census data includes the census year, place of residence, head of household's name, and in some census years whether the individual was identified as Indian, free person of color, or white. The data in the censuses was organized in several different ways to show residency patterns and the distribution of the petitioner's ancestors, and other free people of color, which are issues related to criterion 83.7(b) for community rather than for descent from the historical tribe. The census abstracts in these tables do not list the household members by name, age, birthplace, or relationship to the head of house; therefore, these abstracts do not provide evidence of familial relationships or descent from the historical tribe.

M.A. Curliss/Vickers & Sprague/L.W. Henries/Morse & Hazzard/Ransom
Pegan/Wilson; Pegan/Wilson & M.A. Curliss/Vickers
R. Curliss/Vickers; R. Curliss/Vickers & M.A. Curliss/Vickers
R. Curliss/Vickers & S.A. Curliss/Vickers & Sprague/Nichols & Hazzard/Ransom
S.A. Curliss/Vickers; S.A. Curliss/Vickers & Sprague/L.W. Henries & Hazzard/Ransom
S.A. Curliss/Vickers & Sprague/Nichols; S.A. Curliss/Vickers & Sprague/Nichols & Hazzard/Ransom
Sprague/L.W. Henries; Sprague/L.W. Henries & Curliss/Lewis; Sprague/L.W. Henries/Morse

Third Party Comments

The State of Connecticut and Northeastern Connecticut Council of Governments submitted comments on September 30, 2002, stating that "Even defining the petitioner as broadly as possible, only 54 percent of the petitioner's membership has documented descent from the historical Nipmuc tribe" and that such a low percentage was not sufficient to meet criterion 83.7(e) (CT/NCCOG Comments 2002.09.30, 36). Connecticut did not submit documents that addressed descent from the historic tribe.

The Town of Sturbridge, Massachusetts, submitted comments on the PF on October 1, 2002; however, they did not send specific comments on criterion 83.7(e), stating: "The Town has not evaluated the evidence under criterion (e), much of which has been redacted from release. BIA's findings in this regard appear reasonable and would need to be shown to be incorrect by the Petitioner" (Sturbridge, 2002.10.01).

Analysis

The purpose of this genealogical report is to determine whether comments by the petitioner and third parties contain new evidence affecting the PF determination under criterion 83.7(e) that petitioner 69A does not descend from the historical tribe within the meaning of the 25 CFR Part 83 regulations. The PF sought to determine whether the petitioner descended from the historical Hassanamisco (Grafton) Indian tribe as it was identified on the 1861 *Earle Report* or the Dudley tribe of Indians that was identified in the 1861 *Earle Report* or 1886-1891 distribution lists for funds from the sale of the Dudley/Webster land, the dates to which the PF concluded the two individual historical tribes continued to exist. The petitioner's new constitution and *Policies and Procedures* manual now define the historical tribe as the "individuals and families of Nipmuc and other Indian ancestry who were a part of the Hassanamisco tribal community by the 1920's" (69A Comments, Vol. IV, 2), thus bringing forward the date of the identification of the historical tribe by about 60 years, and including individuals who have no documented descent from either of the tribes that existed in 1861, but also excluding individuals who have Nipmuc descent but were not part of the "Hassanamisco community" in the 1920's as now defined by 69A. The absence of documentary evidence identifying members of a "Hassanamisco community in the 1920's" prevents OFA from determining whether the petitioner meets its own revised membership requirements.

As seen in OFA's analysis under criteria 83.7(a), (b), and (c), above, the petitioner has not demonstrated that such a "Hassanamisco tribal community" embracing all of the petitioner's ancestors, existed in the 1920's or at any point in time since then. Therefore, this analysis of new evidence under criterion 83.7(e) will continue to rely upon the identifications of the historical Hassanamisco and Dudley tribes in 1861 and 1889-1891 to be the "historical tribes" for the purposes of tracing descent under criterion 83.7(e). It is to be noted that these two tribes did not, at any time, amalgamate and thereafter function as a single entity.

Petitioner 69A has Hassanamisco Nipmuc ancestry from Indians named Arnold and Cisco on the 1849 *Briggs Report* or the 1861 *Earle Report* on the Hassanamisco Indians. Petitioner 69A also has Dudley/Webster Nipmuc ancestry from Indians named White, Dorus or Dorous, Jaha, Humphrey, Belden, Pegan, Sprague, and Henry or Henries on either the 1849 *Briggs Report* or the 1861 *Earle Report* of Dudley/Webster Indians. Jaha, Sprague, and Pegan were names associated with the Dudley Indians in the 1700's or earlier. Dorus, White, and Henries were non-Indian or non-Nipmuc names introduced by marriages[140] to Dudley Indian women in about 1800 and 1857 respectively, and therefore had descendants on the 1849 or 1861 lists. Bates and Silva were non-Nipmuc names that were introduced into the petitioner's Dudley ancestry by marriages in 1888 and 1915, several decades after the *Briggs Report* and *Earle Report*. "Curliss/Vickers" refers to the petitioner's ancestors who have Indian descent from the Vickers family identified by Earle in 1861 as "Miscellaneous Indians." There are several other families listed by Briggs or Earle as Hassanamisco or Dudley Indians who do not have descendants in the petitioner's current membership. A summary of petitioner 69A's descent from the ancestral family lines listed above, as submitted in the petitioner's response and as analyzed by OFA, appears in Appendix I.

Descent from the Hassanamisco Tribe

The PF (69A PF 2001, Summ. Crit. 68-78) has a full discussion of the 1849 *Briggs Report* and the 1861 *Earle Report*, which were official State of Massachusetts records that enumerated the Hassanamisco and Dudley Indians in the mid-1800's. In brief, the PF stated that:

> 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 interest of said Indians (*Briggs Report* 1849, 3) (69A PF Summ. Crit. 2001, 69).

and:

> The purpose of the investigation that resulted in the publication of the Earle Report . . . was to a considerable extent, to ascertain the dimensions of the Commonwealth of Massachusetts' financial responsibility for the Indians residing within its boundaries . . . 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

[140]Throughout this report "married" or "marriage" may be used to describe a union [that more often than not produced children] whether or not there was evidence of a formal or legal marriage.

> legal footing as the other inhabitants of the Commonwealth" (A Place of Small Stones n.d., 54) (69A PF Summ. Crit. 2001, 73).

Briggs identified five families consisting of 12 males and 14 females listed as "belonging to" the Grafton Indians. Not all of them were Indians and not all of them were living in the Town of Grafton. For example, Gilbert Walker, the non-Indian husband of the Hassanamisco Indian, Sarah Boston, was from Maryland. He and his five-year-old daughter (born in New York) were neither Hassanamisco nor Indian (citations in FTM identify censuses and death record which show birthplaces). The family was living in Worcester, but were listed by Briggs as "belonging" to the Grafton Indians. Samuel Cisco, who was living at Grafton with his Hassanamisco wife and children, was possibly non-Indian, although New York Indians Kansas Claims applications submitted in 1901 indicated that his mother was a member of the Narragansett Anthony (NARA RG 75, Entry 904, #3348, #3369). Samuel Cisco was listed as a "colored foreigner" in the *Earle Report* of Hassanamisco families, indicating that Earle did not consider him to be an Indian in 1861.[141] The records available at the time of the PF indicated that the wives of John C. Hector, Richard A. Hector, and John James Hector, who were living at the time of the *Briggs Report*, were non-Indian. Therefore, there were eight non-Indians (seven spouses and one child) and 16 Hassanamisco Indians listed in the 1849 *Briggs Report* of the Indians "belonging to" Grafton.

The 16 Hassanamisco individuals on the *Briggs Report* comprised the extended families of two half-brothers: Harry Arnold and John James Hector, the sons of Lucy Gimby/Gimba/Gimbee. Six others were the spouses of Harry Arnold or John James Hector's children. Harry Arnold, who at age 60 was the oldest individual on the list, his wife (Sarah Leonard), his son and three daughters, his two grandchildren, his son-in-law and his daughter-in-law, and his sister-in-law (Zona Leonard Gimba/Gimby, who was also the widow of Moses Gimby, Harry Arnold's uncle; brother of Lucy Gimby) represented one extended family. The other extended family consisted of Harry Arnold's half-brother, John James Hector, his wife, nine children, and a son-in-law. The three individuals listed under "Grafton Indians" who were not related to the Gimby/Gimba family were the Walker family: Sarah (Phillips/Boston) Walker, identified as Hassanamisco on the 1861 *Earle Report*, her non-Indian husband Gilbert Walker, and her stepdaughter. The Hector and Walker families were living in Worcester according to the 1850 census.

The PF quoted the 1861 *Earle Report* in which the Massachusetts Commissioner of Indians said that he identified the: "recognized descendants of the ancient proprietors" and "certain others of

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[141]In compiling his report on the Massachusetts Indians in 1859 to 1861, the Commissioner of Indian Affairs John Milton Earle stated that, "the term 'foreigner' is used, throughout, in the Indian sense, simply to designate one not of Indian descent" (*Earle Report* 1861, Appendix ii). Earle apparently used the term in a manner more restrictive than that previously used by Briggs, who wrote: "under the head of foreigners, we include all, one or both of whose parents are not of Indian blood" (*Briggs Report* 1849, 6). Therefore, without additional supportive evidence, use of the term "foreigner" or "colored foreigner" in the 1861 *Earle Report* is not sufficient evidence to assume that the spouse of the Hassanamisco or Dudley Indian was also Indian.

Indian descent, claiming to be Hassanamiscoes, whose descent cannot be satisfactorily determined. They are probably descendants of 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)" (PF Summ. Crit. 2001, 74), for a total of 26 families of 90 people, only 70 of whom were "natives" and 20 of whom were "foreigners" who had married Hassanamisco Indians. In 1861, Sarah M. (Arnold) Cisco's family, consisting of seven individuals, was the only family resident at Grafton; her half-uncle's family was in Worcester, except for one grown son who was in Boston, apparently working there as a porter on the railroad. The other 63 individuals identified as Hassanamisco resided in a number of different communities in Massachusetts as well as in New York City and Dubuque, Iowa. The 1861 *Earle Report* did not record any other Hassanamisco Indians as the spouses or children or other individuals living among the other tribes enumerated by Earle.[142]

Of the 70 individuals identified by Earle as Hassanamisco Indians in 1861, a total of two, Sarah Maria (Arnold) Sisco (1818-1891) and her son, James L. Sisco (1846-1931), or 3 percent (2 of 70) have descendants in petitioner 69A's 2002 membership. This represents a much lower representation than was found for the PF, when 8 percent of the total membership (131 of 1,602) were Hassanamisco descendants. Cisco/Arnold, Gigger and Bowman/Hemenway descendants were on petitioner 69A's 1997 membership list: only the descendants of the one branch of the Cisco/Arnold family are on the 69A's 2002 membership list.

The only apparent genealogical connection between the Indians at Hassanamisco and the Indians at Dudley in 1849 or 1861 was through the marriage of one person at each location into the non-Indian Arman family. Sarah M. (Arnold) Sisco was related, through the marriages of her non-Indian grandmother, to one family identified as Dudley Indians in 1849 and 1861. James E. Belden (1815-1887) married his fourth wife, Rebecca White Bixby (1830-1870) in 1851.[143] She was Sarah M. Arnold's half-cousin. Sarah and Rebecca were the granddaughters of Dinah Arman (1764-1848), but had different grandfathers: James Leonard and John Jefferson. The Arman, Leonard, and Jefferson ancestors were in the marriage records and Federal censuses as "Black" or "free people of color"and they do not appear as Indians in any of the reports on the Dudley or Hassanamisco Indians.

In 1888 the marriage of Mary Etta White (1869-1938), daughter of Mary Etta Humphrey (1837-1907) to James H. Belden (1857-1950), the son of James E. Belden and Rebecca White Bixby, initiated another tenuous connection between Sarah A. (Arnold) Sisco and the Dudley/Webster

[142]The widowed Samuel Hazard, "Narragansett(?)," and the wives of two Hassanamisco, Ann Hector "Mohegan", and Emma A. Hemenway "Punkapog," were enumerated with Hassanamisco.

[143]There are 47 individuals in the petitioner's current membership who descend from the Dudley Indian, James E. Belden and his non-Nipmuc wife, Rebecca White Bixby. They are thus very distant cousins, through a non-Indian ancestral line, of the Hassanamisco woman, Sarah M. (Arnold) Cisco.

Indian family of Humphrey-White descendants. She was the half-first cousin once-removed of Mary Etta (White) Belden's husband. One daughter of James H. and Mary Etta (White) Belden, Mary Olive Belden (1890-1976), married two descendants of Lydia (Sprague) Nichols Shelley Henries (1830-1880): Charles Stephen Henries (1896-1983, no children) and Ernest Clinton Lewis (1891-p. 1932, six children). Lydia Sprague, who was a contemporary in age to Sarah M. (Arnold) Sisco, was the grandmother or great-grandmother to the husbands of Sarah's half-first cousin twice removed. Sarah M. (Arnold) Cisco has no discernable blood or collateral relationships to the other descendants of Lydia (Sprague) Nichols Shelley Henries.

Sarah M. (Arnold) Sisco had ten children born between 1846 and 1860, four of whom lived to be adults. None of these Sisco children married Dudley/Webster Indians or other Hassanamisco descendants. None of the eleven known grandchildren of Sarah M. (Arnold) Sisco married either Dudley/Webster or Hassanamisco Indians.

Eleven people (2 percent, or 11 of 526) on the current 69A petitioner's membership list trace their ancestry to one of the 16 Hassanamisco Indians the 1849 *Briggs Report* or to two of the 70 Hassanamisco Indians on the 1861 *Earle Report*. All eleven descend from Harry and Sarah (Leonard) Arnold through their daughter Sarah Maria (Arnold) Sisco, who was 29 years old in 1849 and married to Samuel Sisco when Briggs made his report.

Descent from the Dudley/Webster Indians

The 1849 *Briggs Report* on the Indians at Dudley/Webster identified 48 individuals, of whom at least 23 were later on the 1861 *Earle Report* list of Dudley Indians. There were 94 people on the 1861 *Earle Report*, of whom 79 individuals were identified as Dudley Indians. The spouse of one Dudley Indian was identified as Natick and another spouse was identified as "New York" in the column for tribe or race. The other spouses were "Colored, (foreigner)" or "Mixed, (foreigner)."

The 1851 *Earle Report* identified individuals as Dudley Indians. Sixteen of the 1851 Dudley Indians, 17 percent of the tribe in 1861, have descendants on the 2002 membership list of 69A. The Dudley families living in 1861 that were represented on petitioner 69A's 1997 and 2002 membership lists are the Belden, Humphrey, Jaha, Pegan/Wilson, Lydia (Sprague) Nichols Shelley Henries, and Pegan/White/Dorus families.

Petitioner 69A has 277 members (53 percent: 277 of 526) who descend from at least one of the Dudley Indians identified on the 1849 *Briggs Report* or 1861 *Earle Report*. Twenty-two members descend from Esther (Pegan) Humphrey and her granddaughter, Mary Etta (Humphrey) White, 30 members descend from Angenette Briggs (White) Dorus, 34 descend from Lydia (Willard) Blackstone [the Jaha family], 47 members descend from James E. Belden, 53 descend from James M. Pegan [Pegan/Wilson family], and 136 members descend from Lydia (Sprague) Nichols Shelley Henries. However, these totals count the current members more than once. For example, James E. Belden, Lydia (Sprague) Nichols Shelley Henries, and Esther

(Pegan) Humphrey have descendants in common. Angenette Briggs (White) Dorus (daughter of Betsey Pegan) also shares common descendants with Lydia Sprague.[144] The actual number of individuals on the 2002 membership list who descend from the Dudley Indian tribe of 1861 list is 277.

Descent from the Individuals in the "Miscellaneous Indians" Category in the 1861 Earle Report

The PF found that 29 percent (469 of 1,602) of the 1997 69A membership descended the Mary (Curliss) Vickers (1797-1898) (Curliss/Vickers) and Dandridge Thomas (1812-1888) family lines. Both of these ancestors were identified as "Miscellaneous Indians" in 1861 (69A PF Summ. Crit. 2001, 203). The PF stated:

> 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,[145] Fields,[146] 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[147] 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

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[144]Betsey (Pegan) White and her daughter, Angenette B. (White) Dorus, wife of Esbon Dorus were both living in 1861 and were both identified as Dudley Indians. One of Angenette B. (White) Dorus' granddaughters married one of Lydia (Sprague) Nichols Shelley Henries' sons. Thus the Pegan/White/Dorus descendants are also Sprague descendants.

[145]Collateral relatives of Josiah Gigger who married Hassanamisco descendant Lucinda Brown.

[146]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).

[147]The 1861 *Earle Report* did say that most of the Natick had become intermixed with the Hassanamiscos (*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.

> have not yet submitted to the BIA documentation which would confirm the asserted Natick ties (69A PF, Summ. Crit. 2001, 206-207). [footnotes in original]

The petitioner has not submitted any new evidence to demonstrate that the Mary (Curliss) Vickers was a descendant of either the Dudley Nipmuc Indians or the Hassanamisco Nipmuc Indians. There is some evidence in the Earle papers that attributes Dudley Nipmuc ancestry to Mary (Curliss) Vickers's grandmother, Molly Pegan (1751- aft. 1841) [wife first of Mingo Pollock and then of Jacob Woodland].[148] Other evidence in the record established that Molly Pegan was born in Connecticut and that all four of her known children were born in Thompson, Connecticut, between 1775 and about 1785 (see the extensive notes in the FTM and FAIR). Mary (Curliss) Vickers was born in Smithfield, Rhode Island, in 1797. There is no evidence that Mary Curliss or her parents or grandparents were living in tribal relations with any of the Dudley or Hassanamisco Indians in 1849 or in 1861 when Briggs and Earle enumerated the Indians that belonged to the Massachusetts tribes. The petitioner has not provided any new evidence to demonstrate that Mary (Curliss) Vickers, or members of her family living in 1861, or the other "Miscellaneous Indians" identified by Earle, were a part of either the Dudley Indian tribe or the Hassanamisco Indian tribe as they existed in 1861.

At the time of the PF, BIA researchers could not verify the connection between the "Curless" and "Curless/Lewis" lines and the "Miscellaneous Indians" or other Indians on the 1861 *Earle Report* (69A PF 2001, Summ. Crit, 203). There is one "Curless/Lewis" descendant on the petitioner's 2002 membership list. For the FD, petitioner 69A submitted the abstract of a November 10, 1893, death record from Thompson, Connecticut, for Nancy C. Lewis, that identified her as a 73-year-old white woman, who had been born in Burrillville, Rhode Island, and was the daughter of James Curless and Dianna Curless (69A Comments, FTM notes for Nancy C. Curless). The 1819 marriage record of James Curless and Dianna Pollock in Burrillville, Rhode Island, provided the evidence of the maiden name of Nancy C. (Curless) Lewis' mother. Thus, the petitioner has provided evidence that connects the "Curless/Lewis"

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[148]Your letter of inst. was duly received asking information about Mrs. Vickers. Mr. Hazard I have not seen either of the persons [till] to day although I have borne it in mind to go [see] them the first opportunity that presented itself. I saw Mrs. Vickers today and she gave me the following facts concerning her parentage--she says that her grandmother on her Mother's side was Indian, Dudley Tribe she married a Mingo Pollock, she had by him 4 children [vis] Nancy - Dianna, Hannah & Pero

I think she said that all of them married, lived & died out of the state. Her mother Nancy Pollock married a Christopher Curliss she had by him two children /Christopher crossed out and inserted/ Chandler & Mary. /Christopher crossed out/ Chandler went to [Salem] or thereabouts. she has never seen him but once in her life. Mary Curliss married a Christopher Vickers she has had by him eleven children- James & Sarah (the two oldest are deceased), Chandler, Mary Ann, Rufus, Esther Jane, Cordelia, Almons, Christopher, Betsy & Monroe. The oldest living she thinks is about 39 & so along down, guess work.

These are all the facts that you could make useful that relate to her parentage.

She also gave it as her opinion that the Hazards originally came from Norwich, CT or thereabouts, if so I presume you will not require any further information about them (H. Capron, Uxbridge, Massachusetts, to Earle 10/28/1859; Earle Papers).

line as collateral relatives of Mary (Curliss) Vickers identified on the "Miscellaneous Indians" list on the *Earle Report* in1861.

There are no Thomas family line descendants on petitioner 69A's 2002 membership list.

Other Descent

The evidence for the FD indicates that 8 percent of 69A's members (43 of 526) descend from Connecticut Indians (the Pegan/Nedson/Dorus, aka Dorus/Bates lines) who have no documented ancestry from either of the historical Nipmuc tribes identified by the *Earle Report* in 1861. They descend from a sibling of the non-Nipmuc Esbon Dorus who married a Dudley/Webster Indian woman, Angenette Briggs White. The petitioner has failed to verify Nipmuc ancestry for 17 individuals (3 percent of the membership) in another family. The Cisco/Silva family descend from a brother of the non-Nipmuc Samuel Sisco who married Hassanamisco proprietary descendant Sarah Maria Arnold. One member of this family married a Shinnecock and 14 of the 17 Cisco/Silvas are enrolled with Shinnecock

New Evidence Submitted for the FD for Criterion 83.7(e) (2)

The September 2002 69A Membership List

The petitioner submitted a new membership list dated September 2002 with the names, birth dates, and addresses of 526 members, which was certified by 69A's governing council on September 23, 2002 (69A Resolution 2002.09.23(a)).

Analysis of the 2002 69A Membership List

For the purposes of an evaluation under criterion 83.7(e), the petitioner is evaluated as defined by its membership. Petitioner 69A's 2002 certified membership list of 526 individuals is substantially reduced from the list of 1,602 members used for the 1997 PF. A total of 376 names on the 2002 membership list match those on the 1997 list, but about 1,224 of the 1,602 names on the 1997 list are not on the 2002 list. The list of individuals who no longer appear on petitioner 69A's membership list represents a broad spectrum of the family lines previously represented in the 1997 membership list. The most significant omissions are all 122 of the Bowman/ Hemenway and all six of the Gigger family members, who descend from families identified as Hassanamisco Indians on the 1861 *Earle Report.*

The following table shows, by family line, the number of people who are no longer on 69A's membership list. The petitioner has not identified which of the individuals resigned or are now deceased and which individuals have been removed from petitioner 69A's membership list.

Number of Descendants by Family Lines of Former Members of 69A: Removed, Resigned, or Deceased since 1997

Hassanamisco Nipmuc:

Bowman/Hemenway	116
Giger	6
Lawrence/Gimba/Arnold	1

Dudley/Webster Nipmuc

Belden/Braxton or /Montgomery	8
Humphrey/Pegan/Nedson/Dorus	3
Humphrey/Belden/Sprague/Nichols	9
Humphrey	12
Sprague/Henries	83
Sprague/Henries/Morse	79
Sprague/Nichols	70
Pegan/Wilson &/Vickers	15
Pegan/Wilson/Arkless/Reed	7

Earle's "Miscellaneous Indians"

Curliss/Lewis	30
Curliss/Brown	4
Thomas	180
Curliss/Vickers	132

Connecticut Indian Families

Hazard or Hazard/Ransom..	164
Pegan/Nedson/Dorus..	51
Pegan/Nedson/Dorus/Hewitt..	60

Lines without Verified Indian Ancestry

Arkless/Reed.	96
Henries? [*sic*]..	12
Scott.	3
Vickers (not Curliss)...	30
Webster/Lambert...	39
Clinton, claims Arnold..	3
Unknown..	11

Total	1,224

There were 127 individuals on 69A's 1997 list who are now on petitioner 69B's September 2002 membership list. There are 26 individuals who are listed as members of both 69A and 69B.

There are 149 new members on petitioner 69A's 2002 membership list, including 106 individuals who were born before January 1997, but who were not on the 1997 membership list. Of the 149 new members, 76 had a parent, 8 had a sibling, and 15 had a grandparent on petitioner 69A's 1997 membership list. Another 12 new members had an aunt or uncle, 7 had a great aunt or uncle, and 4 had a great-grandmother on the petitioner 69A's 1997 list. Four individuals had a first cousin, 3 individuals had a second cousin, and 20 individuals on the 69A's 2002 membership list had a more distant cousin on 69A's 1997 membership list. The relationships stated here are the closest ones: for example if an individual had both a parent and a second cousin on the 1997 list, they were counted as having a parent on the 1997 list in these totals (see the OFA's Access database: BAR-NIPHIST-2003).

The following table shows the number of specific 69A family lines, following the identification pattern set in the PF, and the tribe or "category" of Indians identified by Earle in 1861.

Number of Descendants by Family Lines of Individuals on Petitioner 69A's 2002 Membership List

Earle's Hassanamisco Nipmuc
Cisco/Arnold (aka Printer/Arnold) 11

Earle's Dudley/Webster Nipmuc
Jaha 34
Humphrey (Mary Etta White) 7
Belden/Braxton or Montgomery & Humphrey 47
Pegan/Wilson 53
Sprague/Henries 10
Sprague/Henries&Nichols 7
Sprague/Henries/Morse 23
Sprague/Nichols 96

Earle's "Miscellaneous Indians" - 1861
Curless/Vickers 177
Curless/Lewis 1

Connecticut Indian Families
Pegan/Nedson/Dorus [Dorus/Bates] 43

Lines without Verified Nipmuc Ancestry: Collateral Relatives, 14 enrolled with Shinnecock
Cisco/Silva 17

Total 526

The determination of which family lines were associated with the Hassanamisco or Dudley/Webster tribes is based on evidence in the 1861 *Earle Report* and the 1891 list of distributees of the Dudley/Webster fund.[149] If the family line had both Dudley/Webster Indian and "miscellaneous Indian" or Connecticut Indian ancestry, they are credited as Dudley descendants in the above count, which represents the total membership in petitioner 69A.

As shown on the above table, the evidence available for the FD indicates that 2 percent of 69A's members (11 of 526) descend from one branch of the Arnold/Sisco family which was part of the historical Hassanamisco (Grafton) Nipmuc tribe that was identified in 1861 on the *Earle Report.* The evidence also shows that 53 percent of 69A's members (277 of 526) descend from six families (Jaha, Humphrey, Belden, Pegan/Wilson, Pegan, and Sprague) who were identified as Dudley/Webster Indians in 1861 on the *Earle Report.*

The evidence does not show that the historical Hassanamisco (Grafton) tribe and the historical Dudley/Webster tribe, who were identified as separate tribal entities throughout the 18th and 19th centuries and were enumerated as separate tribal entities in 1861 *Earle Report*, prepared by the Indian Commissioner for the State of Massachusetts, were parts of a single tribal entity. The petitioner has not provided any evidence that the two tribes amalgamated in 1861 or at any time thereafter. Even if such an amalgamation had occurred, the membership as a whole does not descend from such an amalgamated entity. Fifty-five percent (288 of 526) of the individuals on the 2002 69A membership list descend from ancestors identified as Hassanamisco or Dudley

[149]The evidence in the record shows that there was no significant difference between the composition of the family lines identified as Dudley Indians in 1849 and 1861 and the family lines that were the heirs at the time of the 1886 sale or the 1891 final disbursement of Dudley/Webster land sale funds. There is no significant difference in the number of families that have descendants in 69A's membership.

Indians in 1861. Based on precedent,[150] evidence that 55 percent of petitioner 69A's members descend from two tribes that amalgamated, had such an amalgamation occurred, does not meet the requirements of the criterion 83.7(e).

The evidence for this FD demonstrates that 34 percent (178 of 526) of 69A's membership descend from a woman listed under "Miscellaneous Indians" in 1861 on the *Earle Report*. The evidence does not show that Mary (Curliss) Vickers was living in tribal relations or that she or her children were considered to be a part of either the Hassanamisco or Dudley/Webster tribes as they were identified by the State of Massachusetts in 1861. The evidence available at this time does not demonstrate that the ancestors of the Curliss/Vickers descendants in the current membership were a part of a "historical Hassanamisco community" or any other tribal entity composed of the petitioner's ancestors alleged to have existed in the 1920's. Therefore, the petitioner has not demonstrated that the Curliss/Vickers descendants in the current membership descend from part of a historical tribe or of tribes that amalgamated in the 1920's or any other time.

Conclusion

Petitioner 69A, the Nipmuc Nation, meets the requirements of criterion 83.7(e). The petitioner submitted a revised membership which was certified by a council resolution on September 23, 2003. There were 526 individuals listed as members. The petitioner revised the ancestry and affiliation sections of the eligibility requirements, to require descent from a "historical tribe in the 1920's." Having revised its eligibility requirements, the petitioner reduced the membership from 1,602 at the time of the PF to 526 members for the FD.

The petitioner argues that their ancestors living in the 1920's who descended from the Dudley/Webster Indians identified on the 1861 *Earle Report*, their ancestors living in the 1920's who descended from the "Miscellaneous Indians" category on the 1861 *Earle Report*, their ancestors living in the 1920's who descended from Connecticut Indians, and a few other unaffiliated Indian ancestors living in the 1920's "coalesced" between 1891 and the 1920's around the Hassanamisco ancestors who were living in Grafton and Worcester, Massachusetts in the 1920's and who descended from the Hassanamisco Indians identified on the 1861 *Earle Report* to form a single historical tribe.

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[150]The lowest percentages of descent from the historical tribe that have been found to meet criterion 83.7(e)(1) are Jena Choctaw (88 percent descended from full-blood Mississippi Choctaw on the 1903 preliminary roll of the Dawes commission; the other 12 percent also descended from Mississippi Choctaw); Jamestown Clallam (86 percent met the group's restrictive constitutional membership criteria; the other 14 percent were also Clallam); and Chinook (85 percent; the other 15 percent descend from an Indian woman who associated with the Chinook tribe since the mid-1800's).

Petitioners found not to meet criterion 83.7(e)(2) were Snohomish (69 percent descend from the historical tribe; 21 percent descend from Indians not of the historical tribe) and Burt Lake (46 percent of members descend from the historical tribe; 54 percent descend from Indians not of the historical tribe).

Although precedent allows for the movement of individual families from one band to another, there is no provision in the regulations for several individual families from one band or unaffiliated with any band to "coalesce" around a much smaller group descended from a different historical tribe. The process which the petitioner described as "coalescing" would not be equivalent to amalgamation, even had it occurred. However, the evidence does not support the assertion that in this case of petitioner 69A such a "coalesced" entity had come into being by the 1920's (see discussion under criteria 83.7(b) and 83.7(c)). Therefore, there was no 1920's historical tribe from which the petitioner can calculate its descent.

The available evidence indicates that the Hassanamisco Indians and the Dudley/Webster Indians were distinct tribes throughout the 18th and 19th centuries. Although both originated from the pre-contact Nipmuc Indians of central Massachusetts, they descended from two different 17th century praying towns and had minimal documented interaction (see the 69A and 69B PFs). The members of these two historical tribes were identified in the *Earle Report* of 1861. Descent from a historical tribe for purposes of criterion 83.7(e) can be calculated from either the Dudley/Webster or Hassanamisco tribes, but not from a combination of both tribes, since there is no evidence of an amalgamation.

The evidence for this FD demonstrates that 2 percent of petitioner 69A's members (11 of 526) descend from one branch of the Arnold/Sisco family who were part of the historical Hassanamisco Nipmuc tribe (Grafton Indians) that was identified on the *Earle Report* in 1861. Evidence that 2 percent of the members descend from persons on Earle's list of the Hassanamisco tribe that existed in 1861 is not evidence sufficient to demonstrate that the petitioner as a whole meets the requirements of the criterion 83.7(e) for descent from a historical tribe.

The evidence for this FD demonstrates that 53 percent of petitioner 69A's members (277 of 526) descend from six families (Jaha, Humphrey, Belden, Pegan/Wilson, Pegan, and Sprague) who were identified as Dudley/Webster Indians on the *Earle Report* in 1861. Based on precedent, evidence that 53 percent of the petitioner's members descend from a historical tribe that existed in 1861 is not evidence sufficient to demonstrate that the petitioner as a whole meets the requirements of criterion 83.7(e).

Forty-five percent of the petitioner's members do not have documented descent from either the historical Hassanamisco or the historical Dudley Webster tribe.

For the purposes of criterion 83.7(e), the petitioner has not demonstrated descent from a single historical Nipmuc tribe as it existed in 1861 or from Nipmuc tribes that amalgamated at any date after 1861. Therefore, petitioner 69A, the Nipmuc Nation, does not meet criterion 83.7(e).

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. However, under certain conditions a petitioning group may be acknowledged even if its membership is composed principally of persons whose names have appeared on rolls of, or who have been otherwise associated with, an acknowledged Indian tribe. The conditions are that the group must establish that it has functioned throughout history until the present as a separate and autonomous Indian tribal entity, that its members do not maintain a bilateral political relationship with the acknowledged tribe, and that its members have provided written confirmation of their membership in the petitioning group.

Summary of the PF

Criterion 83.7(f). No members of petitioner 69A are known to be dually enrolled with any federally acknowledged American Indian tribe. The petitioner meets this criterion.

New Evidence Submitted for the FD

Neither the petitioner nor any of the interested parties addressed this criterion.

Conclusion

Therefore the conclusion in the PF stands: petitioner 69A, the Nipmuc Nation, 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.

Summary of the PF

Criterion 83.7(g). 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 this criterion.

New Evidence Submitted for the FD

Neither petitioner 69A nor any interested parties addressed this criterion.

Conclusion

Therefore the conclusion in the PF stands: petitioner 69A, the Nipmuc Nation, meets criterion 83.7(g).

Appendix I

OFA's Summary and Analysis of Petitioner 69A's Descent from the Ancestral Family Lines Cited in Its Response Report on Criterion 83.7(e).

Printer/Arnold

Some Hassanamisco Indians in the *Briggs Report* had Arnold and Cisco surnames, with Cisco surviving as the family name in 1861. Sarah Maria (Arnold) Cisco's father, Harry Arnold (1788-1851), was a descendant of the Gimby/Gimba, Lawrence, and Printer families that were a part of the Hassanamisco band in the 1600's and 1700's. The Zona (Leonard) Gimba on the 1849 Briggs list was not a Hassanamisco Indian, but rather the widow of a Hassanamisco Indian named Moses Gimby, who was Harry Arnold's uncle, his mother's brother. No one named Printer, Arnold, or Lawrence appeared on the 1861 Hassanamisco or Dudley lists. Sarah Maria's husband, Samuel Cisco, a "colored foreigner" at Grafton in 1861, was the son of Edward Cisco and Hannah Potter (or Anthony) who were from Rhode Island. Sarah Maria (Arnold) Cisco (1818-1891) had 10 children, at least two of whom lived to be adults and have children. None of her children or grandchildren married Hassanamisco or Dudley Indians or any other known members of any other tribe.

Eleven people in the petitioner's current membership (about 2 percent, 11 of 526) descend from the Printer/Arnold (which would be more accurately defined as Arnold/Cisco) family through James Lemuel Cisco (1846-1931) who appeared on both the 1849 *Briggs Report* and 1861 *Earle Report* with his mother, Sarah Maria (Arnold) Cisco. This is the only line in the petitioner's membership that descends from an individual identified as Hassanamisco by Earle. OFA accepts descent of members of the current petitioner from these lines.

Cisco/Silva

Not all families surnamed Cisco descend from the Hassanamisco Cisco family. The Cisco/Silva family is one such family. The Silva surname was introduced into the petitioner's ancestry with the circa 1915 marriage of non-Indian, Joao/John Ambrose Silva and Charlotte B. Cisco (1881-1966), a great-granddaughter of Edward Cisco and Hannah Potter. Charlotte (or Lottie) Cisco was a grandniece of a non-Nipmuc, Samuel Crawford Cisco (1809- 1896), who was married to Hassanamisco descendant, Sarah M. Arnold.[151] However, there is no known Hassanamisco or Dudley Indian ancestry for either Charlotte or her family (grandparents, parents and siblings). They were not enumerated as Hassanamisco or Dudley Indians in 1849, or as Hassanamisco or

[151]Descendants who completed New York Indians Kansas Claims applications (NARA RG 75, Entry 903) asserted that Edward Cisco and Hannah Potter, who were both reportedly from Smithfield, Rhode Island, were descendants of Narragansett Indians.

Dudley Indians or as Indians in the "Miscellaneous" category in 1861. None of Charlotte's five children married Hassanamisco or Dudley Indian descendants; however, one son married a Shinnecock Indian in 1943. There are 17 individuals in the petitioner's membership who descend from this non-Hassanamisco Cisco/Silva family. Fourteen of these Cisco/Silva descendants are members of the Shinnecock Indian Tribe of New York, which is also a petitioner for Federal acknowledgment. Therefore, OFA does not accept these members as having descent from the historical Hassanamisco tribe.

Dorus/Bates

There is more than one Dorus (or Dorous) family in the petitioner's ancestry. The earliest one to appear in the Dudley/Webster records appears to be Esbon or Solomon Dorus (1811-1897), who was identified as a New York Indian on the 1861 *Earle Report* of Dudley Indians. His children, who were Pegan family descendants through their mother, Angenette Briggs (White) Dorus (1829-1897), properly appeared as a Dudley Indian in the 1861 *Earle Report* (see discussion in 69B FD under OFA's analysis of criterion 83,7(e)). The evidence in the record shows that Esbon Dorus was likely the grandson of John Nedson (1760-1845) and Mary Pegan (1760-??) [See explanation under criterion 83.7(e) in 69B FD regarding the family of Esbon and Polly Dorus]. Correspondence in the Earle papers described the Nedson "family of pure blood Indians," who lived in Southbridge as belonging to the Pequot tribe (Earle Papers 1652-1863, Box 5, folder 2, 57-59). This letter did not name the parents in the family, but identified two children, then grown: Ephraim Nedson, age 45 with a family of his own, and Mary Nedson, about 35 and unmarried. Ephraim's death record, cited in the petitioner's FTM notes, identified his parents as James Nedson, and his grandparents as John Nedson (1760-1845) and Mary Pegan (1760-??).[152] If all of these family connections are correct, then Ephraim Nedson and Esbon

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[152]See FTM notes for Polly Nedson:

> Previous to 1830, in Brimfield [Hampden Co.], MA; description. Father of family: Joseph Dorus. Mother Polly Nedson, dau. of John Nedson. "They claimed to belong to the Mohegan Tribe and he was born in Woodstock, Conn." She had a brother Josh . . . ingham. "Indian Families who Lived in this Vicinity," by Mrs. Joseph L. Woods, Warren Herald, 18 June 1897.
>
> NOTE: The tie to the Nipmuc would be through Polly, if her mother was a Pegan. Nedson is an Eastern Pequot family name, not a Mohegan family name. Her father's supposed birthplace in North Stonington, CT, also indicates Eastern Pequot.

See FTM notes for Polly Nedson (1788/1790-1872):

> NOTE: The Polly Dorus named on the 1890 supplementary payment list may NOT have been this woman, who had been dead for 18 years. The 69A supplement 1997 includes petition of Francis M. Morrison to be appointed administrator of the estate of Polly Dorous, late of Webster in the County of Worcester, 2 December 1890. The death date was given as 21 March 1872, "leaving "Brother whose name is Esbon Dorous and as her only next of kin, the persons whose names and residence, and relationship to the deceased are as follows, viz: Esbon Dorous Brother Webster Mass. Decd -- Angenette B. Hazard Sister in Law Woodstock Conn; Henry L. Dorous

Dorus were first cousins; therefore, Esbon Dorus was likely to have been of Pequot descent from his grandparents, John and Mary (Pegan) Nedson. Esbon Dorus's mother Polly Nedson was identified as an Indian on her death record in 1872, but she was listed not on either the 1849 *Briggs Report* or 1861 *Earle Report* under either Dudley or Hassanamisco Indians.[153] Various sources attribute her Indian ancestry to Mohegan, Mashantucket Pequot or Eastern Pequot.[154] However, there evidence that this branch of the Dorus family, the Pegan/White/Dorus line, descends from the Dudley Indian tribe as it was identified in 1849 and 1861 because Angenette B. (White) Dorus, and her mother Betsey (Pegan) White were identified as a Dudley Indians. Angenette B. and Esbon Dorus had eleven children, five of whom lived to be adults and have children.[155]

The petitioner has identified eight marriages among those five children. One son, Henry Lafayette (1849-1911), married a Dudley Indian descendant, Emma T. G. Shelley, a daughter of Lydia (Sprague) Nichols Shelley Henries, and one daughter, Amanda Edith Dorous, was the second wife of Edwin W. Vickers, grandson of Mary Curliss (a "Miscellaneous Indian" in 1861). Neither of these two families have descendants in the petitioner's membership. The other six marriages among the children of Esbon and Angenette B. (White) Dorus were to non-Indians. Of the 8 marriages among the 16 Dorus/White grandchildren, seven were to non-Indians, and one involved granddaughter Angenette B. Arkless, who married a Dudley Indian descendant, Lemuel Winifred Henries, son of Lydia Sprague. All 30 individuals in the petitioner's membership who are Dorus descendants are through this Pegan/White/Dorus-Henries marriage.[156] The OFA accepts the Pegan/White/Dorus descendants in the petitioner's membership as descendants of the historical Dudley tribe.

Nephew South Woodstock Conn; Betsy Arkless Niece Webster Mass - Manda Dorous " [Niece], Marlboro Mass; Christina Gordon, " [Niece], Albany, N.Y." Morrison posted bond as administrator, with Angenette B. Hazard and Betsy Arkless of Webster as securities, December 2, 1891.

[153]Although Earle was charged with identifying the Indians in Massachusetts, he listed Nipmuc Indians living in Eastford, Putnam, and Thompson, Connecticut, California, New York, Dubuque, Iowa, "migratory," and "unknown." Therefore, Earle did not exclude Indians from the list simply because they were living out of the state of Massachusetts.

[154]Also see the notes in the petitioner's FTM on Polly Nedson.

[155]Angenette also had two children by her second husband, Samuel Hazard, who may have been a Narragansett Indian. However, neither of those children appears to have lived to be adults or have descendants.

[156]There are four children from three different sets of parents, born between 1993 and 2001, who are identified with 2003 membership roll numbers in the petitioner's FTM program; however, they are not listed on the membership list that was certified by the governing body of the group.

Dorus/Bates is a sub-line of the Dorus family. The Bates surname was introduced into the petitioner's ancestry when Alice Susan Dorus married Oscar Dean Bates in about 1888.[157] Alice Dorus was the daughter of Charles Dorus a resident of Windham County, Connecticut, and the brother of Esbon Dorus. Alice Susan Dorus was the niece of Esbon or Solomon Dorus who married the Dudley Nipmuc, Angenette Briggs White. However, neither Alice, nor her parents (Charles I. Dorous and Mary Ann Dixon) or grandparents (Joseph Dorous, Polly Nedson, Hosea Dixon and Hopey Reynolds) were listed by Briggs or Earle as Hassanamisco or Dudley Indians. The Charles I. Dorous family was identified as Indian on the 1870 census, but not in any other census. The 1888 death record for Alice's mother, Mary Ann (Dixon) Dorous, identified Mary Ann as Indian. Alice's paternal grandmother, Polly Pegan Nedson,[158] was also identified as Indian at the time of her death in 1872. (See the analysis of the information on the Nedson and Dorus families above.) None of Alice Susan Dorus's children (born between 1888 and 1908) or grandchildren (born between 1928 and 1940) married Hassanamisco or Dudley Indian descendants or other known Indian descendants. The 42 individuals in the petitioner's membership with Dorus/Bates ancestry all descend from Alice's son, Carl Oscar Bates.

The petitioner's response to criterion 83.7(b) (69A Response Report for 83.7(b) Part B 2002.09.30, 26), a section on the 1930- 2002 time period, includes statements on how the Alice Susan (Dorus) Bates (1868-1940) family had ties to the "Hassanamisco Community" in the 1920's. It cites a Lillian (Bates) Lane (1918-2001) interview in which she mentioned visits to the "reservation" with her father, Carl Oscar Bates (1888-1973). Lillian Lane's mother was Gladys Maria Hennessey (1899-1978). The following is the list of names that Lillian Lane mentioned and the people whom the 69A response report assumes these visits included. The information in italics is OFA's analysis of how these individuals were related by kinship or marriage, or were otherwise "connected," to Lillian (Bates) Lane.

'Mrs. Sullivan' [Sarah Cisco Sullivan] (1884-1964): *a Cisco/Arnold descendant- no kin relationship*
James Cisco (1846-1931 or b. 1923?): *a Cisco/Arnold descendant-no kin relationship*
Mr. William Moffit (1890-1950?): *non-Indian, a relative of the Hazzard family. . . he was involved with the 'Worcester Chapter' of NAIC in the 1950's*
Carl Oscar Bates (1888-1973): *father of Lillian and son of Alice Susan (Dorous) Bates*
George Wilson (b. 1890): *a James M. Pegan descendant, no kin relationship*
Roswell Hazard [probably Sr. 1850-1946?; Jr. b. bef 1910]: *a non-Indian Hazzard descendant, no kin relationship*
Mabel Hamilton: *no kin relationship, she was a Hector-Gimbee descendant. See the obituary cited in 69A response to PF that says Mabel Hamilton was wife of Roswell Hazard*

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[157]Alice married second Henry Samuel Vickers (1876-1952) and had two children. Henry Samuel Vickers has no documented genealogical connection to the Christopher Vickers family. There are no descendants from this marriage in the petitioner's membership.

[158]It should be noted that "Pegan" was a surname among both the Dudley Indians and the Natick Indians.

Clarence Smith (b. 1902): *2nd cousin*
Lillian's Putnam relatives "whom they would meet at gatherings": *unnamed; therefore, kin relationships were not confirmed*
"Aunt Mabel" Bates [b. 1890]: *actually Lillian's first cousin once-removed, daughter of her grand uncle, Joseph Bates*
Arthur Gould: *an in-law, Aunt Mabel Bates' husband; the report states this visit would have included their son, Joseph Bates Gould*
Joseph Bates Gould, b. 1916: *Lillian's 2nd cousin who later married Rose Viola Brown*
Rose Viola Brown: *an in-law: the wife of Lillian's 2nd cousin and daughter of Maud Lillian Brown. She was a descendant of Lydia Sprague and Sarah A.(Vickers) Brown*
Ernest Bates - he visited the reservation in 1939: *Lillian's brother*

Basically, Lillian Lane listed either very close kin (parent, grandparent, sibling), first and second cousins and in-laws, or other individuals who were closely associated with Sarah (Sisco) Sullivan and the "Hassanamisco Reservation." Although of Indian descent, there is no reliable evidence that the Dorus/Bates sub-line has Nipmuc ancestry. Therefore, OFA does not accept the Dorus/Bates sub-line as descendants of the historical Hassanamisco or Dudley Indian tribes that existed in 1861.

Sprague/L.W. Henries (aka Sprague/Henries)

Sprague/L. W. Henries is a sub-line of the larger Sprague family, which is represented entirely by the many descendants of one woman, Lydia (Sprague) Nichols Shelley Henries (1830-1880). The petitioner's Sprague descendants all descend from Lydia (Sprague) Nichols Shelley Henries, who was listed as a Dudley Indian in both the Briggs and Earle reports.

The Henries surname was introduced into the petitioner's Dudley Indian family lines by Lemuel Henry (or Henries) who was identified as a "colored foreigner" on the 1861 Earle report and the husband of Lydia (Sprague) Nichols Shelley. They married in 1857. [See the notes in FAIR and the analysis in the 69B FD]. The petitioner's FTM notes on Lemuel Henries's ancestry are not consistent, although the petitioner's genealogy database shows him as the son of Lorenzo Henries and Maria (or Murial) White and cites a marriage record between Lorenzo and Murial in Woodstock in 1834. No other family surnamed "Henry" or "Henries" appears as Dudley or Hassanamisco Indians in the 1849 *Briggs Report* or 1861 *Earle Report.*[159] Thus far the only known Dudley Indian descendants in the petitioner's membership with the surname Henries were the children of Lemuel and Lydia (Sprague) Henries. The "L.W. [Lemuel Winifred] Henries" referred to in the petitioner's ancestral report was one of Lemuel and Lydia's children.

[159]Most of the Henries family lived Windham County, Connecticut, and may not fallen within Earle's mandate to list the Indians for whom the State of Massachusetts had a responsibility. However, other Indians living in Connecticut, New York, or even more distant states were listed; therefore, it is not reasonable to assume that the Henries were Indian, but just not included by Earle because of their residence.

In the course of her life, Lydia Sprague married three non-Nipmuc men, of whom two were probably non-Indian, and had thirteen children who were born between 1846 and 1876.[160] There were at least 18 known marriages among her 13 children: 12 marriages were to non-Indians or persons of unknown origins, 3 were to Dudley Indians (2 of whom were on the 1861 *Earle Report* and one's mother was on it), and 3 were to individuals who descended from Mary (Curliss) Vickers, an Indian woman in Earle's "Miscellaneous Indian" category. In this latter category, two of Lydia's daughters married the same man, Peleg Brown Jr. (1847-1912), a grandson of Mary (Curliss) Vickers (1797-1898). In 1870, Lydia's daughter Emma T.G. Shelley married Henry Lafayette Dorus, who had been 12 years old and living in his parents' (Esbon Dorus and Angenette Briggs White) household at the time of the *Earle Report* in 1861. They do not have any descendants in the petitioner's membership. None of Lydia Sprague's children or grandchildren married Hassanamisco Indians.

Lydia's son Lester Lemuel Henries married Maude Lillian Brown (1898-1943) in 1913. She was his first cousin once removed (the granddaughter of Peleg Brown Jr. and Hannah Frances Nichols). They did not have children; at least none are listed in the petitioner's genealogical database.

There were at least 23 known marriages among the 32 grandchildren of Lydia Sprague. The grandchildren were born between 1861 and 1909. Twenty of the grandchildren's marriages were to non-Indians or persons of unknown origins. Three grandsons married their Sprague cousins and thus married other Dudley descendants.

Lydia's grandson Charles Stephen Henries (1896-1983), son of Lemuel Winifred (*sic*, variously spelled "Winfred") Henries and Ida L. Lewis, married his first cousin once removed, Mary Olive Belden (1890-1976),[161] in 1920. They do not have descendants in the petitioner's membership. Charles Stephen Henries has 10 descendants in the petitioner's membership from his marriage to Olive G. Barry (non-Indian). Lydia's grandson Henry Edward Henries (1905-1934), the son of Winifred Henries and Angenette B. Arkless, married Waneta Louise Vickers-Bennet, who was

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[160]Lydia Sprague's first husband, John A. Nichols was not identified as an Indian in the contemporary records. He was a Pvt in Company "B" 29 Connecticut Colored Infantry (see widow's pension application in Genealogical File: Nichols, John A. in FAIR). Lydia Sprague's second husband, William Shelley, was born in Rhode Island, and was not identified in any of the contemporary records as an Indian (see notes in FAIR). For Lydia Sprague's third husband, Lemuel Henries, see the analysis of the contemporary evidence in 69B regarding the family and origins of Lemuel Henries (1835-1883). Lemuel Henries was identified as a "colored foreigner" by Earle on the 1861 Report. If there was any Indian ancestry in the family of Lemuel L. Henries, it may have been from a Connecticut tribe.

[161]Edgar Peleg Brown (1869-1943) married Mary Estelle Brown (1872-1920); on the paternal line they were the grandchildren of Peleg Brown and Sarah Vickers. Edgar's maternal grandparents were Lydia Sprague and John A. Nichols, Mary's maternal grandparents were not Indians. Charles Stephen Henries (1896-1983) married Mary Olive Belden (1890-1976) who also married Charles' first cousin once removed, Ernest Clinton Lewis, a great-grandson of Lydia Sprague. Henry Edward (Edwin) Henries (1905-1934) married Waneta Louise Vickers-Bennet (1914-1965), a woman who was both his second cousin and his fourth cousin.

both his second and fourth cousin, in about 1930. They have one descendant in the petitioner's membership. In all, there are 40 Sprague/Henries descendants in the petitioner 69A's membership.

Sprague/Nichols

Lydia (Sprague) Nichols Shelley Henries also has descendants in the 69A petitioner's membership from her marriage to John A. Nichols. Fifteen are from the family of her daughter Matilda Sprague-Nichols through Lydia's great-grandson who married a Belden [Dudley Indian] descendant, and 103 descendants are from her daughter Hannah Frances Nichols who married Peleg Brown, Jr., through one of her children, Edgar Peleg Brown, who married his first cousin from the Brown family. Because of a marriage between a Sprague/Henries and Sprague/Nichols cousins, and at least two instances were a Sprague/Henries or Sprague/Nichols descendant married another Dudley Indian descendant, the petitioner's members from these overlapping lineages can be accounted for in different ways. Due to this overlap, the total number of descendants is larger than the actual number of individuals on the membership list. (See the table at the end of criterion 83.7(e) above.)

The OFA accepts the descendants of Lydia (Sprague) Nichols Shelley Henries as descendants of the historical Dudley tribe of Indians in 1861.

Humphrey/Belden

Humphrey was the surname of seven individuals identified as Dudley Indians on the 1849 *Briggs Report* and was the surname or maiden name of at least 14 individuals listed as Dudley Indians by Earle in 1861. The family of James E. Belden appeared on both the Briggs and Earle reports.[162]

The petitioner's response has provided additional evidence concerning the parental family of James E. Belden (1815-1887). James E. Belden's 1851 marriage record identified his parents as Joseph Belden and Abigail [surname unknown]. The 1797 marriage of Bristol Green to Nabby (a common 18th century nickname for Abigail) Kerr, the birth records of the children of Bristol Green and Nabby Kerr, and an 1859 letter which stated that Huldah (Green) Kyle was the half-sister of James Belden, provide reasonable evidence that Abigail/Nabby Kerr was the mother of James E. Belden as well as Andrew Green and Huldah (Green) Kyle and that she was a Dudley

[162]Petitioner 69B included a document citing a court case [1848] that determined James E. Belden was a resident of Worcester and that the cost of his treatment for smallpox in Springfield in September 1848, should be charged to Worcester (*Mass. Reports*, Vol. 56, pp. 52-62, *cited in Black Families in Hampden County, Massachusetts 1650-1855*, Joseph Carvalho, III, NEHGS and Institute for Massachusetts Studies, 1984, 32). See: Genealogical File: James E. Belden, ID 0125).

Indian.[163] There is no evidence at this time of any tribal origins of James' father, Joseph Belden. James E. Belden and his half-sister Huldah Kile/Kyle were on the 1849 Briggs list of Dudley Indians and their children and grandchildren were on the 1861 *Earle Report* listof Dudley Indians.

James E. Belden had 18 children (born between 1835 and 1875) by four non-Indian wives. The petitioner has identified eight marriages among Joseph E. Belden's children, only one of which was to another Dudley Indian descendant. The 1888 marriage of James Henry Belden (1857-1950) to Mary Etta White, daughter of Mary Etta Humphrey, granddaughter of William Humphrey, and great-granddaughter of Esther (Pegan) Humphrey, thus connected three families who were listed as Dudley Indians by Earle in 1861. There are 15 descendants of James Henry Belden's daughter, Mary Olive (Belden) Henries Lewis, in the petitioner's membership (Humphrey/Belden line). However, James E. Belden's daughter Carrie Etta Louise (Belden) Braxton has 30 (Belden/Braxton) descendants in the petitioner's membership. His daughter Charlotte G. E. (Belden) Revalion has one descendant in the membership and his son Warren A. Belden has one descendant in the current petitioner's membership. Therefore there are 32 James E. Belden descendants who are not "Humphrey/Beldens," and 15 James E. Belden descendants with the Humphrey/White/Pegan family connections for a total of 47 Beldens in the petitioner's membership.

According to the information in the petitioner's FTM genealogy database, James E. Belden had 26 grandchildren who were born between 1864 and 1908. The petitioner has been able to identify 16 marriages among the grandchildren, 14 of which were to non-Indians and 2 of which were to other Dudley descendants. Mary Olive Belden married two descendants of Lydia Sprague and has descendants in the 69A's membership; therefore, there is an overlap between the Sprague descendants and the Belden descendants in the petitioner's membership. The OFA accepts that the petitioner's members who descend from James E. Belden have descent from the historical Dudley Indian tribe as it existed in 1861.

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[163]KA: MA Archives: Worcester, MA; M #636; 1851, Vol 56, p270, No. 167
m. October 4, 1851 James E. Belden 36y, NA, BP Northfield, MA, 3rd marriage
Occ: Laborer, Res: Worcester, MA
f-Joseph Belden
m-Abigail
Rebecca Bixby 21y, NA, BP Worcester, MA, 1st marriage
f-Hiram Bixby
m-Jane [blank]
KA: Letter from Luke Lyman, Northampton Town clerk, 15 July 1859. Box 2, f5, JMEarle Papers, AAS Worcester, MA, (GTKY Dec 2000, p131)
Daniel Mandell notes:
"Living there is Helen Bakeman formerly Hellen Kyle, father was Alexander Kyle, lived in Worcester, Springfield and Northampton, died in Springfield 22 yrs ago, her mother died in Amherst about 7 yrs ago, maternal grandmother was a full-blooded Indian who lived and died in Webster, her maternal grandfather was 1/2 Indian, name of Bristol Green (?), lived in Worcester some. Bakeman's husband is a full-blooded negro, no Indian blood."

Curliss/Vickers

The Curliss or Curless surname was not on the 1849 *Briggs Report* of Hassanamisco or Dudley Indians, or the 1861 *Earle Report* of Hassanamisco or Dudley Indians. The Vickers surname was not on the 1849 *Briggs Report* or the 1861 *Earle Report*, as Hassanamisco, Dudley, Natick,[164] or any of the other Massachusetts tribes, but appeared in two households listed by Earle under the "Miscellaneous Indians" category.[165] The petitioner's Curliss/Vickers ancestry comes from a marriage between Christopher Vickers and Mary Curless in about 1816. The 60-year-old widow, Mary (Curless) Vickers, and her married son Rufus and his family were all identified by Earle as "Miscellaneous Indians" without specific tribal identification. There is conflicting evidence as to whether or not Christopher Vickers was Natick Indian; however an 1810 court record clearly identified his father, also named Christopher Vickers, as a white man (Medway vs. Natick, 1810), as did the 1859 letter from the John W. B___ [guardian of Natick Indians?] (Earle Papers 1652-1863, Box 2, folder 5, 52-55).

According to H. Capron's October 28, 1859, letter to John Milton Earle, Mary (Curless/Curliss) Vickers had told him that her maternal grandmother was "Indian, Dudley tribe."[166] Her

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[164]There are five men named Christopher Vickers in the petitioner's FTM program. Their birth years were given as abt. 1767, abt. 1783, bet. 1785-1804, abt 1825, and June 19, 1831. It may be that the references to the men born in the 1780's are to the same man, but it appears that they were more probably cousins. The petitioner's response to the PF included the following note in the FTM genealogy program, which states that Vickers was the maiden name of Hannah, the Natick wife of James M. Pegan, Dudley Indian, on the 1861 Earle list.

KA: JME papers. Box2f5, 1859 Jun 29. Ltr fr. Eustus Knight, Thompson Twn Clerk. Found in Pegan and Vickers Family files.
Town Clerks Office, Thompson June 29/59
John M. Earle, Esq,
Dear Sir,
Yours of this week making enquiries about a Piggin [sic] family in this town came duly [to home] & would have been answered earlier had I not [visited to see him]-- I have seen him this morning. he tells me his name is James M. Piggin & is from the family of Edward Piggin of Dudley, his age is 37--his wife's name was Hannah Vickers her age is 40. She was daughter of Christopher Vickers who was brother of Joseph Vickers who lives in Dudley now.
[next pg] The Vickers were from Natick, Mas--& are Indian. Piggins, oldest boys name is Edgar, his age 12
2 Boys name Middleton 2
3 " " James 1
I think Piggins wife was born in this town.
Yours truly, [Eusted Knight] Town Clerk.

[166]KA: John Milton Earle Papers, Box 2, folder 5: Earle, Letter from H. Capron of Uxbridge, 28 Oct 1859:
Mr. Earle
Dear Sir
Your letter of [date?] inst. was duly received asking information about Mrs. Vickers. . . I saw Mrs. Vickers today and she gave me the following facts concerning her parentage--she says that her grandmother on

grandmother was not named in this letter, but other sources identify Mary Curliss's mother as Nancy Pollock and grandmother as Molly (Pegan) Pollock Woodland (1753- aft. 1841) (See notes in FAIR citing vital records). Neither Molly (Pegan) Pollock Woodland and her known children, including Nancy Pollock the mother of Mary Curless, were not identified Dudley or Hassanamisco Nipmuc Indian in records contemporary to their lives.

Mr. Capron's 1859 letter stated that according to Mary (Curliss) Vickers, her grandmother had four children who "married lived and died out of state." None of the other letters in the Earle Papers (1850's to early 1860's) concerning the Dudley Indians provide any other evidence of the tribal affiliation or association of Molly Pegan, Nancy Pollock, or Mary (Curliss) Vickers. Mary (Curless) Vickers, who was an adult and married by 1816, was not included on the February 1835 list "of those who compose the tribe of the Dudley Indians - 31 of which is over the age of twelve years" compiled by the selectmen of Webster, Massachusetts.[167] At that date, of course, she was resident in Connecticut.

None of Mary Curliss and Christopher Vickers's ten children were identified as Hassanamisco or Dudley Indians in 1849 or 1861.[168] Neither she nor any of her children or grandchildren living in 1886 to 1890 were identified as Dudley Indians when the land was sold and the distributions were made. Thus the only evidence of a connection to the Nipmuc tribe is based on Mr. H. Capron's 1859 recollections of Mrs. Vickers' recounting of her grandmother's heritage. The commissioner of Indians, John Earle, apparently did not accept Capron's letter as sufficient evidence to include Mary (Curliss) Vickers as "belonging to" the Dudley tribe in 1861. There is no evidence in the record at this time that the ancestors of the Curliss/Vickers line, having lived in Connecticut or Rhode Island for at least two generations, was living in tribal relations with the other Dudley Indians.

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her Mother's side was Indian, Dudley Tribe she married a Mingo Pollock, she had by him 4 children [vis] Nancy - Dianna, Hannah & Pero [(next page)] I think she said that all of them married, lived & died out of the state. Her mother Nancy Pollock married a Christopher Curliss she had by him two children /Christopher crossed out & inserted/ Chandler & Mary. /again Christopher crossed out/ Chandler went to [Salem] or thereabouts. she has never seen him but once in her life. Mary Curliss married a Christopher Vickers she has had by him eleven children- James & Sarah (the two oldest are deceased), Chandler, Mary Ann, Rufus, Esther Jane, Cordelia, Almons, Christopher, Betsy & Monroe. The oldest living she thinks is about 39 & so along down, guess work. These are all the facts that you could make useful that relate to her parentage. [(next page)] She also gave it as her opinion that the Hazards originally came from Norwich, CT or thereabouts, if so I presume you will not require any further information about them. Yours truly H. Capron

[167]The family of Edward Pagan [Pegan], including his wife Clarissa and sons Edward Jr. and James, was on the 1835 list of Dudley Indians. However, there is no known connection between Edward Pegan (1788 - 1868) and Molly Pegan at this time.

[168]All of Mary Curless and Christopher Vicker's children were born before 1849 and all were adults by 1861.

The ten children (born between 1816 and 1837) of Mary Curless and Christopher Vickers had 17 marriages among them. Of these marriages, one daughter married in 1835 a man identified as Indian and from Rhode Island, one daughter married a Hassanamisco Indian in about 1845, and two sons married (in about 1853 and 1855) Indian women who were listed in the "Miscellaneous" category by Earle in 1861. Thirteen marriages were to non-Indians or persons of unknown origins.[169] Five of the ten children have descendants in the petitioner's membership. According to the information in the petitioner's genealogical database, Mary Curless and Christopher Vickers had at least 28 grandchildren born between 1835 and 1862. Three of these grandchildren married Dudley Indian descendants and one grandson married his first cousin, another Vickers, a "Miscellaneous Indian" descendant.[170] None of the known grandchildren of this couple (Mary Curless and Christopher Vickers) married Hassanamisco Indian descendants. The five children that have descendants in the petitioner's membership are discussed below.

•Mary Ann Vickers (1822-1875) was identified as the "Mixed, (foreign)" wife of James J. Johnson, a Hassanamisco Indian living in Worcester on Earle's supplemental list. They had seven children, one of whom, James Jeffery Jr. (1849-1900), married Mary Alice (Arkless, aka Freeman, or Arkless-Freeman in petitioner's FTM) in 1869. She was the stepdaughter of T.D. Freeman who was listed as one of the Dudley Indians on the 1886 and 1890 lists. Therefore, the Mary Ann (Vickers) Johnson family descended from the Hassanamisco tribe and had a tenuous connection to the Indians at Dudley/Webster through their daughter-in-law's stepfather.[171] The

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[169]Rufus Vickers and his wife, Frances (Fanny Smith) Thomas were both identified in 1861 as "Miscellaneous Indians" living in Oxford, Massachusetts. They married about 1852. Their daughter Cordelia married a non-Indian and has 45 descendants in the petitioner's membership. Rufus and Fanny's daughter Emma Elizabeth married her first cousin, Olin D. Vickers [a "Miscellaneous Indian" to "Miscellaneous Indian" marriage] and has 50 descendants in the petitioner's membership. Christopher Vickers (b. 1831) married Diannah Hazard in 1853. She was identified as a widowed, "Miscellaneous Indian" living in Oxford by Earle in 1861. There are three individuals in the petitioner's membership who descend from one of the grandchildren of Christopher and Diannah who married a descendant of Lydia Sprague Nichols Shelley Henries.

[170]Their grandson Peleg Brown Jr. married two Dudley Indians (one in about 1868 and the other in 1873) who were the daughters of Lydia Sprague Nichols Shelley Henries. The half-sisters Hannah Frances Nichols and Ida Angela Shelley were both young children in their mother and step-father's household in Stockbridge at the time of the 1861 Earle report. Another Curless/Vickers grandchild, Edwin W. Vickers, married Dudley Indian descendant Amanda Dorus in about 1890. (It was his second marriage.) She was the daughter of Angenette B. White (Dudley Indian) and Esbon Dorus discussed above. There were no children from this marriage. Olin D. Vickers married his first cousin Emma Elizabeth Vickers in about 1881, therefore they each married another miscellaneous Indian descendant.

[171]Mary Alice Arkless-Freeman's mother was Mary/Polly (Vickers) Arkless Freeman. This Vickers family was not Nipmuc, but claimed Narraganset ancestry. See the notes in petitioner's FTM for Susie Idelle Morris: KA: GTKYDec2000, p174 fn128.
NARS RG 75, Entry 904, Guion Miller Report on Rejected Kansas Claims. #3321. Susie I. Morris, Worcester, Mass. Joseph A. Morris, Susie I. Morris, Harry C. Morris (Minor children). Applicant is a Narragansett Indian, and so states in her application. Was born in Massachusetts in 1856. Parents were born in Connecticut and were Narragansett Indians. Grandparents were Narragansetts, living in Connecticut. . . Parents: Mary Freeman and Isaac

Johnson-surnamed grandchildren of Mary Curless Vickers were identified as Hassanamisco Indians in 1861. However, none of Mary Ann (Vickers) Johnson's descendants are in the petitioner 69A's current membership.[172]

The petitioner's descent does not come from Mary Ann Vicker's marriage to the Hassanamisco Indian, but through her daughter Esther Jane Vickers,[173] who was born in 1842 and who married James Augustus Toney, a man identified as "colored foreigner" in Earle's report on the Punkapoag tribe in 1861. There are 80 individuals in the current petitioner's membership who descend from this branch of the Curliss/Vickers family.[174] However, only five Mary Ann's descendants in 69A have descent from the historical Dudley Indian tribe. This is because one of Esther's great-great-grandsons married a descendant of James M. Pegan and has one child in the petitioner's membership. Mary Ann (Vickers) also has four descendants on the membership list who have descent from the Dorous/White/Pegan branch of the Dudley Indians. Therefore, OFA accepts that 5 of Mary Ann (Vickers) Johnson's 80 descendants in the 69A petitioner's membership have Dudley Indian in 1849 and 1861 or in 1886-1890.

• Sarah Ann Vickers (1819-1855) married a Peleg Brown, who was identified on the censuses as Indian from Rhode Island,[175] and had six children, two of whom have descendants in the

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Arkless, both b. Hampton, Conn., both Narragansett. The children of her parents were: Henry Albert Arkless, Isaac Arkless, Susie Izanna Morris, Diantha Arkless, Georgianna Arkless. Her mother d. 26 March 1884.

Grandparents were Eliza Hazzard and Samuel Vickers, Narragansett, resided Hampton, CT. Names of their children: Louisa, Samuel, Christopher, Mary, Rufus, Diantha, William, Chester, Harriet West Medway Mass; Geo; Lucinda Pomfret Landing. * * * * * *

"My grandmother was Eliza Hazard a Brothertown Indian. Isaac Arkless was a Nipmuck Indian. My grand Mother Eliza Hazard owned Land but could not get it."

[172]One of the descendants of Mary Ann Vickers and James Johnson married a descendant of Christopher Vickers in the 1960's. However, neither of these individuals nor any of their children or grandchildren are in the petitioner's membership.

[173] Esther Vickers Toney's 1917 death record which says her father was Patrick Vickers and that he was born in Ireland; however, the 1880 census says that Esther's father was born in Massachusetts. The petitioner has not shown any relationship between Patrick Vickers and Christopher Vicker's family.

[174]One of Mary Ann's descendants who was born in 1956 married one of James M. Pegan's descendants; therefore, the one child from this union descends from both the Curliss/Vickers and Pegan/Wilson lines. Another of Mary Ann's great-great-grandsons married the great-great-granddaughter of James M. Pegan, however there were no children from that union.

[175]The FTM notes under Layton Brown and Peleg Brown in the 69a response says Ellen is the daughter of Layton Brown and that there is "inference" that Layton and Peleg were brothers. However, there is no evidence is cited to support the "inference." One of Sarah/Sally (Brown) Lewis's daughters stated that Layton Brown was her mother's brother, but did not make any connection to Peleg Brown. Peleg was consistently listed on the censuses as Indian and born in Rhode Island. Sarah (Brown) Lewis was identified as 'mulatto' and born in Rhode Island, but Layton Brown was identified as black or race not stated and born in Connecticut. See the notes in petitioner's FTM.

KA: Narragansett, Report 1881, p83 (from Narragansett/Eastern Niantic as Background, GTKY

petitioner's membership. Her son, Joseph Welcome Brown married a non-Indian and had 15 children. One of his daughters, Mary Estelle (1872-1920) married her first cousin, Edgar Peleg Brown (1869-1943), son of Peleg Jr. and Hannah Frances Nichols, the daughter of John A. Nichols and Lydia Sprague, a Dudley Indian. They have 103 descendants in the petitioner's membership. Two other daughters of Joseph Welcome Brown also married their first cousins: Ida M. married Frank Brown/Nichols in about 1890 and Almira married Arthur Chester Nichols in about 1911. Frank and Chester were brothers, sons of John A. Nichols and Elizabeth/Betsey Brown. Neither of these families have descendants in the petitioner's membership. A fourth daughter, Helen Louise Brown, married George William Hazzard in 1911. They have 14 descendants in the petitioning group. He would later marry Helen's niece Maude Lillian Brown. Edith Grace Brown married a non-Indian in about 1900 and had a large family. One of her daughters has three descendants in the petitioner's membership. Therefore, Joseph Welcome Brown has a total of 120 descendants in the petitioner's membership.

Sarah Ann's son, Peleg Brown Jr. (1847-1912), married two half-sisters, Hannah Frances Nichols and Ida Angela Shelley, listed as Dudley Indians in the household of their mother of Lydia (Sprague) Nichols Shelley Henries on the 1861 Earle report. His only child was Edgar Peleg cited above; therefore, Peleg Jr. has the same 103 descendants in the petitioner's membership. Because these individuals also descend from Lydia Sprague they have an ancestor who was identified as a Dudley Indian in 1849, 1861, and 1890.

Sarah Ann's daughter Elizabeth Betsey Brown (1839-1918) married John A. Nichols in 1857 and had several children, however none of their descendants are in the petitioner's membership. He had been the first husband of Lydia (Sprague) Nichols Shelley Henries.

•Chandler Vickers (1820-1908) had children by two of his three non-Indian wives. One son from his first marriage, Edwin W. Vickers (1856-1953), married a non-Indian and has 37 descendants in the petitioner's membership. Edwin W. Vickers did not have children by his second wife, Amanda E. Dorus, a Dudley Indian descendant. Chandler Vickers' son Olin D. Vickers (1860-1943) married his first cousin, Emma Elizabeth Vickers (1856-1923), the daughter of Rufus Vickers. This couple has 49 descendants in the petitioner's membership; therefore, Chandler Vickers has a total of 86 descendants in the petitioner's membership.

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p31.) Her testimony says connected with the tribe from her mother and father's side: mother was Sally Brown; father was John Lewis. Lived on reservation about two years; m. Daniel Hull. Mother died when she was quite small; has one half aunt on her father's side. Doesn't know if her mother lived on the reservation before her marriage--has always been told that they lived in Massachusetts. "My uncle on my mother's side always told me that my mother belonged to the Charlestown Narragansett Tribe, and I think, that they did live here. They went to Webster, and from Webster to Sturbridge, Mass. His name is Layton Brown. He is the only one that is living. I can't tell how long ago it was that they lived here. My uncle was mother's brother."

•Rufus Vickers (1824-1864) married Frances (Fanny Smith) Thomas before 1853. Both were listed as Indians in the "Miscellaneous" category in Earle's 1861 report on Indians in Massachusetts. His daughter Cordelia (1853-1939) married non-Indian Theodore B. Clash in 1871 and has 42 descendants in the petitioner's membership.[176] In 1957, one of Cordelia's grandsons married his third cousin once removed who was a descendant of Sarah Ann Vickers and Peleg Brown. Thus 10 of Cordelia's descendants also descend from Lydia (Sprague) Nichols Shelley Henries through this marriage. Another of Cordelia's descendants married in about 1952 his fourth cousin, a descendant of Mary Ann Vickers. Therefore 13 of Cordelia's descendants also descend from Mary Ann Vickers. As mentioned above, Rufus' daughter Emma Elizabeth (1856-1923) married her first cousin Olin D. Vickers (1860-1943), and has 49 descendants in the petitioner's membership. Rufus has a total of 91 descendants in the petitioner's membership.

•Christopher Vickers (1831-1864) married Diannah (Hazzard) Smith Thomas (1819-1877), who was identified as Indian and a widow in the "Miscellaneous" category by Earle in 1861. There are three individuals in the petitioner's membership who descend from Christopher and Diannah through one of their great-grandsons, Ralph Enoch Walley. These three also descend from Lydia (Sprague) Nichols Shelley Henries and the Dorus/White/Pegan line through Ralph's wife, Lucille Morse.

There are at least 25 instances in the Curliss/Vickers line when cousins married cousins. In some cases first cousins married each other, in others they married second or third cousins. When children from those multi-related families married in the succeeding generations, the result was that individuals who were both second and fourth cousins to each other, or third, fourth, and fifth cousins to each other, married. This makes using petitioner 69A's genealogical database to count the actual number of descendants who are on the group's membership list somewhat difficult. However, by using the OFA's database of "Nipmuc/Nipmuck" membership lists (BAR-NIPHIST-2003) in the Microsoft Access program, and identifying the members who have Mary (Curliss) Vickers as an ancestress at least once in their family trees, the OFA was able to eliminate the duplications and determine that she has 292 descendants in the group.[177]

Because some of the Curliss/Vickers descendants married descendants of Lydia (Sprague) Nichols Shelley Henries, James M. Pegan, or Elizabeth Betsy B. (Dorous) Arkless, Angenette Briggs (White) Dorous, and Betsey (Pegan) White, about 115 individuals on the 2002 membership list who are Curliss/Vickers descendants (22 percent (115 of 526) of the petitioner's

[176]Two of Chandler's great-great-great-grandchildren, who are half-brother and half-sister, married a sister and brother, the great-great-great-grandchildren of Rufus. Because of the multiple cousin marriages in these lines, the couples are also 4th, 5th, and 6th cousins to each other.

[177]See Access file called BAR-NIPHIST-2003 and sort by the "69A-9/2002" field to list everyone with a 69A petitioner membership number. Arrange the "BAR-AncestralFamily" field in alphabetical order, and count all of the individuals with "Curliss/Vickers" in any combination, in the BAR-AncestralFamily field.

membership) also have descent from Dudley/Webster Indians. The other 177 Curliss/Vickers descendants in the petitioner's membership (34 percent (177 of 526) of the membership) do not have a direct ancestor who was either a Dudley/Webster Indian or a Hassanamisco Indian. See the table at the end of criterion 83.7(e) in this FD. The OFA does not accept all of the Curliss/Vickers descendants as descendants of the historical tribe, only those whose ancestry includes another individual identified as a Dudley Indian in 1861.

Pegan/Wilson

The Pegan/Wilson line is the family of James M. Pegan (1822-1892) and his son George M. Pegan who also used the surname Wilson (the petitioner's genealogy database lists him as George Monroe Wilson-Pegan). Wilson was an alias, not the name of a separate family that married into the Pegan family. The name change was explained by George M. Wilson in writing about his grandfather Edward Pegan and grandmother Clary [Pegan] :

> Then they had large family of boys, one of them being my father, George M. Pegans. And as they grew one brother Edward studied for the ministry so decided to have the name changed as he thought sounded funnie [*sic*] so it was changed from Pegans to Wilson as the rest thought to sound better" (Cisco Box 1) (James M. Pegan notes, FTM).

James M. Pegan and his children were enumerated by Earle in 1861 as Dudley Indians. His wife was Hannah Vickers, reportedly the daughter of Christopher Vickers and a Natick woman, possibly named Alpha Proctor;[178] however, this connection has not been confirmed. The James M. Pegan family, which was listed on the Federal censuses as Piggen or Piggens throughout the 19th century, included an infant George M. Piggen in 1860 and 9-year-old George M. Piggen in 1870. However, as a grown man, this child of James M. Piggen was enumerated as George M. Wilson in 1900 and 1910. George M. Wilsons's 1926 death record stated that he was the son of James and "Hannah Vickers Wilson." Other than the surname Wilson, the information matches that of James M. Pegan, George M. Pegan's father. The documentation available at this time is reasonably consistent in identifying the adult known as George M. Wilson as the same individual who was identified in his youth as George M. Pegan, son of James M. Pegan/Piggens/Piggins. (Also see the June 29, 1859, letter from Eustus Knight regarding the Piggen family cited above.)

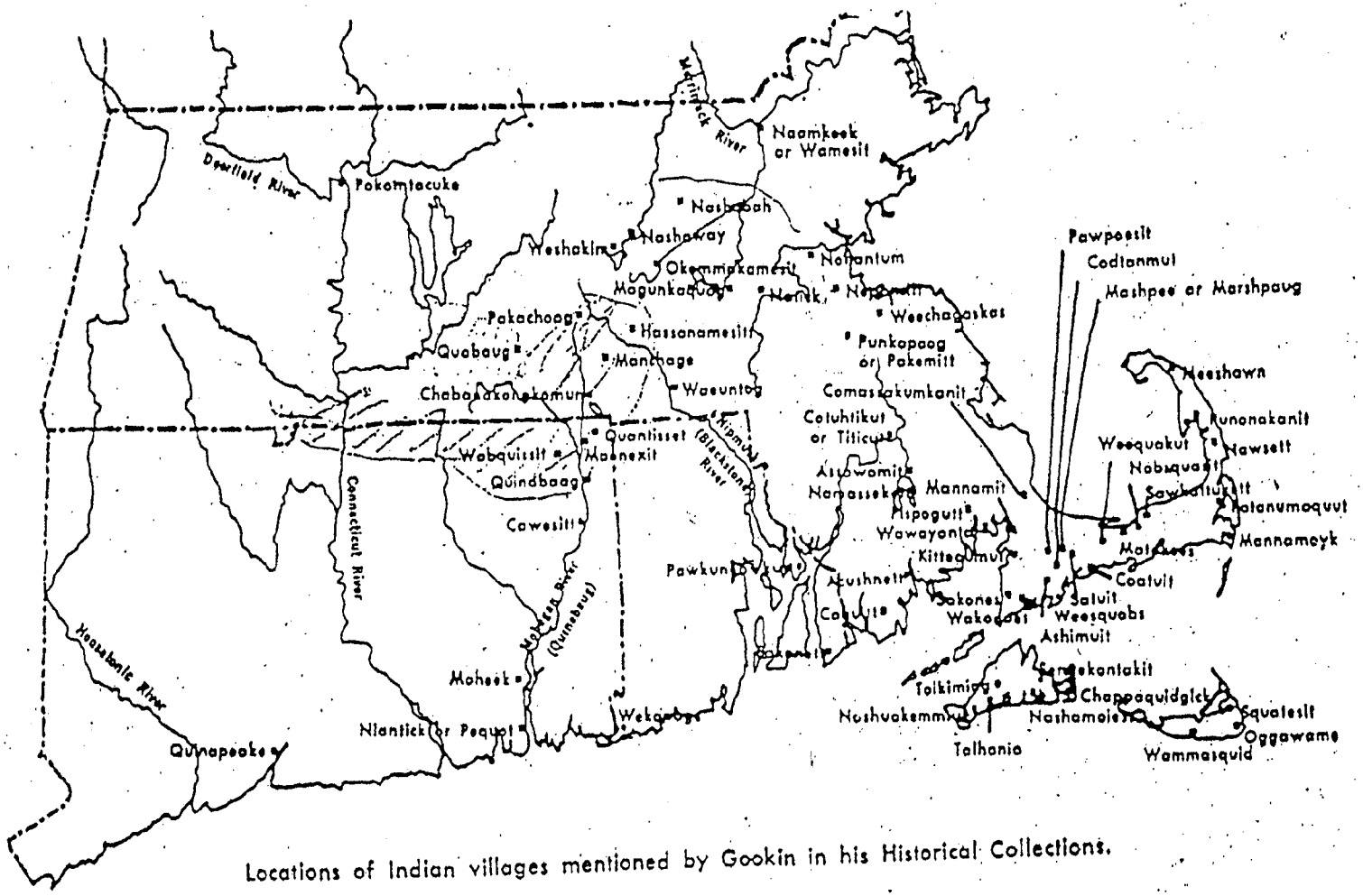
James M. and Hannah (Vickers) Pegan had five children (born between 1848 and 1861) and at least twelve grandchildren (born between 1874 and 1910). James M. Pegan and four sons, George M., James E., Jerry B., and Middleton U. Pegan were listed as distributees of the Dudley fund in 1890 (Probate Court 1888.11.28). Middleton U. Pegan married a Dudley Indian descendant, Ida Angela Shelley, the daughter of Lydia (Sprague) Nichols Shelley Henries, in

[178]The petitioner's FTM genealogy database simply lists Hannah's mother as "Natick woman;" however, the data compiled by the BAR researcher at the time of the proposed finding identified the mother as "Aliph Proctor." Neither reference is well documented.

1883. However, neither Middleton nor any of the other children except George M. have descendants in the petitioner's membership. None of the 12 known grandchildren of James M. Pegan married Dudley or Hassanamisco Indian descendants or other Indian descendants. One of James M. Pegan's great-great-great-granddaughters married a descendant of Mary Ann Vickers in the 1970's and has one descendant in the petitioning group who thus also descends from a woman identified as one of the "Miscellaneous Indians" by Earle. There are 53 individuals in the petitioner's membership who descend from James M. Pegan and his son George M. Pegan/Wilson. Therefore, the OFA accepts that these 53 individuals descend from the historical Dudley tribe as it was identified in 1861.

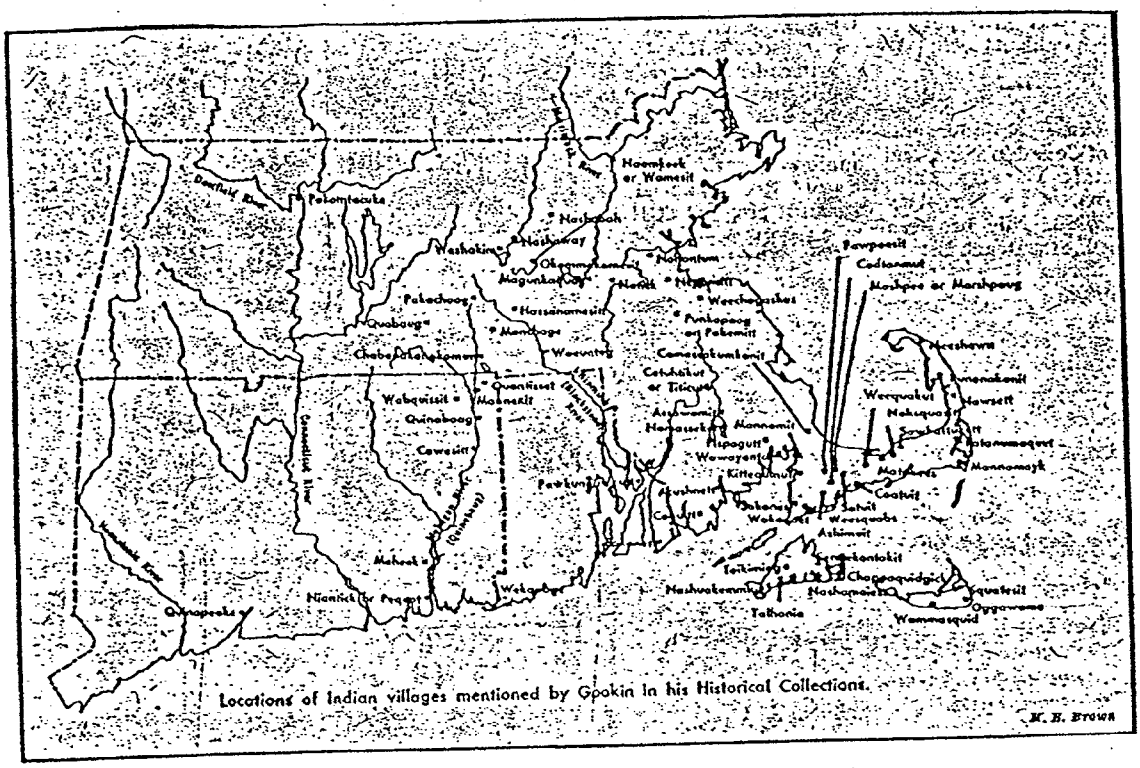
Jaha

The Jaha name was introduced into the Dudley Nipmuc Indian ancestry in the mid-1700's when Scipio Jaha married the Dudley Indian woman Esther. There were several Jahas listed in the 1849 Briggs and the 1861 Earle reports, including Rebecca (Jaha) Willard, petitioner's Jaha ancestress, who married Barzillai or Bezaleel Paine Willard. They were included in the *Briggs Report* of Dudley Indians. Rebecca died in 1850, but Barzillai Willard, widower, "colored foreigner" and their four living children were on the 1861 *Earle Report.* Rebecca had five children born between 1842 and 1850 and three grandchildren born between 1877 and 1885. None of her children or grandchildren married another Dudley or Hassanamisco Indian descendant or other Indian descendant, but one great-granddaughter married a Sprague descendant in 1914. However, there were no descendants in the petitioner's membership from that marriage. All 34 of the petitioner's members with Jaha ancestry descend from one of Rebecca (Jaha) Willard's granddaughters, Mabel Maria (Blackstone) Brooks Cossingham. The OFA accepts that the petitioner's members, who have ancestry from Rebecca (Jaha) Willard, descend from the historical Dudley Indian tribe as it was identified in 1861.



Locations of Indian villages mentioned by Gookin in his Historical Collections.

Map drawn by M. E Brown, for Towtaid reprint listed in Selected Bibliography. Used with permission of publisher. State boundaries shown are present ones, Indian data refers to 17th century.



NIPMUCK VILLAGES AND TERRITORIAL DESIGNATIONS

Chaubunagungamaug - Webster/Dudley
Manchaug - Sutton
Mokunkokoag - Hopkinton
Mokamesit - Marlborough
Wemesit - Lowell
Natick - Natick
Nashoba - Littleton
Keekamoochaug - Dudley area
Shokologue - Douglas/Uxbridge
Hassanamesit - Grafton
Maanexit - Woodstock/Quinnebaug
Waentug - Uxbridge
Quantisset - Thompson
Wabaquasset - Thompson/Woodstock
Quaboag - Brookfield
Pakachoog - Worcester
Nashaway - Lancaster

Segunesit - All of the territory in Northeastern Connecticut and including Chaubunagungamaug and Keekamoochaug

Pokomtacuke (Pocomtocook) - Deerfield River valley, home of the Pocomtuck, a clan allied with the Nipmucks.