

(3) Technical Assistance Letter(s)

- March 1, 1985
- February 5, 1988

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Tribal Government Services - AR

3-1-85

Mr. Walter A. Vickers
2 Longfellow Road
Northborough, Massachusetts 01532

Dear Mr. Vickers:

The Branch of Acknowledgment and Research has conducted a preliminary review of the ~~Nipmuc~~ petition for Federal acknowledgment in order to identify obvious deficiencies and significant omissions, as required by the Acknowledgment regulations in 25 CFR 83.9(b). Although the petition reads well and reflects substantial research, there are several areas where we feel additional documentation and discussion are necessary to strengthen the petition. The questions and requests for documentation which are numerically outlined below indicate the areas which we recommend be supplemented before the petition is placed on active consideration. In addition, we have attempted to anticipate other information, the receipt of which will speed the evaluation of the petition during active consideration.

- 1) From the year 1682, when title was given to the Indians for the lands at Hassanamisco, to the year 1849, the ethnohistory of the Nipmucs as given in the documented petition is largely one of Indian-colonial or Indian-State relations, emphasizing land acquisition and transfer and the administration of a trust fund established for the Nipmuc's benefit. Consequently, few data were provided concerning the nature of Indian community itself, e.g., its governing structure, economy, social patterns, customs, etc. Please provide a more detailed account of the groups during this period which includes these aspects of the Nipmuc's history.
- 2) The petition included a total of 204 footnotes, referring to a variety of historical documents and publications. Moreover, in the Appendix section of the petition, twenty-two copies of documents were provided. Please submit copies of all relevant documents--primary documents where possible--referred to in the footnotes (excluding standard, available published sources) and also those within the text of the petition narrative which are not cited in the footnotes. Please provide a list or index of the twenty-two Appendix exhibits explaining what these documents are and their relevance to the petition as a whole.
- 3) Please provide a specific account of what happened to the Nipmucs during the American Revolution, in terms of which side they took, the passing of administrative responsibility and jurisdiction from British to American control, and the Nipmuc's participation or direct involvement in the Revolution, if any.
- 4) In addition to these general areas of omission in the documented petition, there are several specific points which need to be addressed relative to the group's history. On page 28, please explain and/or clarify the statement that the populations of the three

Indian plantations were of a "heterogeneous tribal make-up." On page 127 (and also on pages 146 & 147), please provide copies of all the news clippings mentioned, in their entireties. On Page 140 and following, please provide an expanded description of the activities and dissolution of the Algonquin Indian Council of New England, and whether any written materials about the organization exist, including meeting minutes and archives. Please submit pages 162 and 163, which were missing in both copies of the narratives. On page 182, Zara CiscoeBrough makes several statements which need further elaboration, e.g., what did she mean when she said "We are a disbanded tribe," and to whom does she refer when speaking of "our 'second' family" which numbers 200 or more? Also on page 182, please provide documentary examples of the "regular contact" with Massachusetts state leaders.

5) Please provide more detailed description of the current community, e.g., social functions, communications, and participating patterns. Current community refers not only to the present but to the nature of the group during the past ten to twenty years. With reference to this description, please indicate whether there is a distinction between "band" and "clan" relative to Nipmuc social or kinship organization.

6) Please submit a more comprehensive description of Nipmuc aboriginal culture, with particular emphasis on the nature of the aboriginal political organization, and show how or to what degree this system changed under colonial and State administration.

7) The description of the current political system of the Nipmucs in the petition does not enable us to formulate a clear understanding of how the system operates. Please provide a description of the election process for tribal council members (past and present), including a description of the process used to determine who will succeed principal tribal and band leaders should they die during their term in office. Copies of the minutes of meetings of both the tribal council and band meetings need to be provided. If available, any copies of earlier governing documents should be furnished. A sample of the minutes, two or three per year, for the years they are available should be submitted, along with copies of the meeting minutes and attendance lists for meetings which deal with the adoption of the governing document for the group.

8) Article II of your governing document deals with membership, and states that membership "shall be determined on the basis of documented proof . . . of Indian ancestry." Please provide more specific description of how an individual's eligibility for membership is actually being determined. Additionally, the petition states on page 121 that "Although the Nipmuc Tribe did not begin to maintain formal membership rolls until 1923, it continued the same criterion for eligibility, viz., genealogical connection with a recognized Nipmuc family." How do the Nipmucs interpret "genealogical connection": by blood or marriage or both?

9) The Nipmuc petition states that the group began maintaining formal membership rolls in 1923. The earliest roll prepared by the group itself is the official membership roll submitted for acknowledgment purposes and dated simply "as of 1981." Under Section 83.7(e), the group is required to provide "a copy of each available former list of members based on the tribe's own defined criteria." Please provide all such former lists not submitted with the documented petition.

10) There is some confusion over the labeling of the Parts of the documented petition. The petition narrative is labeled Part I of II, yet we are not able to determine what Part II is comprised of. Additionally, we received two manila envelopes labeled "Nipmuc Ancestry Charts, Part 3 of 4," and "Nipmuc Tribal Roll, Part 4 of 4, but did not receive Parts 1 and 2 of 4. Please clarify the labeling system.

11) The Nipmuc Tribal roll has approximately 280 members' names, yet some have roll numbers and some do not. Some numbers are prefixed and some are not, and of those which are prefixed the prefix is different, e.g., "LH" and "T". Please explain your roll numbering system and its significance relative to the above-mentioned differences. Also, you are requested to provide a list of members by band, indicating the individual member's full name and year of birth. In addition, please provide a copy of the list referred to on page 188 of the petition describing 37 members who signed a petition to the Governor on September 2, 1977.

With regard to items 8 and 11 above, it is extremely important that the group's membership roll be complete since, if acknowledged, the list submitted for acknowledgment purposes will become the tribe's base roll for Bureau purposes. As such, the roll as submitted will be binding on the tribe for some time to come, except for minor additions and corrections.

While the regulations under which the Branch of Acknowledgment and Research operates provide that the petition may be submitted in "any readable form," we are able to anticipate some difficulty in processing the petition in the format in which it was submitted. In order to expedite our evaluation of the petition once it is placed on active consideration, we strongly suggest that a supplement or addendum to the petition be submitted which specifically addresses the criteria a through g in 25 CFR 83.7, so that our office has a clear, succinct, and explicit statement as to why you believe your group meets the requirements outlined in the regulations. No such specific responses were included in the petition as submitted. Historical documents and publications should be cited in these responses to the criteria, and copies of the documents cited should be provided.

Should you have any questions regarding this letter, or should you need additional clarification regarding the petition evaluation process, you can write to our office through the Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245, Attention: Branch of Acknowledgment and Research. We can be reached by telephone at (202) 343-3568.

Sincerely,

Hazel E. Elbert

Deputy
Director, Office of Indian Services

cc: Mr. Edwin Morse
Dr. Stephen J. Reno

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cc: