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# Massachusetts Commission on Indian Affairs

## 2001 Annual Report

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# THE COMMONWEALTH OF MASSACHUSETTS

COMMISSION ON INDIAN AFFAIRS

ONE CONGRESS STREET, 10th FLOOR

BOSTON, MA 02114

Jane Swift, Governor

Jane Wallis Gumble, Director  
Department of Housing &  
Community Development



John Peters, Jr.  
Executive Director

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May 31, 2002

Dear Governor Swift:

On behalf of the Massachusetts Commission on Indian Affairs, I am pleased to present the Commission's Annual Report for 2001. This report provides an overview of some of the highlights of the Commission's programs, works in progress, and activities during the year.

This past year, we continued our efforts on being more responsive to the issues and concerns of the American Indian population in the Commonwealth. In doing so, the Commission found itself in an unenviable role of mediator between competing Native Groups, and at times, Native Groups and Departments of the Commonwealth. This office also continued its participation in projects such as the Boston Harbor Partnership, Deer Island Memorial, Native Graves, Socio-economic development projects, cultural ceremonies and various education initiatives.

We appreciate your support of the Commission and its activities as we strive to fulfill our legislative mandate and assist the Native populations of the Commonwealth fulfill their goal and objectives.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "John Peters, Jr.", written over a printed name and title.

John Peters, Jr.  
Executive Director

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## *Commissioner Biographies*

### **Maurice L. Foxx ~ Chairperson**

Commissioner Foxx is a member of the Mashpee Wampanoag Tribe. After serving in the U. S. Marine Corp during the Vietnam War, he earned a degree in Mechanical Engineering at Northeastern University. He has been employed for 23 years at Fanueil Hall Marketplace in Boston as the Director of Technical Services. He became a member of the Commission on Indian Affairs in 1995 and currently serves as Chairman. He is also Director of the Mashpee Wampanoag Tribal Museum where he was instrumental in persuading the Town of Mashpee to turn over certain lands to the tribe. In addition, Maurice sits on a number of boards and committees including the Advisory Council for Plimoth Plantation's Wampanoag Indian Program, the Pilgrim Society Advisory Board, and the Mashpee Wampanoag Powwow committee. A few years ago, he collaborated with Children's Museum in Boston on the development of their Wampanoag website.

### **Janice P. Falcone ~ Commissioner**

Commissioner Falcone was born on the Tonawanda Seneca Reservation in upstate New York. Although her father was a Seneca chief of the snipe clan, Janice is also a member of her mother's Onondaga Nation through matrilineal descent. After college and several years of teaching in the Boston area, Janice became involved with the Boston Indian Council. After both of her children graduated from MIT with degrees in mechanical engineering, Janice graduated to the Directorship of Employment and Training Services for the North American Indian Center of Boston. Janice's most recent involvements have included being appointed to the National Native American Employment and Training Council for the U.S. Department of Labor and also an appointment to the Commission on Indian Affairs. Serving as the National Chairperson for Native American women for the Second Continental Congress of Women of the Americas in 1992 inspired Janice to address women's issues internationally.

### **Cheryll L. Holley ~ Commissioner**

Commissioner Holley is a Nipmuc from Worcester, MA. She became a member of the Commission on Indian Affairs in October of 1998. She attended Howard University in Washington, DC and served in the U.S. Army Medical Corp for several years. The mother of three school-age daughters, she is currently a dialysis nurse at UMass Memorial Hospital in Worcester. She is a founding member and current Project Director of the Nipmuc Indian Development Corporation, a non-profit agency dedicated to increasing self-sufficiency in Native people both as a whole and as individuals. A freelance writer, she has served on various boards and committees in the Worcester area and currently serves as the newsletter editor and as a community educator for the Nipmuc Women's Health Coalition.

## **Carol J. Mills ~ Commissioner**

Commissioner Mills is a member of the Ojibwa Tribe and was appointed to the Commission on Indian Affairs in October 2000. She has been involved with Indian education issues for the last 20 years. Carol holds a Masters early childhood degree from Wheelock College. Her consulting for Indian Head Start programs takes her all over Indian country. She has worked in the Boston Indian community for over 10 years and has lived in the Mashpee Wampanoag community for over 20 years with husband Earl Mills Jr. and 3 children. Recent involvements has been developing cultural public programming for institutions like The New England, The Children's Museum, and various schools and libraries. She has been a supporter of Native political issues throughout Indian country. In her free time she enjoys dancing at pow-wows with her family.

## **Dr. Herbert R. Waters, Jr. ~ Commissioner**

Commissioner Waters was appointed to the Commission on Indian Affairs on March 24, 1995. A member of the Wampanoag community, he is a life-long resident of the New Bedford-Dartmouth area. He graduated from Providence College and immediately entered the U.S. Marine Corps as a Second Lieutenant. After serving in the USMC, he accepted a teaching position in Dartmouth and then transferred to the New Bedford School Department where he taught for thirty-seven years. For twenty-two of those years, he was the principal of Sgt. Wm. H. Carney Academy, an institution that was known statewide as an outstanding place of learning with emphasis on multi-cultural education and progressive/innovative methods and techniques for learning. Commissioner Waters has been involved in Indian Affairs for his entire adult life encompassing curriculum development, assisting Slow Turtle and Drifting Goose during the 70's reorganizing effort, and the social/political struggles of Indian people. He is married and has five children, all of whom are college graduates and have served the country in the U.S. Marine Corps and the U.S. Army.

## **Beverly Wright ~ Commissioner**

Commissioner Wright was appointed to the Commission in October 2000. As Chief Elected Official and Chairperson of an eleven member Tribal Council, Ms. Wright maintains the integrity and goals of the Wampanoag Tribe of Gay Head/Aquinnah. She has been Chairperson for ten years and was re-elected to a fourth term in June 1999. Before being elected Chairperson she served the Tribe for twelve years as a Council member, including a term as Treasurer. She has also been a Director of the Title IX Indian Program and was one of the founding committee members of the Aquinas Wampanoag Housing Authority.

Ms. Wright has been vice-President for 6 years and currently serving a third term as Secretary of USET (United South & Eastern Tribes). She is a member of the NCAI (National Congress of American Indians), and a member of the Female Tribal Leaders Association. Ms. Wright is currently serving as a representative of USET to the Indian

Health Tribal Self Governance Advisory Board, the National Budget Advisory Board and the Bureau of Indian Affairs/Tribal Budget Advisory Council. She is also a Board member of the international Advisory Council for the Native Nations Institute in Leadership, Management and Policy in Arizona.

(1) Vacancy (Western Mass.)

### *Staff*

John "Jim" Peters, Jr., Executive Director  
Burne Stanley, Administrative Assistant (p-t)

## *Purpose and Responsibilities*

The Commission is charged with investigating problems common to Native Americans who are residents of the Commonwealth. It is further charged with assisting tribal councils, Native American organizations, and individuals in their relationship with agencies of state and local government. It assists with social services, education, employment opportunities, health, housing problems, civil rights, legal aid, treaties, taking of a census of Native American residents, and any other rights or services concerning Native American residents of the Commonwealth. In addition, it shall provide for the burial expenses for the remains of any person whose previously unknown grave has been disturbed, forcing its relocation, and whose identity has been determined by the state archaeologist to be that of an American Indian.

Additionally, the Commission shall meet at least four times annually. In accordance with the mandate, meetings were held on January 22, 2001; May 7, 2001; June 4, 2001; and October 17, 2001.

## *Accomplishments & Work In Progress*

### **Boston Harbor Islands**

In compliance with federal law, to date, there have been four Native American consultation meetings held at the North American Indian Center of Boston (NAICOB) with the National Park Service to discuss historic relationships and current Native role in the development of this new National Park Recreation Area.

These meetings have delved into a number of agendas, among those culturally affiliated with King Philips War and the Harbor Islands, federally and non-federally recognized historic and contemporary jurisdiction.

The main objective of our meetings has been to identify issues important to the Native people so that said issues, along with goals and objectives, could be included in the Boston Harbor Islands Management Plan. In July 2001, the Boston Harbor Island Management Plan was approved by the Partnership subject to minor language adjustments in the Native sections. The Plan goes to Governor Swift of Massachusetts for her endorsement then to the Secretary of the Interior for final approval.

The Native American objectives highlighted in the management plan include researching and documenting the history of the Native Peoples culturally affiliated with the Islands and King Philips War from the beginning to contemporary times. From the historic research it is intended to extract an educational curriculum that can be shared with educators locally and throughout the world. A longer-term goal is to develop a cultural center that will illustrate native history and culture of this land over the millenniums. Another major objective it to assure the protection of native graves and cultural patrimony. To the majority of the committee, the work that needs to be done is just beginning.

### **Deer Island Native American Memorial**

During the year, descendents and culturally affiliated tribes of the Boston Harbor Islands have been meeting with the Massachusetts Water Resources Authority (MWRA) to discuss the conception and placement of a memorial on Deer Island.

MWRA, owners of the Island, have been consulting with the Native American community for the past few years to develop an appropriate commemoration to the horrific events that took place on Deer Island. A grant from the Brown Fund was awarded to MWRA to develop memorials for both the Native American and Irish people that perished on this and other Islands in the harbor.

Representatives from the Nipmuc, Natick, Ponkapoag, Wampanoag and Penobscot have come to a consensus that site 10 on the western side of the Island, overlooking the Boston skyline and the mouth of the Charles River, from whence they came, is the most appropriate site for the Memorial. Aside from the skyline, it is handicapped accessible and sheltered from the unrelated activities of the Island.

The next steps are to agree on a conceptual theme and to develop the specifications for a "Request For Proposal" to artisan consultants. Upon receipt of artist proposals, interviews will take place toward awarding a contract to an Artist who best shares the conceptual themes of the committee.

### **Formation of a Nation Council**

The Commission had talked for over a year about the need to develop a forum for people of Wampanoag ancestry to get some sort of acknowledgement. In the past, Slow Turtle did some of that but when Jim looked at that process he said it gets too entailed. He thought it would be more appropriate for the actual tribes and people to make those determinations as to who was and who wasn't of the nation. The Aquinnah and the Mashpee were approached, being the oldest standing groups here in Massachusetts, to form the Nation Council and initiate that action. Meeting began late in the year, one in Mashpee and one in Aquinnah. Much of the dialogue during those two meetings was spent on trying to agree on a vision of what role that this Council would play. What would be the extent of authority and jurisdiction of such an entity? Some have viewed it to evolve as the leadership forum of the Wampanoag Nation - others have talked more about limiting it to a genealogical clearinghouse that verifies an individual or clans birth right to the Nation.

Most felt that the debate of acknowledging new tribes, and bands should wait until such time that the structure of the entity is framed and representation on this Council reflects that of the overall Nation.

Nonetheless, the task at hand of making some sense out of such an entity, that will bring together a people of a common aboriginal blood line, and maintaining a path of strengthening and legitimising the Nation has not come easy.

The process is somewhat cumbersome right now as there are groups with historic connection, reviving themselves, and coming to the circle with perceptions of Indian-ism that ranges from reverence to the culture to dreams of economic grandeur.

Needless to say some sort of process would help us to evolve with those groups and also to bring the nation together. This is important for all of us so that we can regain our strength and pursue our destiny as one minded people. Such meetings will be ongoing until an amenable process can be developed and this entity can respectfully assert it self as the Wampanoag Nation Council

### **Mizzenmast Road Burial Site**

The disposition of this unmarked family burial site has been an ongoing dilemma for the Mashpee Tribal people, and could also present a very unfavorable precedent for unmarked Native graves throughout the Commonwealth of Massachusetts. A brief synopsis takes us back to August of 1999 when a heavy equipment operator uncovered an unmarked grave in South Mashpee while excavating the site for a home. He stopped digging and the State Archeologist and Commission on Indian Affairs were called in to investigate. Our investigation of the site determined that at least 17 people were buried on this 15,000 square foot lot, and that in all probability they are ancestors of members of the Mashpee Tribe.

For the past two years we have been trying to raise funds to purchase the lot and avoid an unthinkable scenario of exhuming these ancestors from their final resting place. The proposed is that an upscale trophy house can be constructed. Well, the unthinkable has been put into motion, as we have not been successful in raising the entire purchase price. On March 14, 2001 an action was filed against the State Archeologist and the Commission on Indian Affairs in Suffolk County Superior Court, seeking to have the Commonwealth remove the remains from the site as interpreted in the Massachusetts Unmarked Burial Laws.

Efforts continued throughout the year to raise sufficient funds and we are optimistic that an amenable solution will be found in early 2002 to avoid such a horrific judgment.

### **Amicus Brief**

On May 29<sup>th</sup> of 2001 the Commission on Indian Affairs filed an Amicus Brief with the Massachusetts Appeals Court as an informational addendum to the case: Randall Shield Wolf Trapp vs. Lawrence Dubois. This case asserts the rights of inmates to conduct traditional ceremonies under the Indian Freedom of Religion Act at the Massachusetts Correctional Institute at Gardner.

The American Indian inmates and others were stopped from conducting Sweat Lodge Ceremonies on prison grounds. The Correctional Officers contended that they could not see the inmates in the lodge therefore preventing them from performing their duty. The Courts found in the Correctional Officer's favor.

The purpose of the Amicus Brief was to provide the court with additional information with regard to the Sweat Lodge Ceremony. This ceremony is of ancient origin, of which it is believed through prayer and meditation one can journey back to the womb and contemplate changes in ones life cycle. Documentation was provided on how the ceremony and culturally oriented teachings have helped inmates in other Institutions cope with incarceration and how it has contributed to their rehabilitation.

While the brief has been taken under consideration, the Court has encouraged a dialogue between the Department of Corrections, the Commission on Indian Affairs and the Legal representatives for Randall Shield Wolf Trapp.

### **Wattuppa & Betty's Neck Land Claims**

In 1999 the newly revived Seaconke Tribe of the Wampanoag Nation, under the leadership of Wilfred Greene and Attorney Albert Corliss filed a lawsuit in Massachusetts Land Court. This action seeks that return of approximately ninety acres of land that is part of the original Wattuppa Reservation in Fall River and about five acres called Betty's Neck Homestead in Lakeville. Both of these reservations were set aside in Colonial times for the Indians; one as war reparations for their assistance in the King Philips War the other Betty's Neck a homestead of descendants of Massasoit. These parcels were summarily annexed to the respective municipalities for purposes of watershed protection. The current native issue is whether the Seaconke are the rightful plaintiffs in this case?

While we knew of some, there has been a number of other direct descendents of these reservations now coming forward, proclaiming whom they are and challenging the claim of the Seaconke.

In response to inquiries of the descendents, at the end of the year the Commission sponsored several open meetings at the Whaling Museum in New Bedford to discuss the particulars of the case. The Commission serving as a facilitator encouraged the groups to find amenable working relationship. Because of these meetings the Court date was postponed until January 2002.

### **Legislation**

During the year, Commission staff monitored the following legislative bills and in some cases, submitted written testimony in either opposition or in support of a bill.

**HB 4372** An Act Relating to the Commission on Indian Affairs: This petition seeks to amend Commission legislation to increase the number of representatives from seven to thirteen. The Bill further proposes to open eligibility to groups that have submitted Federal Recognition Petition, Notices of Intent to the US Bureau on Indian Affairs. While the Commission is not opposed to increasing its representation, the Commission takes issue with eligibility based on submitting a letter of intent. The Bureau will accept a letter of intent from anyone and administratively assign a number that acknowledges receipt. It is not until said group submits the complete petition and gets under active consideration before anyone reviews the legitimacy of the application. The history and continuous existence of the tribes, bands and clans of Massachusetts are pretty well known among native communities and historians. While this office cannot dispute that there are native family pockets that have slipped through time undaunted, it is unlikely, as some would like us to believe, that a New England Tribe could secretly exist through time without some interaction with the other Indigenous people of the Commonwealth.

**HB 999** An Act Relative to Vital Records: This bill proposes a procedure that would correct certified birth certificates that contain incorrect racial designation. The

procedure would require satisfactory proof from a Native American Indian authority or other documentation to substantiate their Native American ancestry. The Commission deems it important to add specificity to the term Native American Indian authority, as well as, the level of documentation required. Nearly every day I have conversations with people searching their ancestry about how their Indian ancestry was regarded as an embarrassment to the family. That it is ironic that yesterday's embarrassment could be today's opportunity.

**HB 2255** An Act Relative to the North American Indian Center of Boston: This bill seeks the conveyance of certain City property on South Huntington Avenue in Jamaica Plain to NAICOB. They have been on this site for 30 years and are unable to secure financing to perform a number of repairs without title or a long-term lease.

**HB 3520** An Act Relating to the Education of Native American Children: This bill seeks financial relief for the Town of Aquinnah. As result of tax exempt Tribal housing the Town has been impacted by an increase of student population. Payments, in lieu of taxes from the federal government, don't sufficiently offset the cost of education.

**HB 1584** An Act Relating to Casino Gambling and High Stakes Bingo: This bill seeks to allow Casino Gambling and High stakes bingo in Southeastern Massachusetts.

### *From the Office*

#### **Native American Tuition Waiver Program**

The Native American Tuition Waiver is a benefit for Native American students who plan to enroll or are attending Massachusetts state colleges and universities. Through the guidelines set forth by the Board of Higher Education, the Commission is authorized to certify that individuals are of Native American descent and eligible to receive the waiver.

Before the beginning of each semester, the Commission sends a letter to the respective colleges and universities with the names of students who have been certified as being Native American. This year, 158 Native American students benefited from this program.

#### **Communication Towers**

The Federal Communications Commission regulations require that an assessment be conducted on every new personal communications system antenna sites and/or tower sites, to determine whether any Cultural or Sacred Native American sites would be significantly affected by its installation.

This has been a new responsibility for the Commission. Over the course of the year 116 proposed tower plans were reviewed.

### **Information and Resources**

The Commission office has become a large resource for information and materials about Native Americans. This year, the office received more than 2250 requests for information and more than 6100 inquiries from the general public.

### **Newsletter**

We continue to write and disseminate a quarterly newsletter. It helps keep the communities updated of our activities and accomplishments.

### **Web Site**

Our web site continues to be an important resource for the Native communities and the general public. There is an e-mail link on the site so that we can accept questions & comments. The website address is:

[www.state.ma.us/dhcd/components/Ind\\_Affairs](http://www.state.ma.us/dhcd/components/Ind_Affairs)

### **Budget**

The budget for fiscal year 2001 was \$92,716

Salaries: \$72,441

Travel Expenses: \$3,200

Commissioners Travel: \$1,400

Unemployment Insurance: \$200

Operational Services: \$967

Administrative Expenses & Supplies \$3,008

Interments \$11,500