

# AUBURN RESTORATION AND MOWA BAND RECOGNITION

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## HEARING

BEFORE THE

SUBCOMMITTEE ON  
NATIVE AMERICAN AFFAIRS

OF THE

COMMITTEE ON NATURAL RESOURCES  
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

ON

**H.R. 4228**

TO EXTEND FEDERAL RECOGNITION TO THE UNITED AUBURN INDIAN  
COMMUNITY OF THE AUBURN RANCHERIA OF CALIFORNIA

**S. 282**

TO PROVIDE FEDERAL RECOGNITION OF THE MOWA BAND OF  
CHOCTAW INDIANS OF ALABAMA

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HEARING HELD IN WASHINGTON, DC  
MAY 17, 1994

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**Serial No. 103-87**

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# CONTENTS

	Page
Hearing held: May 17, 1994 .....	1
H.R. 3605:	
Text of .....	25
Background .....	40
H.R. 4228:	
Text of the bill .....	13
Section-by-section analysis .....	22
Background .....	31
S. 282:	
Text of the bill .....	32
Section-by-section analysis .....	38
Background .....	40
Member statements:	
Hon. Bill Richardson .....	1
Hon. Craig Thomas .....	5
Hon. John T. Doolittle .....	41
Witness statements:	
Hon. Earl F. Hilliard, a Representative in Congress from the State of Alabama .....	43
Deborah Maddox, Acting Director, Office of Tribal Services, Bureau of Indian Affairs, U.S. Department of the Interior, accompanied by Holly Reckord, Chief, Branch of Acknowledgment and Research, and Jerry Cordova, Chief, Division of Tribal Government Services .....	48
Prepared statement of Ms. Maddox on H.R. 4228 .....	50
Prepared statement of Ms. Maddox on S. 282 and H.R. 3605 .....	54
Panel consisting of:	
Robyn D. Cayton, member, United Auburn Indian Community and Advisory Council on California Indian Policy .....	61
Prepared statement of Ms. Cayton .....	63
Ed Tabor, California Council on Tribal Governments, Indian Justice Liaison for United Auburn Indian Community .....	65
Prepared statement of Mr. Tabor .....	68
Hon. Everett Freeman, Tribal Chairman, Paskenta Band of Nomlaki Indians .....	80
Prepared statement of Mr. Freeman .....	82
Steven V. Quesenberry, Director of Litigation, California Indian Legal Services, Oakland, CA .....	87
Prepared statement of Mr. Quesenberry and attachments .....	89
Panel consisting of:	
Hon. Framon Weaver, Tribal Chief, Mowa Band of Choctaw Indians, Mount Vernon, AL .....	402
Testimony in support of S. 362 (S. 282) Proposed Legislation for Federal Recognition of Mowa Choctaws of Alabama:	
Map of Indian Land Cessions .....	405
Statement of Hon. Jack Edwards, Member of Congress, First District of Alabama, 1965-1985 .....	406
Testimony of Mowa Choctaw Chief Framon Weaver .....	414
Historical Legal Perspective of Choctaws of Mobile and Washington Counties, AL, by John Rivers, Tribal Counsel ..	440
Testimony of Jacqueline Matte, Historian and attachments ..	510
Statement of Margaret Zehmer Searcy, Cultural Anthropologist .....	671

Witness statements—Continued	
Panel consisting of—Continued	
Hon. Framon Weaver, Tribal Chief, Mowa Band of Choctaw Indians, Mount Vernon, AL—Continued	
Testimony in support of S. 362 (S. 282) Proposed Legislation for Federal Recognition of Mowa Choctaws of Alabama—Con- tinued	
Testimony by Peter Rivers Regarding the History of Contin- uous Settlement of South Alabama by the Choctaws of Mobile and Washington Counties .....	690
Statement of Gallasneed Weaver, Mowa Choctaw and Former Chairman of Alabama Indian Affairs Commission .	717
Statement of Douglas L. McCoy, Counsel to the Mowa Band of Choctaw Indians .....	726
Narrative by Leon Taylor, Mowa Choctaw Tribal Elder and Leader, Descendant of Choctaw Chief Pia Mingo Home Tac .....	751
Testimony of Bennett Weaver, Mowa Choctaw .....	759
Testimony of Russell C. Baker, Jr., Alabama Indian Affairs Commission .....	763
A Social and Political History of Mowa Choctaw Settlements	771
Statement of Barbara M. Barker, Registered Nurse and Pro- fessor, University of Alabama .....	799
Letter of Support from Rose Marie Stutts, Ed.D .....	800
Hon. John Rivers, Tribal Judge, Mowa Band of Choctaw Indians, Mount Vernon, AL .....	807
Hon. Jacqueline Mattie, Tribal Historian, Mowa Band of Choctaw Indians, Birmingham, AL .....	809
Prepared statement of Ms. Mattie .....	812
Five volumes of exhibits in committee files (cover pages only) .....	802

## APPENDIX

MAY 17, 1994

Additional material submitted for the hearing record on H.R. 4228 from:	
National Congress of American Indians: Letter from JoAnn K. Chase dated May 5, 1994 .....	823
California Council of Tribal Governments, Inc.: Letter from Vernon T. Johnson, Executive Director, dated May 11, 1994 .....	824
Inter-Tribal Council of California Inc.: Letter from Eugene W. Pasqua, Office Manager (undated) .....	825
James F. Bunnell II, Attorney at Law: Letter from Mr. Bunnell to the United Auburn Indian Community Council dated June 4, 1994 .....	826
United Auburn Indian Community Council: Correspondence to Senators Feinstein and Boxer .....	827
Sample of identical letters submitted for the hearing record on S. 282 to Hon. George Miller from 21 supporters of the legislation .....	828

**H.R. 4228, AUBURN RESTORATION ACT; AND  
S. 282, MOWA BAND OF CHOCTAW INDIANS  
RECOGNITION ACT**

**TUESDAY, MAY 17, 1994**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON NATIVE AMERICAN AFFAIRS,  
COMMITTEE ON NATURAL RESOURCES,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10 a.m. in room 1324, Rayburn House Office Building, Hon. Bill Richardson (chairman of the subcommittee) presiding.

**STATEMENT OF HON. BILL RICHARDSON**

Mr. RICHARDSON. The committee will come to order.

This morning we will take testimony on the restoration and the United Auburn Indian Community, a terminated tribe, and recognition of the Mowa Band of Choctaw. The committee has also invited the Paskenta Band, another terminated tribe, to provide testimony on their restoration.

The Auburn bill is sponsored by Chairman Miller, Representative Doolittle and myself. The Mowa bill is sponsored on the House side by Representative Hilliard and on the Senate side by Senators Shelby, Heflin and Inouye. I note before this week is out Representative Thomas and I intend to introduce legislation to reform the process of recognizing tribes. Sometime within the next month we will hold hearings on our bill as well as Representative Faleomavaega's bill, on recognition. For now, we will look at these recognition bills on a case-by-case basis.

I note that terminated tribes have no choice but to go through the legislative process. The failed policy of termination made the 1950s a bleak period for Indian affairs. It was not until 1973 that Congress began to undo the sins of the termination era. Indeed the first terminated tribe to get restored was the Menominee of Wisconsin. They were led by an extremely able advocate by the name of Ada Deer.

I trust that today we will continue the process of ending the dismal era of termination and look with hope toward restoring these tribes.

[Prepared statement of Mr. Richardson follows:]

**STATEMENT OF CHAIRMAN RICHARDSON  
HEARING ON AUBURN RESTORATION  
AND MOWA CHOCTAW RECOGNITION  
MAY 17, 1994**

The Committee will come to order. This morning we will take testimony on the Restoration of the United Auburn Indian Community, a terminated tribe, and the Recognition of the Mowa Band of Choctaw. The Committee has also invited the Paskenta Band, another terminated tribe, to provide testimony on their restoration. The Auburn bill is sponsored by Chairman Miller, Representative Doolittle and myself. The Mowa bill is sponsored on the House side by Representative Hilliard and on the Senate side by Senators Shelby, Heflin and Chairman Inouye.

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I trust that today we will continue the process of ending the dismal era of termination and look with hope toward restoring these tribes.

Witnesses should summarize their statements. Your full written statements will be made part of the record which will be open for two weeks.

At this time I ask unanimous consent that the bills, backgrounds and section-by-section analyses be made part of the record.

Mr. RICHARDSON. The chair recognizes the distinguished gentleman from Wyoming and the distinguished minority ranking member of our subcommittee.

#### STATEMENT OF HON. CRAIG THOMAS

Mr. THOMAS. Thank you, Mr. Chairman. I do have an opening statement. It's a little longer than usual because this issue is one that procedurally is important to us.

We examine two bills today dealing with two separate and distinct issues: restoration and recognition. There is a marked difference between the two. Recognition extends the Federal government-to-government relationship to an Indian group for the first time, while restoration simply revives a relationship that previously existed but was terminated by an Act of Congress.

I support H.R. 4228, the Auburn Indian Restoration Act. The Nisenan Southern Maidus are one of the true victims of the misguided termination policies of the fifties and early sixties that has not had the government-to-government relationship with the United States restored. Passage of this bill will return the tribe to its rightful position and bring to a close the effects of a policy that we have rightly repudiated.

My support has one caveat, however. Before voting for passage I would like to see some information, preferably from the BIA, that the group as it presently exists meets the criteria set forth in 25 CFR and that it is the same group or successor in interest to the group that was terminated in August of 1967.

While I support H.R. 4228, I strongly oppose the other bill that we examine today, H.R. 3605. Unlike the Auburn bill, the principal object of this legislation is to grant Federal recognition to an Indian group not previously formally acknowledged as a tribe on a government-to-government level.

Like any tribe, the Mowa should have a full opportunity to make their case for Federal acknowledgment. In my view, however, in the absence of any highly unusual extenuating circumstances the only proper way to do so is through the established recognition process carried out by the BIA.

I can understand the frustration of those who feel the BIA's review process moves too slowly. I do not, however, believe that the proper remedy to address this concern is to circumvent the established administrative procedures. It is unfair both to the tribes that have successfully completed the recognition process, and to those groups who have equally meritorious claims who are pursuing recognition through the proper channels.

Legislative recognition replaces the standardized with the arbitrary. Historical merit examined by objective and neutral professionals are supplanted by emotional arguments, influential sponsors and the partisan nature of this institution. The result is a lack of uniformity which dilutes the concept of tribal sovereignty and the government-to-government relationships between the tribes and the United States.

In addition, the increasing frequency with which we bypass established administrative procedures in favor of quick-fix congressional recognition serves to subvert the Federal acknowledgment program by encouraging other groups to do the same thing.

The Mowa come before us today and argue they have experienced some unique historical events which entitle them to preference over all other tribes seeking acknowledgment, and which compels the bestowing of legislative recognition.

But, Mr. Chairman, I can think of no nonrecognized Native American group that cannot lay claim to some unique past hardship as a rationale for coming to this committee. Should they all be legislatively acknowledged as a result? And if not, where do we draw the line between those that should and those who should not?

There are many who argue that congressional recognition is compelled by the length of the petition process and the money required to complete it. How can we accept this argument, though, when the Mowas are the next group in line in the FAP to have their petition be actively considered.

Moreover, if the process is unnecessarily cumbersome or protracted, then it is toward its reform we should turn our attention. The chairman has mentioned that we have a bill that would drastically overhaul the process.

What sense does it make to opt the Mowa out of a process which all others must follow and which we are about to vastly improve? We would be best served to take up consideration of that bill rather than circumventing it entirely by piecemeal legislation.

Mr. Chairman, the BIA opposes this bill, as did the last Administration, as does the Mississippi Choctaw Nation. I think that moving this legislation beyond the hearing stage would be highly inadvisable and I would resist any movement to do so.

Thank you, Mr. Chairman.

Mr. RICHARDSON. I thank the gentleman.

[Prepared statement of Mr. Thomas follows:]

**OPENING STATEMENT  
OF  
THE HON. CRAIG THOMAS  
ON  
HR 4228, THE AUBURN RESTORATION ACT  
AND  
HR 3605, THE MOWA CHOCTAW RECOGNITION ACT**

Mr. Chairman, today we examine two bills dealing with two separate and distinct issues: restoration and recognition. There is a marked difference between the two: recognition extends the federal government-to-government relationship to an Indian group for the first time, while restoration simply revives a relationship that previously existed but was terminated by act of Congress.

I support H.R. 4228, the Auburn Indian Restoration Act. The Nisenan Southern Maidus are one of the few victims of the misguided termination policies of the late 1950's and early 1960's that has not had the government-to-government relationship with the United States restored. Passage of this bill will return the tribe to its rightful position and help bring to a close the effects of a policy that we have rightly repudiated.

My support has one caveat, however. Before voting for passage, I would like to see some information – preferably from the BIA – that the group as it presently exists meets the criteria set forth in 25 C.F.R., and that it is the same group, or the successor-in-interest to the group, that was terminated on August 16, 1967.

While I support H.R. 4228, I strongly oppose the other bill we will examine today: H.R. 3605. Unlike the Auburn bill, the principal objective of this legislation is to grant federal recognition to an Indian group not previously formally acknowledged as a tribe on a government-to-government level. Like any tribe, the Mowa should have a full opportunity to make their case for federal acknowledgment. In my view, however, in the absence of highly unusual extenuating circumstances not present here, the only proper way to do so is through the established recognition process that is carried out by the BIA pursuant to 25 C.F.R. § 83.

I can understand the frustration of those who feel that the BIA's review process moves too slowly. I do not, however, believe that the proper way to address this concern is to circumvent the established administrative procedures. It is unfair both to those tribes who have successfully

completed the recognition process and to those groups with equally meritorious claims who are pursuing recognition through the proper channels.

Legislative recognition replaces the standardized with the arbitrary; historical merits examined by objective and neutral professionals are supplanted by emotional arguments, influential sponsors, and the partisan nature of this institution. The result is a lack of uniformity which dilutes the concept of tribal sovereignty and the government-to-government relationship between the tribes and the United States. In addition, the increasing frequency with which we bypass established administrative processes in favor of the "quick-fix" of congressional recognition serves to subvert the federal acknowledgment program by encouraging other groups to do the same.

The Mowa come before us today and argue that they have experienced some unique historic events which entitles them to preference over all other tribes seeking acknowledgement and which compels the bestowing of legislative recognition. But Mr. Chairman, I can think of no nonrecognized Native American group that cannot lay claim to some unique past

hardship as a rationale for coming before this Committee. Should they all be legislatively acknowledged as a result, and if not, where do we draw the line between those that should and those that should not?

There are many who argue that congressional recognition is compelled by the length of the petition process and the money required to complete it. How can we accept this argument, though, when the Mowas are the next group in line in the FAP to be actively considered? Moreover, if the process is unnecessarily cumbersome or protracted, then it is towards its reform that we should turn our attention. The Chairman is fully aware that our staffs have completed a draft of a bill to drastically overhaul the process; I intend to cosponsor that legislation. What sense does it make to opt the Mowa out of a process which all others must follow and which we are about to vastly improve? We would be best served by taking up consideration of that bill, rather than circumventing it entirely with piecemeal legislative recognition.

Mr. Chairman, the BIA opposes this bill – as it did in the last Administration – as does the Mississippi Choctaw Nation. I think that moving this

legislation beyond the hearing stage would be highly ill-advised, and I will resist any move to do so.

Thank you.

Mr. RICHARDSON. This morning we have two very valuable Members of Congress who will be testifying first. I would remind all witnesses that they should summarize their statements. Your full written statements will be made part of the record, which will be open for 2 weeks.

At this time I would ask unanimous consent that the bills, backgrounds and section-by-section analysis be made part of the record.  
[Text of the bills and background follow:]

103D CONGRESS  
2D SESSION

# H. R. 4228

To extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 1994

Mr. MILLER of California (for himself, Mr. DOOLITTLE, and Mr. RICHARDSON) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Auburn Indian Res-  
5 toration Act".

6 **SEC. 2. RESTORATION OF FEDERAL RECOGNITION, RIGHTS,**  
7 **AND PRIVILEGES.**

8 (a) **FEDERAL RECOGNITION.**—Notwithstanding any  
9 provision of law, Federal recognition is hereby extended  
10 to the Tribe. Except as otherwise provided in this Act,

1 all laws and regulations of general application to Indians  
2 or nations, tribes, or bands of Indians that are not incon-  
3 sistent with any specific provision of this Act shall be ap-  
4 plicable to the Tribe and its members.

5 (b) RESTORATION OF RIGHTS AND PRIVILEGES.—  
6 Except as provided in subsection (d), all rights and privi-  
7 leges of the Tribe and its members under any Federal  
8 treaty, Executive order, agreement, or statute, or under  
9 any other authority which were diminished or lost under  
10 the Act of August 18, 1958 (Public Law 85-671), are  
11 hereby restored and the provisions of such Act shall be  
12 inapplicable to the Tribe and its members after the date  
13 of enactment of this Act.

14 (c) FEDERAL SERVICES AND BENEFITS.—Notwith-  
15 standing any other provision of law and without regard  
16 to the existence of a reservation, the Tribe and its mem-  
17 bers shall be eligible, on and after the date of enactment  
18 of this Act, for all Federal services and benefits furnished  
19 to federally recognized Indian tribes or their members. In  
20 the case of Federal services available to members of feder-  
21 ally recognized Indian tribes residing on a reservation,  
22 members of the Tribe residing in the Tribe's service area  
23 shall be deemed to be residing on a reservation. Notwith-  
24 standing any other provision of law, the Tribe shall be con-  
25 sidered an Indian tribe for the purpose of the Indian Trib-

1 al Governmental Tax Status Act of 1982 (26 U.S.C.  
2 7871).

3 (d) HUNTING, FISHING, TRAPPING, AND WATER  
4 RIGHTS.—Nothing in this Act shall expand, reduce, or af-  
5 fect in any manner any hunting, fishing, trapping, gather-  
6 ing, or water right of the Tribe and its members.

7 (e) INDIAN REORGANIZATION ACT APPLICABILITY.—  
8 The Act of June 18, 1934 (25 U.S.C. 461 et seq.), shall  
9 be applicable to the Tribe and its members.

10 (f) CERTAIN RIGHTS NOT ALTERED.—Except as spe-  
11 cifically provided in this Act, nothing in this Act shall alter  
12 any property right or obligation, any contractual right or  
13 obligation, or any obligation for taxes levied.

14 **SEC. 3. ECONOMIC DEVELOPMENT.**

15 (a) PLAN FOR ECONOMIC DEVELOPMENT.—The Sec-  
16 retary shall—

17 (1) enter into negotiations with the governing  
18 body of the Tribe with respect to establishing a plan  
19 for economic development for the Tribe;

20 (2) in accordance with this section and not later  
21 than 2 years after the adoption of a tribal constitu-  
22 tion as provided in section 8, develop such a plan;  
23 and

1           (3) upon the approval of such plan by the gov-  
2           erning body of the Tribe, submit such plan to the  
3           Congress.

4           (b) RESTRICTIONS.—Any proposed transfer of real  
5           property contained in the plan developed by the Secretary  
6           under subsection (a) shall be consistent with the require-  
7           ments of section 4.

8           **SEC. 4. TRANSFER OF LAND TO BE HELD IN TRUST.**

9           (a) LANDS TO BE TAKEN IN TRUST.—The Secretary  
10          shall accept any real property located in Placer County,  
11          California, for the benefit of the Tribe if conveyed or oth-  
12          erwise transferred to the Secretary if, at the time of such  
13          conveyance or transfer, there are no adverse legal claims  
14          on such property, including outstanding liens, mortgages,  
15          or taxes owed. The Secretary may accept any additional  
16          acreage in the Tribe's service area pursuant to the author-  
17          ity of the Secretary under the Act of June 18, 1934 (25  
18          U.S.C. 461 et seq.).

19          (b) FORMER TRUST LANDS OF THE AUBURN  
20          RANCHERIA.—Subject to the conditions specified in this  
21          section, real property eligible for trust status under this  
22          section shall include fee land held by the White Oak Ridge  
23          Association, Indian owned fee land held communally pur-  
24          suant to the distribution plan prepared and approved by  
25          the Bureau of Indian Affairs on August 13, 1959, and

1 Indian owned fee land held by persons listed as  
2 distributees or dependent members in such distribution  
3 plan or such distributees' or dependent members' Indian  
4 heirs or successors in interest.

5 (c) LANDS TO BE PART OF THE RESERVATION.—  
6 Subject to the conditions imposed by this section, any real  
7 property conveyed or transferred under this section shall  
8 be taken in the name of the United States in trust for  
9 the Tribe or, as applicable, an individual member of the  
10 Tribe, and shall be part of the Tribe's reservation.

11 (d) LANDS TO BE NONTAXABLE.—Any real property  
12 conveyed or transferred to the Secretary and taken into  
13 trust for the benefit of the Tribe under this section shall  
14 be exempt from all local, State, and Federal taxation as  
15 of the date of such transfer.

16 **SEC. 5. CRIMINAL AND CIVIL JURISDICTION.**

17 The State shall exercise criminal and civil jurisdiction  
18 within the boundaries of the reservation in accordance  
19 with section 1162 of title 18, United States Code, and sec-  
20 tion 1360 of title 28, United States Code, respectively.  
21 Retrocession of such jurisdiction may be obtained pursu-  
22 ant to section 403 of the Act of April 11, 1968 (28 U.S.C.  
23 1360 note).

1 **SEC. 6. MEMBERSHIP ROLLS.**

2 (a) **COMPILATION OF TRIBAL MEMBERSHIP ROLL.**—

3 Within 1 year after the date of the enactment of this Act,  
4 the Secretary shall, after consultation with the Tribe, com-  
5 pile a membership roll of the Tribe.

6 (b) **CRITERIA FOR ENROLLMENTS.**—(1) Until a trib-  
7 al constitution is adopted pursuant to section 8, an indi-  
8 vidual shall be placed on the membership roll if the indi-  
9 vidual is living, is not an enrolled member of another fed-  
10 erally recognized Indian tribe, is of United Auburn Indian  
11 Community ancestry, possesses at least one-eighth or  
12 more of Indian blood quantum, and if—

13 (A) the individual's name was listed on the Au-  
14 burn Indian Rancheria distribution roll compiled and  
15 approved by the Bureau of Indian Affairs on August  
16 13, 1959, pursuant to Public Law 85-671;

17 (B) the individual was not listed on, but met  
18 the requirements that had to be met to be listed on,  
19 the Auburn Indian Rancheria distribution list com-  
20 piled and approved by the Bureau of Indian Affairs  
21 on August 13, 1959, pursuant to Public Law 85-  
22 671; or

23 (C) the individual is a lineal descendant of an  
24 individual, living or dead, identified in subparagraph

25 (A) or (B).

1 (2) After adoption of a tribal constitution pursuant  
2 to section 8, such tribal constitution shall govern member-  
3 ship in the Tribe, except that in addition to meeting any  
4 other criteria imposed in such tribal constitution, any per-  
5 son added to the membership roll shall be of United Au-  
6 burn Indian Community ancestry and shall not be a mem-  
7 ber of another federally recognized Indian tribe.

8 (c) CONCLUSIVE PROOF OF UNITED AUBURN INDIAN  
9 COMMUNITY ANCESTRY.—For the purpose of subsection  
10 (b), the Secretary shall accept any available evidence es-  
11 tablishing United Auburn Indian Community ancestry.  
12 The Secretary shall accept as conclusive evidence of Unit-  
13 ed Auburn Indian Community ancestry information con-  
14 tained in the Auburn Indian Rancheria distribution list  
15 compiled by the Bureau of Indian Affairs on August 13,  
16 1959.

17 **SEC. 7. INTERIM GOVERNMENT.**

18 Until a new tribal constitution and bylaws are adopt-  
19 ed and become effective under section 8, the Tribe's gov-  
20 erning body shall be an Interim Council. The initial mem-  
21 bership of the Interim Council shall consist of the mem-  
22 bers of the Executive Council of the Tribe on the date  
23 of the enactment of this Act, and the Interim Council shall  
24 continue to operate in the manner prescribed for the Exec-  
25 utive Council under the tribal constitution adopted July

1 20, 1991. Any new members filling vacancies on the In-  
2 terim council shall meet the enrollment criteria set forth  
3 in section 6(b) and be elected in the same manner as are  
4 Executive Council members under the tribal constitution  
5 adopted July 20, 1991.

6 **SEC. 8. TRIBAL CONSTITUTION.**

7 (a) **ELECTION; TIME AND PROCEDURE.**—Upon the  
8 completion of the tribal membership roll under section  
9 6(a) and upon the written request of the Interim Council,  
10 the Secretary shall conduct, by secret ballot, an election  
11 for the purpose of adopting a constitution and bylaws for  
12 the Tribe. The election shall be held according to section  
13 16 of the Act of June 18, 1934 (25 U.S.C. 476), except  
14 that absentee balloting shall be permitted regardless of  
15 voter residence.

16 (b) **ELECTION OF TRIBAL OFFICIALS; PROCE-**  
17 **DURES.**—Not later than 120 days after the Tribe adopts  
18 a constitution and bylaws under subsection (a), the Sec-  
19 retary shall conduct an election by secret ballot for the  
20 purpose of electing tribal officials as provided in such trib-  
21 al constitution. Such election shall be conducted according  
22 to the procedures specified in subsection (a) except to the  
23 extent that such procedures conflict with the tribal con-  
24 stitution.

1 **SEC. 9. DEFINITIONS.**

2 For purposes of this Act:

3 (1) The term "Tribe" means the United Au-  
4 burn Indian Community of the Auburn Rancheria of  
5 California.

6 (2) The term "Secretary" means the Secretary  
7 of the Interior.

8 (3) The term "Interim Council" means the gov-  
9 erning body of the Tribe specified in section 7.

10 (4) The term "member" means those persons  
11 meeting the enrollment criteria under section 6(b).

12 (5) The term "State" means the State of Cali-  
13 fornia.

14 (6) The term "reservation" means those lands  
15 acquired and held in trust by the Secretary for the  
16 benefit of the Tribe pursuant to section 4.

17 (7) The term "service area" means the counties  
18 of Placer, Nevada, Yuba, Sutter, El Dorado, and  
19 Sacramento, in the State of California.

20 **SEC. 10. REGULATIONS.**

21 The Secretary may promulgate such regulations as  
22 may be necessary to carry out the provisions of this Act.

○

**SECTION BY SECTION ANALYSIS OF H.R. 4228****SECTION 1. SHORT TITLE.**

Section 1 cites the short title as the "Auburn Indian Restoration Act".

**SECTION 2. RESTORATION OF FEDERAL RECOGNITION, RIGHTS AND PRIVILEGES.**

Subsection (a) provides that Federal recognition is extended to the Tribe, and all laws of general application to Indians shall apply to the tribe and its members.

Subsection (b) provides that all rights and privileges of the Tribe under Federal law which were diminished or lost under the termination act of 1958 are restored and the provisions of the 1958 Act are inapplicable to the Tribe after enactment.

Subsection (c) provides that the Tribe and its members shall be eligible for all Federal services provided to Federally recognized tribes after enactment, and members living in the Tribe's service area shall be deemed to be residing on the reservation. The Indian Tribal Governmental Tax Status Act of 1982 shall apply to the Tribe.

Subsection (d) provides that nothing in this Act expands or reduces hunting, fishing, gathering or water rights of the Tribe or its members.

Subsection (e) provides that the Indian Reorganization Act shall apply to the Tribe.

Subsection (f) provides that nothing in this Act alters any property or contractual right or obligation, or any obligation for taxes levied.

**SECTION 3. ECONOMIC DEVELOPMENT.**

Subsection (a) provides that the Secretary shall (1) negotiate with the Tribe with respect to establishing a plan for economic development; (2) develop such a plan not later than 2 years after adoption of a tribal constitution; and (3) submit the plan to congress.

Subsection (b) provides that any proposed transfer of real property in the plan shall be consistent with Section 4.

**SECTION 4. TRANSFER OF LAND TO BE HELD IN TRUST.**

Subsection (a) provides that the Secretary shall accept real property into trust for the tribe in Placer County, California, provided there are no adverse legal claims on the land; and the Secretary may also accept land into trust that is within the Tribe's service area pursuant to the Indian Reorganization Act.

Subsection (b) provides that communally held lands held by the White Oak Ridge Association and Indian owned fee land shall be eligible for trust status.

Subsection (c) provides that real property transferred to the Secretary for the Tribe shall be part of the Tribes's reservation.

Subsection (d) provides that any real property transferred to the Secretary and taken into trust for the tribe shall be exempt from taxation.

#### **SECTION 5. CRIMINAL AND CIVIL JURISDICTION.**

Section five provides that the State shall exercise jurisdiction pursuant to P.L. 83-280.

#### **SECTION 6. MEMBERSHIP ROLLS.**

Subsection (a) provides that within a year of enactment, the Secretary shall compile a membership roll in consultation with the Tribe.

Subsection (b) (1) provides that until the constitution is adopted, an individual shall be placed on a membership roll if they are living, not a member of another tribe, are of Auburn Indian ancestry, possesses one-eighth or more Indian blood quantum and (A) their name is on the 1959 distribution roll, (B) they were not on the 1959 roll but were eligible, or (C) the person is a lineal descendant of an individual on the 1959 roll. Subsection (b) (2) provides that after the constitution is adopted it shall govern tribal membership, and Auburn members may not be members of other tribes.

Subsection (c) provides that the Secretary shall accept any available evidence establishing Auburn Indian ancestry, and information contained in the 1959 distribution list shall be conclusive evidence.

#### **SECTION 7. INTERIM GOVERNMENT.**

Section seven provides that until a constitution and bylaws are adopted, the Interim Council shall be the governing body of the Tribe. The members of the Interim Council shall be the Executive Council of the Tribe pursuant to its 1991 constitution.

#### **SECTION 8. TRIBAL CONSTITUTION.**

Subsection (a) provides that upon the completion of the tribal roll and upon the written request of the Interim Council, the Secretary shall conduct an election to adopt a constitution and bylaws for the Tribe pursuant to the Indian Reorganization Act.

Subsection (b) provides that within 120 days after the Tribe adopts a constitution, the Secretary shall conduct an election of tribal officials pursuant to the constitution.

**SECTION 9. DEFINITIONS.**

Section nine provides definitions for terms used in the Act.

**SECTION 10. REGULATIONS.**

Section ten provides that the Secretary may promulgate regulations to carry out the provisions of the Act.

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3605

To provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 1993

Mr. HILLIARD introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Mowa Band of Choc-  
5 taw Indians Recognition Act".

6 **SEC. 2. FEDERAL RECOGNITION.**

7 Federal recognition is hereby extended to the Mowa  
8 Band of Choctaw Indians of Alabama. All Federal laws  
9 of general application to Indians and Indian tribes shall

1 apply with respect to the Mowa Band of Choctaw Indians  
2 of Alabama.

3 **SEC. 3. RESTORATION OF RIGHTS.**

4 (a) All rights and privileges of the Mowa Band of  
5 Choctaw Indians which may have been abrogated or di-  
6 minished before the date of enactment of this Act by rea-  
7 son of any provision of Federal law that terminated Fed-  
8 eral recognition of the Mowa Band of Choctaw Indians  
9 of Alabama are hereby restored and such Federal law shall  
10 no longer apply with respect to the Band or the members  
11 of the Band.

12 (b) Under the treaties entered into by the ancestors  
13 of the Mowa Band of Choctaws, all historical tribal lands  
14 were ceded to the United States. Congress does hereby ap-  
15 prove and ratify such cession effective as of the date of  
16 the said cession and said cession shall be regarded as an  
17 extinguishment of all interest of the Mowa Band of Choc-  
18 taws, if any, in said lands as of the date of the cession.  
19 By virtue of the approval and ratification of the cession  
20 of said lands, all claims against the United States, any  
21 State or subdivision thereof, or any other person or entity,  
22 by the Mowa Band of Choctaws, including but not limited  
23 to, claims for trespass damages or claims for use and occu-  
24 pancy, arising subsequent to the cession and that are  
25 based upon any interest in or right involving such land,

1 shall be regarded as extinguished as of the date of the  
2 cession.

3 (c) The Mowa Band of Choctaws has no historical  
4 land claim and cannot, and shall not utilize its Federal  
5 recognition as provided by this Act to assert any historical  
6 land claim. As used herein, "historical land claim" means  
7 a claim to land based upon a contention that the Mowa  
8 Band of Choctaws, or its ancestors, were the native inhab-  
9 itants of such land or based upon the Mowa Band of Choc-  
10 taws' status as native Americans or based upon the Mowa  
11 Band of Choctaws' Federal recognition as provided by this  
12 Act.

13 (d) Except as otherwise specifically provided in sec-  
14 tion 4 or any other provision of this Act, nothing in this  
15 Act may be construed as altering or affecting—

16 (1) any rights or obligations with respect to  
17 property,

18 (2) any rights or obligations under any con-  
19 tract, or

20 (3) any obligation to pay a tax levied before the  
21 date of enactment of this Act.

22 **SEC. 4. LANDS.**

23 (a) All legal rights, title, and interests in lands that  
24 are held by the Mowa Band of Choctaw Indians of Ala-  
25 bama on the date of enactment of this Act are hereby

1 transferred to the United States in trust for the use and  
2 benefit of the Mowa Band of Choctaw Indians of Alabama.

3 (b)(1) Notwithstanding any other provision of law,  
4 the Mowa Band of Choctaw Indians of Alabama shall  
5 transfer to the Secretary of the Interior, and the Secretary  
6 of the Interior shall accept on behalf of the United States,  
7 any interest in lands acquired by such Band after the date  
8 of enactment of this Act. Such lands shall be held by the  
9 United States in trust for the benefit of the Mowa Band  
10 of Choctaw Indians of Alabama.

11 (2) Notwithstanding any other provision of law, the  
12 Attorney General of the United States shall approve any  
13 deed or other instrument used to make a conveyance  
14 under paragraph (1).

15 (c) Any lands held in trust by the United States for  
16 the benefit of the Mowa Band of Choctaw Indians of Ala-  
17 bama by reason of this section shall constitute the reserva-  
18 tion of such Band.

19 (d) The Congress finds that the provisions of this sec-  
20 tion are enacted at the request of the Mowa Band of Choc-  
21 tow Indians of Alabama and are in the best interests of  
22 such Band.

23 **SEC. 5. SERVICES.**

24 The Mowa Band of Choctaw Indians of Alabama, and  
25 the members of such Band, shall be eligible for all services

1 and benefits that are provided by the Federal Government  
2 to Indians because of their status as federally recognized  
3 Indians and, notwithstanding any other provision of law,  
4 such services and benefits shall be provided after the date  
5 of enactment of this Act to the Band, and to the members  
6 of the Band, without regard to the existence of a reserva-  
7 tion for the Band or the location of the residence of any  
8 member of the Band on or near any Indian reservation.

9 **SEC. 6. CONSTITUTION AND BYLAWS.**

10 (a) The Mowa Band of Choctaw Indians of Alabama  
11 may organize for its common welfare and adopt a constitu-  
12 tion and bylaws in accordance with regulations prescribed  
13 by the Secretary of the Interior. The Secretary of the Inte-  
14 rior shall offer to assist the Band in drafting a constitu-  
15 tion and bylaws for the Band.

16 (b) Any constitution, bylaws, or amendments to the  
17 constitution or bylaws that are adopted by the Mowa Band  
18 of Choctaw Indians of Alabama shall take effect only after  
19 such constitution, bylaws, or amendments are filed with  
20 the Secretary of the Interior.

21 **SEC. 7. MEMBERSHIP.**

22 (a) Until a constitution for the Mowa Band of Choc-  
23 taw Indians of Alabama is adopted, the membership of  
24 the Band shall consist of every individual who—

1           (1) is named in the tribal membership roll that  
2           is in effect on the date of enactment of this Act, or  
3           (2) is a descendant of any individual described  
4           in paragraph (1).

5           (b) After the adoption of a constitution by the Mowa  
6 Band of Choctaw Indians of Alabama, the membership of  
7 the Band shall be determined in accordance with the terms  
8 of such constitution or any bylaws adopted under such  
9 constitution.

10 **SEC. 8. REGULATIONS.**

11           The Secretary of the Interior shall prescribe such reg-  
12 ulations as may be necessary to carry out the purposes  
13 of this Act.

○

**H.R.4228**  
**THE AUBURN INDIAN RESTORATION ACT**

H.R. 4228 is the Auburn Indian Restoration Act and is sponsored by Chairman Miller. The bill is co-sponsored by Representative Doolittle and Representative Richardson, the Chairman of the Subcommittee on Native American Affairs.

This bill restores the rights and privileges of Indian tribes to the United Auburn Indian Community. This Indian tribe was terminated by Congress under the Act of August 18, 1958 (P.L. 85-671).

The policy of terminating Indian tribes during the 1950's was a dismal failure. The termination policy simply meant severing the Federal trust responsibility which flows from the United States to Indian tribes. Although this trust relationship was promised to last into perpetuity through treaties and statutes, during the 1950's the Congress unilaterally determined that it would end the trust relationship between the Federal government and several Indian tribes. The Auburn Rancheria was terminated under a 1958 Act which ended the trust relationship with forty one California Rancherias.

The results of the Federal termination policy were increased poverty and despair among terminated tribes. Many tribal members were forced on to state welfare rolls. Others relocated from tribal lands, were dispersed and ceased to act as tribes.

In 1973, the Menominee Tribe of Wisconsin which had been terminated, petitioned the Congress for restoration. Because these tribes were terminated by statute, legislative restoration was the only way to restore the Federal trust responsibility. The fight to restore Menominee was led successfully by Ada Deer who today is the Assistant Secretary for Indian Affairs at the Bureau of Indian Affairs.

Since Ada Deer and the Menominee led the way twenty years ago, almost all of the approximately one hundred twenty terminated tribes have been restored.

The Catawba of South Carolina were restored by statute last year. There are still several tribes who remain terminated. The restoration of the California Rancherias will truly signal an end to the unfortunate termination era.

103D CONGRESS  
2D SESSION

# S. 282

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IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1994

Referred to the Committee on Natural Resources

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## AN ACT

To provide Federal recognition of the Mowa Band of  
Choctaw Indians of Alabama.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Mowa  
5 Band of Choctaw Indians Recognition Act".

## 1 FEDERAL RECOGNITION

2 SEC. 2. Federal recognition is hereby extended to the  
3 Mowa Band of Choctaw Indians of Alabama. All Federal  
4 laws of general application to Indians and Indian tribes  
5 shall apply with respect to the Mowa Band of Choctaw  
6 Indians of Alabama.

## 7 RESTORATION OF RIGHTS

8 SEC. 3. (a) All rights and privileges of the Mowa  
9 Band of Choctaw Indians which may have been abrogated  
10 or diminished before the date of enactment of this Act by  
11 reason of any provision of Federal law that terminated  
12 Federal recognition of the Mowa Band of Choctaw Indians  
13 of Alabama are hereby restored and such Federal law shall  
14 no longer apply with respect to the Band or the members  
15 of the Band.

16 (b) Under the treaties entered into by the ancestors  
17 of the Mowa Band of Choctaws, all historical tribal lands  
18 were ceded to the United States. Congress does hereby ap-  
19 prove and ratify such cession effective as of the date of  
20 the said cession and said cession shall be regarded as an  
21 extinguishment of all interest of the Mowa Band of Choctaw  
22 taws, if any, in said lands as of the date of the cession.  
23 By virtue of the approval and ratification of the cession  
24 of said lands, all claims against the United States, any  
25 State or subdivision thereof, or any other person or entity,  
26 by the Mowa Band of Choctaws, including but not limited

1 to, claims for trespass damages or claims for use and occu-  
2 pancy, arising subsequent to the cession and that are  
3 based upon any interest in or right involving such land,  
4 shall be regarded as extinguished as of the date of the  
5 cession.

6 (c) The Mowa Band of Choctaws has no historical  
7 land claim and cannot, and shall not utilize its Federal  
8 recognition as provided by this Act to assert any historical  
9 land claim. As used herein, "historical land claim" means  
10 a claim to land based upon a contention that the Mowa  
11 Band of Choctaws, or its ancestors, were the native inhab-  
12 itants of such land or based upon the Mowa Band of Choc-  
13 taws' status as native Americans or based upon the Mowa  
14 Band of Choctaws' Federal recognition as provided by this  
15 Act.

16 (d) Except as otherwise specifically provided in sec-  
17 tion 4 or any other provision of this Act, nothing in this  
18 Act may be construed as altering or affecting—

19 (1) any rights or obligations with respect to  
20 property,

21 (2) any rights or obligations under any con-  
22 tract, or

23 (3) any obligation to pay a tax levied before the  
24 date of enactment of this Act.

## 1 LANDS

2 SEC. 4. (a) All legal rights, title, and interests in  
3 lands that are held by the Mowa Band of Choctaw Indians  
4 of Alabama on the date of enactment of this Act are here-  
5 by transferred to the United States in trust for the use  
6 and benefit of the Mowa Band of Choctaw Indians of  
7 Alabama.

8 (b)(1) Notwithstanding any other provision of law,  
9 the Mowa Band of Choctaw Indians of Alabama shall  
10 transfer to the Secretary of the Interior, and the Secretary  
11 of the Interior shall accept on behalf of the United States,  
12 any interest in lands acquired by such Band after the date  
13 of enactment of this Act. Such lands shall be held by the  
14 United States in trust for the benefit of the Mowa Band  
15 of Choctaw Indians of Alabama.

16 (2) Notwithstanding any other provision of law, the  
17 Attorney General of the United States shall approve any  
18 deed or other instrument used to make a conveyance  
19 under paragraph (1).

20 (c) Any lands held in trust by the United States for  
21 the benefit of the Mowa Band of Choctaw Indians of Ala-  
22 bama by reason of this section shall constitute the reserva-  
23 tion of such Band.

24 (d) The Congress finds that the provisions of this sec-  
25 tion are enacted at the request of the Mowa Band of Choc-

1 law Indians of Alabama and are in the best interests of  
2 such Band.

3

## SERVICES

4 SEC. 5. The Mowa Band of Choctaw Indians of Ala-  
5 bama, and the members of such Band, shall be eligible  
6 for all services and benefits that are provided by the Fed-  
7 eral Government to Indians because of their status as fed-  
8 erally recognized Indians and, notwithstanding any other  
9 provision of law, such services and benefits shall be pro-  
10 vided after the date of enactment of this Act to the Band,  
11 and to the members of the Band, without regard to the  
12 existence of a reservation for the Band or the location of  
13 the residence of any member of the Band on or near any  
14 Indian reservation.

15

## CONSTITUTION AND BYLAWS

16 SEC. 6. (a) The Mowa Band of Choctaw Indians of  
17 Alabama may organize for its common welfare and adopt  
18 a constitution and bylaws in accordance with regulations  
19 prescribed by the Secretary of the Interior. The Secretary  
20 of the Interior shall offer to assist the Band in drafting  
21 a constitution and bylaws for the Band.

22 (b) Any constitution, bylaws, or amendments to the  
23 constitution or bylaws that are adopted by the Mowa Band  
24 of Choctaw Indians of Alabama shall take effect only after  
25 such constitution, bylaws, or amendments are filed with  
26 the Secretary of the Interior.

## MEMBERSHIP

1  
2 SEC. 7. (a) Until a constitution for the Mowa Band  
3 of Choctaw Indians of Alabama is adopted, the member-  
4 ship of the Band shall consist of every individual who—

5 (1) is named in the tribal membership roll that  
6 is in effect on the date of enactment of this Act, or

7 (2) is a descendant of any individual described  
8 in paragraph (1).

9 (b) After the adoption of a constitution by the Mowa  
10 Band of Choctaw Indians of Alabama, the membership of  
11 the Band shall be determined in accordance with the terms  
12 of such constitution or any bylaws adopted under such  
13 constitution.

## REGULATIONS

14  
15 SEC. 8. The Secretary of the Interior shall prescribe  
16 such regulations as may be necessary to carry out the pur-  
17 poses of this Act.

Passed the Senate March 10 (legislative day, Feb-  
ruary 22), 1994.

Attest:

WALTER J. STEWART,  
*Secretary.*

**SECTION-BY-SECTION ANALYSIS OF S. 282**

**SECTION 1.** Section one provides that the Act may be cited as the "Mowa Band of Choctaw Indians Recognition Act."

**SECTION 2.** Section two provides that Federal recognition is extended to the Mowa Choctaws and Federal laws of general application to Indian tribes shall apply to the Mowa Band.

**SECTION 3.** Subsection (a) provides that all rights and privileges of the Mowa Choctaw which may have been abrogated or diminished by reason of any Federal law that terminated Federal recognition are hereby restored.

Subsection (b) provides that all claims which the Mowa have against the United States regarding land cessions are extinguished, and all treaties which ceded land to the United States from the Mowa Band are approved and ratified by the Congress.

Subsection (c) provides that the Mowa have no "historical land claim."

Subsection (d) provides that nothing in this Act may be construed as altering or affecting (1) any rights or obligations with respect to property; (2) any rights or obligations under any contract; (3) any obligation to pay a tax levied prior to enactment.

**SECTION 4.** Subsection (a) provides that all lands held by the Mowa on the date of enactment are transferred to the United States in trust for the Mowa Band.

Subsection (b) provides (1) that the Mowa Band shall transfer to the Secretary of Interior any interest in lands acquired after enactment, and such lands shall be held in trust for the Mowa Band; and (2) the Attorney General of the United States shall approve any deed or other instrument used to make such a conveyance.

Subsection (c) provides that any lands held in trust for the Mowa Band shall constitute its reservation.

Subsection (d) provides that the provisions of this section are enacted at the request of the Mowa Choctaw and are in the best interest of the Band.

**SECTION 5.** Section five provides that the Mowa Band of Choctaw shall be eligible for all services and benefits provided by the Federal government to Indians because of their status as Indians, and such services shall be provided after enactment without regard to the existence of a reservation or the residence of any Band member.

**SECTION 6.** Subsection (a) provides that the Mowa Choctaw may organize and adopt a constitution in accordance with regulations prescribed by the Secretary of Interior, and the Secretary shall offer to assist the Band in drafting a constitution and bylaws for the Band.

Subsection (b) provides that any constitution, bylaws or amendments thereto shall take effect only after filing the documents with the Secretary.

**SECTION 7.** Subsection (a) provides that until a constitution is adopted the membership shall consist of individuals (1) named in the tribal membership roll which will be effective upon enactment, or (2) is a descendant of an individual of the membership roll.

Subsection (b) provides that after the adoption of the constitution, the membership shall be determined under the terms of the constitution and bylaws.

**SECTION 8.** Section eight provides that the Secretary shall prescribe such regulations necessary to carry out the purposes of this Act.

**BACKGROUND ON S. 282 AND H.R. 3605  
THE MOWA BAND OF CHOCTAW INDIANS RESTORATION ACT**

The Mowa Band of Choctaw is located in Mobile and Washington Counties in the State of Alabama. The Band has approximately 3,500 members. The Band asserts that its members are the descendants of the Choctaw signatories to the 1830 Treaty of Dancing Rabbit Creek. Specifically, under Article 14 of that Treaty those members of the Choctaw Nation who chose not to emigrate West could choose to remain in Alabama and Mississippi. The Treaty also stated that "each person who elected to stay would retain their citizenship in the Choctaw Nation but would not share in the annuity."

The Mowa Band asserts that the State of Alabama first recognized the rights of the Choctaws in Alabama in 1832 in an Act that exempted them from State taxation and permitted them to live under their own laws and customs. In 1836, 1853, 1881 and 1902, the Mowa Band of Choctaw petitioned Congress to provide for better treatment of the small Alabama tribe. The Dawes Commission at the turn of the Century identified some of the Mowa Band as members of the Choctaw Nation and eligible for allotments.

In the 1960's and 1970's a formal tribal council was formed for the Mowa Band. In 1976, the American Indian Policy Review Commission described the Choctaws in Mobile and Washington Counties as a "non-recognized tribe". In 1979, the Governor of Alabama signed into law a bill recognizing the historical rights to sovereignty of the Mowa Band of Choctaw Indians. In 1980, the Band began to receive funds from the United States Department of Education to operate Indian education programs.

S. 282 and H.R. 3605 are bills to provide full Federal recognition to the Mowa Band of Choctaw Indians.

Mr. RICHARDSON. As I was mentioning, we have two very valuable Members of Congress, the Honorable John Doolittle, who is a U.S. Congressman, California 4th District, a member of our committee, and the Honorable Earl Hilliard, U.S. Congressman, Alabama 7th District, a very active and successful member of the freshman class who with great passion has talked to me about the injustice that he feels has been done to the Mowa Band of Choctaw Indians, and for this reason we have, on a very fast track basis, agreed to do this hearing.

To the Honorable John Doolittle, let me say that as a cosponsor of your bill, and as the chairman too, we recognize that this is a priority for you. We welcome you this morning, and we would invite you to proceed.

**STATEMENT OF HON. JOHN T. DOOLITTLE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. DOOLITTLE. Mr. Chairman, thank you very much. And let me mention at the outset how much I appreciate the support of you and your staff in securing the appropriate administrative recognition of the Ione Band, which was a very thorny issue and which has been finally successfully completed.

I appreciate the opportunity to testify before this committee today in support of H.R. 4228, the Auburn Indian Restoration Act, which, as you mentioned, I am an original cosponsor. As the members of the committee know, this legislation would restore Federal recognition to the United Auburn Indian Community of the Auburn Rancheria located in my congressional district. This tribe was terminated by Congress in 1958.

H.R. 4228 has the full support of both the city and the county in which the tribe is located. And furthermore, the Administration supports this legislation. In fact, I am aware of no opposition to the legislation.

Today, this committee will hear from Ms. Robyn Cayton and Mr. Ed Tabor, of the Auburn Indian Community, who, I believe, will provide more than adequate justification for restoring recognition to the tribe. On their behalf and on behalf of all the members of the Auburn Indian Community, I wish to thank you, Mr. Chairman, the members of your committee and your staff for moving this important legislation quickly through the process.

[Prepared statement of Mr. Doolittle follows:]

STATEMENT OF THE  
HONORABLE JOHN T. DOOLITTLE  
BEFORE THE HOUSE  
SUBCOMMITTEE ON NATIVE AMERICAN AFFAIRS  
MAY 17, 1994

MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO TESTIFY BEFORE THIS COMMITTEE TODAY IN SUPPORT OF H.R. 4228, THE AUBURN INDIAN RESTORATION ACT OF WHICH I AM AN ORIGINAL COSPONSOR.

AS THE MEMBERS OF THE COMMITTEE KNOW, THIS LEGISLATION WOULD RESTORE FEDERAL RECOGNITION TO THE UNITED AUBURN INDIAN COMMUNITY OF THE AUBURN RANCHERIA, LOCATED IN MY CONGRESSIONAL DISTRICT. THE TRIBE WAS TERMINATED BY CONGRESS IN 1958.

H.R. 4228 HAS THE FULL SUPPORT OF BOTH THE CITY AND COUNTY IN WHICH THE TRIBE IS LOCATED. FURTHERMORE, THE ADMINISTRATION SUPPORTS THIS LEGISLATION. IN FACT, I KNOW OF NO OPPOSITION TO H.R. 4228.

TODAY, THIS COMMITTEE WILL HEAR FROM MS. ROBYN CAYTON AND MR. ED TABOR OF THE AUBURN INDIAN COMMUNITY WHO, I BELIEVE, WILL PROVIDE MORE THAN ADEQUATE JUSTIFICATION FOR RESTORING RECOGNITION TO THE TRIBE.

ON THEIR BEHALF AND ON THE BEHALF OF ALL THE MEMBERS OF THE AUBURN INDIAN COMMUNITY, I WANT TO THANK YOU, MR. CHAIRMAN, THE MEMBERS OF YOUR COMMITTEE, AND YOUR STAFF FOR MOVING THIS IMPORTANT LEGISLATION QUICKLY THROUGH THE PROCESS.

Mr. RICHARDSON. The chair recognizes and welcomes a distinguished new member from Alabama, the Honorable Earl Hilliard.

**STATEMENT OF HON. EARL F. HILLIARD, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF ALABAMA**

Mr. HILLIARD. Thank you very much, Mr. Chairman. And to you and members of the committee I am very appreciative of the fact that you are holding this hearing today. Now, of course, I appreciate also that my testimony will entered into the record.

Mr. Chairman, as you stated, I am a freshman to this Congress. I am a freshman to this process. However, I am appalled at the fact that since 1985 a bill has been introduced to get recognition for the Mowa Band of Indians and it has not happened.

The Bureau of Indian Affairs of the Department of Interior has had this period of time to investigate the facts involved and to make a determination. Failing to do so makes a mockery of our system, and I do not think that this is the way that democracy ought to operate.

Mr. Chairman, I just want to indicate to this committee that there are two bills pending at this time, the one that I have introduced and Senate bill 282, which has been passed already by the Senate and is one which I would like for this committee to consider, mainly because of the fact that I am interested in this bill becoming law. I am interested because I feel that justice has not been served because of the length of time that this committee—I am sorry—the length of time that the Mowas have had trying to receive recognition.

I also would like to indicate that I served in the Alabama legislature for 18 years. Part of that time a bill came seeking recognition. The Mowa Band of Choctaw Indians received recognition from the State of Alabama and they have been receiving certain benefits that the State of Alabama has offered. And I would like for Congress to join in.

So, Mr. Chairman, I would just like to make those statements and ask that my statement be submitted into the record.

Mr. RICHARDSON. Without objection. And I thank the gentleman for his very eloquent statement.

[Prepared statement of Mr. Hilliard follows:]

EARL F. HILLIARD  
7th DISTRICT, ALABAMA

COMMITTEE ON AGRICULTURE

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TESTIMONY FOR  
CONGRESSMAN EARL F. HILLIARD  
BEFORE THE  
SUBCOMMITTEE ON NATIVE AMERICAN AFFAIRS  
ON  
MAY 17, 1994

MR. CHAIRMAN. FIRST OF ALL, I WOULD LIKE TO THANK YOU FOR HOLDING THIS HEARING TODAY. I AM HERE ON BEHALF OF THE MOWA BAND OF THE CHOCTAW INDIANS TO ASK FOR YOUR SUPPORT IN ALLOWING THE COMPLETE FEDERAL RECOGNITION OF THIS TRIBE. REPORTING S. 282, THE MOWA BAND OF THE CHOCTAW INDIANS RECOGNITION ACT, OUT OF YOUR SUBCOMMITTEE IS A FIRST STEP IN THAT DIRECTION. S. 282, INTRODUCED BY SENATORS RICHARD SHELBY AND HOWELL HEFLIN, WAS PASSED BY THE SENATE IN MARCH BY A VOICE VOTE. THIS IS THE SECOND TIME THE SENATE HAS APPROVED LEGISLATION CALLING FOR RECOGNITION OF THE MOWAS; S. 362 PASSED THE SENATE AT THE END OF THE LAST CONGRESS.

AS YOU MAY KNOW, I INTRODUCED IDENTICAL LEGISLATION, H.R. 3605, WHICH IS PENDING BEFORE YOUR SUBCOMMITTEE. HOWEVER, IN ORDER TO ASSURE THAT RECOGNITION IS GIVEN TO THE MOWAS IN AN EXPEDITIOUS MANNER, I BELIEVE THAT IT IS BEST TO PUSH THE SENATE BILL.

THE NUCLEUS OF THE MOWA BAND OF THE CHOCTAW INDIANS IS LOCATED IN SOUTHWESTERN ALABAMA (MOBILE, WASHINGTON AND CHOCTAW COUNTIES), WITH ADDITIONAL MEMBERS RESIDING THROUGHOUT THE STATE. THE EFFORTS OF THE 3,500 TRIBE MEMBERS TO OBTAIN RECOGNITION IS STRONGLY SUPPORTED BY THE STATE. IN FACT, IN APRIL OF THIS YEAR, THE ALABAMA LEGISLATURE APPROVED BY A UNANIMOUS, BIPARTISAN VOTE, A RESOLUTION DECLARING THE MOWAS STATUS AS AN INDEPENDENT GOVERNING ENTITY WITHIN THE STATE. THE RESOLUTION ALSO MENTIONED THE SUPPORT OF PENDING FEDERAL LEGISLATION AND MEMORIALIZED THE U.S. CONGRESS TO ENACT THE LEGISLATION. FURTHER, BOTH THE GOVERNOR AND THE ATTORNEY GENERAL OF ALABAMA HAVE OFFERED THEIR SUPPORT.

RECOGNITION OF THE TRIBE WILL MAKE THE MOWAS ELIGIBLE FOR FEDERAL PROGRAMS SUCH AS, COMMUNITY DEVELOPMENT BLOCK GRANTS AND OTHER GRANTS. THE ABILITY TO DO SO IS VERY IMPORTANT BECAUSE OF THE ECONOMIC CONDITIONS THAT EXIST IN AND AROUND THEIR COUNTIES OF RESIDENCE.

ENACTMENT OF THE FEDERAL LEGISLATION WILL GREATLY ASSIST THE MOWA BAND OF THE CHOCTAWS TO RETAIN THEIR TRIBAL COHESION AND AS A RESULT, HELP PRESERVE A UNIQUE ASPECT OF OUR U.S. CULTURE AND HISTORY.

AGAIN, I APPRECIATE ALL OF YOUR ASSISTANCE ON MOVING THIS LEGISLATION. I SINCERELY HOPE THAT WE CAN GET S. 282 ON THE FAST TRACK TO FINAL PASSAGE TO GIVE THIS TRIBE THE RECOGNITION THAT THEY SURELY DESERVE.

THANK YOU.

Mr. RICHARDSON. Let me start out with asking my friend Mr. Doolittle a question. You were correct. You have mentioned several tribes like the Ione and the Auburn tribe, your own, which deserve recognition in the State of California. In fact, I think through your auspices I met with many of these tribes and we hope to help them out.

I guess my question to my friend is by virtue of his leadership on these issues, on California and Native American issues, does the gentleman agree with the procedure that Mr. Thomas and I are considering, and that is have a new recognition process bill, or do you think the interests are so compelling that we might look at several California tribes that may be in this Auburn category, move those because of priority reasons? Does the gentleman have any thoughts on how we should handle this at the committee level, the entire recognition issue for the whole California tribes?

Mr. DOOLITTLE. Well, Mr. Chairman, these are just preliminary, off-the-top-of-my-head observations, but it seems to me with what interaction I have had in this whole thing that the process for accomplishing this has broken down. It needs reform. And it seems to me very desirable to have a bill that does reform this process and make it applicable throughout the country, and that would be I would think the most desirable way to go. If there are particularly exigent circumstances that need to be addressed in some other fashion, then maybe we take those on a case-by-case basis. But I just don't think the way this is working now is acceptable.

Mr. RICHARDSON. Well, I think the gentleman is correct and makes a very good point.

Let me ask my friend from Alabama—you have been very eloquent in your statement. It speaks for itself. The BIA will come back in, I think, the second panel, and will basically state that the Choctaw—the Mowas have not submitted any direct evidence of their Choctaw ancestry. And what we are going to ask the BIA is what exactly is direct evidence.

And I wondered, since if gentleman has lived in this area and worked and been a member of the legislature for years, if he wishes to submit anything for the record or wishes to state something about the ancestry question, the direct evidence on that ancestry question, which seems to be, at least from the BIA standpoint, their main contention for not granting recognition.

Mr. HILLIARD. Thank you very much, Mr. Chairman, for that opportunity.

Mr. Chairman, when I served in the Alabama legislature, especially in the Alabama Senate for 4 years, I served as chairman of the Commerce, Transportation and Utility Committee, and while I was chairman, the recognition bill for this tribe came before my committee, and as chairman of that committee we did hold a hearing and testimony was submitted. And based on that testimony, the State of Alabama recognized that tribe, and I would like for that to be a part of the record.

In addition to that, Mr. Chairman, the University of Alabama has done a great deal of research into tribes in the State of Alabama, and over a period of time it has gathered information about all the various tribes and their bands, and this is one tribe that the University of Alabama recognized.

And we have voluminous information, and I believe that it, in part, has already been submitted to this Congress in a prior hearing. I expect also that there will be other persons who will give information and testimony on the panel, I believe, that is going to come before you today. But we will be happy to supply you with any information you think necessary.

As an attorney of 27 years, I have always questioned direct evidence. Basically, we see evidence in two sources in law. We recognize written testimony and we recognize anything that is stated orally.

Direct evidence of an historical nature, we would like to know what they are asking for.

Mr. RICHARDSON. Very good.

When was that passed, the recognition in your legislature? Was it within the last—

Mr. HILLIARD. I don't know exactly, but I would say sometime during the 18 years I served there.

It was 1979, Mr. Chairman.

Mr. RICHARDSON. 1979. I thank the gentleman.

The gentleman from Wyoming.

Mr. THOMAS. Thank you, Mr. Chairman.

Just very briefly, Mr. Hilliard. I understand, of course, your representation of your constituency and so on. If you found the procedure, the regular administrative procedure to be satisfactory, would you think that is the better way to go, through recognition processes?

Mr. HILLIARD. Well, I don't know. As long as there is an alternative. I think that the alternative which best suit the need would be satisfactory.

And, of course, this is one of those alternatives, which is very good. Because, as you know, they have had the opportunity since 1985 to look into this matter. I don't know how much time they need, but certainly I would hate to see them take an entire decade to make a determination.

Mr. THOMAS. Do you know when they submitted the materials to the BIA?

Mr. HILLIARD. No, I don't. But I do know that this bill has been introduced in Congress since 1985.

Mr. THOMAS. Completed materials were submitted in November 1991.

Mr. HILLIARD. I understand it was submitted in 1988.

Mr. THOMAS. No, it is in the record as ninety-one.

But in any event, there is a question of process here.

Tell me a little bit about what the implication of State recognition is? I guess I don't quite understand that. We are talking about Federal Government-to-Indian relationships here. What is the State's role?

Mr. HILLIARD. Well, there are several things. First of all, we extend scholarships to all students who are members of the tribe, and these are scholarships at State schools and they are 100 percent free. And the only thing they have to do is just qualify, and the qualification is the finishing or completing the requirements for high school.

And also, there are certain health benefits. A whole slew of other things.

Mr. THOMAS. They don't need to be a federally recognized tribe to get those benefits?

Mr. HILLIARD. No. But there are certain benefits that the Federal Government, as I understand it, extend.

Mr. THOMAS. Sure.

Mr. HILLIARD. And of course, we do not want to deny them that opportunity.

Mr. THOMAS. Thank you, sir.

Mr. RICHARDSON. I thank both of my colleagues. I might mention to them that you are both welcome to come up to the panel, if you so choose, and question some of the witnesses. Certainly, Mr. Doolittle, as a member of the committee, and Mr. Hilliard, too, as a full member of this body and a very valuable member of the House, you are most welcome to do that.

I want to thank you both for appearing, and now we will move on to our panel: Ms. Deborah Maddox, Acting Director, Office of Tribal Services, U.S. Department of the Interior. She is accompanied by Ms. Holly Reckord, Chief, the Branch of Acknowledgment and Research in the Bureau of Indian Affairs.

As I mentioned earlier, your statement is part of the record, and I would ask both of you to summarize. Or, as I understand it, Ms. Maddox will be making the testimony and Ms. Reckord will be answering questions.

Please don't be intimidated by the light in front of you, although I ask you to observe it as much as you can. Green means speak, yellow means start wrapping up, and red means please terminate.

Please proceed.

**STATEMENT OF DEBORAH MADDOX, ACTING DIRECTOR, OFFICE OF TRIBAL SERVICES, BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY HOLLY RECKORD, CHIEF, BRANCH OF ACKNOWLEDGMENT AND RESEARCH, AND JERRY CORDOVA, CHIEF, DIVISION OF TRIBAL GOVERNMENT SERVICES**

Ms. MADDOX. Good morning, Mr. Chairman, and Mr. Thomas. I also have with me, for the record, Mr. Jerry Cordova, who is our Division Chief in Tribal Government.

If it is all right with the committee, I will go ahead and read both the statements on Auburn and Mowa at the same time. Is that agreeable?

Mr. RICHARDSON. That is fine.

Ms. MADDOX. Good morning Mr. Chairman, and members of the Committee. I am pleased to present the views of the Department of Interior on H.R. 4228, a bill which will restore the Federal trust relationship to the United Auburn Indian Community of the Auburn Rancheria of California. We support the enactment of H.R. 4228. Because the rancheria was terminated, it is not allowed to proceed in the administrative acknowledgment process.

However, because of the unique circumstances affecting the California tribes, individual members of the tribe are still eligible to receive services from the Bureau of Indian Affairs. Therefore, we be-

lieve that those individuals should have a recognized governing body with which we can deal on a government-to-government basis.

However, we do have some concerns. Section 2(a) of H.R. 4228 makes laws of general application to all tribes also apply to Auburn. Section 2(e) makes the Indian Reorganization Act applicable to the tribe and its members. We strongly urge the committee to clarify the intent of these provisions.

Specifically, section 18 of the IRA provides: The Act "shall not apply to any reservation wherein a majority of the adult Indians, voting in a special election duly called by the Secretary of the Interior, shall vote against its application."

On June 14, 1935, Auburn voted against the IRA. The Department understands that H.R. 4228 when enacted will supersede the tribe's original vote against the IRA. However, do sections 2(a) and 2(e) of the bill intend to give the tribe the option under section 18 of the IRA once again to vote against the IRA? Or does section 2(e) intend to preempt the tribe's option to invoke section 18 of the IRA so that the tribe must be an IRA tribe?

The Department does not recommend one interpretation over the other, but we strongly urge that these provisions be clarified.

In section 4(d) the words "or its members" should be added after the word "tribe" on line 13, so that any lands taken into trust for individuals shall also be exempt from taxation by the State or its political subdivisions.

Section 7 of the bill recognizes the Interim Council and states that this body shall operate under a constitution adopted July 20, 1991. Since this constitution has not been reviewed by the Department, we recommend that the phrase "as long as it is not contrary to Federal law" be added after the year 1991.

This concludes my statement on Auburn, and I will go right on into Mowa now.

[Prepared statement of Ms. Maddox on H.R. 4228 follows:]

STATEMENT OF DEBRA MADDOX, ACTING DIRECTOR, OFFICE OF TRIBAL SERVICES, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, AT THE HEARING BEFORE THE NATURAL RESOURCES' SUBCOMMITTEE ON NATIVE AMERICAN AFFAIRS, UNITED STATES HOUSE OF REPRESENTATIVES, ON H.R. 4228, THE "AUBURN INDIAN RESTORATION ACT."

May 17, 1994

Good morning, Mr. Chairman, and Members of the Committee. I am pleased to present the views of the Department of the Interior on H.R. 4228, a bill which will restore the Federal trust relationship to the United Auburn Indian Community of the Auburn Rancheria of California.

We support the enactment of H.R. 4228. Because the Rancheria was terminated, it is not allowed to proceed in the administrative acknowledgment process. However, because of the unique circumstances affecting California tribes, individual members of the tribe are still eligible to receive services from the Bureau of Indian Affairs. Therefore, we believe that those individuals should have a recognized governing body with which we can deal on a government-to-government basis. However, we do have some concerns.

Section 2(a) of H.R. 4228 makes laws of general application to all tribes also apply to Auburn. Section 2(e) of H.R. 4228 makes the Indian Reorganization Act applicable to the Tribe and its members. We strongly urge the Committee to clarify the intent of these provisions. Specifically, Section 18 of the IRA provides:

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In Section 4(d) of H.R. 4228, the words "or its members" should be added after the word "tribe" on line 13 so that any lands taken into trust for individuals shall also be exempt from taxation by the State or its political subdivisions.

Section 7 of the bill recognizes an Interim Council and states that this body shall operate under a constitution adopted July 20, 1991. Since this constitution has not been reviewed by the Department, we recommend that the phrase "as long as it is not contrary to Federal law" be added after the year "1991".

This concludes my prepared statement. I would be pleased to answer any questions the Committee may have.

Mr. RICHARDSON. The light there now shifts to green again.

Ms. MADDOX. I get green again. Good.

The Department does not support H.R. 3605 because we have not fully evaluated the group's petition for acknowledgment now pending before the Department. We acknowledge that Congress has the authority to recognize tribes, but enactment of H.R. 3605 would bypass the administrative process set up for the specific purpose of evaluating petitioners on a case-by-case basis.

Moreover, proposed congressional findings do not comport with our preliminary evaluation of the group's petition. Specifically, H.R. 3605 suggests a genealogical link between the petitioner from Mobile and Washington Counties, Alabama, and the Choctaw Tribe, which has not been established. The proposed legislation and the accompanying report do not provide substantial support for the theory that this link does exist.

Enactment of H.R. 3605 could acknowledge a non-Indian non-tribal entity. Without a thorough evaluation of the evidence that the administrative process provides, we have no basis other than the petitioner's self-declaration to evaluate these claims. In our evaluation of petitions, we look for the genealogical evidence of descendency. Senate Report Number 103-193 states that past Bureau of Indian Affairs' (BIA) testimony cites ample evidence that the petitioner's members descend from Choctaw Indians. We do not believe the BIA testimony has ever taken this position. Until recently the BIA had not analyzed the information submitted by the petitioner.

However, the Mowa petitioner will soon be placed on active consideration and a thorough evaluation will begin. At this point the Branch of Acknowledgment genealogists are entering the genealogical data into a database. At this preliminary stage we have no position as to at what time BIA's final recommendation will be on this case.

The revised regulations allow the Department to issue an expedited negative finding if we determine that a group clearly cannot meet the genealogical requirements. We do not have enough evidence to issue an expedited negative recommendation for the Mowa at this time. We do believe, however, that significant factual issues must be resolved, and the proper forum to do this is within the Federal acknowledgment process. We urge the committee to allow the BAR to complete the study of the group in order to put to rest the outstanding questions concerning the group's history and genealogy. We will be glad to discuss these issues in greater detail with the Committee, particularly those of the internal inconsistencies and contradictions.

Evidence that the group's ancestors appear on Federal Indian census or other Indian rolls indicating their descent from the Choctaw tribe would also be considered positive indicators that the group is Choctaw. Thus far the group has put forth no direct evidence indicating Choctaw ancestry.

When a group's quest for recognition raises significant questions the group should not be allowed to bypass the administrative process established for the very purpose of evaluating these issues. We realize that the group was caught in limbo by the old regulations. Even though the group had completed a documented petition sev-

eral years ago, other petitioners were allowed ahead in line due to the priority system established by the old regulations that were in place. The revised regulations ensure that the group will never again be bumped. The group is now next to be placed on active consideration.

Finally, we cannot support H.R. 3605 because without the sort of indepth study that the BAR makes for each petitioner the possibility exists that a group without a valid claim may become acknowledged as an Indian tribe. Acknowledgment as a Federally recognized tribe sets up a government-to-government relationship in perpetuity between the tribe and the Federal Government. Significant rights and responsibilities accompany this recognition. The acknowledgment process investigates and verifies the group's claim of descent and political continuity of tribal existence, both essential to the recognition as an Indian tribe. Therefore, we would like to work with the committee to ensure that groups that have maintained their tribal character are recognized. The BIA is implementing some significant changes in the acknowledgment process, particularly the recent publication of the revised regulations and the recent significant increases in BAR personnel, and we are dedicated to doing the job in a timely manner.

This concludes my prepared statement. I will be happy to answer any questions.

[Prepared statement of Ms. Maddox on S. 282 follows:]

STATEMENT OF DEBORAH MADDOX, ACTING DIRECTOR, OFFICE OF TRIBAL SERVICES, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, BEFORE THE COMMITTEE ON NATURAL RESOURCES' SUBCOMMITTEE ON NATIVE AMERICAN AFFAIRS, ON S. 282 AND H.R. 3605, IDENTICAL BILLS "TO PROVIDE FEDERAL RECOGNITION OF THE MOWA BAND OF CHOCTAW INDIANS OF ALABAMA".

May 17, 1994

Good Morning Mr. Chairman and Members of the Committee. I am pleased to be here to present the views of the Department of the Interior on S. 282 and H.R. 3605, identical bills cited as the "Mowa Band of Choctaw Indians Recognition Act".

The Department does not support H.R. 3605, because we have not fully evaluated the group's petition for acknowledgment now pending before the Department. We acknowledge that Congress has the authority to recognize tribes but enactment of H.R. 3605 would bypass the administrative process set up for the specific purpose of evaluating petitioners on a case-by-case basis. Moreover, proposed Congressional findings do not comport with our preliminary evaluation of the group's petition.

Specifically, H.R. 3605 suggests a genealogical link between the petitioner from Mobile and Washington Counties, Alabama, and the Choctaw Tribe which has not been established. The proposed legislation and the accompanying report do not provide substantial support for the theory that this link exists. Enactment of H.R. 3605 could acknowledge a non-Indian, non-tribal entity. Without a thorough evaluation of the evidence that the administrative process provides, we have no basis other than the petitioner's self-declaration to evaluate these claims.

In our evaluation of petitions, we look for genealogical evidence of descendency. Senate Report No. 103-193 states that past Bureau of Indian Affairs' (BIA) testimony cites ample evidence that the petitioner's members descend from

Choctaw Indians. We do not believe that BIA testimony has ever taken this position.

Until recently, the BIA had not analyzed the information submitted by the petitioner. However, the Mowa petitioner will soon be placed on active consideration, and a thorough evaluation will begin. At this point, the Branch of Acknowledgment and Research (BAR) genealogists are entering the genealogical data into a data base.

At this preliminary stage, we have no position as to what the BIA's final recommendation will be on this case. The revised regulations allow the Department to issue an expedited negative finding if we determine that a group clearly can not meet the genealogical requirements. We do not have enough evidence to issue an expedited negative recommendation for the Mowa. We do believe, however, that significant factual issues must be resolved and the proper forum to do so is within the Federal acknowledgment process.

We urge the Committee to allow the BAR to complete its study of the group in order to put to rest the outstanding questions concerning the group's history and genealogy. We would be glad to discuss these issues in greater detail for the Committee, particularly those of internal inconsistencies and contradictions.

Evidence that the group's ancestors appear on Federal Indian censuses or other Indian rolls indicating their descent from the Choctaw tribe would also be considered positive indicators that the group is Choctaw. Thus far, the group has put forth no direct evidence indicating Choctaw ancestry.

When a group's quest for recognition raises significant questions, the group should not be allowed to bypass the administrative process established for the very purpose of

evaluating these issues. We realize that the group was caught in limbo by the old regulations. Even though the group had completed a documented petition several years ago, other petitioners were allowed ahead in line due to the priority system established by the regulations that were in place at the time. The revised regulations ensure that the group will never again be "bumped". The group is now next to be placed on active consideration.

Finally, we cannot support H.R. 3605 because without the sort of in-depth study that the BAR makes for each petitioner, the possibility exists that a group without a valid claim may become acknowledged as an Indian tribe. Acknowledgment as a federally recognized tribe sets up a government-to-government relationship in perpetuity between the tribe and the Federal Government. Significant rights and responsibilities accompany recognition. The acknowledgment process investigates and verifies the group's claims of descent and political continuity of tribal existence, both essential to recognition as an Indian tribe. Therefore, we would like to work with the Committee to insure that groups that have maintained their tribal character are recognized.

The BIA is implementing significant changes in the acknowledgment process, particularly the recent publication of the revised regulations (effective as of March 28, 1994), and the recent significant increases in BAR personnel, and we are dedicated to doing the job in a timely fashion.

This concludes my prepared statement. I will be happy to answer any questions that the Committee may have.

Mr. RICHARDSON. I thank the Acting Director, Madam Director. Let me see if my friend from Wyoming has any questions?

Mr. THOMAS. Thank you. I just am sort of interested in why the Bureau can justify opposing the recognition of this tribe after supporting the Lumbee recognition last year.

Ms. MADDOX. Well, Auburn is not necessarily—

Are you talking about Auburn?

Mr. THOMAS. No. No, I am talking about the recognition process.

Ms. MADDOX. Oh, of Mowa.

[Pause.]

Ms. MADDOX. I am sorry. I will have to go back and look at the rationale for that.

Mr. THOMAS. I wish you would. I think you made a mistake on that one, and that sort of points out the difficulty of this process, when the political decisions and the sponsors become the issue rather than the tribes. So I wish you would, if you would give us some idea of why they are different. Thank you very much.

Mr. RICHARDSON. The Indian Reorganization Act, do you have a suggested remedy to the problem that you pointed out on how we deal with that, on the Auburn bill?

Ms. MADDOX. Well, as I stated in my testimony, you know, the Department does not favor one interpretation over the other, only that some distinction be made so that we know how this tribe there fall within the parameters.

Mr. RICHARDSON. Now, you, I think, were here when I asked the question to Mr. Hilliard about the direct evidence. I notice that you are basically stating that the Mowa has put forth no direct evidence indicating Choctaw ancestry. Give the committee some examples of direct evidence? What would be the ideal piece of direct evidence, in your view?

And let me say that you can ask any of your counsels.

Ms. MADDOX. Yes. I am going to ask Holly Reckord, the Chief, Branch of Acknowledgment and Research (BAR).

Mr. RICHARDSON. Sure.

Ms. RECKORD. I think there would be several things that we would look at if we were going to do an immediate kind of evaluation. First of all, we would look for descent from a high quality Federal roll such as the Dawes roll, the Roblen, or something like that.

We would also look for the existence of the language today. If we find a group that continues to speak Choctaw, for example, we immediately know that there is probably a link to a Choctaw-speaking group of some sort because languages cannot exist outside of a community of speakers. We would look for a village-type situation, people living close to one another, that had been identified throughout history as a Choctaw village.

We have incorporated these kinds of requirements in our new regulations under high quality evidence that allows a group to only qualify or show that they can meet two of the criteria. They can meet (b) and (c) by showing this kind of evidence.

Mr. RICHARDSON. Now, Ms. Reckord, clarify for us the discrepancy—it seems to be a discrepancy in dates. Mr. Thomas mentioned 1991, and I think Mr. Hilliard mentioned 1988. How long has the Choctaw, the Mowa Choctaw been under consideration?

Ms. RECKORD. Excuse me, sir.

Mr. RICHARDSON. In the BIA's Branch of Acknowledgment?

Ms. RECKORD. Well, I think it is one of those cases where everybody is partially right. We first received the letter of intent, which is basically just the letter, in 1983. They submitted a documented petition in 1988. However, at that point we generally critique it and we issue what is called and has been called an "obvious deficiency" letter.

The response to that letter is important because we often request very significant things, such as membership lists, that have not been turned in on the first go round.

On November 19, 1991, we considered that the petition was ready to be placed on active consideration and complete.

Mr. RICHARDSON. OK. Now, it's my understanding that many of the Choctaws of Mobile and Washington Counties were deemed eligible for allotments under the Dawes Act. Wouldn't, in your view, this justify that the descendants of the allottees be Native Americans if they showed elements of cohesiveness in these two counties? Wouldn't that constitute them being a tribe?

Ms. RECKORD. I think that would be good evidence if it was not just a matter of being allotted individually, if there was correspondence showing that they were being allotted as a group. However, I do not believe that that kind of information has been submitted with this petition.

I might be wrong. That is the kind of thing that we need to look at.

Mr. RICHARDSON. Well, once the Mowas are placed on active consideration what are their chances of getting recognized?

Ms. RECKORD. I don't know at this time. I can say that out of 25 petitions 9 have received positive determinations.

Mr. RICHARDSON. So they are on active consideration?

Ms. RECKORD. Yes. So it is not a done deal.

Mr. RICHARDSON. Now, how is it that you can say that the Federal recognition process or acknowledgment process is improved in terms of its regulations if a tribe can get bumped? And tell me why you think this new procedure, the one that Ms. Maddox outlined, the improved recognition process, is a better one than the one you have had in the past that has come under such criticism.

Ms. RECKORD. OK. What was the first question? Why is it improved?

Mr. RICHARDSON. How can you give assurances that a tribe can't get bumped once they are on a "active consideration" track?

Ms. RECKORD. I don't know if we want to go into how it was done in the past, but the Mowa has been waiting for two and one-half years while other people would come along, finish their petitions and go ahead of them in line. Since they have been waiting, I think some six, or five, I guess, petitioners have bumped them. It could have been more.

With the publication of our new regulations we put them on a priority register according to the date they complete documentation of their petition. This means that the Mowa is now number one. They cannot be bumped. Nobody can butt ahead of them in line anymore. We did that because we thought it was unfair working

with this system. Congress had expressed that was unfair. And a number of petitioners, obviously, felt that was unfair.

Now, the second part of the question, what improvements have we made?

Mr. RICHARDSON. Yes. In other words, why is your recognition process better now than, say, 6 months ago? It seems from your testimony that you have a new recognition, more expedited procedure or process.

Ms. RECKORD. We have a number of ways where we can expedite the procedure. Number one, when tribes are waiting to be placed on active consideration we can issue immediate negative findings for those groups that cannot show clearly that they descend from Indians.

Mr. RICHARDSON. Right.

Ms. RECKORD. We have had seven that just did not have any Indian ancestry in the work we have done. And also those groups that are parts of other recognized tribes.

We have set out high levels of evidence such as the ones I was discussing. Also, we treat tribes that have had former recognition, have treaty relationships, have had land taken into trust for them as tribes with a very expedited study and greatly reduce the requirements for recognition for those that have had previous recognition.

Mr. RICHARDSON. Okay. Now, both Mr. Hilliard and Mr. Callahan have advocated a speedier process. Now, let's say if we didn't pass a Mowa bill, under your present regulations when would you make a definitive decision on recognition? If we said to you, "Look. All right, you are proceeding accurately or you are proceeding efficiently. When are you going to finish?" What could you tell us now?

Ms. RECKORD. Well, I can tell you that they would be put on active consideration within a year, and that is a very conservative estimate. I don't want to say anything that is not going to happen at this point. At that point we then have about two years to go through the entire process.

Mr. RICHARDSON. All right. So that is 3 years. Why do you need 3 years?

Ms. RECKORD. We might not. If it is an expedited negative, we wouldn't.

Mr. RICHARDSON. Well, see, that is the problem. You know, here we have these tribes around the country and many of them are Indian tribes, and it just seems to me this process is just not working, and this is why we would like to have a serious expedited process. I know you do the best you can. No one is questioning your commitment to deal with this. Maybe you don't have enough people there. But to have Indian tribes waiting to see whether they, in fact, need to prove their own identity by a bureaucratic process; that is just interminable. And there have been some cases with a lack of action. I just think that is wrong.

It seems to me if the Mowas are able to prove that they have a descendency from these two other tribes in the area, the Choctaws of Mobile and Washington Counties, and they can prove that they are descendants and that they have cohesion, they live together, I mean isn't that a positive factor in determining that they are Native Americans?

Ms. RECKORD. That would be, but we don't feel that that has been accomplished.

Mr. RICHARDSON. Well, I guess there are two sides to every issue.

Ms. RECKORD. We have a report that we could forward to you concerning a lot of the internal inconsistencies that we have found in the petition.

Mr. RICHARDSON. Yes. We would like that.

Ms. RECKORD. In the last two months we have been entering data and we have come across things that are just internally inconsistent that we think bear study.

Mr. RICHARDSON. Let me turn to the Auburn issue. Now, what are we going to do, Ms. Maddox? How many tribes in California now are seeking recognition?

Ms. MADDOX. Well, we presently have restored 101, and about another 20 or so that we still have in the wings.

You know, we had hoped that the California Indian Advisory Committee would, and I understand that they are up and running now and have met a couple of times, and I think we have one of the representatives in the audience, but you know we are hoping to get some policy recommendations out of this Indian Advisory Council.

Mr. RICHARDSON. Okay. But let's take the Paskentas. I am familiar with their case. I have talked to them. The staff has talked to them. Like the Auburn Rancheria they were terminated in 1958, and we would like you and the BIA and the Solicitor to sit down and hear their story. It just strikes me here is another case and they don't deserve to be told, "Well, we are going to wait another 4 years." We just need a quicker process here, and I would like you to meet with the Paskentas.

Ms. MADDOX. I met with them briefly yesterday when they came in with the Auburn.

Mr. RICHARDSON. Okay.

Ms. MADDOX. Mr. Chairman, you know, we would be more than happy to sit down with the committee and the staff and see if we can put several heads together to come up with a process. We are as frustrated as the committee, and we will be more than willing to sit down and work with you.

Mr. RICHARDSON. Well, I would like you to work with Mr. Johnson and Mr. Houghton, and come up with your views on—we are moving a bill on an expedited recognition process. I am going to ask the staff if we have introduced it yet.

[Pause.]

Mr. RICHARDSON. This week?

Ms. MADDOX. This week?

Mr. RICHARDSON. Now you know who runs the Congress here.

But we will be introducing it this week, and it has a number of expedited procedures.

Mr. Thomas has made some very constructive suggestions on this over the years and we are going to take a lot of what he is suggesting. But if you could take a look at it and see if we can combine on agreement that this is a better way it could mean more resources for you. Maybe that is what you need. Nobody is perfect here.

Well, let me thank all of you for appearing. Mr. Cordova didn't say much but we will—

Ms. MADDOX. He can next time.

Mr. RICHARDSON. We will take his nods as affirmation in whatever the chairman said.

Ms. MADDOX. Thank you, Mr. Chairman.

Mr. RICHARDSON. Thank you very much.

**PANEL CONSISTING OF ROBYN D. CAYTON, MEMBER, UNITED AUBURN INDIAN COMMUNITY AND ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY; ED TABOR, CALIFORNIA COUNCIL ON TRIBAL GOVERNMENTS, INDIAN JUSTICE LIAISON FOR UNITED AUBURN INDIAN COMMUNITY; HON. EVERETT FREEMAN, TRIBAL CHAIRMAN, PASKENTA BAND OF NOMLAKI INDIANS; STEVEN V. QUESENBERRY, DIRECTOR OF LITIGATION, CALIFORNIA INDIAN LEGAL SERVICES, OAKLAND, CA**

Mr. RICHARDSON. We would like to invite our second panel, Ms. Robyn Cayton, member, United Auburn Indian Community and Advisory Council on California Indian Policy; Mr. Ed Tabor, California Council on Tribal Governments, Indian Justice Liaison for United Auburn Indian Community; the Honorable Everett Freeman, Tribal Chairman, Paskenta Tribe—well, there they are—Paskenta Tribe of Nomlaki Indians; and Mr. Steven Quesenberry, Director of Litigation, California Indian Legal Services, Oakland, California.

I want to welcome all of you, and ask that you summarize your statement in 5 minutes. And we will start with Robyn Cayton.

#### **STATEMENT OF ROBYN D. CAYTON**

Ms. CAYTON. Good morning, Mr. Chairman. My name is Robyn Cayton. I am presently appointed as a member of the Advisory Council on California Indian Policy, and I represent terminated tribes throughout California.

I am also former president of the Executive Council of the United Auburn Indian Community. I am representing the community as a whole and expressing their needs and concerns.

As an Advisory Council member, I have seen a broad range of adverse conditions caused by termination. The Federal Government not only severed the Federal relationship with the tribes, it coldly abandoned the tribes in a vain, senseless effort to force social integration of Indians into the mainstream of society.

As a member of the tribal community I have experienced life on the rancheria after termination. I basically grew up on the rancheria and have witnessed the gradual decline of our socio-economic conditions. Termination eliminated our opportunity to break out of the cycles of poverty, alcoholism and drug abuse. In fact, termination actually strengthened the cycles and created an insulting identity crisis amongst our people.

The Indian people of our community attempted to locate other resources after termination with which to socially and economically develop our community. However, to add salt to our wound, we were forced to compete with nonindigenous people for opportunities which should have rightfully been ours.

The children of our community have enormous challenges to confront and overcome on a daily basis. If our children don't reside in automobiles, they must live in substandard housing or housing with enormously overcrowded conditions. The children who live in cars huddle over open fires to stay warm in the winter and must go to the bathroom outside. It is truly pathetic that the indigenous children of this country receive less consideration than immigrant children from other countries.

I ask that you take a moment to picture yourself as a child attempting to get ready for school when you live in a car. Imagine how it would feel to go out and face the world with any self-esteem when you cannot even maintain proper hygiene due to a lack of resources. These are basic living skills and needs which have been neglected by our country and require immediate attention.

In addition to the lack of study space for our children, they must compete with nonindigenous people and impoverished immigrants for college education funds. It is a shame that the untiring effort is within our children, however, they have no means to pursue their dreams and attain economic self-sufficiency.

The elders have also suffered greatly after termination. My grandmother is Audrey Taylor. Her struggle to survive since termination has only succeeded because she fought constantly the adversities which were created through termination. Primarily she has fought one legal battle after another.

As you are aware, elderly people are typically confronted with serious health concerns as they age. But our elders have also had to struggle for basic necessities such as water.

Because the United Auburn Indian Community is located in an area which is presently desirable for development, our elders must continually fight off aggressive developers and some local government officials who do not recognize nor respect the history, culture and overall community need for our rancheria. All that we want is the return of our opportunities which were raped from us through the deceptive termination process.

Many of the adults in our community are lost. Termination basically made a statement to us that we don't exist. It forced an attitude upon us that we are not important to the United States even though our people have fought and died for this country when the United States was at war.

As adults, we need opportunity to break out of poverty and to become self-sufficient. We need opportunities to retrain for jobs. Our adult community typically has worked in the past in local lumber mills and also as farm workers. However, the farms near the rancheria have closed, and lumber mills have also closed.

As a member of the Advisory Council on California Indian Policy, we recommend support of the legislation for the restoration of the United Auburn Indian Community, and also the Paskenta Band of Indians. We recognize that much necessary effort and money has been exhausted by the Federal Government and the subject tribes have been actually fighting termination for the last 30 years, and the Advisory Council recommends that the Federal Government support the restoration and perform the tasks necessary to responsibly and diligently assist the tribes in improving the previously mentioned adverse conditions.

A resolution has been adopted by the Advisory Council in support of restoration of the United Auburn Indian Community and the Paskenta Band.

Thank you for allowing me the opportunity to address the subcommittee. As a member of the United Auburn Indian Community—

Mr. RICHARDSON. Ms. Cayton, I am going to have to ask you to summarize, please.

Ms. CAYTON. Okay. I am done, basically.

Mr. RICHARDSON. Well, that was quick. Thank you very much.

[Prepared statement of Ms. Cayton follows:]

TESTIMONY OF ROBIN D. CAYTON, ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY,  
FORMER PRESIDENT OF THE UNITED AUBURN INDIAN COMMUNITY

Good morning Mr. Chairman. My name is Robin Cayton. I am presently appointed as a member of the Advisory Council on California Indian Policy and I represent terminated tribes throughout California. As you may recall the Advisory Council was established through Public Law 102-416 on October 14, 1992 for the purpose of identifying the status and determining the needs of Indians throughout California. I am also the former President of the Executive Council of the United Auburn Indian Community. Therefore, my testimony today is based upon my knowledge as an Advisory Council member of the adverse conditions and unsurmountable problems with which California Indians are continually confronted. Additionally, my testimony is founded on my experience as a General Member and Former Executive Council President of the United Auburn Indian Community. I am also representing the community as a whole by expressing their needs and concerns.

As an Advisory Council Member, I have seen a broad range of adverse conditions caused by termination. Upon reviewing written documents regarding the status of Native Americans in California which were submitted to Congress and the Senate, it became very apparent that the effects of termination were not considered a priority. In fact, I have not located one government initiated report which diligently and adequately addresses termination over a thirty year period (1964 through 1994). Thus it appears as though the Federal Government not only severed the Federal relationship with the tribes, it also coldly abandoned the tribes in a vain, senseless effort to force social integration of Indians into the mainstream of society.

Issues such as property taxation, employment development and education were not responsibly addressed by the Federal Government, and proper follow-up was not conducted.

As a member of the tribal community, I have experienced life on the rancheria after termination. I basically grew up on the rancheria and have witnessed the gradual decline of our socio-economic conditions. Termination eliminated our opportunity to break out of the cycles of poverty, alcoholism and drug abuse. In fact, termination strengthened those cycles and also created an insulting identity crisis amongst our people.

In addition to eliminating any possibility for economic development, (for historically impoverished and underprivileged people) termination also divided our community as a whole and created an air of distrust amongst community members which had never existed prior to termination. The Indian people of our Community attempted to locate other resources after termination with which to socially and economically develop our community. However, to add salt to our wounds of termination, we were then forced to compete with non-indigenous peoples for opportunities which should have rightfully been ours. Our need for opportunity is great. We need a chance to develop our young people educationally, professionally and socially.

The children of our community have enormous challenges to confront and overcome on a daily basis. They face the world each day with little or not self-esteem because they do not have any of the opportunities that their non-Indian children have. If our children don't reside in automobiles they must live in substandard housing with enormously overcrowded conditions. The children who live in cars huddle over open fires to stay warm in the winter and must go to the bathroom outside. There is no chance for them. It is truly pathetic that the indigenous children of this country receive less consideration than immigrant children from other countries. I ask that you take a moment to picture yourself as a child, attempting to get ready for school when you live in a car. Imagine how it would feel to go out and face the world with any self-esteem when you cannot even maintain proper hygiene due to

a lack of resources. These are basic living skills and needs which have been neglected by our Country and require immediate attention.

Our children have also been eliminated from the possibility of attaining higher education. In addition to the lack of study space for the children who reside in cars or live in substandard, overcrowded housing, they must compete with non-indigenous people and impoverished immigrants for college education funds. Many attempts to obtain higher education grants have been futile. It is a shame that the untiring effort is within our children with no means to pursue their dreams and attain economic self-sufficiency. They are "stuck in a rut".

In addition to the pain of our children, our elders have greatly suffered because of termination. My grandmother is Audrey Taylor, she has struggled to survive since termination and has only succeeded she fought constantly the adversities which were created through termination. She has been forced to pursue one legal issue after another. Although she and the other elders of our community have been strong and persistent, they are now exhausted from the constant battles which are never ending. My grandmother did not receive the utilities which were promised to her through termination, therefore, she had to obtain her water by bucket from a local irrigation ditch until the approximate age of sixty five (65) years. As you are aware, elderly people are typically confronted with serious health concerns as they age, but our elders have also had to struggle for basic necessities such as water.

Because the United Auburn Indian Community is located in an area which is presently desirable for development, our elders (the land owners) must continually fight off aggressive developers and some local government officials who do not recognize nor respect the history, culture and overall community need for our rancheria. The Auburn City Council has attempted to include the rancheria within the City limits. However, our elders have fought the annexation due to fear of the authority of the City of Auburn. They fear that the City may harass them as land owners and that the local police department will harass our people. We do not want to be included within the City limits and we do not want City services. All that we want is the return of the opportunities which were raped from us through the deceptive termination process.

In addition to the problems faced by our children and elders, our community has unsurmountable challenges which we face regarding alcoholism, drug abuse, inadequate (non-existent) housing, and a need for job training.

Many of the adults in our community are lost. Their self-esteem has been lowered so many times by the federal government. Termination basically made a statement to us that we don't exist. It forced an attitude upon us that we are not important to the United States, even though our people have fought and died for this country when the United States was at war. Our adults have been deserted by the Federal Government and the plight of termination has been a rude insult to us. As adults, we need the opportunity to break out of poverty and to become self-sufficient. We need opportunities to retrain for jobs. Historically, our adults worked in local lumber mills and also as farmworkers. However, virtually all of the farms near the rancheria have been sold and are non-operative. The local lumber mills have also closed. Therefore, job training is needed to allow our adults to support themselves and to develop skills.

Based on the inequities created by termination and the drastic decline of the previously addressed socio-economic conditions, the Advisory Council strongly supports and recommends restoration of the United Auburn Indian Community and the Paskenta Band of Indians. We recognize that much unnecessary effort and money has been exhausted by the federal government and the subject tribes futilely fighting termination for the last thirty years, and the Advisory Council recommends that the Federal Government support the restoration and perform the tasks necessary to responsibly and diligently assist the subject tribes in improving the previously mentioned adverse conditions.

A resolution has been adopted by the Advisory Council on support of restoration of the United Auburn Indian Community and the Paskenta Band.

As a member of the United Auburn Indian Community, I plead with you to approve the restoration of the United Auburn Indian Community. Our people have been deeply cut by termination and can only recover with the assistance of Congress. Our elders are exhausted with the day to day struggle created by termination and hope for our children rest upon your shoulders. Please show our children that they are significant and important enough to be identified by the United States as an Indian. And most importantly, please help them see a light at the end of their hopelessly dark tunnels.

Thank you for allowing me to address this subcommittee. I would also like to request leave to supplement the existing record by submitting a recently approved Resolution from the Advisory Council on California Indian Policy.

Thank you Congressman Miller, Congressman Doolittle and Congressman Richardson for sponsoring and co-sponsoring this bill.

Mr. RICHARDSON. Mr. Tabor, please proceed.

#### STATEMENT OF EDWARD TABOR

Mr. TABOR. Good morning, Mr. Chairman. My name is Edward Tabor, and I am the Indian Justice Liaison to the California Council of Tribal Governments, which is a consortium of 24 Federally recognized tribal governments in Northern California. What I have to say will be brief and based on my personal observation and knowledge of the United Auburn Indian Community.

I first became familiar with the Auburn Indian Community during the early 1970s as a result of being asked to assist members who were caught up in the criminal justice system for one reason or another. This provided me with the opportunity to meet some of the people and talk with the elders, who expressed the fact that they understood very little about termination at that time.

They also described how they were treated when the land was taken out of trust and they were given deeds to their property. In fact, the Bureau of Indian Affairs agent threw the deeds of trust for their properties on the ground in front of them and walked away after some of the people did not want to accept what was happening to them as a result of this termination.

Immediately following termination some elders did not believe they should have to pay property taxes in consideration of the fact that their families had resided within these traditional tribal lands from time immemorial. They considered the methods used by the government to gain control of their tribal land less than fair.

The bits of land that did remain under Indian control was ultimately reduced to mere individually owned lots. The nonpayment of taxes led to liens and ultimately the loss of their property. And there were many other problems that occurred with regard to water and sanitation.

What occurred in these instances was considered a direct reflection and proof of the Federal Government's attitude toward Indian people in California as expressed through the termination policy, and the Federal Government has certainly come a long ways in consideration of the trust relationship which was promised to last into perpetuity through the treaties and statutes and respect. The demoralization of the Auburn Indian Community was now underway and would continue in this direction to the present time. However, I would not see it for another 15 years.

In January 1994, Mr. Fred Cooper, the chairman of the United Auburn Community contacted our Tribal Government's office in Redding, California, and requested our assistance in establishing a working relationship between the Indian community and the Placer County justice system. Upon my return to Auburn, I was overwhelmed at the living conditions that exist, the reduction of Indian-owned property within the community, the unusually high unemployment rate even for an Indian community, and the nonexistence of Indian programs and services, and obviously the feeling of homelessness expressed by the people. Most of all, the incredibly high dropout rate in school and the apparent lack of interest in anything by the youth.

After spending several days in Auburn, I informed Vernon Johnson, the Executive Director of the California Tribal Governments, of the community's need for our involvement. Again because the Auburn Indian Community was not Federally recognized in addition to being outside Tribal Government's service area, we couldn't provide services to them. You know, Auburn is approximately 180 to 200 miles southeast of Redding.

Because of the above circumstances and the fact the Auburn Indian Community had been totally ignored and isolated, having no resources or assistance offered to them, I quit my paying job and volunteered to open an office in Auburn at my own expense in order to provide Indian justice liaison services to the community under the auspices of the California Council of Tribal Governments. This in no way should be considered a nice gesture on my part, but instead an indication of how badly this community is in need for the Congress to rectify the problems the United Auburn Indian Community is experiencing as a result of the illegal termination and give back the trust that they rightfully deserve.

As a side note, during these past 3 months among other the things Doug Ray, the vice chairman of the Council, and I researched the county records with regard to a few parcels of land which exchanged hands and is no longer Indian owned. During our research we learned that three parcels exchanged hands for an amount that was substantially lower than the fair market value for that time, as reflected by the transfer tax stamps on the deeds of trust at the time of recording. You know, obviously it raised questions in our mind knowing that the transactions were far from being in the best interest of the Indian people who sold them.

But again, the unemployment rate is astronomical, the living conditions intolerable, and some of the people live in shacks and old vehicles while others are homeless. In fact, some individuals' properties are currently in jeopardy because of the large amounts of past due property taxes.

In order to appreciate the extent of the problem, I have included for your review pictures that reflect the living conditions which currently exist in the Auburn Indian Community as part of my testimony.

Because of the Auburn Indian Community's current status, the community is unable to receive economic development assistance through the Bureau of Indian Affairs, unable to contract with Indian Health Services, and are not eligible to obtain Indian housing. Additionally there are no education or recreational funds for the youth activities, consequently the United Auburn Indian Community has absolutely nothing available to them.

In preparation of Federal recognition they have established a good working relationship with the local county justice system, as indicated in the attached letters to my testimony, which also express support for H.R. 4228. And I might add that the United Auburn Indian Community has received other additional support from local organizations that have become aware of their plight.

In consideration of the fact numerous other terminated rancherias have regained their Federal recognition, I see no reason why the Congress should oppose H.R. 4228. The United Auburn Indian Community has suffered long enough, and it is now time for

the Congress to pass this restoration bill in a most expeditious manner. The overwhelming poverty conditions that have existed at Auburn are so obvious to everyone, as indicated in the letters of support from the Placer County sheriff, should either house not pass this bill they would be saying to the people that we want you to continue living in shacks and vehicles, you need not work and your youth can continue to drop out of school, because that is precisely what will occur.

You know, I would like at this time to commend the Tribal Council for the perseverance they have shown and the initiative they took in making things happen, especially since they are grassroot and do not have the professional knowledge that one would expect with regard to their accomplishments in getting things together.

As part of my testimony, I have also included letters of support from the Intertribal Council of California which represents 20 Federally recognized tribal governments, the California Council of Tribal Governments, which represents 24 Federally recognized tribal governments, and the National Congress of American Indians.

And I want to express my appreciation and respect to Congressman George Miller, John Doolittle, and you, Congressman Richardson, for cosponsoring H.R. 4228 and for allowing me to present this.

Mr. RICHARDSON. Thank you. Very eloquent testimony.

[Prepared statement of Mr. Tabor follows:]

TESTIMONY OF EDWARD TABOR  
INDIAN JUSTICE LIAISON  
CALIFORNIA COUNCIL OF TRIBAL GOVERNMENTS  
ON H.R. 4228

Before the United States House of Representatives  
Subcommittee on Native American Affairs  
(May 17, 1934)

Mr. Chairman & Committee Members:

My name is Edward Tabor and I am the Indian Justice Liaison for the California Council of Tribal Governments, which is a consortium of twenty-four federally recognized Indian tribal governments in Northern California. What I have to say will be brief, and is based on my personal observations and knowledge of the United Auburn Indian Community (UAIC).

I first became familiar with the Auburn Indian Community during the early 1970's as a result of being asked to assist members who were caught up in the criminal justice system for one reason or another. This provided me with the opportunity to meet some of the people and talk with the elders who expressed the fact that they understood very little about termination. They also described how they were treated when their land was taken out of trust and they were given deeds to their property. A Bureau of Indian Affairs representative threw the Deeds of Trust for their properties on the ground in front of them and walked away after some of the people did not want to accept what was happening to them as a result of termination.

Immediately following termination, some elders did not believe they should have to pay property taxes in consideration of the fact their families had resided within these traditional tribal lands from time immemorial. They considered the methods used by the government to gain control of their tribal land less than fair. The bits of land that did remain under Indian control was ultimately reduced to mere individually owned lots. The non-payment of taxes led to tax liens, and eventually the loss of their property. Many other problems occurred with regard to water and sanitation.

What occurred in these instances was considered a direct reflection and proof, of the federal governments attitude toward Indian people in California, as expressed through the termination policy. The federal government had certainly come a long way in consideration of the trust relationship which was promised to last into perpetuity through the treaties and statutes and respect.

The demoralization of the Auburn Indian Community was now underway and would continue in this direction to the present time. However, I would not see the effects that termination had on the community for another fifteen years.

In January 1994, Mr. Fred Cooper, Chairman of the UAIC, contacted the tribal government office in Redding, California and requested our assistance in establishing a working relationship between the Indian community and the Placer County Justice system. Upon my return to Auburn, I was overwhelmed at the living conditions that exist, the reduction of Indian owned property within the community, the unusually high unemployment rate even for an Indian community, the non-existence of Indian programs and services and the feeling of hopelessness expressed by the people. Most of all, the incredibly high dropout rate in school and the apparent lack of interest in anything by the youths.

After spending several days in Auburn, I informed Vernon Johnson, Executive Director of California Council of Tribal Governments, of the community's need for our involvement. Again, because the Auburn Indian community was not federally recognized, in addition to being outside CCTG's service area, we could not provide services to them. (Auburn is approximately 200 miles southeast of Redding).

Because of the above circumstances and the fact the Auburn Indian community had been totally ignored and isolated, having no resources or assistance offered to them, I quit my paying job and volunteered to open an office in Auburn at my own expense in order to provide Indian Justice Liaison services to the community under the auspices of CCTG. This, in no way, should be considered a nice gesture on my part, but instead, an indication of how badly this community is in need for Congress to rectify the problems UAIC has experienced as a result of the illegal termination, and give back the trust status they rightfully deserve.

As a side note, during the past three months, among other things, Doug Rey, Vice Chairman of the Council, and I researched the county records with regard to a few parcels of land which exchanged hands, and is no longer Indian owned. During our research, we learned that three parcels exchanged hands for an amount that was substantially lower than the fair market value for that time, as reflected by the transfer tax stamps on the Deeds of Trust at the time of recording. It obviously raised questions in our minds knowing the transactions were not in the best interest of the Indian people who sold their properties.

Again, the unemployment rate is astronomical and the living conditions intolerable as some people live in shacks and old vehicles while others are homeless. In fact, some individuals' properties are currently in jeopardy because of the large amounts of past due property taxes. In order to appreciate the extent of the problems I have included, for your review, pictures that reflect the living conditions which currently exist within the Auburn Indian Community.

Because of the Auburn Indian Community's current status, the community is unable to receive economic development assistance through the Bureau of Indian Affairs; unable to contract with Indian Health Service; and, are not eligible to obtain Indian housing. Additionally, there are no educational or recreational funds for youth activities, consequently, United Auburn Indian Community has absolutely nothing available to them.

In preparation of federal recognition, we have established a good working relationship with the local county justice system, as indicated in the attached letters, which also express support for support for H. R. 4228. I might add that the UAIC has received support from other organizations that have become aware of our plight.

In consideration of the fact numerous other terminated rancherias have regained their federal recognition, I see no reason why Congress should oppose H.R. 4228. The United Auburn Indian Community has suffered long enough and it is now time for congress to pass this re-rotation bill in a most expeditious manner.

The overwhelming poverty conditions that have existed at Auburn are so obvious to everyone, as indicated in the letter of support from the Placer County Sheriff, should either house not pass this bill, they would be saying to the people that we want you to continue living in shacks and vehicles; you need not work, and your youth can continue to drop out of school. Because that is precisely what will occur.

I would like at this time to commend the tribal council for the perseverance they have shown, and the initiative they took in making things happen. Especially since they are "grass-roots" and do not have the professional knowledge that one would expect with regard to their accomplishments.

As part of my testimony, I have also included letters of support from Inter-Tribal Council of California, Inc., representing 20 federally recognized tribal governments, California Council of Tribal Governments representing 24 federally recognized tribal governments and the National Congress of American Indians.

I want to express my appreciation and respect to Congressmen George Miller, John Doolittle and Bill Richardson for co-sponsoring H.R. 4228, and for allowing me the opportunity to speak before this committee.







PLACER COUNTY  
DEPARTMENT OF  
**SHERIFF**  
CORONER-MARSHAL



MAIN OFFICE / P.O. BOX 6990  
AUBURN, CA 95604 PH: (916) 885-2900  
FAX: (916) 885-7195

LAKE SUBSTATION / DRAWER 1210  
LAKE CITY, CA 96145 PH: (916) 561-6305  
FAX: (916) 561-6377

DONALD J. NUNES  
SHERIFF-CORONER-MARSHAL

May 6, 1994

The Honorable John Doolittle  
United States Congress  
1524 Longworth House Office Building  
WASHINGTON DC 22205

Dear Congressman Doolittle:

I am writing to express this Department's wholehearted support of HR4228 which would restore federal recognition to the United Auburn Indian Community.

As we understand it, such recognition will provide the Indian community with the ability to seek federal funds for housing, sanitation improvements, health care, education and job training.

This is action long overdue and we are hopeful it will prove of immense benefit to all members of the Auburn Community.

The law enforcement agencies in this area have pledged to work closely with the Community to build a strong base upon which to solve matters of mutual concern.

Sincerely,

*Edward R. Bonner*  
Edward R. Bonner  
Undersheriff



MICHAEL A. MORELLO  
Chief of Police

FILE NO. \_\_\_\_\_



POLICE DEPARTMENT

EMERGENCY	911
NON-EMERGENCY	823-4237
CHIEF OF POLICE	823-4235
INVESTIGATIONS	823-4257
JUV./CRIME PREVENTION	823-4262
OPERATIONS DIVISION	823-4256

May 10, 1994

To Whom It May Concern:

I fully support the Auburn Rancheria property owners in their attempt to restore their lands to Federal Trust status.

I, and other member of the criminal justice system in the Auburn area, have been meeting with members of the United Auburn Indian Community Council. We have discussed topics ranging from sentencing diversions, to cultural awareness, to youth issues.

There is a very good atmosphere and spirit of cooperation in this group, and I look forward to continued work as a team.

Once again, I wholly support the effort towards restoring the Federal Trust status.

Sincerely,

Michael A. Morello, Chief of Police

MAW:ras

CONRES, MAW

1215 Lincoln Way • Auburn, California 95603

"Buckle Up" — Somebody Needs You!



490 Pennsylvania Avenue S.E. Washington, D.C. 20005 (202) 516-7891 Fax (202) 546-9741

**EXECUTIVE COMMITTEE**

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Josephine  
Tupenne  
Vice President  
Susan Miller  
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Marketing Secretary  
S. Diane Kelly  
Cherokee

Treasurer  
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Tribal (Pawnee)

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Alaska Area  
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Ikt & Ikt

Billings Area  
John Swartzell, Sr.  
Shoshone

Idaho Area  
Wally Karsicki  
Tribal

Mississippi Area  
Wally Anderson  
Chickasaw

Missouri Area  
Donald E. Cole  
Pawnee

Nebraska Area  
Arlene George  
Omaha

Phoenix Area  
Irene C. Cook  
Navaho

Portland Area  
Bruce Winton  
Spokane

San Francisco Area  
Mark Murphy  
Kumeyaay (Mission)

Southwestern Area  
A. Bruce Jones  
Lumbee

**EXECUTIVE DIRECTOR**  
John K. Chase, J.D.  
Mandan (Arikara)

May 5, 1994

The Honorable George Miller, Chairman  
House Committee on Natural Resources  
1324 LHOB  
Washington, D.C. 20515

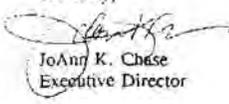
Auburn Indian Restoration Act - H.R. 4228

Dear Chairman Miller:

On behalf of the National Congress of American Indians ("NCAI"), the oldest and largest Indian advocacy organization in the United States, and the Auburn Indian Community, I urge the Committee to look favorably on this measure to reinstate Federal recognition to the Auburn Indian Community. As you know, the Auburn Indian Community was "terminated" by Act of Congress in 1958, as part of the failed policy of termination in the 1950s.

The results of termination for this tribe, as for all terminated tribes, were horrific and nearly fatal to the cultural and economic survival of Indian peoples across the country. Because the federal acknowledgement process ("FAP") itself is rife with problems and may, in some instances, lead to a drawn-out process taking literally generations to pursue, we support H.R. 4228 as a legislative solution to the Auburn Indian Community's current situation. If you have any questions or should wish to pursue this matter, please do not hesitate to contact me or Paul Moorehead of our staff at (202) 546-9404. Thank you for your continuing consideration of matters involving America's Indian tribes and Alaskan Natives, and we very much look forward to working with you on this and other issues.

Sincerely,

  
John K. Chase  
Executive Director

Post-It™ Fax Note	7675	Date	5-12	# of pages	7
To	Ed LABOR	From	Paul Moorehead		
Co./Dept.		Co.			
Phone #		Phone #	202-546-9404		
Fax #	916-823-2517	Fax #			



OFFICE OF THE DISTRICT ATTORNEY  
OF PLACER COUNTY

PAUL RICHARDSON  
DISTRICT ATTORNEY

April 19, 1994

Mr. Fred Cooper, President  
United Auburn Indian Community Council  
P.O. Box 418  
Auburn, CA 94604

Dear Mr. Cooper and Members of the Tribal Council:

I am writing to affirm that the Office of the District Attorney of Placer County is most interested in meeting with you and members of the Tribal Council and the Indian community on a regular basis to discuss issues of mutual concern and importance.

I believe that these meetings will be helpful in opening up a dialogue which will facilitate greater understanding.

I look forward to meeting with you and the others and I am available by phone at 889-7000 if there is something immediate that you or the others wish to discuss.

Thank you.

Sincerely yours,

*Paul Richardson*  
PAUL RICHARDSON  
District Attorney

PR:ap

<p>Home Office 562 B Avenue Auburn, CA 95603-2687 6/889-7000 6/889-7129 Fax</p>	<p><input type="checkbox"/> Roseville Office 605 Oak Street Roseville, CA 95678-3245 916/784-6485 916/784-6745 Fax</p>	<p><input type="checkbox"/> Lake Tahoe Office 2501 N. Lake Blvd. P.O. Box 5609 Tahoe City, CA 96145-5609 916/581-6348</p>	<p><input type="checkbox"/> Family Support/Auburn 11572 B Avenue P.O. Box 5700 Auburn, CA 95604-5700 916/889-7050</p>	<p><input type="checkbox"/> Family Support/Roseville 100 Stonehouse Ct., Ste. D Roseville, CA 95678-1900 916/784-6150</p>	<p><input type="checkbox"/> Family Support/Tahoe 5225 N. Lake Blvd P.O. Box 970 Camelian Bay, CA 96148 916/546-8310</p>
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**California Council of Tribal Governments, Inc.**

1440 Shasta Dam Blvd. #B \* Shasta Lake, Ca 96019-9418 \* (916) 275-9192

May 11, 1994

The Honorable Bill Richardson  
The Honorable George Miller  
The Honorable John Doolittle  
U.S. House of Representatives  
Washington, D.C. 20215

Dear Congressmen:

Please consider this letter in support of H.R. 42-28, the Auburn Indian Restoration Bill.

The California Council of Tribal Governments is a consortium of twenty-four federally recognized Indian tribal governments located in northern California. As an agency representing small struggling tribes, we are concerned that Auburn was not included in the recent restoration of 18 tribes under the "Tilly Hardwick" case. Auburn was one of the forty-one tribes that were illegally terminated during the Eisenhower Administration.

At this point, the Indian people of the Auburn Area have been grossly discriminated against because of federal and state guidelines that are designed to assist the poor.

We as an agency do hereby support wholeheartedly, the passage of H.R. 42-28 and urge a yes vote from your committee.

Sincerely,

  
Vernon T. Johnson  
Executive Director

**Inter-Tribal Council Of California Inc.**

AN ASSOCIATION DESIGNED FOR THE UNITY OF ALL CALIFORNIA INDIANS

Auburn United Indian  
Community Council  
P.O. Box 418  
Auburn, CA 95604

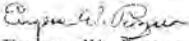
Dear Mr. Chairman:

The Inter-Tribal Council of California, Inc., a statewide Indian organization that represents twenty federally recognized tribes, is supportive of federal recognition for all terminated rancherias; in your case the Auburn Rancheria which was terminated under PL 85-671 and PL 88-419 as of August 18, 1967.

It is our understanding that HR 42-28 will assist the Auburn Rancheria in seeking federal recognition. We hope the proposed resolution will have the support of our congressional delegation.

Please accept our best wishes in your goal of achieving recognition; if further assistance is needed, please don't hesitate to call.

Sincerely,

  
Eugene W. Pasqua  
Office Manager



## PLACER COUNTY PROBATION DEPARTMENT

GERALD R. HARPER, Chief Probation Officer

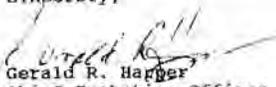
May 12, 1994

To Whom It May Concern:

As a member of the criminal justice system in Placer County, I have been meeting with members of the United Auburn Indian Community Council along with other criminal justice agencies. The purpose is to develop an awareness of the cultural aspects of the Council and to develop uniformity in problem solving.

Along with this spirit of cooperation, I support and urge consideration for the Auburn Rancheria property owners in their request to restore their lands to Federal Trust status and to be Federally recognized as an Indian tribe.

Sincerely,

  
Gerald R. Harper  
Chief Probation Officer

GRH/pj

IN (V) TO

11564 G AVE. AUBURN, CA 95603  
916/889 7900 (FAX 889 7950)

300 FAIRCHILD ROSSELVILLE, CA 95678  
916/684 6479

7252 MC LAKE BLVD, SUITE 201  
P.O. BOX 363, THUNDERBOLT, CA 95111  
415/546 4884

Mr. RICHARDSON. Chairman Everett Freeman.

**STATEMENT OF HON. EVERETT FREEMAN**

Mr. FREEMAN. Good morning, Mr. Chairman. My name is Everett Freeman and I am Tribal Chairman of the Paskenta Band of Nomlaki Indians.

I am appearing today in support of H.R. 4228 and in support of my fellow Indians from the United Auburn Indian Community. And I am also here to plead the case of my people, the Paskenta Band, who like the United Auburn Indian Community are equally deserving of your concern and attention and whose abandonment by the Federal Government should be redressed through restoration of its Federally recognized past.

The Paskenta Band is not a large and powerful band of Indians. We are just a small tribe of Nomlaki Indians within the Wintun Nation. Our homeland, as far as anybody with any knowledge of that area, has been located near the Mendocino National Forest, the mountainous areas of southwestern Tehama County in California.

And around the years of 1915 through 1920 there was probably 15 members of the Paskenta Band. So they specially elected John Terrell, purchased 260 acres of land near the little town of Paskenta to be the home of the Paskenta Band of Nomlakis, and from the early thirties up until World War II the people would have to leave the Paskenta area in search of work. There was not much work in that area.

Also the roads were inadequate and there were just two houses. One was built by the BIA in the late thirties. The others were just probably shacks.

I did have the privilege of going into that reservation when I was a younger man with my old uncles who were born and raised in that area. But the way things went in Paskenta they would still return to their homeland.

Also, there are two cemeteries located near the terminated reservation, the Mountain House Cemetery and the Butte Cemetery, which are both still in use.

Today there is approximately 150 members who trace their descendancy from the Nomlaki Indians who comprise the original Paskenta Band identified by Terrell in 1950. Termination to this little band of Nomlakis took away a lot of their culture and completely destroyed the Nomlaki language. The younger children now will never regain much of the traditional ways of the Nomlaki Indians.

But during the past 2 years we have compiled a formal roll of tribal members and conducted together regular meetings of our General Council for the purpose of drafting a constitution and preparing an accurate historical account of the termination.

After more than a year of effort, on December 18, 1993, our people adopted the constitution of the Paskenta Band of Nomlaki Indians at a General Council meeting held in Williams, California. On April 16, 1994, the tribe elected a 5-member Tribal Council consisting of 3 officers and 2 at-large members.

Since Congress has expressed—repudiated its misguided policies of termination, it is time for it to take a further step in demonstrat-

ing its good faith toward the terminated California tribes by enacting this legislation, and I would also like to thank Mr. Miller, Mr. Richardson, Mr. Doolittle for letting me make this little talk.

Mr. RICHARDSON. Thank you very much, Mr. Chairman.  
[Prepared statement of Mr. Freeman follows.]

TESTIMONY OF EVERETT FREEMAN, CHAIRMAN  
 PASKENTA BAND OF NOMLAKI INDIANS  
 ON H.R. 4228

Before the United States House of Representatives  
 Subcommittee on Native American Affairs  
 (May 17, 1994)

Good morning, Mr. Chairman. My name is Everett Freeman. I am the Chairman of the Paskenta Band of Nomlaki Indians. The Paskenta Band, like the United Auburn Indian Community, is one of the forty-one tribes terminated under the California Rancheria Act. My testimony today is based on my personal experiences, and those of my family and tribe, during and after the termination era. I am appearing today in support of H.R. 4228 and in support of my fellow Indians from the United Auburn Indian Community. I am also here to plead the case for my people, the Paskenta Band, who, like the UAIC, are equally deserving of your concern and attention and whose abandonment by the federal government should be redressed through restoration of its federally recognized status. This proposed legislation represents a very positive step and it should be enacted into law.

A chronology and summary of the background of the Paskenta Band is contained in the written testimony of our attorney, Stephen V. Quesenberry. Instead of repeating that information, I would like to focus on my own experiences during and after termination and the current initiatives by the Band to obtain restoration of its relationship with the United States government.

The Paskenta Band is not a huge and powerful tribe. We are a small tribe of Nomlaki Indians, an independent tribal group within the larger Wintun Nation. Our homeland is in the mountainous area of southwestern Tehama County, California, near the town of Paskenta, which bears the same name as one of our aboriginal villages. (Copies of maps showing the general location of our aboriginal territory and the town of Paskenta are attached.) Our band was first identified by the federal government as a distinct tribal group in a census taken around 1915 by Special Indian Agent John J. Terrell, who was commissioned to identify and acquire land for homeless California Indians. Terrell at that time listed 53 members of the Paskenta Band. A few years later, in 1920, 260 acres of land were acquired as a home for the Paskenta Band, whose headman at that time was a man named William ("Billy") Freeman. His son, Willie or William Freeman, born in 1903, is identified in the census and eventually became one of the two distributees of the land that came to be known as the Paskenta Rancheria.

During the 1920's there were as many as 11 families living on the Rancheria. This number gradually decreased because of the few employment opportunities in the area, its isolated location, and the lack of an all-weather road which made it inaccessible during the winter. There was no electricity on the Rancheria and most of the Indians hauled water from the creek (Thom's Creek). Though most of our people moved off the Rancheria to seek a better livelihood, many remained in the

general area, leaving only to obtain seasonal farm and ranching work. They also camped, hunted and fished there even though they lived elsewhere.

One of our main ties to the Paskenta area is that it is the burial place of our ancestors. These burial areas are still maintained by our people, and are known as the Mountain House and Butte cemeteries. Both cemeteries are located a short distance from the old Rancheria.

While there were only two Paskenta families residing on the rancheria at the time of its termination on July 7, 1959, as I mentioned before most of our people either resided in the nearby community or, if residing elsewhere, maintained contact with the larger group through traditional gatherings or ceremonies, and through filial ties. Today there are approximately 150 members who trace their descendancy from the Nomlaki Indians who comprised the original Paskenta Band identified by Terrell in 1915.

The struggle to reverse the termination of the Paskenta Band has provided a renewed sense of pride and hope within our tribe, especially among our elders who never really understood or actively participated in the termination process. We have never lost our focus on the Paskenta area and our history there. Our ancestors are buried there and we continue our ceremonies and gatherings there. Someday, we hope to reacquire the lands of the old Paskenta Rancheria and reestablish a continuing presence in our aboriginal homeland. We are making this effort primarily for our children, who know the old stories of the Paskenta people but just now are discovering the richness of that heritage and a pride in their identity as Indian people.

During the past two years, we have compiled a formal roll of tribal members and conducted regular meetings of our General Council for the purpose of drafting a constitution and preparing an accurate historical account of the termination process, and its aftermath. We have been assisted by elder members of the Tribe who either lived on or near the old Paskenta Rancheria and personally experienced the termination era. After more than a year of effort, on December 18, 1993, our people adopted the Constitution of the Paskenta Band of Nomlaki Indians at a General Council meeting held in Williams, California. On March 19, 1994, the Band enacted an election ordinance pursuant to Article VII(c) of the Constitution, and selected an election board to conduct the election of the Band's first tribal council under the new constitution. On April 16, 1994, the Tribe elected a five-member tribal council, consisting of three officers and two at-large members.

Recently, the Band filed Articles of Incorporation and Bylaws with the California Secretary of State to establish a non-profit corporation known as the Paskenta Band of Nomlaki Indians Cultural Preservation Association. We took this action in order to facilitate our historical research on the original members of the Paskenta Band and the background of the establishment and acquisition of the Paskenta Rancheria. We also are near completion of a first draft of a report on the Paskenta Band that will provide: (1) additional information regarding the lineal descendancy of tribal members from the original Paskenta Band; and (2) the

continuity of political and social interaction among tribal members since termination of the Paskenta Rancheria. I request that you leave the hearing record open for a reasonable period of time to allow us to submit the draft report as a supplement to my testimony.

We are asking for your help because the question of our restoration is one that should be addressed by the same body, the United States Congress, which directed our termination. It should not be a question for the courts to consider and decide. Since Congress has expressly repudiated its misguided policy of termination, it is time for it to take a further step in demonstrating its good faith towards the terminated California tribes by enacting this legislation. This proposed legislation is a beginning and, as I stated at the outset, should be expanded to include restoration of the Paskenta Band of Nomlaki Indians.

Thank you for allowing me the opportunity to testify before the Subcommittee. We would be happy to provide further information on our case for restoration if you or other members of the Subcommittee have questions after reviewing our documentation. We look forward to working cooperatively with the Subcommittee and our Indian friends from the UAIC on this important legislation.





Mr. RICHARDSON. Mr. Steven Quesenberry or Quisenberry.

**STATEMENT OF STEVEN V. QUESENBERRY**

Mr. QUESENBERRY. It's Quesenberry, Mr. Chairman.

Mr. RICHARDSON. Quesenberry. Please proceed.

Mr. QUESENBERRY. Thank you. I am appearing here as a Legal Representative of the United Auburn Indian Community and the Paskenta Band.

As you indicated, Mr. Chairman, the Paskenta Band is not part of this legislation at this particular time, but we hope that they will be added as a separate title to this bill. Their situation is very similar to the Auburn Indian Community.

The significance of H.R. 4228 is that—there are two basic significant points. One is that Congress has clearly repudiated the termination policy but has never enacted specific legislation to remedy the effects of that policy in California. Secondly, in every other State where Congress implemented termination it has passed specific restoration legislation, except for California. So this legislation is long overdue.

Both the United Auburn Indian Community and the Paskenta Band present a compelling situation warranting remedial action by Congress. We are not talking about a recognition issue. We are talking about tribes that were formerly recognized, or terminated and are now asking for restoration. Both tribes were identified as distinct Indian bands residing within their aboriginal territory in the early 1900s. Both can point to specific tribal rolls prepared by the BIA which document their membership at different times during the last 75 years. Both can trace their current membership to the historic tribal entities, the Auburn Band and the Paskenta Band.

Congressman Thomas raised some question about wanting reassurance that the existing members of the band were descendants of the historic bands, and that information is being compiled. Much of it has been completed. There are two reports in progress that will be submitted within the next 2 weeks, Mr. Chairman, and I would request that you leave the record open for presentation of those reports.

Both of these tribes have continued to interact as tribal communities since termination despite the lack of Federal support and the fact that benefits were denied to individual tribal members of both the Paskenta Band as well as the Auburn Band.

I might point out also that the Bureau of Indian Affairs in its Federal acknowledgment process has a fairly rigorous standard for tribal interaction over a period of time, and I would say with respect to both the terminated tribes and the tribes in California that are unacknowledged is that the government in California specifically over a long period of years neglected tribes, actively sought to destroy tribalism, and now expects the tribes to come back and establish their continuity of social and political interaction. I think it is a very hypocritical position for the government to take, particularly with respect to California tribes.

Some of the differences between the two tribes, the United Auburn Indian Community had 22 distributees residing on their land at the time of termination. The Paskenta had two. Now, that is an

issue that was raised by the government as a potential reason for not recognizing the Paskenta Band.

What it does is it fails to take account of the fact that when the government terminated many of these rancherias they only dealt with the people that remained on Indian lands that they had not provided any kind of services to for a number of years. So, at Paskenta there were inadequate roads, no real housing or sanitation conditions there. People had moved off, yet they were still in that area, and that band is intact today.

Finally, Mr. Chairman, I see that my time is up, so I will wrap up quickly. The restoration of these two tribes is essential because they can't go through the Federal acknowledgment process and their only alternative is to litigate. And as far as litigation is concerned, we have been involved in litigation on termination issues in California for 25 years, numerous cases. We have not lost a single case. So, if this legislation doesn't pass you are going to force us back into district courts, we will probably spend another 4 or 5 years litigating these issues, the government will then settle, I believe, or we will prevail, and we will be at the same place 5 years down the road with some very serious negative impacts on these communities in the interim.

So I strongly encourage the subcommittee to mark this legislation up, to add the Paskenta Band, and to pass it out of committee as expeditiously as possible.

Thank you very much, Mr. Chairman.

[Prepared statement of Mr. Quesenberry and attachments follow:]

TESTIMONY OF STEPHEN V. QUESENBERRY  
 CALIFORNIA INDIAN LEGAL SERVICES  
 ON H.R. 4228

Before the United States House of Representatives  
 Subcommittee on Native American Affairs  
 (May 17, 1994)

**Supplemental Sheet**

Witness: Stephen V. Quesenberry  
 Director of Litigation  
 California Indian Legal Services  
 510 - 16th Street, Suite 301  
 Oakland, CA 94612  
 (510) 835-0284

Topical Outline of Testimony:

- A. General Comments on Implementation of termination policy in California and Importance of H.R. 4228
- B. Background Information on the United Auburn Indian Community
  1. Federal government's breach of trust in termination process and ensuing litigation
  2. Recent reorganization of the UAIC and its efforts to obtain restoration of its status through administrative appeal
  3. Current status of tribal membership and living conditions on the Auburn Rancheria
  4. Local efforts of UAIC to assert sovereignty and UAIC's relationship with local City and County governments
  5. Necessity for remedial action by Congress
- C. Background Information on the Paskenta Band of Nomlaki Indians
  1. History of Paskenta Band and former Paskenta Rancheria
  2. Termination of the Paskenta Rancheria without involvement of the Paskenta tribal community
  3. Similarities between Paskenta Rancheria's termination and that of other California rancherias
- D. Specific Comments and Suggested Changes to H.R. 4228

TESTIMONY OF STEPHEN V. QUESENBERRY  
 CALIFORNIA INDIAN LEGAL SERVICES  
 ON H.R. 4228

Before the United States House of Representatives  
 Subcommittee on Native American Affairs  
 (May 17, 1994)

Good morning, Mr. Chairman. My name is Stephen Quesenberry. I am the Director of Litigation for California Indian Legal Services (CILS) and have served in this capacity for the past nine years. My testimony today is based on my work as an attorney for California Indian people, particularly my representation of California tribes on federal recognition and restoration issues. I am appearing today on behalf of two terminated tribes, the United Auburn Indian Community of the Auburn Rancheria and the Paskenta Band of Nomlaki Indians. The Paskenta Band is not included in H.R. 4228, but like the United Auburn Indian Community, is one of the last of the terminated California tribes whose status as a federally recognized tribe has not been restored.

This bill, when passed, will represent the first time that a terminated California tribe has been restored through Congressional act. I mention this fact because the California tribes bore the main impact of the federal government's misguided policy of termination. Yet these same tribes have been the last to benefit from specific Congressional attention to redress the injustice and continuing disabilities resulting from their termination. In every other state where Indian tribes were subjected to the policy of termination, Congress has enacted legislation to restore the federally recognized status of the terminated tribes.<sup>1</sup>

Notwithstanding this lack of Congressional attention, California tribes have sought relief from the federal courts to reverse their illegal termination. Through litigation and negotiated settlement of a series of "untermination" cases, twenty-seven (27) of the forty-one (41) terminated California rancherias have been restored as federally recognized tribes. This litigation, which has spanned a period of almost a quarter of a century, has resulted in the award of hundreds of thousands of dollars in damages and attorney's fees to the Indian plaintiffs. The government has not prevailed in a single one of these cases. (As **Exhibit A** to my statement, I have listed the specific cases and the California tribes that have been untermintated through litigation.)

Despite the fact that Congress and the Executive Branch have repudiated the policy of termination, and despite the successful litigation of the California untermintation cases,

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<sup>1</sup>See, e.g., Menominee Restoration Act of 1973, 25 U.S.C. §903 et seq.; Siletz Indian Tribe Restoration Act of 1977, 25 U.S.C. §711 et seq.; Act of Aug. 18, 1987, Pub. L. 100-89, Title II, 101 Stat. 670, codified at 25 U.S.C. §731 et seq. (Alabama and Coushatta Tribes); Act of October 17, 1984, Pub. L. 98-481, §4, 98 Stat. 2251, codified at 25 U.S.C. §714b (Confederated Tribes of Coos, Lower Umpqua, and Sluslaw Indians); Act of Nov. 22, 1983, Pub. L. 98-165, §4, 97 Stat. 1064, codified at 25 U.S.C. §713b (Confederated Tribes of the Grande Rond Community of Oregon); Act of Dec. 29, 1982, Pub. L. 97-391, §3, 96 Stat. 1960, codified at 25 U.S.C. §712a (Cow Creek Band of Umpqua Tribe); Act of April 3, 1980, Pub. L. 96-227, 94 Stat. 317, codified at 25 U.S.C. §761 et seq. (Palute Tribes of Utah); Act of May 15, 1978, Pub. L. 95-281, 92 Stat. 246, codified at 25 U.S.C. §861 et seq. (Wyandotte, Peoria, Ottawa, and Modoc Tribes of Oklahoma).

the effects of termination continue in California, as evidenced by the situations of the United Auburn Indian Community and the Paskenta Band.

#### Background Information on the United Auburn Indian Community

The background of the termination of the Auburn Rancheria and its immediate effect on the members of the Auburn Indian Community were the subject of a master's thesis prepared in 1962 by Harry J. Busselen, Jr.<sup>2</sup> Busselen concluded that "[m]ost of the Indians on the Auburn Rancheria are not at this time prepared for federal termination"; that BIA services to the rancheria were woefully inadequate; and that "the end result for most of them will be the loss of their property".<sup>3</sup> These conclusions presaged litigation commenced in 1970 by the Auburn Indian Community to remedy the BIA's breaches of trust in the termination process, and the Tribe's ensuing struggle, over a period spanning more than two decades, to obtain restoration of its status as a federally recognized tribe.

The federal government purported to terminate the federal status of the Auburn Rancheria and its Indian residents on August 11, 1967, pursuant to the authority of the Rancheria Act, Public Law 88-419. The termination, however, was legally flawed by the government's failure to comply, prior to termination, with express provisions of the Act mandating the construction and installation of adequate water and sanitation facilities to serve the Rancheria.

CILS filed suit on April 7, 1970, on behalf of the Indian residents of the Auburn Rancheria, seeking (1) a declaration that the federal defendants had violated the Rancheria Act by terminating the Auburn Rancheria without providing adequate water and sanitation systems; (2) issuance of preliminary and permanent injunctions directing the defendants to provide such a system; and (3) damages for each plaintiff. See Taylor v. Morton, Civil No. C-70-719 SAW (N.D. Calif.).

The lawsuit was eventually settled by entry of a Stipulation For Judgment on January 14, 1972. The Stipulation obligated the United States to pay \$92,000 to construct and install a water distribution system for the Indian homes located on the Auburn Rancheria. On February 3, 1972, the court entered final judgment for the class of Indian plaintiffs and further provided that, upon payment of the agreed sum, the obligations of the United States to the Indian plaintiffs precedent to termination, and defined by Section 3(c) of the Rancheria Act, would be discharged.

The final settlement of the Taylor case preceded by a short time the filing of a second lawsuit challenging the termination of the Indian status of those persons identified as "dependent members" in rancheria distribution plans. See Knighl v. Kleppe, Civil No. C-74-0005 (N.D. Calif.), filed on January 2, 1974. Knighl was a class action on behalf of the dependent members of all the terminated rancherias, seeking to reverse their termination and restore their federally protected status. A Final Declaratory Judgment and Preliminary Injunction was entered in Knighl on February 20, 1976, the effect of which was to

<sup>2</sup>See H. J. Busselen, "A Study of the Federal Termination of a California Rancheria and Its Effect Upon the Social and Economic Integration of the Indian Population Involved" Master's Thesis (Sacramento State College), approved July 21, 1962.

<sup>3</sup>*Id.*

unterminate all Indians "whose names have been listed or otherwise included in California Rancheria distribution plans and/or in termination notices published in the Federal Register pursuant to 25 C.F.R. §242.10 (1959) as dependent members of the immediate families of distributees." (Paragraph B (1) of Final Declaratory Judgment.) This language was included in the certified mail notice, dated March 26, 1976, that was sent to each class member. The notice lists the Auburn Rancheria as one of the rancherias whose dependent members were effectively "unterminated" by the Final Declaratory Judgment in Knight.

The combined effect of the judgments entered in Taylor and Knight, and the government's failure to raise the potential res judicata bar of Morton in the subsequent Knight litigation, was to: (1) terminate the trust status of the Auburn Rancheria lands; (2) terminate the individual Indian status of those persons identified as "distributees" in the Rancheria's distribution plan; and (3) restore the individual Indian status and tribal status of the dependent members named in the Rancheria's distribution plan.<sup>4</sup>

On July 20, 1991, the dependent members of the Auburn Rancheria, who represent a large majority of the tribal community, adopted the Constitution of the United Auburn Indian Community (UAIC) and, on August 30, 1991, presented it to the Bureau of Indian Affairs with a request that the Bureau formally recognize the UAIC. Thereafter, on October 30, 1991, the UAIC submitted a supplemental packet of documents to the Bureau containing historical documents dating back to 1915 substantiating the existence of a distinct, identifiable, cohesive band of Indians near Auburn that was referred to at various times as a band, village or colony of Indians. When the Bureau failed to take timely action on their request for restoration, UAIC filed an appeal with the Interior Board of Indian Appeals (IBIA) on June 3, 1992, requesting that the IBIA enter a determination that the UAIC, as organized under its constitution adopted on July 20, 1991, is a federally recognized Indian tribe. On May 28, 1993, the IBIA rendered its decision, holding, inter alia, that: (1) the Auburn Rancheria was considered to be a federally recognized tribe prior to the enactment of the Rancheria Act; (2) the UAIC is not required to seek federal recognition under 25 C.F.R. Part 83, and its request for restoration is not governed by Part 83; (3) the tribal organization of the Auburn Rancheria survived the termination of federal supervision over and responsibility for the tribe's property and members (i.e., the tribe did not cease to exist when federal recognition was withdrawn); (4) Taylor v. Morton's holding that the Auburn Rancheria was lawfully terminated in accordance with the Rancheria Act is still good law, notwithstanding the subsequent decision in Knight v. Kleppe; and (5) because the Auburn Rancheria was lawfully terminated in accordance with the Congressional mandate established in the Rancheria Act, the Department of the Interior lacks authority to restore recognition to the UAIC.<sup>5</sup>

The ultimate conclusion of the IBIA on the tribal restoration issue is incongruous in light of its other holdings. If the tribal entity was not terminated, and the individual Indian status of most of the tribal members was restored under Knight, the mere termination of the trust status of the rancheria's lands could not operate to lawfully withdraw federal

<sup>4</sup>A detailed legal analysis of these two cases and their impact on the Auburn Rancheria and its tribal community is included in the booklet titled Auburn Indian Community, hereafter referred to as the "Auburn Report", submitted to the former House Committee on Interior and Insular Affairs on June 18, 1992.

<sup>5</sup>See United Auburn Indian Community v. Sacramento Area Director, BIA, IBIA 92-186-A (Decided May 28, 1993).

recognition of the tribal entity. The IBIA's decision, by foreclosing administrative restoration, has placed the UAIC in the position of choosing between two alternatives - either litigate the issue of federal recognition, or pursue legislative restoration. Because the UAIC had already initiated an effort to achieve legislative restoration in 1992 through H.R. 2144 (originally introduced as the California Tribal Status Act), and because of the substantial costs of initiating yet another "untermination" case, it decided to pursue the latter alternative.

H.R. 2144 was introduced by Congressman George Miller and several other members of the California congressional delegation. One of the original titles of the bill sought to restore the federally recognized status of the Auburn Indian Community and eight other terminated California tribes. Four of the named tribes were restored in 1992 by settlement of the federal court lawsuit in Scotts Valley Band, et al. v. United States of America, No. C-86-3660 VRW (N.D. Calif.).<sup>6</sup> In the proposed amended version of H.R. 2144, the Auburn Indian Community was the only remaining terminated tribe targeted for restoration. Unfortunately, when H.R. 2144 was amended on the Senate side, Title I, which provided for restoration of the UAIC, was dropped as part of a compromise which led to the bill's enactment as the Advisory Council on California Indian Policy Act of 1992, Public Law 102-416.

The instant bill, like the Advisory Council on California Indian Policy Act of 1993, represents long overdue congressional attention to the serious plight of the California Indians who have suffered through decades of abandonment and neglect, and ultimately termination, by the federal government. The government's misguided policies and actions with respect to California Indians, embodied in the Rancheria Act and its termination process, translated into very real, devastating consequences for California's small Indian tribes, including the UAIC and the Paskenta Band.

Today, approximately 60 members of the UAIC reside on approximately 22 acres of the original 40 acres of Auburn Rancheria land remaining in Indian ownership. The total membership of the UAIC, based on current enrollment records, is approximately 125, including adults and minors, and enrollment applications are still being received.<sup>7</sup> A small community church on the Rancheria serves as a main focal point for many of the Tribe's activities. While some of the Indian residents have improved their economic status over the years since termination, the majority live in poverty.

Despite the loss of almost half of their small land base and the substandard living conditions on the remaining lands, the UAIC remains a cohesive tribal community. In 1989, the Tribe successfully resisted, through an aggressive grass-roots voter registration effort, an attempt by the City of Auburn to annex the Rancheria lands. Ironically, out of the conflict over annexation and a subsequent lawsuit brought by members of the Rancheria against the City of Auburn and the County of Placer, a dialogue has developed between the

<sup>6</sup>An effort was made to include the UAIC in the Scotts Valley settlement, but the Bureau of Indian Affairs resisted, contending that the UAIC's situation was unique and should be addressed separately.

<sup>7</sup>To date, the BIA has prepared certificates of Indian blood and family trees for 55 of the UAIC's adult members, all of whom trace their descendancy from members of the Auburn Indian Community as constituted at the time of termination. Thirty-four (34) of these members possess at least one-half degree Indian blood quantum.

Tribe and City and County officials. Indeed, both the County of Placer and the City of Auburn have passed resolutions<sup>8</sup> supporting the restoration of the Tribe's federally recognized status and the return of the Rancheria lands to federal trust status.

Aside from the conditions of poverty, high unemployment, and lack of adequate housing and sanitation on the remaining Rancheria lands, the UAIC is one of the few remaining terminated tribes which resides on its original land base and which maintains, despite the lack of any federal or other funding support, a rudimentary form of tribal government. The UAIC has demonstrated its unity as a tribal community, first, by seeking redress during the 1970's for its illegal termination and, second, by pressing forward during the last decade for restoration of its federally recognized status.

Locally, the community has made its voice heard by successfully opposing a massive housing development on land immediately west of and adjacent to the Rancheria. In litigation against the City of Auburn and Placer County,<sup>9</sup> members of the UAIC negotiated a settlement which imposes conditions on the proposed development that (1) provide specific protections for the environmental integrity of the Rancheria and adjacent lands, (2) assist the UAIC in its plans for future development of an adequate sanitation system for the Rancheria, and (3) provide the UAIC with a voice in the planning process relating to any future development of the adjacent lands.

Even the State of California, through its special California Indian Assistance Program, which is funded under the California Department of Housing and Community Development, has attempted to assist the UAIC in providing badly needed housing and sanitation facilities on the Rancheria. These efforts, however, have been thwarted by the UAIC's lack of federal recognition. In a letter dated January 21, 1993, a representative of the California Indian Assistance Program provides a vivid description of the housing and sanitation problems on the Rancheria and the numerous opportunities that have been lost because of the UAIC's lack of federal recognition:

We have surveyed the living conditions of those living on the formerly recognized Rancheria, most recently in 1990. Most families having homes there live in poverty, and their homes are in need of rehabilitation or replacement. Many other families who are relatives of those living in these homes make their homes nearby in vacant lots in makeshift shelters. They live in abandoned pickup campers, lean-tos made of plywood and deteriorated recreational campers or trailers. These kinds of shelters cannot be rehabilitated to code and represent health and safety hazards to the occupants. In effect, these families are homeless.

Opportunity after opportunity is lost for federal assistance due to the Tribe's lack of federal recognition. \* \* \*

The Tribe continues to suffer. It is not an eligible applicant for HUD's community development block grant program, another Indian set-aside funding program that, historically, has provided many millions of dollars to

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<sup>8</sup>See Auburn Report, Exhibits A-7 and A-8.

<sup>9</sup>Castro, et al. v. City of Auburn, et al., Placer County Superior Court No. 88495 (Settlement Agreement filed October 28, 1993).

"federally recognized" Tribes across the nation. This past year our program successfully wrote grants for community development projects that accessed funds for small Tribes in California totalling \$8.5 million. The Auburn Indian Community cannot take advantage of this well designed federal program.

If the Tribe's efforts to regain federal recognition are successful, our office would prioritize grant writing assistance to this Tribe. Until then, we can do little or nothing to help these people. \* \* \*

The Auburn Indian Restoration Act makes sense as a matter of justice, as well as simple economics. Recognition will allow the UAIC to focus its efforts on the significant housing, health and sanitation problems that exist on the Rancharia. Also, with confirmation of its governmental status, the UAIC will be in a position to access special Indian program funds available to recognized tribes and to negotiate and work more effectively with local governments on issues of mutual concern. There is strong evidence from the experiences of previously unterminated and restored California tribes that the transition from poverty, hopelessness and dependency to self-governance, self-determination and increasing economic self-sufficiency can be dramatic when federal recognition and financial and technical assistance are available. And finally, aside from the substantial human costs associated with perpetuation of the injustices of termination, there are the potential financial costs to the federal government. Without this remedial legislation, the UAIC's only alternative is to litigate the question of restoration. If this occurs, the UAIC will seek an award of money damages and attorney's fees against the government in addition to declaratory and injunctive relief. Judging from the success of similar cases, they have a strong chance of prevailing. In sum, it makes sense to follow the reasonable path that H.R. 4228 offers instead of forcing the issue into litigation.

#### Background Information on the Paskenta Band of Nomlaki Indians

In his famous treatise, the "Handbook of California Indians", A.L. Kroeber surmises that Paskenta, which is Wintun for "under the bank" is probably named from a native settlement in the Central Wintun territory.<sup>10</sup> This settlement of Hill Nomlaki Indians, a group within the larger Wintun stock, became the subject of the Federal government's attention during the early 1900's when Special Indian Agent John J. Terrell was commissioned to identify and acquire land for homeless California Indians.

The early correspondence of Terrell and other federal officials regarding the Paskenta Band substantiates the existence of a small band or village of Nomlaki Indians residing in the mountainous area of southwestern Tehama County.<sup>11</sup> In a census taken around 1915, Terrell lists 53 members of the Band.<sup>12</sup>

<sup>10</sup>"Handbook of California Indians," A.L. Kroeber (3rd ed., 1970), at 356.

<sup>11</sup>A booklet of information titled "Paskenta Band of Nomlaki Indians," hereafter referred to as "Paskenta Report", was submitted to the former House Committee on Interior and Insular Affairs on June 18, 1992. Terrell's early correspondence is contained in Exhibits P-1 to P-20.

<sup>12</sup>See Paskenta Report, Exhibit P-1.

Approximately 260 acres of land were acquired in 1920 as a home for the Paskenta Band, whose Headman or Chief was a man named William ("Billy") Freeman. In Terrell's 1915 census, Billy's age is stated as 50. His son, Willie or William Freeman, born in 1903, is identified in the census and eventually became one of the two distributees of the land that came to be known as the Paskenta Rancheria.

By 1922, according to background data compiled by the Bureau of Indian Affairs during the termination era, eleven families, consisting of 27 people, lived on the rancheria. This number gradually decreased because of the few employment opportunities in the area, its isolated location, and the lack of an all-weather road which made it inaccessible during the winter.<sup>13</sup> Though most of the people known as the Paskenta Band moved off the Rancheria to seek a better livelihood, many remained in the general area leaving only to obtain seasonal farm and ranching work.

One of the Band's main ties to the Paskenta area is that it is the home and burial place of its ancestors. These burial places are still maintained by members of the Paskenta Band, giving credence to following statement by Terrell in a November 26, 1917 letter:

These Indians, like all others are loath to leave very far the last resting places of their dead. There are two well marked graveyards, one below and the other above their present squat village on the Indian woman's land.<sup>14</sup>

Two of these cemeteries are within a mile or so of the Paskenta Rancheria.

While there were only two Indian families residing on the Paskenta Rancheria at the time of its termination on July 7, 1959, the larger group of Indian people constituting the Paskenta Band either resided in the nearby community or, if residing elsewhere, maintained contact with the larger group through traditional gatherings or ceremonies, and through family ties. Today, there are approximately 150 members who are lineal descendants of the Nomlaki Indians comprising the original Paskenta Band.<sup>15</sup>

In previous congressional testimony, a representative of the Bureau of Indian Affairs (BIA) surmised that because only two elderly distributees were identified at Paskenta in the termination process, there is no justification for restoring a tribal entity known as the Paskenta Band.<sup>16</sup> This position ignores the fact that the Paskenta Rancheria was acquired for a well-defined, cohesive band of Indians residing on their aboriginal lands at Paskenta, an historic village of the Hill Nomlaki. Furthermore, it disregards the extensive correspondence, vintage 1915-1920, between federal officials confirming that the lands of

<sup>13</sup>See Paskenta Report Exhibit T-1.

<sup>14</sup>See Paskenta Report, Exhibit P-8.

<sup>15</sup>The Band has completed an initial roll by preparing family genealogies tracing current members to those Indian families that formed the original Paskenta Band that lived on or near the former Paskenta Rancheria.

<sup>16</sup>See Statement Of Ronal Eden, Director, Office of Tribal Services, BIA, Department Of The Interior, Before the Committee On Interior And Insular Affairs, U.S. House of Representatives, On H.R. 2144, "California Tribal Status Act Of 1991," at 3.

the Rancheria were to be acquired for an Indian band or village, not simply individual homeless Indian families.<sup>17</sup> And, finally, it attempts to use the Bureau's failure in the termination process to properly identify the Paskenta tribal community as a basis for denying the existence of the Paskenta Band today.

When a majority of the Paskenta Band moved off the Rancheria lands due to the lack of employment, poor winter access and lack of water, the Band did not cease to exist. However, the termination process and the federal government's position in response to H.R. 2144 implicitly assume that it did.

By defining the Paskenta Rancheria at the time of termination as simply a piece of trust land occupied by two Indians, the government effectively denied the existence of the Indian band that had once been affiliated with the land.<sup>18</sup> For all intents and purposes, members of the Paskenta Band were treated as individual Indians only, not as members of an Indian band identified by Terrell and recognized in the early correspondence between Terrell and others, including the Commissioner of Indian Affairs. The Distribution Plan for the Paskenta Rancheria<sup>19</sup>, approved by the Secretary of the Interior on July 7, 1959, and effective as of July 24, 1959, on the vote of two members of the Paskenta Band does not tell the whole story. It is simply one event in a relationship between the Paskenta people and the federal government which spanned at least the previous half-century.

It is also important to understand that, at the time the Rancheria Act was being implemented in California, the federally recognized tribes of California were receiving minimal services from the federal government and the vast majority of tribal members in California were living in poverty. Despite this lack of adequate funding for then existing BIA Indian programs in California, the Bureau of Indian Affairs struck an illegal deal with the subcommittee entertaining the Rancheria termination legislation to the effect that the BIA would not ask for any special appropriation to implement termination, but would absorb all of its costs out of the Bureau's general fund.<sup>20</sup> Thus, while the Rancheria Act contained a provision authorizing special appropriations up to \$509,235, the BIA never asked for a penny, instead choosing to absorb these costs from its already grossly inadequate general appropriations.

The point is that being a member of a federally recognized tribe in the 1950's and 1960's in California was no panacea. Recognized Indians received little more in services than terminated Indians so there was little incentive at the time of termination for Indians to step forward and assert their connection with a particular piece of land. Especially if they, or their parents, had already moved off the land because of the poor conditions and lack of BIA services.

<sup>17</sup>See Paskenta Report, Exhibits P-4 to P-20, particularly P-16.

<sup>18</sup>There is correspondence indicating that protests were lodged by the Indians residing off the Rancheria at the time the assets of the Paskenta Rancheria were proposed for distribution.

<sup>19</sup>See Paskenta Report, Exhibit T-9.

<sup>20</sup>See Paskenta Report, Exhibits T-2 to T-7.

It was not until the federal Indian programs of the 1970's were initiated that clear distinctions began to be drawn, for purposes of program eligibility, between members of federally recognized tribes and those California Indians who were members of tribes that either had never been recognized or, like the Paskenta Band, had been terminated by the denial, implicit in the termination process, that they ever existed. These distinctions between recognized, unrecognized and terminated Indians increased during the 1980's when the BIA accelerated its effort to service only Indians who were members of federally recognized tribes. It was during this same period that (1) litigation was successfully concluded, unterminating a majority of the California rancherias; (2) the Federal Acknowledgment Project was established; and (3) the unrecognized tribes of California realized that their very survival was at stake as the BIA began to "eliminate" non-federally recognized Indians from BIA Indian programs.

The historical evidence concerning the Paskenta Band is quite similar to that presented to the government in support of the status of the Scotts Valley Band as an historical tribal entity in Scotts Valley Band of Pomo Indians, et al. v. U.S.A., Civ. No. C-86-3660 VRW (N.D. Calif.).<sup>21</sup> In both the Scotts Valley and Paskenta cases, the government recognized the existence of an historical band of Indians, occupying a clearly defined territory and exercising traditional decision-making by consensus and through a headman. And, in both cases, the government conducted an election under the IRA.<sup>22</sup> The Paskenta Band, having accepted the IRA in 1935, and never having been officially and lawfully terminated,<sup>23</sup> is eligible to organize under the IRA.

Specific Comments and Suggested Changes  
to H.R. 4228

**Section 4(d).** This provision establishes the nontaxable status of lands accepted into trust under this section. Since subsection (b) authorizes the Secretary to accept into trust Indian owned fee land within the former Auburn Rancheria held by persons listed as distributees or dependent members in the Auburn distribution plan, these lands, if accepted in trust, will be nontaxable. However, this subsection refers only to lands taken into trust for the benefit of the Tribe.

**Recommendation:** After the word "Tribe" in Section 4(d), insert the words "or individual members of the Tribe". In every rancheria termination case, the judgment or settlement has provided for restoration to trust status of those rancheria lands remaining in individual Indian ownership.

**Section 5.** This section makes reference to the criminal and civil jurisdiction provisions of Public Law 280, 18 U.S.C. §1162 and 28 U.S.C. §1360.

<sup>21</sup>The Scotts Valley Band was restored pursuant to a Judgment entered by the United States District Court, Northern District of California, on September 6, 1991.

<sup>22</sup>The Paskenta Band accepted the IRA on June 10, 1935, by a vote of 17 to 0 with a voting population of 26.

<sup>23</sup>This is notwithstanding the government's apparent position that the Paskenta Band simply ceased to exist because, at the time of termination, they were not present in sufficient numbers on the Paskenta Rancheria.



STATIS OF CALIFORNIA RANCHERIAS THAT WERE SUBJECTED TO  
TERMINATION UNDER THE RANCHERIA ACT, P.L. 85-671,  
AS AMENDED BY P.L. 88-419

There were forty-one (41) rancherias and their Indian communities subjected to termination under the Rancheria Act. Twenty-seven (27) of those have been terminated through litigation and settlement of various lawsuits brought by CILS on behalf of terminated rancherias. In other lawsuits, CILS was able to obtain specific performance of obligations owed to the Indians under the Rancheria Act or money damages, or both, for breach of statutory duties.

Two rancherias initially targeted for termination were eventually removed from the final list. These were the Cold Springs Rancheria in Fresno County and the Middletown Rancheria in Lake County.

The rancherias unmentioned in Harbick v. United States, No. C-79-1710 SW (N.D. Calif. 1983), are listed below, along with the county in which they are located:

- Big Valley (Lake)
- Blue Lake (Humboldt)
- Burned Vista (Stanley)
- Chickadee Ranch (Tulare)
- Chivichale (Sonoma)
- Elk Valley (Del Norte)
- Greenville (Pima)
- Knocococwa (Pima)
- Nord Fork (Madera)
- Prairieburg (Madera)
- Prindoville (Merced)
- Pocah Valley (Merced)
- Pocah Valley (Stanley)
- Redding (Shasta)
- Redwood Valley (Merced)
- Robertsville (Humboldt)
- Smith River (Del Norte)

In seven other lawsuits, ten (10) additional tribes were unmentioned. The lawsuits and the tribes affected are listed below:

- Big Sandy (Fresno)
- Big Sandy Band v. WBS, No. C-80-5787 MHP (N.D. Calif.)
- Hopland (Merced)
- Santa v. United States, 515 F.Supp. 56 (N.D. Calif. 1978)
- Robinson (Lake)
- Duncan v. Andrus, 517 F.Supp. 1 (N.D. Calif. 1977)

Table Bluff (Humboldt)  
Table Bluff Band v. WBS, 432 F.Supp. 255 (N.D. Calif. 1981)

Table Mountain (Fresno)  
Table Mountain Rancheria Am't. v. WBS, No. C-80-4395 MHP (N.D. Calif.)

Upper Lake (Lake)  
Upper Lake Pomo Am't. v. WBS, No. C-75-0181 SW (N.D. Calif.)

- Chico (Pima)
- Quiberville (Merced)
- Lynn (Sonoma)
- Scotts Valley (Lake)

Scotts Valley Band of Am't. v. United States, No. C-85-3650 WRW (N.D. Calif.)

The fourteen (14) rancherias that remain terminated are listed below with their county of location:

- Alexander Valley (Sonoma)
- Autumn (Pacay)
- Cedar Creek (Lake)
- German (Sonoma)
- Indian Ranch (Oyo)
- Mark West (Sonoma)
- Mission Creek (Owens)
- Nevada City (Yreka)
- Palmira (Tehama)
- Rudley's (Stanley)
- Sherbourne (Tulare)
- Strawberry Valley (Tuba)
- Tyngsville (Pima)
- Wilson (Sacramento)

(1) See page 104 of this report.

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June 20, 1994

In Reply Refer to: 99-1

Enclosure #1

The Honorable Bill Richardson  
Chairman  
Subcommittee on Native American Affairs  
1522 Longworth HOB  
Washington, D.C. 20515

Re: H.R. 4228, the Auburn Indian Restoration Act

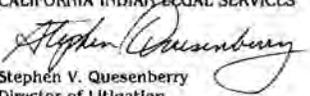
Dear Congressman Richardson:

I have enclosed a report entitled "United Auburn Indian Community: Background Information Concerning Tribal Restoration", Theodoratus and Emberson (1994).

The United Auburn Indian Community (UAIC) respectfully requests that the report be included as part of the official record of the Subcommittee's proceedings on H.R. 4228. Thank you for your continuing commitment to the restoration of California's terminated tribes.

Sincerely,

CALIFORNIA INDIAN LEGAL SERVICES

  
Stephen V. Quesenberry  
Director of Litigation

SVQ:le

Enclosure

cc: Fred Cooper, Chairperson,  
United Auburn Indian Community

United Auburn Indian Community  
Background Information Concerning Tribal Restoration

Geri Emberson, B.A., M.A. Candidate  
Dorothea J Theodoratus, Ph.D.

for the  
United Auburn Indian Community  
and  
California Indian Legal Services  
Steve Quesenberry, Attorney

June 1994

**United Auburn Indian Community**

**Background Information Concerning Tribal Restoration**

Geri Emberson, B.A., M.A. Candidate  
Dorothea J Theodoratus, Ph.D.<sup>1</sup>

The United Auburn Indian Community (UAIC), a terminated tribe, is seeking restoration of its status as a federally recognized tribe. This group's termination as a federally recognized tribe became effective August 18, 1967 (32 F.R. No. 160, Doc. 67-9650, Filed Aug. 17, 1967). Since 1967, many members of this community have continued to reside on the terminated lands formerly known as the Auburn Rancheria located on the margin of the city of Auburn, a small northern California foothill town approximately 35 miles from the state capitol at Sacramento. Most other members live in the vicinity of or within commuting distance to the town of Auburn.

Since the time of termination tribal members have maintained close social and political interaction, and eventually organized as the UAIC under a constitution adopted by the general membership on July 20, 1991. In addition to these connections, the community has remained affiliated through genealogical ties. Presented below is a summary of research findings on membership and socio-political interaction and continuity since termination for the UAIC.

**Membership and Kinship**

A list of the current membership of the UAIC appears in Appendix A. Appendix B contains "A Plan for the Distribution of the Assets of the Auburn Rancheria, According to the Provisions of Public Law 85-671, Enacted by the 85th Congress, Approved August 18, 1958" (72 Stat. 619, amended August 11, 1964, 78 Stat. 390). This plan includes a listing of the original distributees and their dependent members, as of August 1958. It is included for the purpose of demonstrating the relationships among the current (1993) tribal membership and the distributees and dependent members listed therein. Appendix C contains genealogical charts which detail the kinship of the current membership. The BIA Tribal Operations Office, Central California Agency, has certified that the information on these charts is correct thereby verifying historical relationships to past Auburn Rancheria members/distributees.

As the data in Appendices A, B and C indicate, the membership of the UAIC continues to reside either on the lands

formerly known as the Auburn Rancheria or within "reasonable proximity" to Auburn, California. As of 1976 there were thirteen individually owned parcels and four community owned parcels held by the White Oak Ridge Association remaining in Indian ownership on the Rancheria (Attachment to Memo concerning "Federal Recognition of Previously Terminated Dependent Members," to Area Director, Sacramento Area Office, from Maurice M. Babby, May 21, 1987). As of 1992, 22 of the original 40 acres of the Rancheria remained under Indian ownership with 52 members residing on the former Rancheria. The membership totaled 151 (CILS Narrative Statement, Auburn Indian Community 1992). The Rancheria remains a focal point for the UAIC membership (Field Data).

### Social Interaction and Continuity

As the UAIC genealogies (Appendix B) clearly demonstrate, UAIC membership is connected through genetic relationships as well as affinal relationships. Since termination, the members of the former Auburn Rancheria have continued to interact socially as a group. Much of the social interaction has taken place internally; however, members of the community have participated as a group with other communities as well. This can be demonstrated in various ways.

Internal interaction refers to those activities which have continued to take place on the former Rancheria in members' homes or at community property. The Indian Full Gospel Church (established 1932) located on land held by the White Oak Ridge Association (lot 26) has hosted regular church assemblies on Sundays and Wednesday evenings through the years, and also has been a focal point for activities of a religious nature, such as baptisms and "wakes." In addition to these functions the church grounds and facilities have served as the gathering place for community activities, such as official tribal meetings, community potlucks, and fund-raisers. The "church grounds" include several trees, a parking lot, a building for storage, a grassy area, and picnic tables and benches. Since this area is located at the intersection of two main roads --one which bisects the Rancheria and the other which serves as its southern boundary-- it is a convenient location for UAIC members to meet among themselves or with outsiders.

Tribal Council meetings are held inside the church during evenings or in inclement weather; otherwise meetings are held outside on the church grounds. The community comes together at the church grounds for an annual "Indian Church Camp Revival" meeting. Most people from the UAIC attend as well as people from outside the community, mostly Indian but some non-Indian as well. This event includes potlucks, a pancake breakfast and other events aside from the religious activities. This occasion is viewed as a major event for the host community (Field Data).

Other community events include an annual Fourth of July potluck at one of the community homes on the former rancheria. The entire UAIC is invited and most are usually in attendance. The community also gathers for an annual Easter/Spring festival held at another UAIC residence. Since 1988, when the annual Maidu-Miwok Big Time Pow Wow was first held at the Auburn Dam overlook near the former rancheria, members from the Auburn community have participated. Letters of invitation have been addressed to individuals in the Auburn Indian community but participation has been a UAIC group activity. Another community event takes place on Memorial Day at the "Maidu Cemetery" (sometimes called Bing Crosby cemetery because he donated the lands to the Auburn Indians). The Veterans of Foreign Wars conduct a memorial service at this time (Field Data).

In addition to annual events, community Indian organizations provide an important source for social interaction between tribal members and other Indian constituencies. The Placer Indian Association, the Equal Rights Indian Council, and the Northern Sierra Indian Health Program serve to bring community members together with persons from other Indian communities for the mutual promotion of equal rights in the areas of housing, employment, education, health care, and transportation. For example, the Northern Sierra Indian Health Program was started by the Auburn Indian community but has since been expanded to include other Indian communities within four adjacent counties (Field Data).

Individuals regularly visit friends and family for personal (e.g., casual conversation) as well as for formal purposes such as birthdays or holidays (Field Data). Interactions between individuals and involvement in group activities has always been an important aspect of social cohesiveness and continuity for the Auburn Indian community. These interactions extend beyond the social realm and overlap with activities of a political nature.

### Political Interaction and Continuity

Prior to the completion of termination proceedings, in February of 1961, the White Oak Ridge Association was formed by distributees for the purposes of receiving and managing the community parcels which were to be transferred from federal supervision to the Auburn Indian community (Articles of Association of the White Oak Ridge Association, February 1, 1961 [CIS Auburn files]). This organization was to give impetus for much of the community's external political interactions for many years following its inception. The White Oak Ridge Association managed the church property where many social activities (discussed above) continue to be held, as well as those properties which contained the water system and the water pump. These social activities fostered political activities within the community, as well as interactions with the outside community.

Water has long been an issue for the Auburn Indian community. The water system had been originally provided for the Rancheria in 1953 by the Bureau of Indian Affairs. The system was deemed inadequate and an upgrade of the water system was a prerequisite for full compliance with the Rancheria Act (Harry Busselen, 1962, A Study of the Federal Termination of a California Rancheria and Its Effects Upon the Social and Economic Integration of the Indian Population Involved, M.A. Thesis, California State University, Sacramento). The White Oak Ridge Association was organized in 1961 to handle issues in connection with the water supply. This Association met regularly to discuss procedures for water maintenance and distribution until the Rancheria properties were connected to the City of Auburn water supply at the end of 1974. In the intervening years the water issue became a catalyst for a legal case. Taylor vs. Morton, Civ. No. C-70-719SAW (N.D. Cal.), was filed as a class action suit on April 7, 1970 on behalf of the Indian residents of the Auburn Rancheria seeking relief from the federal government for its failure to provide an adequate water system to service the former rancheria, a specified condition of the Rancheria's acceptance of termination. Money damages were also sought in this case (Taylor vs. Morton, supra.; Auburn Journal April 9, 1970; Letter of May 22, 1990, to Scott Keep, Assistant Solicitor, Division of Indian Affairs, and Glen R. Goodsell, Attorney, Land and Natural Resources Division, U.S. Department of Justice, from Stephen Quesenberry, CILS). The resolution of the case was a \$92,000 payment by the government for the construction and installation of a water distribution system for the Indian homes on the Rancheria (Stipulation for Judgement, filed January 14, 1972, in Taylor v. Morton).

The Placer County Water Agency prepared to construct a water system to the rancheria with the monies provided through the settlement and at the same time was to receive a \$100,000 grant from the Economic Development Agency for this purpose. A representative for the White Oak Ridge Association wrote Judge Stanley A. Weigel who had presided over Taylor vs. Morton about the Auburn Indian community concerns over the double funding for the water reconstruction project. The letter complained that the Water Agency could use the settlement funds to accomplish the water system upgrade and then use the Economic Development Agency funds for other unrelated uses within the County. A primary point was the quality of the water. The Water Agency, while upgrading and extending the system, would be using the same contaminated water source as previously used by the former Rancheria (Letter to Judge Stanley A. Weigel, U.S. District Court, from Luther Cayton, March 5, 1973 [CILS Files]; see also Busselen, *op cit.* p. 48). Attached to the letter to Judge Weigel was a letter signed by eighteen members requesting that CILS attorneys postpone a meeting on the water system because the complexities involved for resolution required more time for group consideration (Letter to Robert Donovan, CILS, from White Oak Ridge Association, February 20,

1973 [CILS Files]). The dispute resulted in delays in implementing the judgment entered by Judge Weigel on February 3, 1972; however, on April 23, 1973, after further hearings, Judge Weigel entered a final order confirming the earlier judgment.

A second lawsuit, Taylor v. Hearne, was filed in 1977 challenging the County of Placer's forced tax sale of a parcel of Rancheria land that had been distributed to an individual Auburn Indian at the time of termination. The federal government's failure to provide an adequate water system on the Rancheria prior to termination again surfaced as an issue. The question presented in the case was whether or not the former Indian land had retained its tax exempt status because of the failure on the part of the Secretary of the Interior to install sanitation and water facilities as required by the Rancheria Act, Taylor v. Hearne, 637 F. 2d 689 (9th Cir. 1981). Taylor argued further that the deed to the property, which was issued in 1961, did not remove the property's tax exempt status until at least 1967 when the Secretary of Interior published the notice of termination of the Rancheria's tax exempt status (Id., at 690). The court of appeals rejected Taylor's argument and confirmed the validity of the forced tax sale (Id., at 692).

The decision in Taylor v. Hearne was yet another reminder to the Auburn Indians of the continuing effects of termination; specifically, that loss of tax exempt status for the Rancheria's lands jeopardized the existence of the Indian community because many Indian landowners could not afford to pay the state and local taxes. During the process of termination and in subsequent years, members of the former Auburn Rancheria questioned the termination process. The reasons behind this were that they had not been fully informed about the termination process and were not informed that the dependent members would lose their rights (Field Data; CILS File Memo from Bill Lamb, May 13, 1972 [CILS Files]). Former Rancheria members said the BIA told them they had to terminate due to the BIA's plan to withdraw from California within five years.

Members of the Auburn Indian Community also participated in Knight v. Kleppe, Civ No. C-74-0005 (N.D. Cal.), a class action suit filed in the interests of dependent members of all of the terminated rancherias. The dependent members of the Auburn Indian Community participated in this suit as members of the class, and their status as individual Indians under federal law was reinstated by final judgement entered therein on February 20, 1976.

The Auburn Indian community once again responded as a group to outside pressure in 1989 to protest proposed annexation of former Auburn Rancheria properties. In December of 1989 the city of Auburn proposed the annexation of 165 acres of land directly to the west of the Rancheria. This action would have resulted in zoning problems for the Rancheria, bringing the Rancheria under the jurisdiction of the City of Auburn. The

Auburn City Council conducted a hearing concerning the proposed annexation. In attendance were approximately 30 Auburn Indians who opposed the action. Despite the opposition by the Auburn Indian people as well as other citizens, this action was approved. In March 1990, two members from the former rancheria, as representatives of the community, filed a legal protest of the annexation claiming the procedure could not legally be accomplished (Castro, et al. v. City of Auburn, Placer County Superior Court, Case No. 88495). The parties eventually reached settlement after protracted negotiations. A portion of the settlement agreement, reached October 28, 1993, provides for a buffer zone between the "Auburn Indian Rancheria" and the annexed property, and requires written notice to the Executive Council of the Auburn Indian Community and its attorneys concerning any proposed development on the annexed lands. Recognizing the Rancheria lands as a distinct property the agreement denotes these lands as an "agricultural, Residential-Indian Reserve zoning overlay. In addition, the City of Auburn agreed to support the Auburn Indian Community efforts to obtain federal restoration of its tribal status and the to return the former Rancheria lands to trust status (Exhibit B, Resolution to Support Federal Recognition of Auburn Rancheria, Dec. 11, 1989, Res. 89-198).

Another demonstration of local support for the Auburn Indian Community's effort to achieve restoration of their status as a federally recognized tribe was the resolution of the Placer County Board of Supervisors titled "A Resolution of the Board of Supervisors supporting H.R. 2144," which passed unanimously January 7, 1992 (Resol. No. 92-8).

During the course of the City and County proceedings, the Auburn Indian Community, on July 20, 1991, elected to adopt a constitution which formed the organization of the United Auburn Indian Community of the Auburn Rancheria. This organization acts as the governing body today of this historic Native American community.

#### Summary

The Native American Community associated with the former federally recognized Auburn Indian Community has remained affiliated through kinship ties and social activities since termination. This community is recognized socially and politically as a separate entity by organizations and agencies in Placer and adjacent counties. The City of Auburn and the County of Placer clearly recognize this community as separate from other County residents. This recognition has endured through time as a distinctive component throughout the formation of the rancheria, the termination of its federal trust status, the post-termination years, and more recently through the community's attempts to regain federal recognition as a self-governing Indian tribe.

**Footnote**

<sup>1</sup> Field work was conducted during 1993 through interviews with United Auburn Indian Community members, observations of community activities, and document research. Information from interviews and observations is referred to in this document as "Field Data."

APPENDIX A

UNITED AUBURN INDIAN COMMUNITY  
CURRENT MEMBERSHIP LIST

OFFICIAL MEMBERSHIP OF THE UNITED AUBURN INDIAN COMMUNITY  
OF THE AUBURN RANCHERIA

MARCH 1, 1994

Christine D. Seall	Angelina Marie Seddo 877 Indian Rancheria Rd. Auburn, CA 95603	Geraldine F. Camp 877 Indian Rancheria Rd. Auburn, CA 95603
Marsha J. Camp 953 Indian Rancheria Rd. Auburn, CA 95603	Michael N. Camp 953 Indian Rancheria Rd. Auburn, CA 95603	Freston C. Camp 953 Indian Rancheria Rd. Auburn, CA 95603
Garron Freston Cayton 815 Indian Rancheria Rd. Auburn, CA 95603	Luther Edward Cayton 7209 Chaelina Dr. Citrus Heights, CA 95621	Robert Lynn Cayton 22235 Foresthill Rd. Foresthill, CA 95631
Robin Dawn Cayton 8363 Devilla Oaks Way Citrus Heights, CA 95621	Timothy Brian Cayton c/o 815 Indian Rancheria Rd. Auburn, CA 95603	Fred J. Cooper 877A Rancheria Rd. Auburn, CA 95603
Sheila Jill Cooper 4720 Racetrack Circle Rocklin, CA 95677	Tom Craig Cooper 897 Indian Rancheria Rd. Auburn, CA 95603	Kari Lee Cordaro 11712 Edgewood Rd. Auburn, CA 95603
Sandra Kay Delgado P.O. Box 673 Lincoln, CA 95848	Maxine Marlene Orsley 815 Indian Rancheria Rd. Auburn, CA 95603	Susan Kay-Helm 2904 Weald Way, #212 Sacramento, CA 95833
Monica Eryn Hughes 12218 Dry Creek Rd. Auburn, CA 95603	Monica Jean Johnston 961 Indian Rancheria Rd. Auburn, CA 95603	David Mitchell Keyser 961 Indian Rancheria Rd. Auburn, CA 95603
Donald Wayne Keyser 1358 McClintock Lane Auburn, CA 95603	Kelley Sue Keyser 1358 McClintock Lane Auburn, CA 95603	

Carolyn Ann Martinez 3922 North Park Place Auburn, CA 95603	Shirley Jean Martinez 3922 North Park Place Auburn, CA 95603	Carl Noman 877 Indian Rancheria Rd. Auburn, CA 95603
Cherlyn Ann Ortis c/o 2600 28th Street Sacramento, CA 95818	Mark C. Ortis c/o Sylvia Leggett 2600 28th Street Sacramento, CA 95818	Cecilia Sylvia Ramos 950 Auburn-Folsom Rd. Auburn, CA 95603
James Edward Ramos 950 Auburn-Folsom Rd. Auburn, CA 95603	Sherry Ann Ramos c/o 950 Auburn-Folsom Rd. Auburn, CA 95603	Teri Lee Ramos 11710 Edgewood Rd. Auburn, CA 95603
Alan (Chips) Morgan Rey 961 Indian Rancheria Rd. Auburn, CA 95603	Cecil Ralph Rey c/o Violet Rey 891 Indian Rancheria Rd. Auburn, CA 95603	Danny Rey 953 Indian Rancheria Rd. Auburn, CA 95603
Don S. Rey 953 Indian Rancheria Rd. Auburn, CA 95603	Donald Stanley Rey 891 Indian Rancheria Rd. Auburn, CA 95603	Douglas Rey 2021 Andregg Rd. Auburn, CA 95603
James Nathan Rey II 12215 Dry Creek Rd. Auburn, CA 95603	James Nathan Rey III 12215 Dry Creek Rd. Auburn, CA 95603	Kimberly A. Rey (Dubach) 2904 Weald Way, #212 Sacramento, CA 95833
Lorraine Rey 2021 Andregg Rd. Auburn, CA 95603	Leroy M. Rey 4665 Greenback Lane Citrus Heights, CA 95621	Richard R. Rey 891 Indian Rancheria Rd. Auburn, CA 95603
Robert L. Rey 2021 Andregg Rd. Auburn, CA 95603	Violet Angelina Rey 891 Indian Rancheria Rd. Auburn, CA 95603	Dearetine Elvira Starkey 953 Indian Rancheria Rd. Auburn, CA 95603
Harold Hanson Starkey 953 Indian Rancheria Rd. Auburn, CA 95603	Samuel Austin Starkey 953 Indian Rancheria Rd. Auburn, CA 95603	Tracey Stewart
Conavieve Rose Sturgeon 7209 Cheeline Dr. Citrus Heights, CA 95621	Anthony Lee Suehead 953 Indian Rancheria Rd. Auburn, CA 95603	Barbara Clair Suehead 953 Indian Rancheria Rd. Auburn, CA 95603

Dully Sushead  
953 Indian Rancheria Rd.  
Auburn, CA 95603

Janea Sushead

John Oliver Sushead  
953 Indian Rancheria Rd.  
Auburn, CA 95603

Owen Paul Sushead  
c/o John Oliver Sushead  
953 Indian Rancheria Rd.  
Auburn, CA 95603

William Wayne Sushead  
19315 Auburn Foresthill Rd.  
Foresthill, CA 95631

Jessica Joan Taveres  
4720 Racetrack Circle  
Rocklin, CA 95677

Audrey Lucille Taylor  
815 Indian Rancheria Rd.  
Auburn, CA 95603

Glenn Eugene Taylor  
815 Indian Rancheria Rd.  
Auburn, CA 95603

Earl Louis Taylor  
815 Indian Rancheria Rd.  
Auburn, CA 95603

Pamela Whitehouse  
840 Indian Rancheria Rd.  
Auburn, CA 95603

Linda J. Ray  
11805 Dry Creek Rd., #48  
Auburn, CA 95603

APPROVED PENDING SUBMISSION OF ENROLLMENT APPLICATION

Blanche Williams  
905 Indian Rancheria Rd.  
Auburn, CA 95603

Janice E. Williams  
905 Indian Rancheria Rd.  
Auburn, CA 95603

John B. Williams  
905 Indian Rancheria Rd.  
Auburn, CA 95603

Victor S. Williams  
905 Indian Rancheria Rd.  
Auburn, CA 95603

Virginia J. Williams  
905 Indian Rancheria Rd.  
Auburn, CA 95603

John B. Williams, Jr.  
905 Indian Rancheria Rd.  
Auburn, CA 95603

Ernest Melvin Leggett  
c/o 2600 28th Street  
Sacramento, CA 95818

Lawrence Leggett

Sylvia Maxine Leggett  
2600 28th Street  
Sacramento, CA 95818

Doris Jean Leggett

APPENDIX B

A PLAN FOR THE DISTRIBUTION OF THE ASSETS  
OF THE AUBURN RANCHERIA,  
ACCORDING TO THE PROVISIONS OF PUBLIC LAW 85-671,  
ENACTED BY THE 85th CONGRESS,  
APPROVED August 18, 1958

A PLAN FOR THE DISTRIBUTION OF THE ASSETS OF THE  
 AUBURN RANCHERIA, ACCORDING TO THE PROVISIONS OF  
 PUBLIC LAW 85-671, ENACTED BY THE 85TH CONGRESS,  
 APPROVED AUGUST 18, 1958

The Auburn Rancheria is comprised of forty (40) acres located in Placer County, California. (A legal description is attached.)

The land is rocky and gently sloping and is used for homesites. Each homesite has been supplied with an ample supply of domestic water from a central plant and no further improvement for water is necessary unless other homes are constructed prior to conveyance of title. The cost of the development of the present water system has been placed as a lien against the rancheria.

A paved highway crosses the southeast corner of the rancheria. A hardtop all-weather road was constructed through the rancheria by the Bureau of Indian Affairs and turned over to Placer County for maintenance purposes.

The exterior boundaries have been surveyed and corners established. Interior surveys will be required.

There are no funds on deposit to the credit of the rancheria, either in an Individual Indian Money Account in the Area Office or in the United States Treasury. They do not have a constitution or charter. There are no Government buildings involved.

1958-1959  
 11/14/58  
 11/14/58  
 11/14/58

The Indians listed herein are recognized as the only people of the rancheria who hold formal or informal assignments and are entitled to share in the distribution of the real estate and all adults participating are capable of handling their own affairs. All distributees are fully advised of the opportunity to participate in the vocational training program afforded by the Bureau of Indian Affairs and none has indicated any interest.

The Indians of the Auburn Rancheria desire termination under the provisions of Public Law 85-671 and request that the Bureau of Indian Affairs undertake the following actions.

1. Provide assistance for the establishment of a legal entity, as may be necessary, to accept the conveyance of properties that are to be retained by the group.
2. Convey the water system to the group. This conveyance includes approximately one quarter acre in Lot No. 9, location of the storage tank, and one quarter acre in Lot No. 25, location of the pumping plant. Convey also to the group the park area, Lot No. 15, and the church area, Lot No. 26. Each conveyance to be given to the group as a legal entity organized to accept them.
3. Arrange for the necessary easements from each distributee for rights-of-way across each lot, where necessary, to facilitate the continuance of a water system to points of use.
4. Cancel all reimbursable indebtedness owing to the United States on account of unpaid construction and/or operation and maintenance charges for water facilities.
5. Furnish each distributee the approximate value of his or her lot

at the time of conveyance.

6. Make such surveys as are necessary to convey a merchantable and recordable title to each lot.
7. Convey to individual Indians, according to this plan and to the map attached hereto which is a part of this plan, unrestricted title to land now belonging to the United States. Title shall be subject to existing rights-of-way, easements or leases and shall include such mineral and water rights as are now vested in the United States.

The distributees who will receive title to particular lots and the dependent members of their immediate families are:

NAME	LOT NO.	RELATIONSHIP	BIRTHDATE	ADDRESS
Cleve Roy	1	Distributee	2-28-1897	Route 3 Auburn, California
Joséphine Roy		Wife	9-28-1895	Same
Victor Williams	2 & 12	Distributee	3-14-1914	Route 3 Auburn, California
Agnes V. Williams		Wife	2-26-1916	Same
Victor Williams, Jr.		Son	8-12-1940	Same
Virginia Williams		Daughter	7-19-1942	Same
Blancha Williams		Daughter	3-09-1946	Same
John Williams		Son	3-26-1948	Same
Janis Williams		Daughter	5-08-1956	Same
Joseph Wiley	3	Distributee	6-21-1898	Route 3 Auburn, California
Alice E. Wiley		Wife	3-03-1893	Same
Viola Murray	4	Distributee	4-21-1891	Route 3 Auburn, California
Jack T. Starkey	5	Distributee	12-28-1902	Route 3 Auburn, California
Dearstine E. Starkey		Wife	6-10-1907	Same
Harold S. Starkey		Son	2-23-1945	Same
Henry M. Starkey		Son	2-04-1943	Same

30 lots

NAME	LOT NO.	RELATIONSHIP	BIRTHDATE	ADDRESS
Cecil R. Ray	6, 21 & 22	Distributec	8-26-1914	Route 3 Auburn, California
Violet A. Ray		Wife	9-22-1912	Same
Leroy W. Ray		Son	10-18-1940	Same
Richard R. Ray		Son	5-10-1942	Same
Carolyn A. Ray		Daughter	3-20-1944	Same
Donald S. Ray		Son	9-00-1946	Same
Dwight A. Ray		Son	9-07-1953	Same
Eunice Jordan	7	Distributec	5-24-1918	P. O. Box 46 Colfax, California
Tou G. Cooper		Son	8-19-1940	RT. 3, Box 3029, Auburn
Fred J. Cooper		Son	7-20-1941	P.O.Box 46, Colfax
Cleveland R. Adams	0	Distributec	2-19-1905	Box 3027, Route 3 Auburn, California
Frances M. Adams		Wife	7-17-1900	Same
Jon Lindsay		Son	7-18-1957	Same
Dolly S. Suehead	10	Distributec	1-05-1920	Route 3 Auburn, California
Jerry G. Suehead		Son	6-09-1949	Same
Billy W. Suehead		Son	5-15-1952	Same
Owen P. Suehead		Son	1-05-1954	Same
Barbara G. Suehead		Daughter	5-10-1955	Same
John O. Suehead		Son	9-29-1957	Same
Carl Noonan	11	Distributec	5-01-1915	Route 3 Auburn, California
Doyetta Sue Noonan		Daughter	2-23-1940	Same
Cocass D. Noonan		Son	2-29-1952	Same
Ronald D. Noonan		Son	5-14-1953	Same
Carl E. Noonan		Son	2-00-1956	Same
Ray A. Smith	13	Distributec	2-00-1090	Route 3 Auburn, California
Carolyn Camp	14	Distributec	1-10-1926	General Delivery Auburn, California
Preston Camp		Son	4-25-1943	Same
Jessica Camp		Daughter	4-25-1949	Same
Joyce Camp		Daughter	6-09-1950	Same
Thomas Camp		Son	6-09-1950	Same
Christine Camp		Daughter	11-13-1951	Same
Jacobs Camp		Son	1-02-1954	Same
Michael Camp		Son	12-23-1954	Same

NAME	LOT NO.	RELATIONSHIP	BIRTHDATE	ADDRESS
Myrtle Starkey	16	Distributec	10-16-1933	Route 3 Auburn, California
Ruth May Starkey		Sister	12-26-1941	Same
Guy A. Starkey	17	Distributec	12-14-1892	Route 3 Auburn, California
Wilfred H. Starkey		Son	12-29-1937	Same
Anber Starkey		Granddaughter	10-01-1937	Same
Elda Starkey		Granddaughter	2-04-1959	Same
Guy Wallace	18	Distributec	5-25-1905	P. O. Box 201 Newcastle, California
B. J. Frost	19	Distributec	8-13-1884	Route 3 Auburn, California
Mary Frost		Wife	11-30-1886	Same
John Hill	20	Distributec	6-26-1923	P. O. Box 114 Hoopa, California
Marcella Phyllis Hill		Wife	6-25-1924	Same
Frank Lewis Hill		Son	4-15-1943	Same
John W. Hill, III		Son	10-29-1946	Same
Robert J. Hill		Son	8-31-1949	Same
Judith Lydia Hill		Daughter	4-09-1952	Same
Aileen W. Whitehouse	23	Distributec	2-07-1932	1812 Webster Street Alameda, California
Fanela Whitehouse		Daughter	10-03-1955	Same
Robert F. Whitehouse, Jr.,		Son	11-07-1956	Sonoma State Hospital Eldridge, California
Gene R. Whitehouse		Son	7-31-1958	1812 Webster Street Alameda, California
Earl L. Taylor	24 & 28	Distributec	12-12-1907	Route 3, Box 3035 Auburn, California
Audrey Taylor		Wife	10-26-1912	Same
Alvin Wallace	27	Distributec	1-02-1923	423 Finloy Street Auburn, California
Vina M. Wallace		Wife	2-24-1924	Same
April F. Wallace		Daughter	12-21-1947	Same
Alan Wallace		Son	6-08-1949	Same
Albert B. Wallace		Son	8-01-1958	Same

NAME	LOT NO.	RELATIONSHIP	BIRTHDATE	ADDRESS
Jacob N. Ray, Sr.	29	Distributes	3-01-1923	Route 3, Box 3105 Auburn, California
Loraino E. Ray		Wife	8-24-1923	Same
Suzanna D. Ray		Daughter	6-03-1948	Same
Jacob N. Ray		Son	4-18-1949	Same
Robert L. Ray		Son	4-21-1956	Same
Douglas R. Ray		Son	11-01-1937	Same
Lawrence Leggett	30	Distributes	2-17-1917	Route 3, Box 3029-A Auburn, California
Blanche Leggett		Wife	11-20-1918	Same
Clifford Leggett		Son	10-18-1946	Same
Dorio Leggett		Daughter	1-27-1948	Same
Ernoct H. Leggett		Son	2-18-1950	Same
Lawrence O. Leggett, Jr.		Son	12-22-1952	Same
Sylvia M. Leggett		Daughter	8-16-1954	Same

Upon approval of this plan, or a revision thereof, by the Secretary of the Interior and acceptance by a majority of the adult Indian distributees, as provided in Section 2(b) of Public Law 85-671, the distributees and the dependent members of their immediate families listed in the plan shall be the final list of Indians entitled to participate in the distribution of the assets of the Auburn Rancheria and the rights or beneficial interest in the property of each person whose names appears in this list shall constitute personal property which may be inherited or bequeathed but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such property.

After the assets of the Auburn Rancheria have been distributed pursuant to this plan and Public Law 85-671, the Indians who receive any part of such assets and the dependent members of their immediate families shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians. All statutes of the United States which affect Indians because of their status as Indians shall not

apply to them and the laws of the several states shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in this plan, however, shall affect the status of such persons as citizens of the United States.

All provisions of Public Law 85-671 shall be applicable in the execution of this plan and general notice of the contents shall be given by posting a copy of the plan in the post office at Auburn, Placer County, California, by posting a copy in a prominent place on the Auburn Rancheria, by mailing a copy to each individual family head participating in the plan and by mailing a copy to any person who advises the Sacramento Area Office that they feel that they may have a material interest in the plan.

This plan was prepared by the Area Director, Bureau of Indian Affairs, Sacramento Area Office, pursuant to the authority delegated on February 26, 1959, and after consultation with the Indians of the Auburn Rancheria.

Approved, with authority retained to revise or change if appeals are received within 30 days after general notice to this plan is given.

/s/ H. REX LEE

Date June 19, 1959

Final Approval given of the Commissioner of Indian Affairs on August 13, 1959.

Accepted by distributees in a referendum by vote of 19 for and 1 against.

Effective date of plan is August 28, 1959.

## AUBURN RANCHERIA

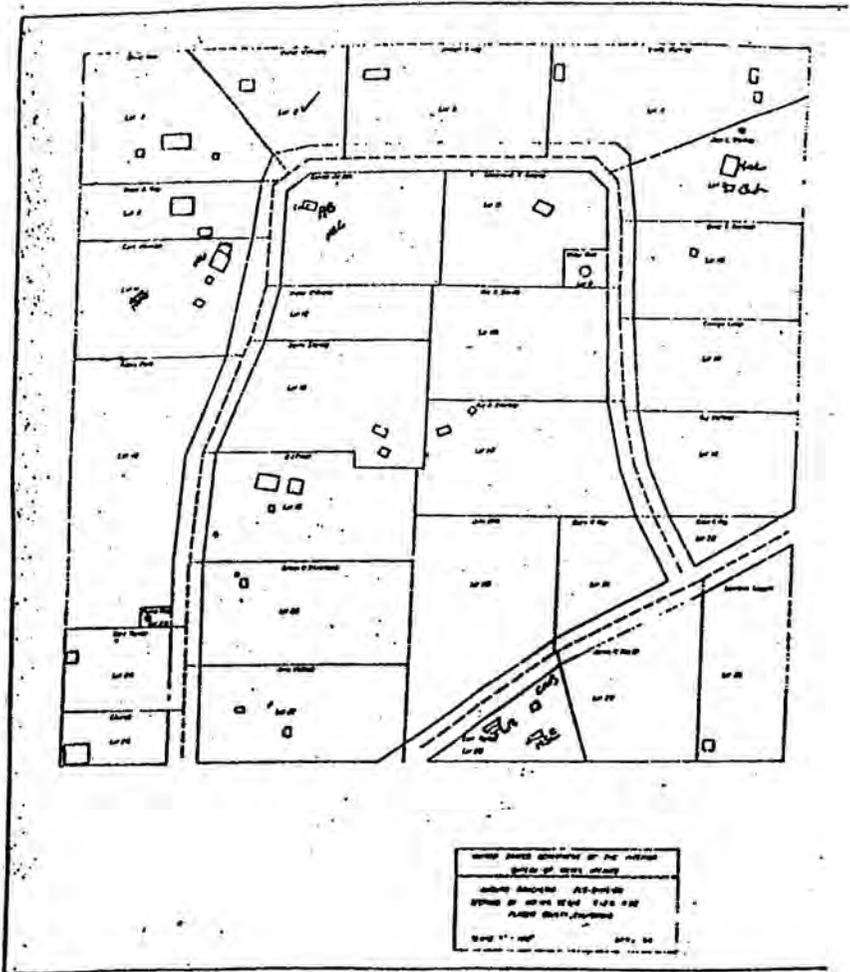
## LEGAL DESCRIPTION

All those certain lots, pieces or parcels of land, situate, lying and being in the County of Placer, State of California, and bounded and particularly described as follows, to wit:

The E1/2 NW1/4 of the SE1/4 of Section 21, T.12N, R.8E.,  
M.D.B. & M.

and

The W1/2 NW1/4 SE1/4 of Section 21, T.12N, R.8E., M.D.B.  
Subject to such rights-of-way, easements, restrictions and/or reservations that are as of this date a matter of record.



AUBURN RANCHERIASIZE AND LOCATION

The Auburn Rancheria, 40 acres, is located in Placer County, California.

DESCRIPTION

- Tract 1: E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 21, T. 12 N., R. 8 E., Mount Diablo Meridian, California.  
 Tract 2: W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 21, T. 12 N., R. 8 E., Mount Diablo Meridian, California.

ESTABLISHED BY

- Tract 1: Purchased under authority of the Act of June 30, 1913 (38 Stat. 77, 86).  
 Tract 2: Purchased under authority of the Act of November 1, 1951 (65 Stat. 742)

TITLE DOCUMENT

- Tract 1: Deed dated January 14, 1916  
 Tract 2: Deed dated February 6, 1952

GRANTOR

- Tract 1: John Chas. Adams  
 Tract 2: Louis F. Klumpp, et al.

GRANTEE

- Tract 1: United States of America  
 Tract 2: United States of America in trust for the use of the Indians of the Auburn Rancheria.

HISTORY

The Indians of the Auburn Rancheria voted, June 14, 1935, to reject the Indian Reorganization Act of June 18, 1934. They do not have a constitution or charter. A survey map was prepared and filed in the records of Placer County on December 21, 1960 in Book 1 of Surveys at page 85. This survey was used as a basis for issuance of deeds to the distributees.

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organize  
index  
JPT

AUBURN RANCHERIA

<u>Parcel No.</u>	<u>Original Distributee</u>	<u>Deed Delivered</u>
1	Cleve Ray	April 10, 1961
2	Victor Williams	April 10, 1961
3	Joseph Wiley	April 10, 1961
4	Viola Murray	April 10, 1961
5	Jack T. Starkey	April 10, 1961
6	Cecil R. Ray	April 10, 1961
7	Eunice Jordon	April 10, 1961
8	Cleveland R. Adams	April 10, 1961
9	White Oak Ridge Association	December 6, 1961
0	Dolly S. Suehead	April 10, 1961
11	Carl Monan	April 10, 1961
12	Victor Williams	April 10, 1961
13	Ray A. Smith	April 10, 1961
14	Carolyn Camp	April 10, 1961
15	White Oak Ridge Association	December 6, 1961
16	Myrtle Starkey	April 11, 1961
17	Wilford Starkey & Ruth Starkey Caesar	December 6, 1961
18	Guy Wallace	April 11, 1961
19	B. J. Frost	April 10, 1961
20	John Hill	December 6, 1961
21	Cecil R. Ray	April 10, 1961
22	Cecil R. Ray	April 10, 1961
23	Aileen W. Whitehouse	April 10, 1961
24	Earl L. Taylor	April 10, 1961

Auburn Rancheria

2

<u>Parcel No.</u>	<u>Original Distributee</u>	<u>Deed Delivered</u>
25	White Oak Ridge Association	December 6, 1961
26	White Oak Ridge Association	December 6, 1961
27	Alvin Wallace	April 11, 1961
28	Earl L. Taylor	April 10, 1961
29	James M. Ray, Sr.	April 10, 1961
30	Lawrence Leggett	April 10, 1961

AUBURN RANCHERIA

<u>Parcel No.</u>	<u>Ownership as of April 18, 1976</u>
1	*Cleve Ray Agreement Assignment of Rents - Bank of California
2	*Victor Williams Deed of Trust - Frontier S & L Assoc., \$1,800
3	Victor E. Williams & Agnes V. Williams Deed of Trust - Georgia D. Cobb, \$1,700
4	Elizabeth & Dalbert Castro
5	*Jack T. & Dearstine Starkey
6	*Cecil R. & Violet Ray Deed of Trust - West Coast Savings, \$11,100
7	*Eunice Jordan
8	Avery & Myrtle L. Grace
9	*White Oak Ridge Association
10	*Portion #1 - Dolly S. Suehead Portion #2 - Dept. of Veterans Affairs, State of California
11	*Carl Homan
12	*Victor Williams
13	Jack T. & Dearstine Starkey
14	Portion #1 - Stanley L. & Shirley Ann Meeks Portion #2 - Leo & Tonita A. Brisse Deed of Trust - Edward & Maurine W. Wagner, \$3,500
15	*White Oak Ridge Association
16	*Myrtle Starkey Deed of Trust - Beneficial Thrift Co., \$5,472
17	*Wilford Starkey & Ruth Starkey Caesar
18	Basilio & Orsalina Procissi
19	*B. J. Frost

Auburn Rancheria

2

<u>Parcel No.</u>	<u>Ownership as of April 18, 1976</u>
20	Basilio & Orsaline Procissi
21	Leroy & Irene Ray Auburn Rancheria Subdivision
22	*Cecil R. & Violet Ray Auburn Rancheria Subdivision
23	Basilio & Orsaline Procissi Auburn Rancheria Subdivision
24	Arthur F. & Dorothy H. Marquet Auburn Rancheria Subdivision
25	*White Oak Ridge Association Auburn Rancheria Subdivision
26	*White Oak Ridge Association Auburn Rancheria Subdivision
27	Basilio & Orsaline Procissi Auburn Rancheria Subdivision
28	Arthur F. & Dorothy H. Marquet Auburn Rancheria Subdivision
29	*James H. Rey, Sr. Auburn Rancheria Subdivision
30	Dennis Robert & Elizabeth A. Zinda Auburn Rancheria Subdivision

\*Original Distributee

Encumbrances shown on 2nd line

APPENDIX C

UNITED AUBURN INDIAN COMMUNITY GENEALOGICAL CHARTS

Certified by the Bureau of Indian Affairs

Completed List of Auburn Rancheria Members Family-Trees & CDIB'S

- |   |                              |
|---|------------------------------|
| 1. Camp, James                              | 4. Camp, Preston Corral      |
| 2. Camp, Michael                            | 5. Camp, Thomas J.           |
| 3. Camp, Mona Carolyn                       |                              |
| =====                                       |                              |
| 6. Cayton, Amanda Dawn                      | 11. Cayton, Luther E.        |
| 7. Cayton, Gabriel Adam                     | 12. Cayton, Robert Lynn      |
| 8. Cayton, Garron P.                        | 13. Cayton, Robin Dawn       |
| 9. Cayton, Jaimy Lynn                       | 14. Cayton, Timothy B.       |
| 10. Cayton, Jeromey Robert                  |                              |
| =====                                       |                              |
| 15. Cooper, Fernando Jose                   | 17. Cooper, Thomas Craig     |
| 16. Cooper, Jessica (Camp) REY              |                              |
| =====                                       |                              |
| 18. Du Bach, Kimberly Ann (Rey)             |                              |
| =====                                       |                              |
| 19. Greeley, Maxine (Taylor)                |                              |
| =====                                       |                              |
| 20. Hughes, Monica Eryn (Rey)               |                              |
| =====                                       |                              |
| 21. Keyser, David Mitchell                  | 23. Keyser, Monica (Starkey) |
| 22. Keyser, Donald Wayne                    |                              |
| =====                                       |                              |
| 24. Martinez, Carloyn Ann                   |                              |
| =====                                       |                              |
| 25. Noman, Calvin Clyde                     | 27. Noman, Jeffery Deloy     |
| 26. Noman, Carl                             | 28. Noman, Patricia Leanne   |
| =====                                       |                              |
| 29. Ramos, Cecilia Sylvia (Rey)             |                              |
| =====                                       |                              |
| 30. Rey, Alan Morgan                        | 37. Rey, Leroy Noman         |
| 31. Rey, Cecil B.                           | 38. Rey, Linda Jean          |
| 32. Rey, Danny                              | 39. Rey, Lorraine I.         |
| 33. Rey, Donald Stanley Jr.                 | 40. Rey, Richard Ralph       |
| 34. Rey, Douglas R.                         | 41. Rey, Robert L.           |
| 35. Rey, James Nathan II                    | 42. Rey, Susan Darlene       |
| 36. Rey, James Nathan III                   | 43. Rey, Violet (Noman)      |
| =====                                       |                              |
| 44. Starkey, Dearstine (Sushead)            | 46. Starkey, Sam             |
| 45. Starkey, Harold                         |                              |
| =====                                       |                              |
| 47. Sturgeon, Geniveve Rose (Taylor) CAYTON |                              |
| =====                                       |                              |
| 48. Suehead, Dolly (Starkey)                | 51. Suehead, John Oliver     |
| 49. Suehead, Elvira J.                      | 52. Suehead, William W.      |
| 50. Suehead, Jerry G.                       |                              |
| =====                                       |                              |
| 53. Taylor, Audrey L. (Rey)                 |                              |
| 54. Taylor, Earl Louis                      |                              |
| =====                                       |                              |
| 55. Young, James Edward Jr.                 |                              |

More information needed on individuals listed below, as well as State Certified Birth Certificates for further research.

---

Cooper, Sheila J.	DOB:	Maiden Name:
Beddo, Angelina	DOB:	Maiden Name:
Stewart, Tracy	DOB:	Maiden Name:
Cordero, Keri L.	DOB:	Maiden Name:
Ramos, James Edward	DOB:	
Ramos, Teri Lee	DOB:	Maiden Name:
Keyser, Kelley	DOB:	Maiden Name:
Delgado, Sandra	DOB:	Maiden Name:
Cayton, Stephen P.	DOB:	



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 17 1993

Tribal Operations

TO WHOM IT MAY CONCERN:

This is to certify that James Camp, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 9667, date of birth January 2, 1954.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show his/her to be the son of Caroline (Starkey) Camp, 5/8 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/16 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Bradford  
 Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4908

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

**TO WHOM IT MAY CONCERN:**

This is to certify that Michael Camp, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 9657, date of birth December 23, 1954.

Information: as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son

of Caroline (Starkey) Camp, 5/8 Miwok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/16 Miwok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brafford  
 Superintendent



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 17 1993

Tribal Operations

TO WHOM IT MAY CONCERN:

Applicant, Mona Carolyn Camp  
 born June 15, 1970, is identified to be the daughter of  
Marcia J. Camp, 5/16 Mivok

Based on the stated relationship and the information shown  
 in the records in this office, the applicant's degree of  
 Indian blood is computed to be 5/32 Mivok

**Please Note:** The 1972 Judgment Roll is only considered as a  
 payment list and inclusion on the payment list does not denote  
 tribal membership nor does the possession of California Indian  
 blood necessarily entitle the above named person to BIA benefits.

Sincerely,

Harold M. Brafford  
 Superintendent



## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

(IN REPLY REFER TO)

Tribal Operations

NOV 17 1993

**TO WHOM IT MAY CONCERN:**

This is to certify that Preston Corral Camp, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 9663, date of birth April 25, 1945.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son of Caroline (Starkey) Camp, 5/8 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/16 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brefford  
Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4508

(IN REPLY REFER TO)

NOV 17 1993

Tribal Operations

**TO WHOM IT MAY CONCERN:**

This is to certify that Thomas J. Camp, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 9665, date of birth June 9, 1950.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son of Caroline (Starkey) Camp, 5/8 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/16 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4908

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

Applicant, Amenda Dawn Cayton  
 born May 15, 1982, is identified to be the daughter of  
Timothy B. Cayton, 5/16 Miwok

Based on the stated relationship and the information shown  
 in the records in this office, the applicant's degree of  
 Indian blood is computed to be 5/32 Miwok

**Please Note:** The 1972 Judgment Roll is only considered as a  
 payment list and inclusion on the payment list does not denote  
 tribal membership nor does the possession of California Indian  
 blood necessarily entitle the above named person to BIA benefits.

Sincerely,

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

Applicant, Gabriel Adew Cayton  
born January 5, 1990, is identified to be the son of  
Robert Lynn Cayton, 5/16 Miwok

Based on the stated relationship and the information shown  
in the records in this office, the applicant's degree of  
Indian blood is computed to be 5/32 Miwok

**Please Note:** The 1972 Judgment Roll is only considered as a  
payment list and inclusion on the payment list does not denote  
tribal membership nor does the possession of California Indian  
blood necessarily entitle the above named person to BIA benefits.

Sincerely,

*Harold M. Brafford*  
Harold M. Brafford  
Superintendent



## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

This is to certify that Gerron P. Cayton, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 11172, date of birth September 18, 1959.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son

of Genevieve R. (Taylor) Cayton Sturgeon, 5/8 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/16 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Brafford*  
Harold M. Brafford  
Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO

NOV 17 1993

Tribal Operations

TO WHOM IT MAY CONCERN:

Applicant, Jamie Lynn Cayton  
born July 5, 1979, is identified to be the daughter of  
Robert Lynn Cayton, 5/16 Miwok

Based on the stated relationship and the information shown  
in the records in this office, the applicant's degree of  
Indian blood is computed to be 5/32 Miwok

**Please Note:** The 1972 Judgment Roll is only considered as a  
payment list and inclusion on the payment list does not denote  
tribal membership nor does the possession of California Indian  
blood necessarily entitle the above named person to BIA benefits.

Sincerely,

Harold M. Brafford  
Superintendent



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4908

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

Applicant, Jeromey Robert Cayton  
 born July 27, 1974, is identified to be the son of  
Robert Lynn Cayton, 5/16 Mivok

Based on the stated relationship and the information shown  
 in the records in this office, the applicant's degree of  
 Indian blood is computed to be 5/32 Mivok

**Please Note:** The 1972 Judgment Roll is only considered as a  
 payment list and inclusion on the payment list does not denote  
 tribal membership nor does the possession of California Indian  
 blood necessarily entitle the above named person to BIA benefits.

Sincerely,

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent



## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 17 1993

Tribal Operations

**TO WHOM IT MAY CONCERN:**

This is to certify that Luther E. Cayton, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 868 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 11174, date of birth October 20, 1963.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son

of Genevieve R. (Taylor) Cayton Sturgeon, 5/8 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/16 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brafford  
Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO

NOV 17 1993

Tribal Operations

TO WHOM IT MAY CONCERN:

This is to certify that Robert Lynn Cayton, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 11175, date of birth November 20, 1955.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show his/her to be the son of Genevieve R. (Taylor) Cayton Sturgeon, 5/8 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/16 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent



## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 17 1993

Tribal Operations

TO WHOM IT MAY CONCERN:

This is to certify that Robin Dawn Cayton, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 11176, date of birth March 18, 1962.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the

daughter of Genevieve R. (Taylor) Cayton Sturgeon, 5/8 Mivok.

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/16 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Braddon*  
Harold M. Braddon  
Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

**TO WHOM IT MAY CONCERN:**

This is to certify that Timothy B. Cayton, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 11177, date of birth January 17, 1961.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son of Genevieve R. (Taylor) Cayton Sturgeon, 5/8 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/16 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Brafford*  
Harold M. Brafford  
Superintendent



## United States Department of the Interior

BUREAU INDIAN AFFAIRS  
CENTRAL CALIFORNIA AGENCY  
1824 TRIBUTE ROAD, SUITE J  
SACRAMENTO, CA 95815-4108



IN REPLY REFER TO:

NOV 17 1993

Tribal Operations

## TO WHOM IT MAY CONCERN:

This is to certify that Fernando Jose Cooper, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 13361, date of birth July 28, 1941.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son

of Thomas Cooper (AKA: Thomas Beefe), 7/8 Pomo/Nomelaki And Eunice (Key) Cooper Jordan, 3/4 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 13/16 Mivok/Pomo/Nomelaki.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Brafford*  
Harold M. Brafford  
Superintendent



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

This is to certify that Jessica (Camp) Rey Cooper, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 52645, date of birth April 25, 1949.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the

daughter of Caroline (Starkey) Camp, 5/8 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/16 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brafford  
 Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

This is to certify that Thomas Craig Cooper, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 13404, date of birth August 19, 1940.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son

of Thomas Cooper (AKA: Thomas Beefe), 7/8 Pomo/Nomelaki And Eunice (Rey) Cooper Jordan, 3/4 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 13/16 Mivok/Pomo/Nomelaki.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Bradford  
 Superintendent



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

Applicant, Kimberly Ann (Rey) Du Bach  
 born August 28, 1971, is identified to be the daughter of  
Susan Darlene Rey, 21/32 Mivok

Based on the stated relationship and the information shown  
 in the records in this office, the applicant's degree of  
 Indian blood is computed to be 21/64 Mivok

Please Note: The 1972 Judgment Roll is only considered as a  
 payment list and inclusion on the payment list does not denote  
 tribal membership nor does the possession of California Indian  
 blood necessarily entitle the above named person to BIA benefits.

Sincerely,

*Harold M. Brafford*

Harold M. Brafford  
 Superintendent



## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO

NOV 17 1993

Tribal Operations

TO WHOM IT MAY CONCERN:

This is to certify that Maxine M. (Taylor) Greeley, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 24742, date of birth December 30, 1936.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the

daughter of Earl Louis Taylor, 1/2 Mivok And  
Audrey L. (Rey) Taylor, 3/4 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/8 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brafford  
Superintendent



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

Applicant, Monica Eryn (Rey) Hughes  
 born July 8, 1971, is identified to be the daughter of  
James Nathan Rey, II 21/32 Miwok

Based on the stated relationship and the information shown  
 in the records in this office, the applicant's degree of  
 Indian blood is computed to be 21/64 Miwok

**Please Note:** The 1972 Judgment Roll is only considered as a  
 payment list and inclusion on the payment list does not denote  
 tribal membership nor does the possession of California Indian  
 blood necessarily entitle the above named person to BIA benefits.

Sincerely,

*Harold M. Bruff*  
 Harold M. Bruff  
 Superintendent



## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 17 1993

Tribal Operations

TO WHOM IT MAY CONCERN:

This is to certify that David Mitchell Keyser, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 32799, date of birth April 22, 1965.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son of Monica (Starkey) Keyser, 5/8 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/16 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brafford  
Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 17 1993

Tribal Operations

TO WHOM IT MAY CONCERN:

This is to certify that Donald Wayne Keyser, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 32800, date of birth January 17, 1964.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son

of Monica (Starkey) Keyser, 5/8 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/16 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brafford  
 Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4508

IN REPLY REFER TO

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

This is to certify that Monica (Starkey) Keyser, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 32801, date of birth May 16, 1933.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the

daughter of Jack T. Starkey, 1/2 Mivok &  
Dearstine (Suehead) Starkey, 3/4 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/8 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

This is to certify that Carolyn Ann (Rey) Martinez, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 52642, date of birth March 28, 1944.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show his/her to be the

daughter of Cecil B. Rey, 3/4 Mivok And Violet (Moman) Rey, 3/4 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 3/4 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Bradford  
 Superintendent



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4508

IN REPLY REFER TO

NOV 17 1993

Tribal Operations

TO WHOM IT MAY CONCERN:

Applicant, Calvin Clyde Moman  
 born October 27, 1974, is identified to be the son of  
Carl Moman, 3/4 Miwok And  
Clara Ann (Prout) Moman, 7/8 Miwok/Maidu

Based on the stated relationship and the information shown  
 in the records in this office, the applicant's degree of  
 Indian blood is computed to be 13/16 Miwok/Maidu

**Please Note:** The 1972 Judgment Roll is only considered as a  
 payment list and inclusion on the payment list does not denote  
 tribal membership nor does the possession of California Indian  
 blood necessarily entitle the above named person to BIA benefits.

Sincerely,

*Harold M. Brefford*  
 Harold M. Brefford  
 Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4508

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

## TO WHOM IT MAY CONCERN:

This is to certify that Carl Moman, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 43198, date of birth May 1, 1915.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show his/her to be the son

of Comas Moman, 4/4 Miwok And  
Martha West, 1/2 Miwok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 3/4 Miwok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brafford  
 Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO

NOV 17 1993

Tribal Operations

TO WHOM IT MAY CONCERN:

Applicant, Jeffery Deloy Noman  
 born October 27, 1974, is identified to be the son of  
Carl Noman, 3/4 Mivok And  
Clara Ann (Prout) Noman, 7/8 Mivok/Maidu

Based on the stated relationship and the information shown  
 in the records in this office, the applicant's degree of  
 Indian blood is computed to be 13/16 Mivok/Maidu

**Please Note:** The 1972 Judgment Roll is only considered as a  
 payment list and inclusion on the payment list does not denote  
 tribal membership nor does the possession of California Indian  
 blood necessarily entitle the above named person to BIA benefits.

Sincerely,

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

Applicant, Patricis Leanne Noman  
 born December 4, 1973, is identified to be the daughter of  
Cari Noman, 3/4 Miwok And  
Clara Ann (Prout) Noman, 7/8 Miwok/Maidu

Based on the stated relationship and the information shown  
 in the records in this office, the applicant's degree of  
 Indian blood is computed to be 13/16 Miwok/Maidu

Please Note: The 1972 Judgment Roll is only considered as a  
 payment list and inclusion on the payment list does not denote  
 tribal membership nor does the possession of California Indian  
 blood necessarily entitle the above named person to BIA benefits.

Sincerely,

Harold M. Bradford  
 Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 17 1993

Tribal Operations

## TO WHOM IT MAY CONCERN:

This is to certify that Cecilia Sylvia (Rev) Ramos, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 51978, date of birth December 21, 1937.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the

daughter of Cecil B. Rev, 3/4 Mivok And  
Violet (Woman) Rev, 3/4 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 3/4 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

Applicant, Alan Morgan Rey  
 born February 6, 1972, is identified to be the son of  
Dwight Alan Rey, 3/4 Miwok And  
Ina Pauline (Starkey) Rey, 5/16 Miwok

Based on the stated relationship and the information shown  
 in the records in this office, the applicant's degree of  
 Indian blood is computed to be 17/32 Miwok

**Please Note:** The 1972 Judgment Roll is only considered as a  
 payment list and inclusion on the payment list does not denote  
 tribal membership nor does the possession of California Indian  
 blood necessarily entitle the above named person to BIA benefits.

Sincerely,

*Harold M. Bradford*  
 Harold M. Bradford  
 Superintendent



## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO

NOV 17 1993

Tribal Operations

**TO WHOM IT MAY CONCERN:**

This is to certify that Cecil B. Rey, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 52643, date of birth August 7, 1914.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son

of Cleve Rey, 1/2 Mivok And Josephine (Oliver) Rey, 4/4 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 3/4 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brafford  
Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

This is to certify that Denny Rey, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 52645, date of birth August 8, 1966.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son

of Donald Stanley Rey, 3/4 Mivok &  
Jessica Camp, 5/16 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 17/32 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Braddon*  
 Harold M. Braddon  
 Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4508

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

This is to certify that Donald Stanley Rey, Jr., is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 52646, date of birth July 29, 1965.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son

of Donald Stanley Rey, 3/4 Mivok &  
Jessica Camp, 5/16 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 17/32 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brafford  
 Superintendent



## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

This is to certify that Douglas R. Rey, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 52650, date of birth November 1, 1957.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show his/her to be the son

of James Nathan Rey, 9/16 Mivok & Lorriane I. Rey, 3/4 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 21/32 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brafford  
Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

This is to certify that James Nathan Rey II, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 52653, date of birth April 18, 1949.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son of James Nathan Rey, 9/16 Miwok & Lorraine I. Rey, 3/4 Miwok.

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 21/32 Miwok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

Applicant, James Nathan Rey, III  
 born April 14, 1973, is identified to be the son of  
James Nathan Rey, II 21/32 Miwok

Based on the stated relationship and the information shown  
 in the records in this office, the applicant's degree of  
 Indian blood is computed to be 21/64 Miwok

Please Note: The 1972 Judgment Roll is only considered as a  
 payment list and inclusion on the payment list does not denote  
 tribal membership nor does the possession of California Indian  
 blood necessarily entitle the above named person to BIA benefits.

Sincerely,

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent



## United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 17 1993

Tribal Operations

## TO WHOM IT MAY CONCERN:

This is to certify that Leroy Moman Rey, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 52656, date of birth October 18, 1940.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son

of Cecil B. Rey, 3/4 Mivok And  
Violet (Moman) Rey, 3/4 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 3/4 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Brafford*  
Harold M. Brafford  
Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 17 1993

Tribal Operations

**TO WHOM IT MAY CONCERN:**

This is to certify that Linda Jean Rey, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 52657, date of birth January 12, 1948.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the

daughter of Cecil B. Rey, 3/4 Miwok And Violet (Nowan) Rey, 3/4 Miwok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 3/4 Miwok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

This is to certify that Lorraine I. Rey, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 52658, date of birth August 24, 1923.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the

daughter of Cleve Rey, 1/2 Mivok And  
Josephine (Oliver) Rey, 4/4 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 3/4 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brafford  
 Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

(IN REPLY REFER TO)

NOV 17 1993

Tribal Operations

TO WHOM IT MAY CONCERN:

This is to certify that Richard Ralph Rey, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: S2660, date of birth May 10, 1942.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son

of Cecil B. Rey, 3/4 Mivok And Violet (Woman) Rey, 3/4 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 3/4 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Bradford*  
 Harold M. Bradford  
 Superintendent



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

This is to certify that Robert L. Rey, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 52661, date of birth April 21 1956.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son of James Mathan Rey, 9/16 Mivok & Lorriane I. Rey, 3/4 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 21/32 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brafford  
Superintendent



## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

This is to certify that Susan Darlene Rey, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 52663, date of birth June 3, 1948.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the

daughter of James Nathan Rey, 9/16 Mivok & Lorriane I. Rey, 3/4 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 21/32 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brafford  
Superintendent



## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 17 1993

Tribal Operations

TO WHOM IT MAY CONCERN:

This is to certify that Violet (Noman) Rey, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 52664, date of birth September 22, 1912.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the

daughter of Coses Noman, 4/4 Mivok And  
Martha West, 1/2 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 3/4 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Brafford*  
Harold M. Brafford  
Superintendent



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO

Tribal Operations

NOV 17 1993

**TO WHOM IT MAY CONCERN:**

This is to certify that Dearstine (Suehead) Starkey, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 60469, date of birth June 10, 1907.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son

of Frank Suehead, 4/4 Mivok And  
Cora (Rogers) Suehead 1/2 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 3/4 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Brafford*  
Harold M. Brafford  
Superintendent



## United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 17 1993

Tribal Operations

## TO WHOM IT MAY CONCERN:

This is to certify that Harold Starkey, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 60475, date of birth February 26, 1945.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show his/her to be the son

of Jack T. Starkey, 1/2 Mivok & Dearstine (Suehead) Starkey, 3/4 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/8 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brafford  
Superintendent



## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

(IN REPLY REFER TO)

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

This is to certify that Sas Starkey, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 60483, date of birth July 12, 1930.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son

of Jack T. Starkey, 1/2 Mivok & Dearstine (Suehead) Starkey, 3/4 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/8 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Bradford*  
Harold M. Bradford  
Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Central California Agency

1824 Tribute Road, Suite J

Sacramento, CA 95815-4508

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

This is to certify that Genevieve Rose (Taylor) Sturgeon, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 11173, date of birth March 13, 1935.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the

daughter of Earl Louis Taylor, 1/2 Miwok And  
Audrey L. (Rey) Taylor, 3/4 Miwok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/8 Miwok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brafford  
Superintendent



## United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO

NOV 17 1993

Tribal Operations

## TO WHOM IT MAY CONCERN:

This is to certify that Dolly (Starkey) Suehead, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 61333, date of birth January 5, 1928.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the

daughter of Jack I. Starkey, 1/2 Miwok & Dearstine (Suehead) Starkey, 3/4 Miwok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 5/8 Miwok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brafford  
Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

**TO WHOM IT MAY CONCERN:**

This is to certify that Elvira J. Suehead, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 61334, date of birth June 19, 1962.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the

daughter of Avery Jack Suehead, 3/4 Mivok/Maidu And Dolly (Starkey) Suehead, 5/8 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 11/16 Mivok/Maidu.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent



## United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4508

IN REPLY REFER TO:

Tribal Operations

NOV 17 1993

## TO WHOM IT MAY CONCERN:

This is to certify that Jerry G. Suehead, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 61414, date of birth June 5, 1949.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son

of Avery Jack Suehead, 3/4 Miwok/Maidu And Dolly (Starkey) Suehead, 5/8 Miwok

Based on the stated relationship and the information shown in records in this off/ice, the applicant's degree of Indian blood is computed to be 11/16 Miwok/Maidu.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Brifford*  
Harold M. Brifford  
Superintendent



## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO

NOV 17 1993

Tribal Operations

**TO WHOM IT MAY CONCERN:**

This is to certify that John Oliver Suehead, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 61342, date of birth September 29, 1957.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son

of Avery Jack Suehead, 3/4 Mivok/Maidu And Dolly (Starkey) Suehead, 5/8 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 11/16 Mivok/Maidu.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Brafford*  
Harold M. Brafford  
Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 17 1993

Tribal Operations

TO WHOM IT MAY CONCERN:

This is to certify that William W. Suehead, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 61351, date of birth May 15, 1952.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son

of Avery Jack Suehead, 3/4 Mivok/Maidu And Dolly (Starkey) Suehead, 5/8 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 11/16 Mivok/Maidu.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent



## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO:

Tribal Operations

TO WHOM IT MAY CONCERN:

This is to certify that Audrey L. (Rey) Taylor, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 61953, date of birth November 7, 1912.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the

daughter of Cleve Rey, 1/2 Miwok & Josephine Oliver, 4/4 Miwok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 3/4 Miwok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold H. Brafford*  
Harold H. Brafford  
Superintendent



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4908

IN REPLY REFER TO:

NOV 17 1993

Tribal Operations

TO WHOM IT MAY CONCERN:

This is to certify that Earl Louis Taylor, is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 61999, date of birth December 12, 1907.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show his/her to be the son

of Louis Taylor, 1/2 Mivok And  
Ellen (Daniels) Taylor, 1/2 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 1/2 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent



## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO

Tribal Operations

NOV 17 1993

TO WHOM IT MAY CONCERN:

This is to certify that James Edward Young, Jr., is enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll of California Indians, completed as of December 15, 1972, as enrollee number: 69616, date of birth July 18, 1958.

Information as to degree of Indian blood is not shown on this roll, however, other records in this office show him/her to be the son of Cecilia Sylvia Rey, 3/4 Mivok

Based on the stated relationship and the information shown in records in this office, the applicant's degree of Indian blood is computed to be 3/8 Mivok.

**PLEASE NOTE:** The 1972 Judgment Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person the BIA benefits.

Sincerely,

Harold M. Brafford  
Superintendent

I CERTIFY APPLICANT TO BE 5/32

DEGREE INDIAN BLOOD.

*Harold D. Steffen*  
 SUPERINTENDENT 11-17-83  
 DATE

A Notarized Paternity Statement is needed from Larry Roche so his degree of Indian Blood can be included on Mona's CDIB.

Larry Eugene Roche

Mona Carolyn Camp  
 DOB: June 15, 1970  
 Not-Enrolled  
 5/32 Miwok

Marcia J. Camp  
 DOB: June 9, 1950  
 72-RN: 9661  
 5/16 Miwok

(Non-Indian)  
 Herman Camp

Jack T. Starkey

DOB: December 28, 1902  
 28-RN: 18806  
 1/2 Miwok

Caroline (Starkey) Camp

DOB: January 18, 1925  
 28-RN: 18809  
 5/8 Miwok

Dearstine (Subhead) Starkey

DOB: June 10, 1907  
 28-RN: 18807  
 3/4 Miwok

John Starkey 1/2 Miwok

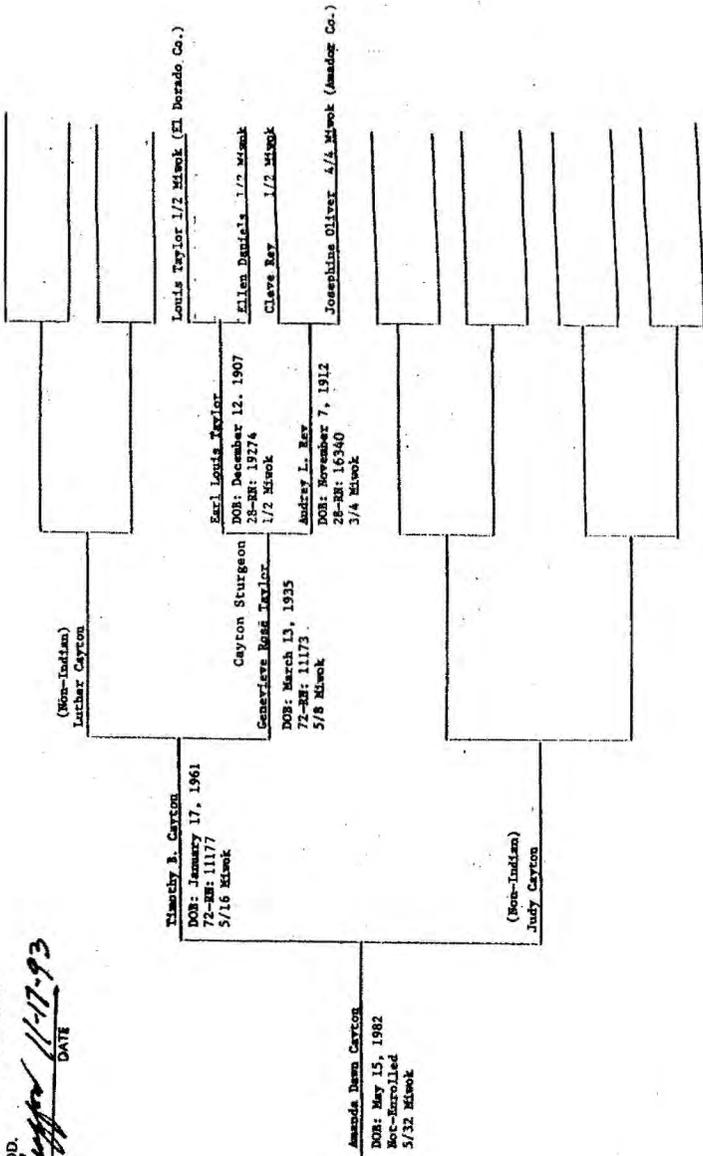
Ida P. Hill 1/2 Miwok

Frank Suehead 4/4 Miwok

Cora Rosers 1/2 Miwok



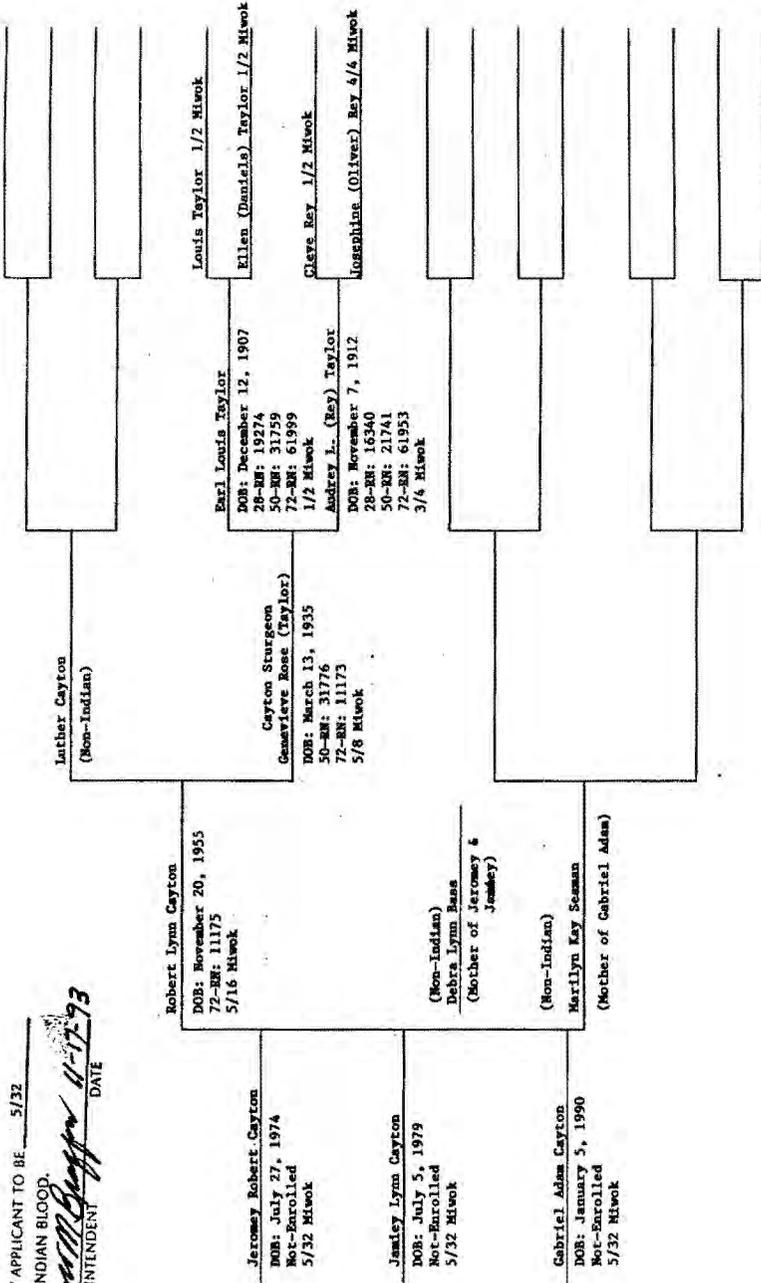
CERTIFY APPLICANT TO BE 5/32  
DEGREE INDIAN BLOOD.  
*Harold M. Bufford* 11-17-93  
SUPERINTENDENT DATE



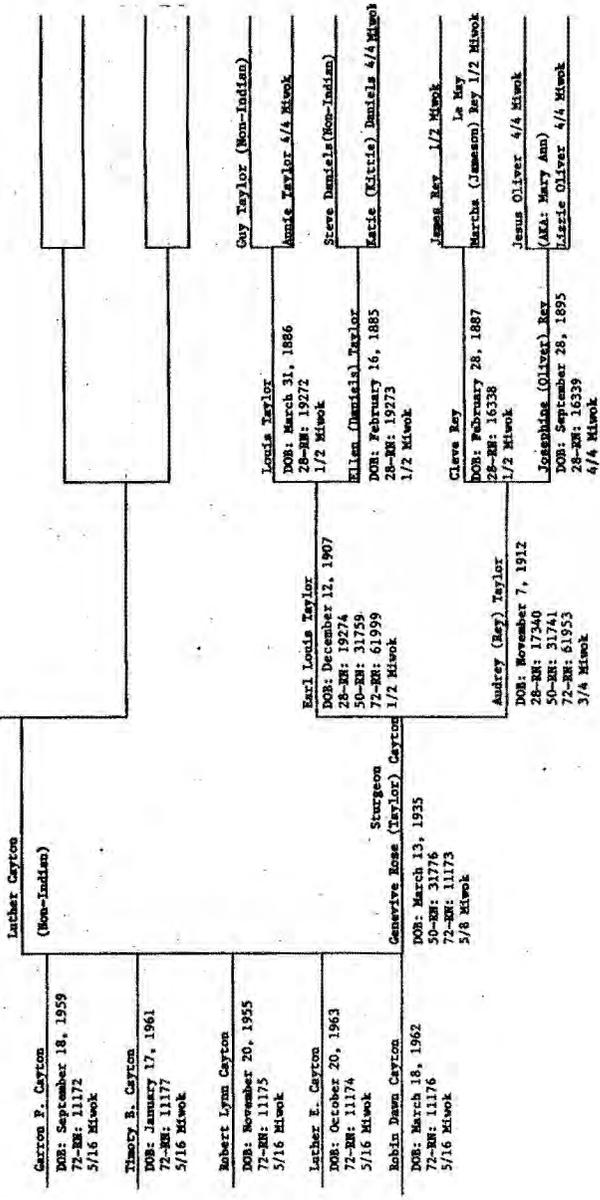
I CERTIFY APPLICANT TO BE 5/32

DEGREE INDIAN BLOOD.

*Hannah M. Gagnier* 11-17-93  
SUPERINTENDENT DATE



I CERTIFY APPLICANT TO BE 5/16  
 DECREE INDIAN BLOOD.  
*Harold M. Pappas* 11-17-93  
 SUPERINTENDENT DATE







I CERTIFY APPLICANT TO BE 5/8  
DEGREE INDIAN BLOOD.

*Harold M. Crawford*  
SUPERINTENDENT  
DATE 11-17-93

Earl Louis Taylor  
DOB: December 12, 1907  
28-RR: 19274  
50-RR: 31759  
72-RR: 61999  
1/2 Kiwok

Louis Taylor  
DOB: March 31, 1886  
28-RR: 19272  
1/2 Kiwok

Ellen (Daniels) Taylor  
DOB: February 16, 1885  
28-RR: 19273  
1/2 Kiwok

Guy Taylor  
(Non-Indian)

Annie Taylor  
4/4 Kiwok  
(El Dorado County)

Charles 4/4 Kiwok  
Sallie 4/4 Kiwok

Steve Daniels  
(Non-Indian)

Katie (Kittie) Daniels  
4/4 Kiwok

Cleve Ray  
DOB: February 28, 1887  
28-RR: 16338  
1/2 Kiwok

James Ray  
1/2 Kiwok  
Ambrose Ray (Non-Indian)  
Pauline Ray 4/4 Kiwok

Martha (Jansson) Ray  
DOB: January 17, 1869  
28-RR: 16352  
1/2 Kiwok

Jesus Oliver  
4/4 Kiwok

Josephine (Oliver) Ray  
DOB: September 28, 1895  
28-RR: 16339  
4/4 Kiwok

Charles 4/4 Kiwok  
Susie 4/4 Kiwok

Andrey L. (Ray) Taylor  
DOB: November 7, 1912  
28-RR: 16340  
50-RR: 31761  
72-RR: 61953  
3/4 Kiwok

Maxine M. (Oliver) Gressley  
DOB: December 30, 1936  
72-RR: 26742  
5/8 Kiwok

I CERTIFY APPLICANT TO BE 5/16

DEGREE INDIAN BLOOD.

*Harold M. Rogers*  
 SUPERINTENDENT DATE 11-17-73

(Non-Indian)  
 Donald E. Kaysar

David Mitchell Kaysar  
 DOB: April 22, 1965  
 72-RN: 32799  
 5/16 Miwok

Donald Wayne Kaysar  
 DOB: January 17, 1964  
 72-RN: 32800  
 5/16 Miwok

Jack T. Starkey  
 DOB: December 28, 1902  
 28-RN: 18806  
 1/2 Miwok

Monica (Starkey) Kaysar  
 DOB: May 16, 1933  
 72-RN: 32801  
 5/8 Miwok

John Starkey  
 DOB: July 21, 1868  
 28-RN: 18812  
 1/2 Miwok

Ida P. (Bell) Starkey  
 DOB: December 25, 1871  
 28-RN: 18001  
 1/2 Miwok

Frank Sushard  
 DOB: May 24, 1855  
 28-RN: 19096  
 4/4 Miwok

Dearestine (Sushard) Starkey  
 DOB: June 10, 1907  
 28-RN: 18807  
 3/4 Miwok

Cora (Rogers) Sushard  
 DOB: May 24, 1877  
 28-RN: 19097  
 1/2 Miwok

Austin Starkey (Non-Indian)

Jennie McNight 4/4 Miwok

Edward Hill (Non-Indian)

Sarah Hill 4/4 Miwok

"Name Unknown" 4/4 Miwok

Kab-Kan-Mah 4/4 Miwok (El Dorado Co)

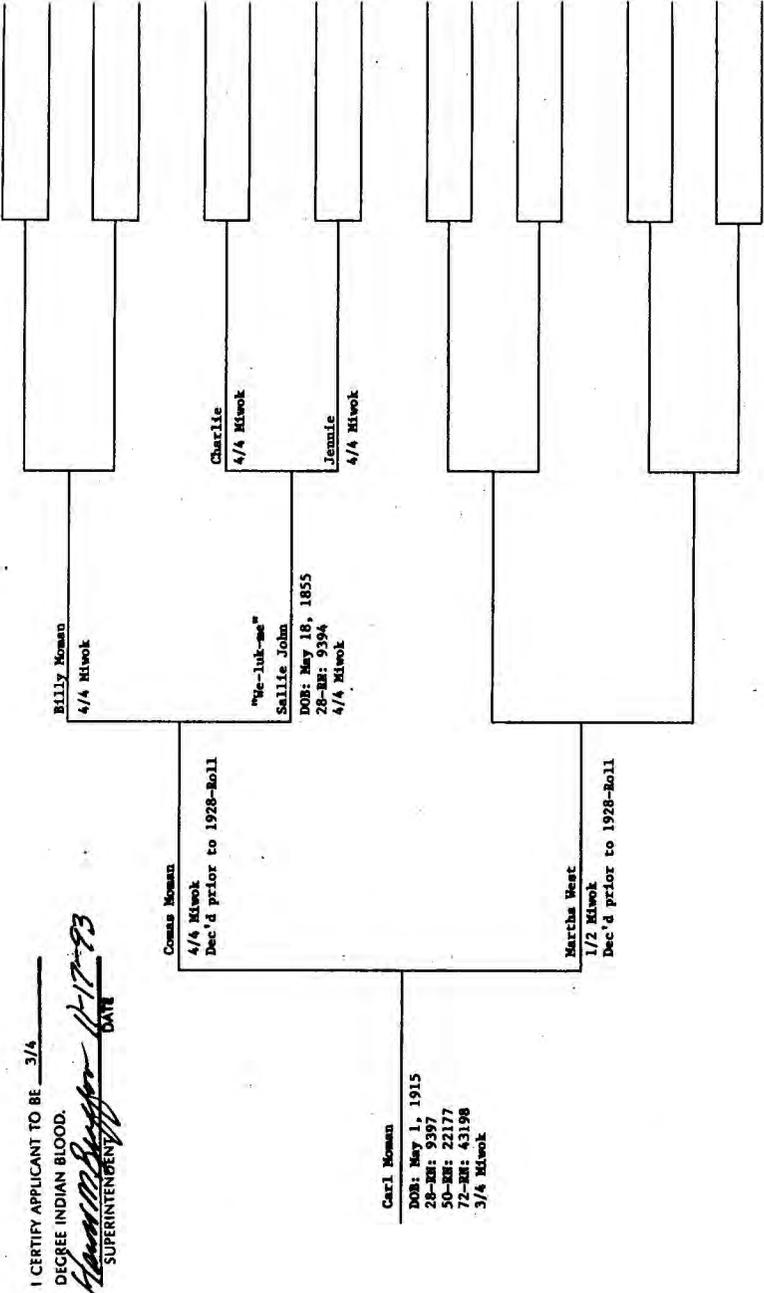
Frank Rogers (Non-Indian)

(AKA: Mary Ann) 4/4 Miwok  
 Lizzie Rogers

I CERTIFY APPLICANT TO BE 3/4

DEGREE INDIAN BLOOD.

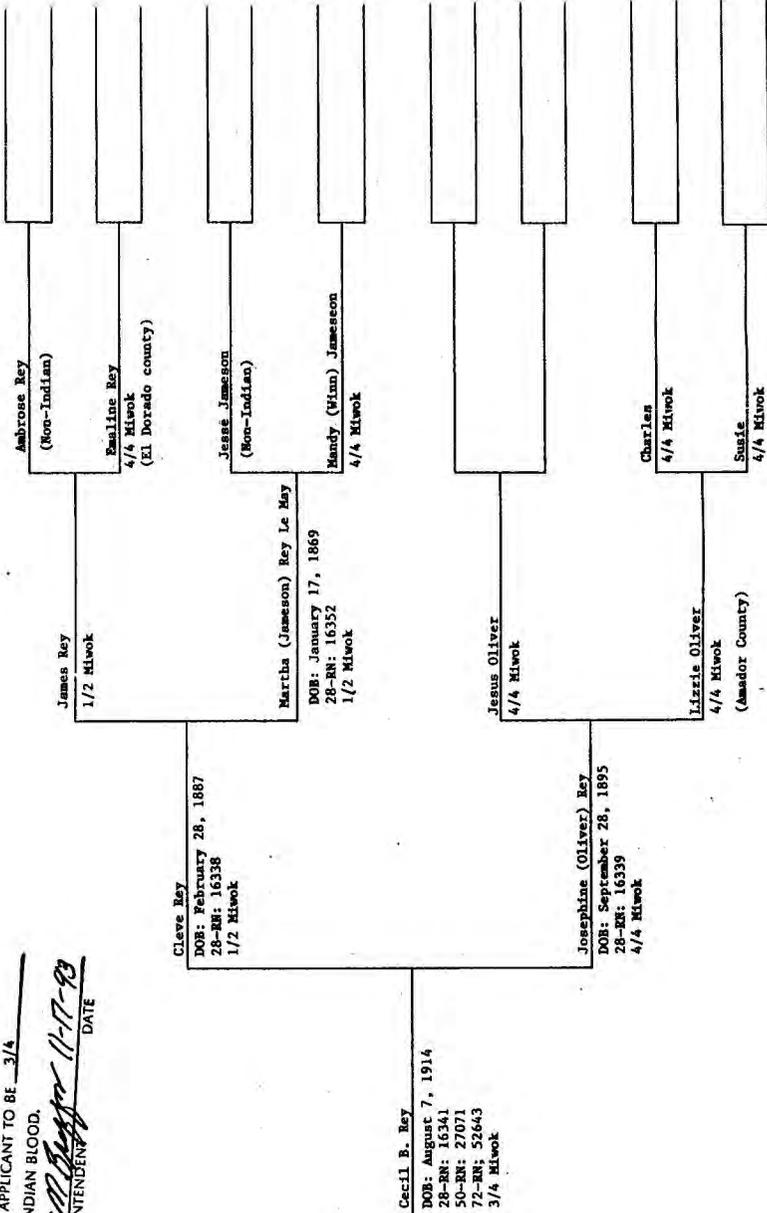
*Flora M. Saffner* 6-17-93  
SUPERINTENDENT DATE



I CERTIFY APPLICANT TO BE 13/16  
 DEGREE INDIAN BLOOD.  
Harold M. Rogers 11-17-93  
 SUPERINTENDENT DATE

<p>Carl Moman                  DOB: May 1, 1915                  28-RR: 9397                  50-RR: 22177                  72-RR: 43189                  Not-Enrolled                  3/4 Kiwok</p>	<p>Conna Moman                  4/4 Kiwok                  Dec'd prior to 1928-Roll</p>	<p>Billy Moman                  4/4 Kiwok</p>
<p>Patricia Leamos Moman                  DOB: December 4, 1974                  Not-Enrolled                  13/16 Kiwok/Maidu</p>	<p>Martha West                  1/2 Kiwok                  Dec'd prior to 1928-Roll</p>	<p>Sallie John                  DOB: May 8, 1855                  28-RR: 9394                  4/4 Kiwok</p>
<p>Jeffery DeJor Moman                  DOB: October 27, 1974                  Not-Enrolled                  13/16 Kiwok/Maidu</p>	<p>Clyde Prout, Sr.                  DOB: October 2, 1928                  72-RR: 51182                  7/8 Kiwok/Maidu</p>	<p>Est Front                  DOB: July 4, 1886                  28-RR: 15879                  50-RR: 26366                  4/4 Kiwok</p>
<p>Calvin Clyde Moman                  DOB: October 27, 1974                  Not-Enrolled                  13/16 Kiwok/Maidu</p>	<p>Clara Ann (Prout)                  DOB: March 8, 1953                  72-RR: 51180                  7/8 Kiwok/Maidu</p>	<p>Frank Suehead 4/4 Kiwok                  Cora (Rogers) Suehead 1/2 Kiwok</p>
<p>Arthur Brady Gilbert                  DOB: August 10, 1910                  28-RR: 6732                  50-RR: 11490                  4/4 Kiwok/Maidu                  Mattie (Suehead) Gilbert                  DOB: January 22, 1913                  28-RR: 6733                  3/4 Kiwok</p>	<p>Lola Patricia (Gilbert) Prout                  DOB: March 17, 1935                  50-RR: 11506                  72-RR: 51188                  7/8 Kiwok/Maidu</p>	<p>Erub Gilbert 4/4 (Navada Co.)                  Mary (Dick) Gilbert 4/4 Kiwok                  Frank Suehead 4/4 Kiwok                  Cora (Rogers) Suehead 1/2 Kiwok</p>
<p>Charlotte Front 4/4 Kiwok</p>	<p>Charlotte Front 4/4 Kiwok</p>	<p>Charlotte Front 4/4 Kiwok</p>

I CERTIFY APPLICANT TO BE 3/4  
 DEGREE INDIAN BLOOD.  
*Harold M. Rogers* 11-17-93  
 SUPERINTENDENT DATE



I CERTIFY APPLICANT TO BE 3/4  
 DECREE INDIAN BLOOD.  
*Heard M. Burgess* 11-17-93  
 SUPERINTENDENT DATE

Richard Ralph Ray DOB: May 10, 1942. 72-RN: 52660 3/4 Miwok	Cecil B. Ray DOB: August 7, 1914 28-RN: 16431 50-RN: 27071 72-RN: 52663 3/4 Miwok	Clave Ray DOB: February 28, 1887 28-RN: 16338 1/2 Miwok	James Ray 1/2 Miwok (El Dorado County)	Ambrose Ray (Non-Indian)
Leroy Roman Ray DOB: October 18, 1940 72-RN: 52656 3/4 Miwok	Josephine (Oliver) Ray DOB: September 28, 1895 28-RN: 16339 4/4 Miwok	Josephine (Oliver) Ray DOB: September 28, 1895 28-RN: 16339 4/4 Miwok	Jesus Oliver 4/4 Miwok	Emaline Ray 4/4 Miwok
Cecilia Sylvia (Ray) Ramos DOB: December 21, 1937 72-RN: 51939 3/4 Miwok	Comas Roman 4/4 Miwok Dec'd prior to 28-Roll	Josephine (Oliver) Ray DOB: September 28, 1895 28-RN: 16339 4/4 Miwok	Billy Roman 4/4 Miwok	Jesse Jameson (Non-Indian)
Linda Jean Ray DOB: January 12, 1960 72-RN: 52657 3/4 Miwok	Martha West 1/2 Miwok Dec'd prior to 28-Roll	Jesus Oliver 4/4 Miwok	Sallie John DOB: May 18, 1855 28-RN: 9393 4/4 Miwok (Amador Co.)	Mandy (Wim) Jameson 4/4 Miwok
Carolyn Ann (Ray) Martinez DOB: March 28, 1944 72-RN: 52642 3/4 Miwok	Violet (Roman) Ray DOB: September 22, 1912 28-RN: 9395 50-RN: 27091 72-RN: 52664 3/4 Miwok	Jesus Oliver 4/4 Miwok	Charlie 4/4 Miwok	

I CERTIFY APPLICANT TO BE: 21/64

DEGREE INDIAN BLOOD.

*Edward M. Buehler* 11-17-93  
SUPERINTENDENT DATE

James Rey 1/2 Miwok	Seymour Rey DOB: August 8, 1885 28-EM: 16351 1/2 Miwok	James Nathan Rey DOB: March 1, 1923 28-EM: 16355 9/16 Miwok	James Rey, II DOB: April 18, 1949 72-EM: 52653 21/32 Miwok	James Nathan Rey, III DOB: April 14, 1973 Not-Enrolled 21/64 Miwok
Martha (Jameson) Rey 1/2 Miwok	Angeline (Daniels) Rey DOB: October 27, 1902 28-EM: 16353 5/8 Miwok	Lorraine I. Rey DOB: August 34, 1924 28-EM: 16345 50-EM: 27081 72-EM: 52658 3/4 Miwok	Barbara Sue Smith (Non-Indian)	Monica Eryn (Rey) Hughes DOB: July 8, 1971 Not-Enrolled 21/64 Miwok
Louis Daniels 1/2 Miwok	Clara Rey DOB: February 28, 1887 28-EM: 16338 1/2 Miwok			
Mellie (Byland) Daniels 3/4 Miwok	Josephine (Oliver) Rey DOB: September 28, 1895 28-EM: 16339 4/4 Miwok			
James Rey 1/2 Miwok				
Martha (Jameson) Rey 1/2 Miwok				
Jesus Oliver 4/4 Miwok				
Lizzie Oliver 4/4 Miwok				

CERTIFY APPLICANT TO BE 3/4

DEGREE INDIAN BLOOD.

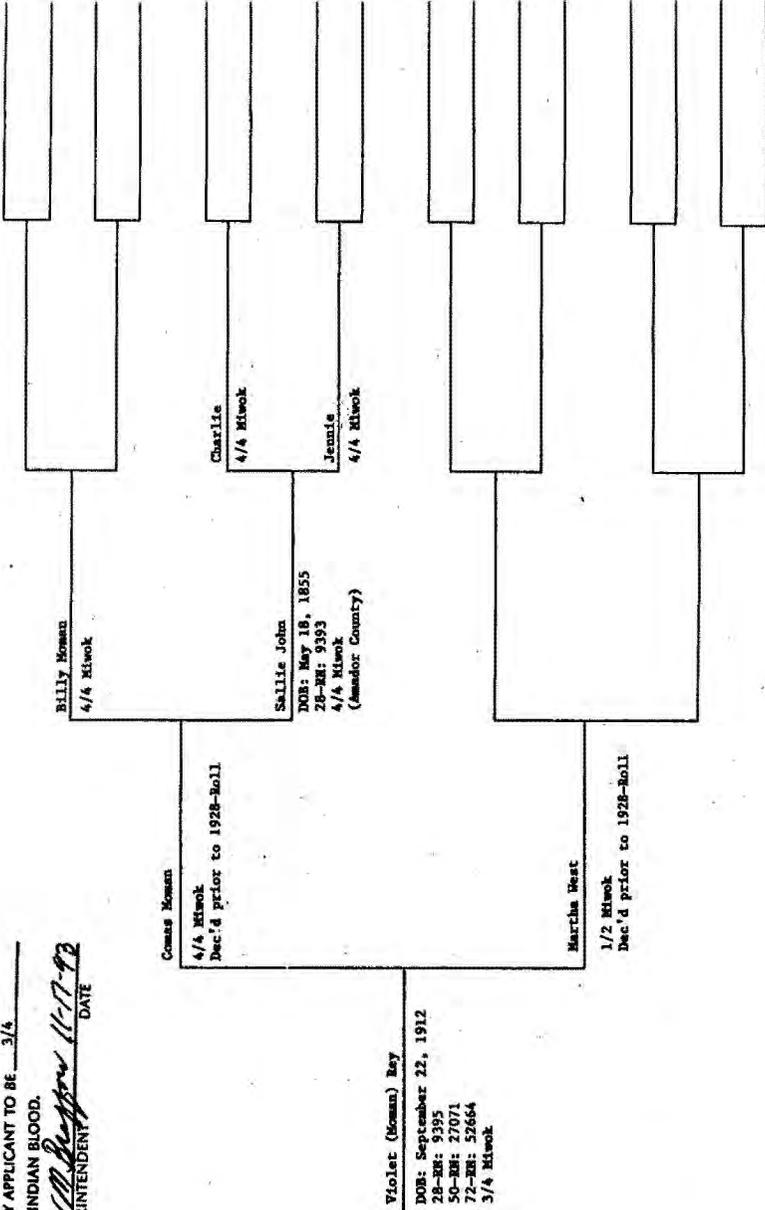
*Harold M. Buggen*  
 SUPERINTENDENT 11-12-99  
 DATE

<p><b>James Key</b>                  1/2 Miwok</p>	<p>(Non-Indian)                  Ambrose Key</p>
<p><b>Cleve Key</b>                  DOB: February 28, 1887                  28-EM: 16338                  1/2 Miwok</p>	<p><b>Emaline Key</b>                  4/4 Miwok (El Dorado Co.)</p>
<p><b>Lorraine I. Key</b>                  DOB: August 24, 1923                  28-EM: 16345                  50-EM: 27801                  72-EM: 52658                  3/4 Miwok</p>	<p>(Non-Indian)                  Jesse Jameson</p>
<p><b>Josephine (Oliver) Key</b>                  DOB: September 28, 1895                  28-EM: 16339                  4/4 Miwok</p>	<p><b>Martha (Jameson) Key Le Key</b>                  DOB: January 27, 1869                  28-EM: 16352                  1/2 Miwok</p>
<p><b>Jesus Oliver</b>                  4/4 Miwok</p>	<p><b>Handy (Winn) Jameson</b>                  4/4 Miwok (El Dorado Co.)</p>
<p><b>Lizzie Oliver</b>                  4/4 Miwok</p>	<p><b>Charles</b>                  4/4 Miwok (Asador Co.)</p>
<p><b>Susie</b>                  4/4 Miwok (Asador Co.)</p>	<p><b>Susie</b>                  4/4 Miwok (Asador Co.)</p>





I CERTIFY APPLICANT TO BE 3/4  
DEGREE INDIAN BLOOD.  
*Alfred M. Suggs* 11-17-92  
SUPERINTENDENT DATE



I CERTIFY APPLICANT TO BE \_\_\_\_\_ 21/32 \_\_\_\_\_

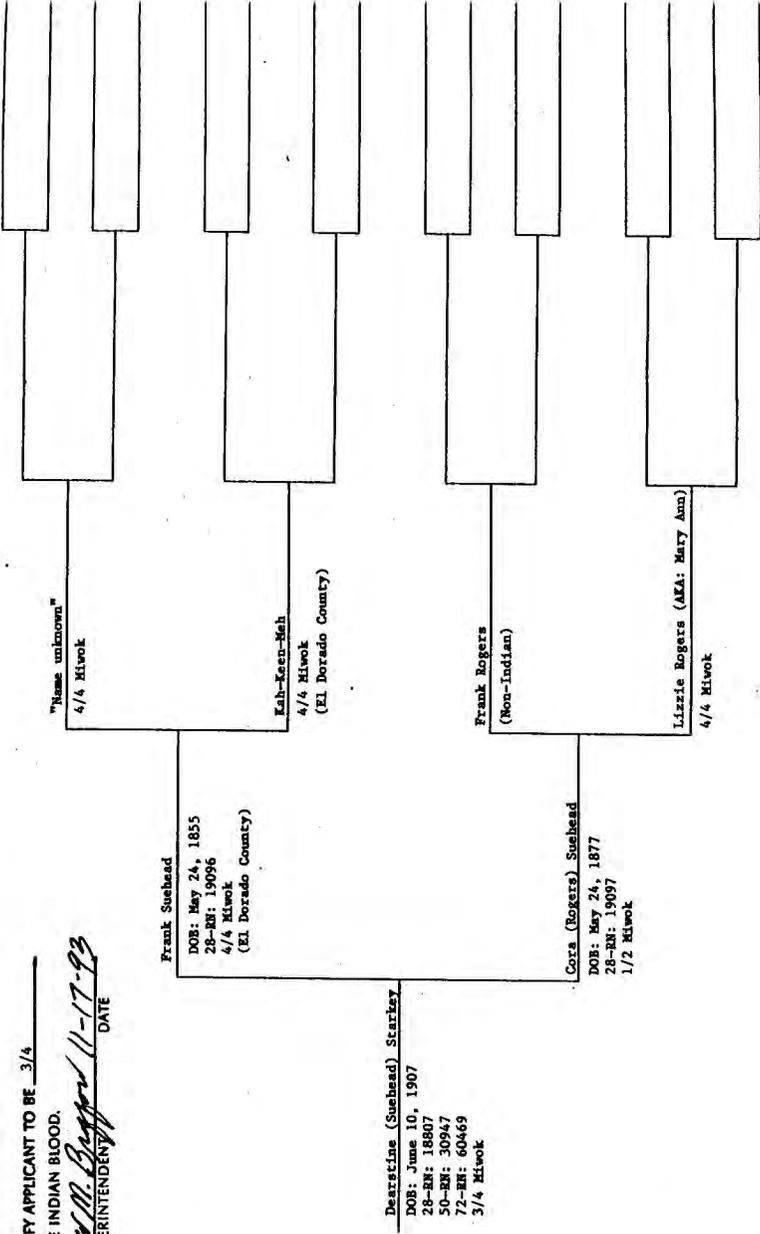
DEGREE INDIAN BLOOD

*Handwritten signature: Howard M. ...*

SUPERINTENDENT DATE

James Nathan Rey DOB: March 1, 1923 28-RN: 16335 50-RN: 27085 72-RN: 52652 9/16 Miwok	Sayreour Rey DOB: August 6, 1895 28-RN: 16331 1/2 Miwok	James Rey 1/2 Miwok (El Dorado County)	Ambrose Rey (Non-Indian) Emaline Rey 4/4 Miwok
James Nathan Rey II DOB: April 18, 1949 72-RN: 52653 21/32 Miwok	Angeline (Daniels) Rey DOB: October 27, 1902 28-RN: 16333 5/8 Miwok	Martha (Jamezon) Rey Is. May DOB: January 27, 1869 28-RN: 16352 1/2 Miwok (El Dorado County)	Jesse Jamezon (Non-Indian) Mandy (Winn) Jamezon 4/4 Miwok
Robert Lance Rey DOB: April 21, 1956 72-RN: 52661 21/32 Miwok	Josephine (Oliver) Rey DOB: September 28, 1895 28-RN: 16339 4/4 Miwok	Louis Daniels DOB: December 22, 1881 28-RN: 4335 1/2 Miwok	Steve Daniels (Non-Indian) Katie (Kistie) Daniels 4/4 Miwok
Susan Darlene Rey DOB: June 2, 1948 72-RN: 52663 21/32 Miwok	Cleve Rey DOB: February 28, 1887 28-RN: 16338 1/2 Miwok	Walls (Wright) Daniels 3/4 Miwok	George Byland 1/2 Miwok (Tom-A-Lak) Lola (Lola) Roberts Poland 4/4 Miwok
Douglas R. Rey DOB: November 1, 1957 72-RN: 52650 21/32 Miwok	Lorraine J. Rey DOB: August 24, 1923 28-RN: 16345 50-RN: 27801 72-RN: 52658 3/4 Miwok	James Rey 1/2 Miwok (El Dorado County)	Ambrose Rey (Non-Indian) Emaline Rey 4/4 Miwok
		Martha (Jamezon) Rey Is. May DOB: January 27, 1869 28-RN: 16352 1/2 Miwok (El Dorado County)	Jesse Jamezon (Non-Indian) Mandy (Winn) Jamezon 4/4 Miwok
		Jesus Oliver 4/4 Miwok	
		Lizzie Oliver 4/4 Miwok (Amador County)	Charles 4/4 Miwok Susie 4/4 Miwok

I CERTIFY APPLICANT TO BE 3/4  
DEGREE INDIAN BLOOD.  
Howard M. Rogers 11-17-93  
SUPERINTENDENT DATE



CERTIFY APPLICANT TO BE 5/8  
 DECREE INDIAN BLOOD.

*Howard M. Beatty* 11-17-93  
 SUPERINTENDENT DATE

<p>Sam Starkey                  DOB: July 12, 1930                  28-RN: 60483                  5/8 Miwok</p>	<p>John Starkey                  DOB: July 21, 1868                  28-RN: 18812                  1/2 Miwok</p>	<p>(Non-Indian)                  Austin Starkey</p>
<p>Harold Starkey                  DOB: February 26, 1945                  72-RN: 60475                  5/8 Miwok</p>	<p>John Starkey                  DOB: July 21, 1868                  28-RN: 18812                  1/2 Miwok</p>	<p>Jennie Mollmick                  4/4 Miwok</p>
<p>Monica (Starkey) Kevser                  DOB: May 16, 1933                  72-RN: 32801                  5/8 Miwok</p>	<p>John Starkey                  DOB: July 21, 1868                  28-RN: 18812                  1/2 Miwok</p>	<p>(Non-Indian)                  Edward Hill</p>
<p>Dolly (Starkey) Suehead                  DOB: January 5, 1928                  72-RN: 61333                  5/8 Miwok</p>	<p>John Starkey                  DOB: July 21, 1868                  28-RN: 18812                  1/2 Miwok</p>	<p>Sarah Hill                  4/4 Miwok</p>
<p>Jack T. Starkey                  DOB: December 28, 1902                  28-RN: 18806                  50-RN: 30955                  72-RN: 60478                  1/2 Miwok</p>	<p>John Starkey                  DOB: July 21, 1868                  28-RN: 18812                  1/2 Miwok</p>	<p>(Non-Indian)                  Edward Hill</p>
<p>Dearstine (Suehead) Starkey                  DOB: June 10, 1907                  28-RN: 18807                  50-RN: 30947                  72-RN: 60469                  3/4 Miwok</p>	<p>John Starkey                  DOB: July 21, 1868                  28-RN: 18812                  1/2 Miwok</p>	<p>(Non-Indian)                  Sarah Hill                  4/4 Miwok</p>
<p>Frank Suehead                  DOB: May 24, 1855                  28-RN: 19096                  4/4 Miwok</p>	<p>John Starkey                  DOB: July 21, 1868                  28-RN: 18812                  1/2 Miwok</p>	<p>"Name Unknown"                  4/4 Miwok</p>
<p>Frank Rogers                  DOB: May 24, 1877                  28-RN: 19097                  1/2 Miwok</p>	<p>John Starkey                  DOB: July 21, 1868                  28-RN: 18812                  1/2 Miwok</p>	<p>Kah-Keen-Meh                  4/4 Miwok                  (El Dorado County)</p>
<p>Cora (Rogers) Suehead                  DOB: May 24, 1877                  28-RN: 19097                  1/2 Miwok</p>	<p>John Starkey                  DOB: July 21, 1868                  28-RN: 18812                  1/2 Miwok</p>	<p>(Non-Indian)                  Frank Rogers                  (AKA: Mary Ann)                  Lizzie Rogers                  4/4 Miwok</p>

CERTIFY APPLICANT TO BE 5/8

INDIAN BLOOD.

*David M. Bufford* 11-17-93  
SUPERINTENDENT DATE

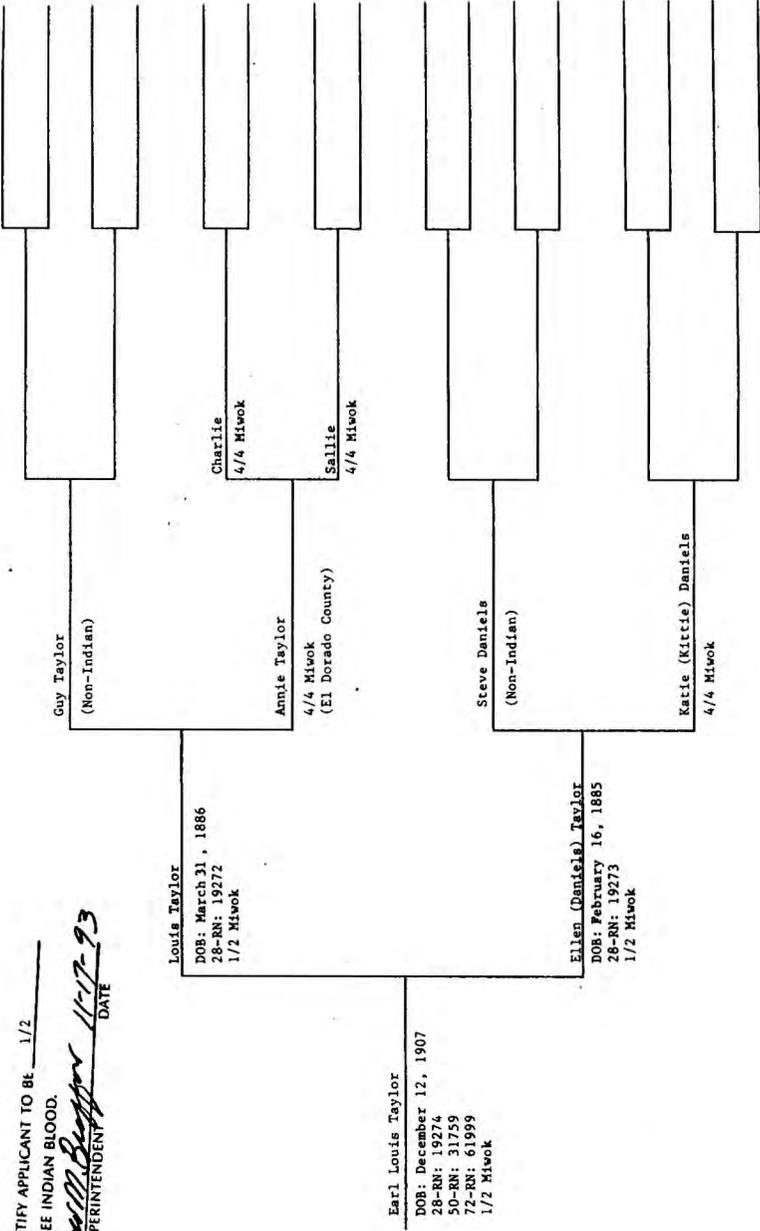
<p>Earl Louis Taylor DOB: December 12, 1907 28-RN: 19274 50-RN: 31759 72-RN: 61993 1/2 Miwok</p>	<p>Louis Taylor DOB: March 31, 1886 28-RN: 19272 1/2 Miwok</p>	<p>(Non-Indian) Guy Taylor</p>	<p>Charlie 4/4 Miwok</p>
<p>Genevieve Rose (Taylor) Capton Sturgeon DOB: March 13, 1935 72-RN: 11173 50-RN: 31776 5/8 Miwok</p>	<p>Ellen (Daniels) Taylor DOB: February 16, 1885 28-RN: 19273 1/2 Miwok</p>	<p>Amie Taylor 4/4 Miwok (El Dorado Co.)</p>	<p>Sallie 4/4 Miwok</p>
<p>Andray L. (Ray) Taylor DOB: November 7, 1912 28-RN: 17340 50-RN: 31741 72-RN: 61953 3/4 Miwok</p>	<p>Cleve Ray DOB: February 28, 1887 28-RN: 16338 1/2 Miwok</p>	<p>(Non-Indian) Steve Daniels</p>	<p>Ambrose Ray (Non-Indian)</p>
<p>Josephine (Oliver) Ray DOB: September 28, 1895 28-RN: 16339 4/4 Miwok</p>	<p>James Ray 1/2 Miwok</p>	<p>Martha (Jameson) Ray LeMay DOB: January 27, 1869 28-RN: 16352 1/2 Miwok</p>	<p>Dealline Ray 4/4 Miwok (El Dorado Co.) Jesse Jameson (Non-Indian) Mandy (Winn) Jameson 4/4 Miwok</p>
<p>Jesus Oliver 4/4 Miwok</p>	<p>Josephine (Oliver) Ray DOB: September 28, 1895 28-RN: 16339 4/4 Miwok</p>	<p>Lizzie Oliver 4/4 Miwok (Amador Co.)</p>	<p>Charles 4/4 Miwok Susie 4/4 Miwok</p>

I CERTIFY APPLICANT TO BE 11/16  
 DEGREE INDIAN BLOOD.  
 SUPERINTENDENT W. M. [Signature] 11-17-93  
 DATE

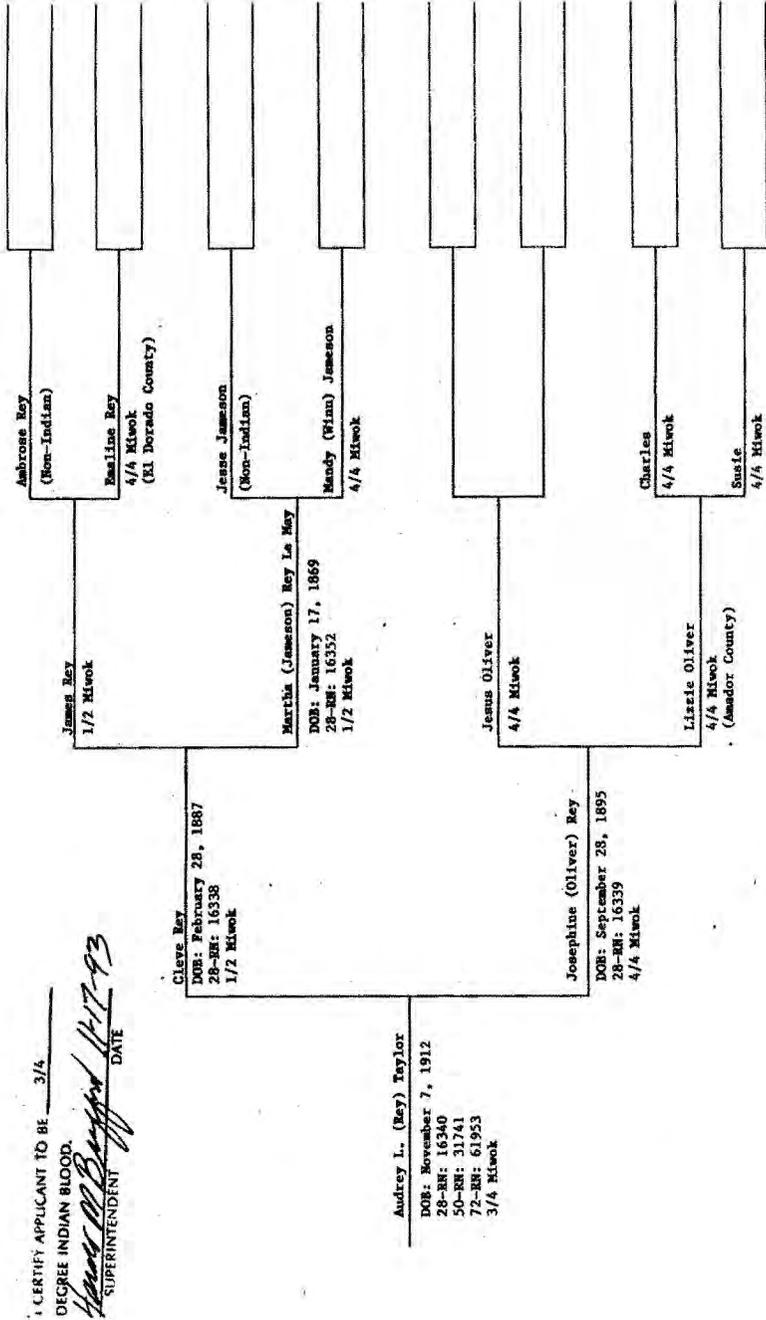
John Oliver Susehead DOB: September 29, 1957 72-RN: 61342 11/16 Miwok/Maidu	Avery Jack Susehead, Jr. DOB: November 4, 1929 50-RN: 31405 (30394) 3/4 Miwok/Maidu	Frank Susehead DOB: May 24, 1855 28-RN: 19096 4/4 Miwok	"Name Unknown" 4/4 Miwok (El Dorado, Co.)
Jerry G. Susehead DOB: June 5, 1949 50-RN: 31414 72-RN: 61341 11/16 Miwok/Maidu	Marcha (Porter) Susehead DOB: June 15, 1909 28-RN: 15095 3/4 Miwok/Maidu	Corra (Rogers) Susehead DOB: May 24, 1877 1/2 Miwok	Kah-Kean-Meh 4/4 Miwok (El Dorado, Co.) Frank Rogers (Non-Indian) (AKA: Mary Ann) Lizzie Rogers 4/4 Miwok (El Dorado, Co.)
Elvira J. Susehead DOB: June 19, 1962 72-RN: 61334 11/16 Miwok/Maidu	Albert Porter DOB: July 5, 1869 28-RN: 15699 4/4 Maidu (Placer Co.)	John Starkey DOB: July 21, 1868 28-RN: 18812 1/2 Miwok	Jessie Porter 4/4 Maidu (Placer, Co.) Juan Nieto (Non-Indian)
William W. Susehead DOB: May 15, 1952 72-RN: 61351 11/16 Miwok/Maidu	Jack T. Starkey DOB: December 28, 1902 289-RN: 18806 1/2 Miwok	Eda P. (Hall) Starkey DOB: December 25, 1871 28-RN: 18801 1/2 Miwok	Louisa Niara 4/4 Miwok (El Dorado, Co.) Austin Starkey (Non-Indian)
	(AKA: Dollie Starkey) Dolly S. Susehead DOB: January 5, 1928 28-RN: 18810 5/8 Miwok	Frank Susehead DOB: May 24, 1855 28-RN: 19096 4/4 Miwok	Jennie Molumick 4/4 Miwok (El Dorado, Co.) Edward Hall (Non-Indian)
	Dessirine (Susehead) Starkey DOB: June 10, 1907 28-RN: 18807 3/4 Miwok	Corra (Rogers) Susehead DOB: May 24, 1877 28-RN: 19097 1/2 Miwok	Sarah Hall 4/4 Miwok "Name Unknown" 4/4 Miwok
		Frank Rogers (Non-Indian) (AKA: Mary Ann) Lizzie Rogers 4/4 Miwok	Kah-Kean-Meh 4/4 Miwok (El Dorado, Co.) Frank Rogers (Non-Indian)

I CERTIFY APPLICANT TO BE 1/2  
DEGREE INDIAN BLOOD.

*Harold M. Buggen*  
SUPERINTENDENT  
DATE 11-17-93



I CERTIFY APPLICANT TO BE 3/4  
DEGREE INDIAN BLOOD.  
*Harold P. Bennett* 11-17-93  
SUPERINTENDENT DATE

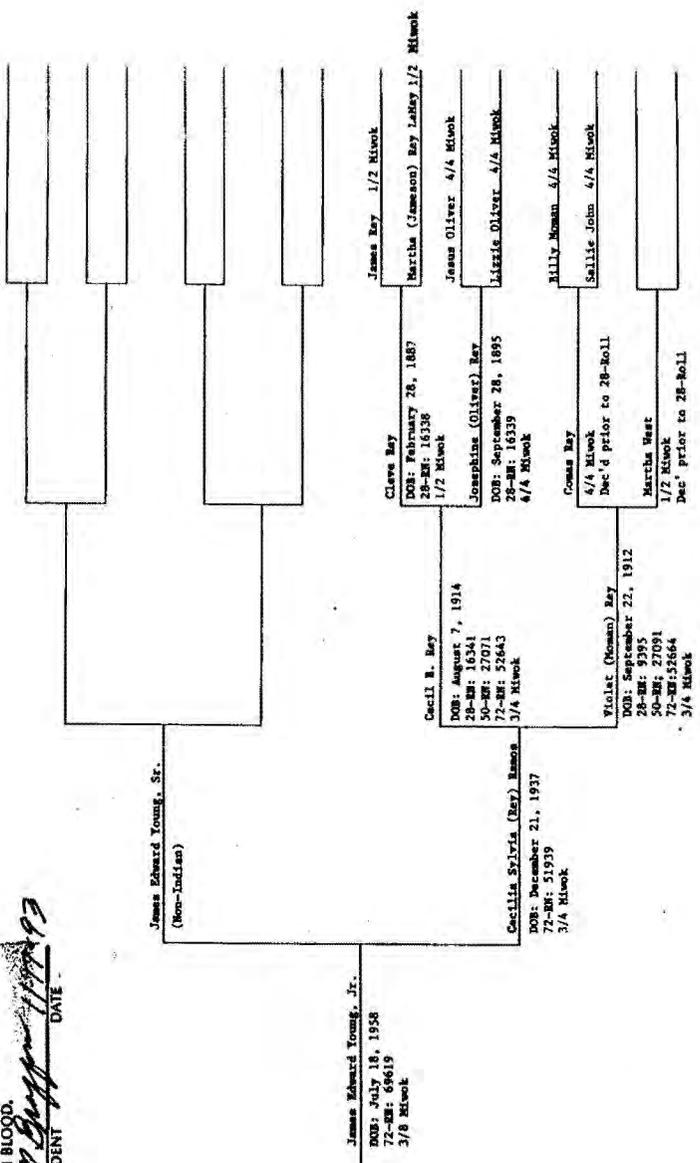


**Andrey L. (Ray) Taylor**  
DOB: November 7, 1912  
28-RR: 16340  
50-RR: 31741  
72-RR: 61953  
3/4 Miwok

I CERTIFY APPLICANT TO BE 3/8

DEGREE INDIAN BLOOD.

*Harvey M. Guffey*  
 SUPERINTENDENT DATE 1/22/93



**CALIFORNIA INDIAN LEGAL SERVICES**

510 - 16th Street, Suite 301  
Oakland, California 94612  
Telephone (510) 835-0284  
Fax (510) 835-8045

**Directing Attorney**  
*Joy B. Petersen*  
**Staff Attorneys**  
*Margaret B. Crow*  
*Maireen H. Geary*  
*Leigh Lorry*

**Executive Director**  
*Michael S. Pfeffer*  
**Director of Litigation**  
*Stephen V. Quesenberry*

June 16, 1994

In Reply Refer to: UK92-21

The Honorable Bill Richardson  
Chairman  
Subcommittee on Native American Affairs  
1522 Longworth HOB  
Washington, D.C. 20515

Re: H.R. 4228, the Auburn Indian Restoration Act

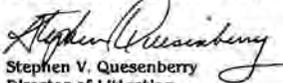
Dear Congressman Richardson:

I have enclosed a report entitled "The Paskenta Band of Nomlaki Indians: Background Information Concerning Tribal Restoration", Theodoratus and Emberson (1994), which is submitted in support of the Paskenta Band's request that H.R. 4228 be amended to include provision for the Paskenta Band's restoration. Also enclosed with the report is the curriculum vitae of Dorothea J. Theodoratus, Ph.D., who coordinated the preparation of the report.

The Paskenta Band respectfully requests that the report be included as part of the official record of the Subcommittee's proceedings on H.R. 4228. Thank you for your continuing commitment to the restoration of California's terminated tribes.

Sincerely,

CALIFORNIA INDIAN LEGAL SERVICES

  
Stephen V. Quesenberry  
Director of Litigation

SVQ:le  
Enclosure  
cc: Everett Freeman, Chairperson,  
Paskenta Band of Nomlaki Indians

Express Mail #RB968720423US

#vsvqquesenberry-16.jue

## RESUME SUMMARY

Dorothea J Theodoratus, Ph.D.

April 1994

8526 Rolling Green Way  
 Fair Oaks, CA 95628  
 (916) 961-7325

Dept. Anthropology  
 Calif. State Univ.  
 Sacramento, CA 95819  
 (916) 278-6452

**Status**

*Professor of Anthropology, Native American Studies, and Canadian Studies, California State University, Sacramento, CA, 1967-present*  
*Senior Ethnographer, INFOTEC Research, Inc., Sonora, California.*  
*President, Theodoratus Cultural Research, Fair Oaks, CA, 1978-present*  
*Consultant, California State Native American Heritage Commission, Sacramento, 1988-*  
*Consultant, The Central Sierra Me-Wuk Cultural and Historic Preservation Committee, Tuolumne Tribe, Tuolumne, CA., Feb. 1991-*  
*Consultant, Federal Acknowledgement Cases, California Indian Legal Services, Oakland, CA, 1992-*  
*Consultant, Indian Canyon Mutson Band (Fed. Acknowledgement), Hollister, CA. 1992-*  
*Consultant, Sitka Tribe of Alaska (Historic Preservation), Sitka, AK 1992-*  
*Consultant, Tomales and Bodega Miwok (Fed. Acknowledgement), Santa Rosa, CA. 1993-*

**Education**

*Ph.D., 1971 Anthropology, Maxwell Graduate School of Citizenship and Public Affairs, Syracuse University, Syracuse, New York.*  
*Certificate, Historic Preservation Law, University of Nevada, Reno, Cultural Resources Management Program, 1992.*

**Publications, Reports, Video Tapes:** Extensive list on Historic Preservation, Traditional Sites, Ethnography/History/Ethnohistory, Sacred Geography, Religious Freedom Issues, Native Subsistence Issues, Native American Legal Cases, Woman, Arts Programs, Cultural Resources Management, Cultural and Social Change.

**Conference Presentations and Participation** Active participant in professional meetings, presenting papers on topics such as ethics and cultural resource studies, anthropologists as expert witnesses, development and CRM, religious freedom, burial/reburial issues, methodological problems in heritage preservation, Native American tradition, ethnicity and heritage conservation, dilemmas in data integration, and social impact assessment.

**Consultant Work, Cultural Resource Management:** As Principal Investigator of Theodoratus Cultural Research (TCR), I have seen extensive research projects to their completion and have directed large research teams in separate and combined studies of ethnographic, archaeological, and historical investigations. Reports include the impacts of hydroelectric power plants, gas plants, geothermal power plants, transmission lines, roads, pipelines, water systems, flood control, timber harvests, and city redevelopment. Studies ranged from general overviews (reconnaissance, inventory, evaluation) to specific problem solving, and included cumulative impacts, burial relocation, native consultations, organizing native involvement programs, and cultural brokerage tasks. These included over 95 research contracts from Federal, States, California Public Utilities Commission, Counties, Cities, Utilities, Private Companies, as well as work (both volunteer and consultant; research and expert witness).

Full Resume available upon request.

## RESUME

Dorothea J Theodoratus, Ph.D.

April 1994

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**Status**

*Professor of Anthropology, Native American Studies, and Canadian Studies, California State University, Sacramento, CA, 1967-present; 1990 Vice President of CSUS Archaeological Institute*  
*Senior Ethnographer, INFOTEC Research, Inc., Sonora, California.*  
*President, Theodoratus Cultural Research & Theo Media, Fair Oaks, CA, 1978-present*  
*Consultant, California State Native American Heritage Commission, Sacramento, 1988-*  
*Consultant, The Central Sierra Me-Wuk Cultural and Historic Preservation Committee, Tuolumne Tribe, Tuolumne, CA., Feb. 1991-*  
*Consultant, Federal Acknowledgement Cases, California Indian Legal Services, Oakland, CA, 1992-*  
*Consultant, Indian Canyon Mutson Band (Fed. Acknowledgement), Hollister, CA. 1992-*

**Education**

*Ph.D., 1971 Anthropology, Maxwell Graduate School of Citizenship and Public Affairs, Syracuse University, Syracuse, New York. Dissertation: Identity Crises: Changes in Life Style of the Manchester Band of Pomo Indians.*  
*Undergraduate: University of Washington, Seattle, 1953-1956; California State University, Sacramento, 1959-1962, B.A. 1961 (Anthropology, Geography, Art)*  
*Certificate, Historic Preservation Law, University of Nevada, Reno, Cultural Resources Management Program, 1992.*

**Professional Societies (Partial List)**

*American Anthropological Association, Fellow; Associate Editor for Applied Anthropology, 1983 Annual Meetings, Chicago; Executive Board Nominee 1983; Committee to Investigate Anthropological Concerns on the Peripheral Canal, 1982*  
*Society for Applied Anthropology, Fellow; Ethics Committee 1981-1982; Presidential Nominee 1981-1982; Chairperson 40th Annual Meeting, 1980 Denver; Social Impact Committee 1977-1980; Annual Meeting Committee 1977-1978; Chairperson 37th Annual Meeting, 1977 San Diego*  
*Southwestern Anthropological Association, Fellow; President 1987; Executive Board 1980-1982; Chair, Women in Anthropology Committee 1981-1982; Chair, Publications Committee 1980*  
*Redding Museum and Art Center, Redding, California, Executive Council, Laboratory for Cultural Resource Conservation and Research*  
*American River Natural History Association, Board of Directors, 1979-1991*  
*California Historical Society, Member*  
*Society for Anthropology of Visual Communication, Member*  
*Miwok Archeological Preserve of Marin, Member*  
*Crocker Art Museum Association, Member*  
*Artcetera (Placer County Arts), Member*  
*Sacramento Center for the Textile Arts, Member*  
*Sacramento Weaver's Guild, Member*  
*Network for Wearable Art, Member*  
*American Hellenic Professional Association (AHEPA), Member*

**Publications, Reports, Video Tapes** (a partial list)

- 1993 *Sitka Tribe of Alaska, Historic Preservation Plan*. USDI, National Park Service Historic Preservation Grant, Washington, D.C., Sitka, Alaska.
- 1993 *Traditional Places and Archaeological Sites*. World Archaeological Congress Papers on Sacred Sites. University of South Dakota Press.
- 1993 *Me-Wuk Ethnography*. In, *Waterscapes in the Sierra: Cultural Resources Investigations for the Angels (FERC 269) Project*; Pacific Gas and Electric Company. Infotec Research, Inc., Sonora, CA.
- 1992 *Wintu Sacred Geography*. In, *California Indian Shamanism*, edited by Lowell John Bean. Pp. 211-226. Menlo Park, CA: Ballena Press.
- 1991 *Statement of Findings, Native American Interview and Data Collection, Study of Mt. Shasta, California*. USDA, Shasta-Trinity National Forests, Redding, California.
- 1991 *Klamath River Canyon Ethnology Study*, In, *Klamath River Canyon Prehistory and Ethnology*. USDI, Bureau of Land Management, Cultural Resource Series No. 8, Oregon State Office, Portland, Oregon.
- 1991 *Indian Uses of Sea Products on the North Coast of California*. With Anne Poitras. California State Department of Parks and Recreation, Sacramento, CA.
- 1990 *Wintu Sacred Geography*. Invited paper for Conference on California Indian Shamanism, May 1990 at California State University, Hayward. (Also presented at the 1991 California Indian Conference, Riverside, CA; Women in Anthropology Conference, CSUS, 1992) In Press, Ballena Press 1992 in a volume on CA Indian Shamanism.
- 1990 *Mirage of Honor; The 1851 Treaty at Camp Barbour, California*, (Video) Associate Producer with Producer Sandra Helland. University Media Services, California State University, Sacramento (12 minutes).
- 1990 *Cultural Background Information on Case No. 7909* (The People of the State of California, Plaintiff, vs., DDK, Defendant), for Gehrke's Investigative Services, Fresno, CA and Eric Green, Attorney at Law, Fresno, CA. Theodoratus Cultural Research, Fair Oaks, CA
- 1989 *Solano Woman*, Associate Producer, Video tape program produced for the Vacaville Museum, Vacaville, CA. Theodoratus Cultural Research (21 minutes).
- 1989 *Susanville Rancheria Arts Program A Video Presentation* for the Lassen Arts Council, Associate Producer with Producer Sandra Helland. Theodoratus Cultural Research.
- 1989 *Klamath River Canyon Study*. Report for the USDI, Bureau of Land Management, Portland, Oregon. BloSystems Analysis, Inc., Santa Cruz, CA (To be published in Portland BLM Anthropology Series).

**Publications** (continued)

- 1989 *Historical Overview, Yuba River Basin, Project Alternatives*, (Historical Section with Dian Self). Report for the Department of the Army, Corps of Engineers, Sacramento District, Sacramento, CA. Biosystems Analysis, Inc., Santa Cruz, CA
- 1988 *Frank LaPena, Artist and Wintu Traditionalist*, A Video Program produced with Carla Hills. Theodoratus Cultural Research (12 minutes).
- 1987 *G-O Road: Northwest California Religion Case to be Reviewed by Supreme Court*. News From Native California, Vol. 1, No. 5, November/December 1987.
- 1987 *Preserving the Point Arena Roundhouse*. News From Native California, Vol. 1, No. 4, September/October 1987.
- 1985 *A Walk Through Yesterday*. Video tape program produced for the Vacaville Museum, Vacaville, CA. Theodoratus Cultural Research (21 minutes).
- 1985 *The Extension of Tradition: Dedication*. Video tape program produced in cooperation with the Crocker Museum, Sacramento, CA. Theodoratus Cultural Research (20 minutes).
- 1985 *Tradition: A Contemporary Perspective*. In, *The Extension of Tradition: Contemporary Northern California Native American Art in Cultural Perspective*, pp. 38-43, Frank R. LaPena and Janice T. Driesbach, editors. The Crocker Art Museum, Sacramento, CA.
- 1985 *Central California Indians*. In, *Masterkey 59(2,3):4-11 Summer/Fall, Special Issue: People of California*. Southwest Museum, Los Angeles, CA.
- 1985 *Black Butte Lake: An Oral History Sampler*. Video tape program prepared for the U.S. Army Corps of Engineers, Sacramento District. Theodoratus Cultural Research. (21 minutes)
- 1982 *Ethnography and History in Preservation Research: Views of CRM in California*. In, *Contract Abstracts*, Vol. 3, No. 1.
- 1980 *Ethnography in Cultural Resources Management*. In, *Third National Conference, Task Force on Recreation Use and Resource Management of the Edison Electric Institute*. Washington, D.C.: Edison Electric Institute.
- 1978 *Western Pomo and Northeastern Pomo*, (co-author, Lowell J. Bean) In, *Handbook of North American Indians, Volume 8: California*. Edited by Robert F. Heizer. Washington, D.C.: Smithsonian Institution.
- 1974 *Cultural and Social Change Among the Coast Central Pomo*, *California Journal of Anthropology*, Volume 1, Number 1.

**Conference Presentations and Participation** (a partial list)

Active participant in professional meetings, presenting papers on topics such as ethics and cultural resource studies, anthropologists as expert witnesses, development and CRM, religious freedom, burial/reburial issues, methodological problems in heritage preservation, Native American tradition, ethnicity and heritage conservation, dilemmas in data integration, and social impact assessment.

- 1993 *Off Reservation Land Rights: A Comparative Analysis*. Invited Session, The Politics of Heritage: Native American Issues in Contemporary America. Eighth California Indian Conference, Berkeley, CA.
- 1993 *A Retrospective on Thirty Plus Years as a California Ethnographer*. In, Plenary Session, The Past is But the Beginning of a Beginning. Eight California Indian Conference, Berkeley, CA.
- 1992 *A Perspective on Traditional Sites*. Invited speaker, Plenary Session, Society for California Archaeology, Pasadena, California, April.
- 1991 Invited Statement, Participant, *Legacy Resource Management Program*, Department of Defense Working Group on Traditional Places and Archaeological Sites. Washington, D. C., November.
- 1987 *C. Hart Merriam's View of the California Indian Condition, 1898-1935*. Invited paper, Session: California Indian Ethnohistory, American Society for Ethnohistory, November 6, 1987, Berkeley, CA.
- 1987 *Cultural Resource Training Session*. USDA, Sequoia National Forest, Porterville, CA.
- 1987 Program Committee: *The Third California Indian Conference*, October 16-18, 1987. Santa Barbara Museum of Natural History, Santa Barbara, CA.
- 1987 Session Organizer: *Indians and Anthropologists Working Together*. The Third California Indian Conference, October 16, 1987. Santa Barbara Museum of Natural History, Santa Barbara, CA.
- 1987 *Cultural Resource Training Session*. USDA, Sequoia National Forest, Porterville, CA.
- 1985 *Removal and Reburial of Human Remains from CA-TEH-10, Black Butte Lake, Tehama County, California*. (with Clinton M. Blount) Invited paper, Session: Ethnoarchaeology, Society for California Archaeology, San Diego, March 29, 1985.
- 1985 *Cultural Resources in the Assessment of Development Projects*. Sacramento Association of Applied Sociologists, March 26th, 1985.
- 1984 Workshop organizer with Omer Stewart and Florence Shipek: *Anthropologist as Expert Witness*. Annual Meeting of the Society for Applied Anthropology, Toronto, Canada, March 14, 1984.

**Conference Presentations and Participation** (continued)

- 1983 Organizer with Benita Howell: *Recent Perspectives, The American Indian Religious Freedom Act (P.L. 95-341)*. Invited Symposium for the Committee of Anthropologists in Environmental Planning, American Anthropological Association Annual Meeting, Chicago, Nov. 17-20, 1983.
- 1983 Paper Presented: *Gasquet-Orleans: View from the End of the Road*. for Invited Symposium, *Recent Perspectives, The American Religious Freedom Act*. American Anthropological Association Annual Meeting, Chicago, Nov. 18, 1983.
- 1983 Invited Organizer and Discussant: *Development and Archaeological Sites in the West*. Conference: "Reusing Old Buildings: Preservation Law and the Development Process," June 26-28, 1983, San Francisco, CA. Sponsored by The Conservation Foundation, The National Trust for Historic Preservation, and the American Bar Association.
- 1982 Paper presented: *The Dutch Gulch Lake Project: A View of Methodological Approaches to the Study of Prehistoric Populations through Great Depression Populations*. (with Jerald J. Johnson) for Symposium, "Cultural Resource Management and the U.S. Army Corps of Engineers," Society for American Archaeology, Annual Meeting, Minneapolis, MN.
- 1982 Invited Paper: *Cultural Conservation: A Case Study in the Sierra Nevada*. for Symposium, "Cultural Conservation and Environmental Planning" (Library of Congress Folklife Center), American Anthropological Association, Annual Meeting, Washington, D.C.
- 1982 Discussant: Symposium, *Native American Religious Freedom: Conflicts and Accommodations*. American Anthropological Association, Annual Meeting, Washington, D.C.
- 1982 Symposium Organizer: *Recent Findings in Sierran Anthropology*. Southwestern Anthropological Association, Annual Meeting, Sacramento, CA.
- 1982 Symposium Organizer: *Employment of Women in the Public Arena*. For Women in Anthropology Committee, Southwestern Anthropological Association, Annual Meeting, Sacramento, CA.
- 1982 *California Anthropology and Native American Tradition*. Paper Presented for the Ethnic Studies Lecture Series, California State University, Sacramento, CA.
- 1981 Invited Paper: *The Present Status of California Ethnohistory: Tradition as Change*, University of Uppsala, Sweden, Department of Cultural Anthropology, June, 1980.
- 1981 Paper Presented: *Tradition and Ethnicity in Heritage Conservation*. In Symposium, *Conservation Ethnology*, 1981 Annual Meeting of the American Society for Ethnohistory, Colorado Springs, CO.

Conference Presentations and Participation (continued)

- 1981 Workshop Facilitator with three other professionals: *Social Impact Assessment: Scope and Potential*. For American Anthropological Association Committee on Anthropology as a Profession, 80th Annual Meeting of the American Anthropological Association, Los Angeles, CA.
- 1981 Workshop Facilitator: *Ethnographic Research and the U.S. Forest Service*, for USDA, Forest Service, Regional Office, San Francisco (full day workshop, October, Sacramento, CA).
- 1981 Paper Presented: *Dilemmas in Data Integration*. In Symposium, Cultural Studies at Warm Springs Dam—7 years: \$2,000,000. 80th Annual Meeting of the American Anthropological Association, Los Angeles, CA.
- 1981 Discussant, Invited Session: *Collaborative Research on Scientific Method*. For the Society for Applied Anthropology, 80th Annual Meeting of the American Anthropological Association, Los Angeles, CA.
- 1980 Invited Paper: *Ethics and Cultural Resource Studies*. Workshop Conference on, Ethical Problems of Fieldwork, National Science Foundation, Springhill, Minnesota.
- 1980 Co-Chair, Symposium: *Indian Heritage Preservation Issues*. Paper Presented: *Methodological Problems of Heritage Preservation: A Case Study*, Society for Applied Anthropology, Annual Meeting, Denver, CO.
- 1980 Paper Presented: *Ethnography in Cultural Resources Management*. Symposium, Cultural Resources Management, Third National Conference, Task Force on Recreation Use and Resource Management, Edison Electric Institute, Portland, OR.
- 1978 Symposium Organizer: *Native California Indians and World Ethnology I: Current Research*. Paper Presented: *Coso Hot Springs: Traditional Healing or Geothermal Energy?*; Discussant In Part II: *Spiritual Sites*, 77th Annual Meeting, American Anthropological Association, Los Angeles, CA.
- 1978 Chairperson, Symposium: *Contemporary Ethnology*. Southwestern Anthropological Society, Annual Meeting, San Francisco, CA.
- 1977 Participant, 2-day Symposium: *Restoration of Equality in Indian-Anglo Decision-Making*. Society for Applied Anthropology, Annual Meeting, San Diego, CA.
- 1977 Chairperson, Symposium: *Future of Anthropology*. Society for Applied Anthropology, Annual Meeting, San Diego, CA.
- 1976 Symposium Organizer: *Contract Ethnographic Team Research*. Paper presented: *Administration of Projects*. Southwestern Anthropological Society, Annual Meeting, San Francisco, CA.

**Conference Presentations and Participation** (continued)

- 1973 Paper Presented: *From Rancheria to Pre-Industrial Cooperative: An Analysis of the Cultural and Social Change Among the Coast Central Pomo*. 72nd Annual Meeting, American Anthropological Association, New Orleans, LA.
- 1973 Participant, Smithsonian Institution Symposium: *Economic Development on American Indian Reservations*. Southwestern Anthropological Society, Annual Meeting, San Francisco, CA.

**Consultant Work, Cultural Resource Management:**

As Principal Investigator of Theodoratus Cultural Research (TCR), I saw extensive research projects to their completion (report list available on request). I directed large research teams in separate and combined studies of ethnographic, archaeological, and historical investigations. TCR reports included the impacts of hydroelectric power plants, gas plants, geothermal power plants, transmission lines, roads, pipelines, water systems, flood control, timber harvests, and city redevelopment. Studies ranged from general overviews (reconnaissance, inventory, evaluation) to specific problem solving, and included cumulative impacts, burial relocation, native consultations, organizing native involvement programs, and cultural brokerage tasks. These included over 95 research contracts from the following:

**Federal**

- U.S. Army Corps of Engineers, Districts:
  - Sacramento, San Francisco, Los Angeles Districts
- U.S. Department of Agriculture, Forest Service:
  - Shasta-Trinity National Forest, Redding, CA
  - Sierra National Forest, Fresno, CA
  - Six Rivers National Forest, Eureka, CA
  - Stanislaus National Forest, Sonora, CA
  - Sequoia National Forest, Porterville, CA
- U.S. Department of Defense, Washington, D.C.
- U.S. Department of the Interior:
  - Bureau of Land Management, Redding, Susanville, Medford Districts
  - Inter-Agency Archaeological Service, Washington, D.C.
  - Heritage Conservation and Recreation Service, Washington, D.C.
  - National Park Service, Western Region, San Francisco

**States**

- California Public Utilities Commission, San Francisco
- California State Water Resources Control Board, Sacramento
- California, Office of Historic Preservation
- Montana Dept. Natural Resources and Conservation, Helena

**Counties**

- Calaveras County Museum, San Andreas, CA
- Calaveras County Water District, San Andreas, CA
- Plumas County, Department of Public Works, CA

**Cities**

- San Jose, CA, Redevelopment Agency
- Sacramento City Redevelopment Agency

**Consultant Work, Cultural Resource Management** (continued)*Utilities*

Pacific Gas and Electric, San Francisco  
 Kings River Conservation District, Fresno, CA  
 Sacramento Municipal Utility Company, Sacramento  
 San Joaquin Power Authority, Turlock, CA  
 Southern California Edison, Rosemead, CA

*Private Companies*

Dames & Moore, San Francisco  
 David J Powers & Associates, San Jose, CA  
 Ecological Analysts, Concord, CA  
 Environmental Science Associates, San Francisco  
 Envirosphere Company, Division of EBASCO Services, Inc., Sacramento  
 ESCA-Tech Corporation, Costa Mesa, CA  
 Fredericksen, Kamine & Associates, Sacramento, CA  
 Gehrke's Investigative Services, Fresno, CA  
 Gilbert/Commonwealth, Englewood, Colorado and Chicago  
 Jones & Stokes Associates, Inc., Sacramento  
 R. W. Beck and Associates, Seattle  
 Southern Pacific Pipelines, Inc., Los Angeles  
 Tuolumne Me-Wuk Tribal Council, Tuolumne, CA  
 Wirth Associates, San Diego, CA

*Other:*

Consultant to South Asian American Education Association, Stockton, CA.  
 1981-1982.  
 Consultant in Administration of National Institute of Education funded study in  
 Yuba City, CA. 1981-1982.  
 Expert Witness, Pomo Interment Case, Mendocino County Court, Ukiah, 1993.  
 Expert Witness (Mono Indian culture), Fresno Superior Court, California, 1990.  
 Expert Witness (Indian religious freedom), U.S. District Court, San Francisco,  
 Northern District of California, Docket No. C-82-4042, March 14, 15, 1983.  
 (Cited by Supreme Court of the United States, Lyng, Secretary of Agriculture,  
 et al. v. Northwest Indian Cemetery Protective Assn. et al, No. 86-1013.  
 Argued Nov. 30, 1987—Decided April 19, 1988.)  
 Expert Witness (ethnic minorities), Superior Court, County of Sacramento,  
 Department of Social Welfare, June 1980.

**Museum Associations**

Involvement with museums has been in the public presentation of research through  
 lecturing, writing, and video production (3/4 inch broadcast quality) for the following:  
 CSUS Anthropology Museum, Director, 1993-1994.  
 Calaveras County Museum, San Andreas, CA. On two NEH grants.  
 Chaw'Se State Historic Park (Museum), Pine Grove, CA. Lectures.  
 Crocker Art Museum Association, Sacramento. Lecture, publication, video.  
 DeYoung Museum, San Francisco. Lectures.  
 Redding Museum and Art Center, Redding, CA. Executive Council, Laboratory for  
 cultural Resources Conservation and Research, speaker, NEH grant application.  
 Southwest Museum, Los Angeles. Writing.  
 Vacaville Museum, Vacaville, CA. Videos.  
 Current work with a *Pit River Tribal Committee* to assist in the establishment of a  
 Tribal Curation Facility. Earlier involvement has been as a Preparator for the *Lowie  
 Museum of Anthropology*, University of California, Berkeley, and as Assistant Curator  
 of the then *Territorial Museum of Alaska*.

**Current Research/Activities (1994)**

- Ongoing research on Traditional Sites and Sacred Geography (CA and AK).  
Work with the Tuolumne Band of Me-Wuk to establish preservation policies.  
Staff for County Local Arts Agency Grant, Project Bridge Building, to bring Native American Arts into County Arts Projects.
- Point Arena, CA, Manchester Band of Pomo Indians. Now that the Point Arena Roundhouse has been restored and about to be dedicated (1993) we are working together on the publication of my 1971 ethnohistory (updated) on this Rancheria.
- C. Hart Merriam Diaries, Library of Congress, Washington, D.C. I have continued my work on the Merriam Diaries and have a draft manuscript which is in the process of concordance with Bancroft Library Merriam notes (different from the diaries) and which will be used with Smithsonian collections by Merriam.
- Northern California Native American sea product collecting, ongoing study.

**The Paskenta Band of Nomlaki Indians  
Background Information Concerning Tribal Restoration**

Dorothea J Theodoratus, Ph.D.  
Geri Emberson, B.A., M.A. Candidate

for the  
Paskenta Band of Nomlaki Indians  
and  
California Indian Legal Services  
Steve Quesenberry, Attorney

June 1994

**The Paskenta Band of Nomlaki Indians**  
**Background Information Concerning Tribal Restoration**

Dorothea J Theodoratus, Ph.D.<sup>1</sup>  
Geri Emberson, B.A., M.A. Candidate

The Paskenta Band of Nomlaki Indians, a terminated tribe, is seeking restoration of its status as a federally recognized tribe. This group's termination as a federally recognized tribe became effective July 7, 1959 (32 F.R. No. 160, Doc. 67-9650, Filed Aug. 17, 1967), and at this time their land base, a rancheria in Tehama County, was also discontinued from federal trust. The Paskenta Rancheria, located three miles southwest of the town of Paskenta in Tehama County, California, was established in 1920 as a home for the Paskenta Band of Nomlaki Indians. This Rancheria was within the traditional homeland of this band of Nomlaki people (alternately referred to in the anthropological literature and the BIA genealogical data [Appendix C] as Wintun, Central Wintun, Hill and River Wintun), thus allowing them to perpetuate many of their traditional cultural patterns.

In the years following the Rancheria's creation the membership resided intermittently both on and off the property --away for employment and at the Rancheria for social/cultural reasons. The Bureau of Indian Affairs (BIA) terminated the status of the property and with, it, the status of two individuals who they designated as distributees. Through the years, the descendants of these two distributees and their relatives, as well as the descendants of the original broader membership have remained connected to their ancestral area including the Rancheria property. In addition, these kinship groups and the socially-connected broader group have maintained their social and kinship relationships with each other. This historically derived group has been united through official organization as the Paskenta Band of Nomlaki Indians (Constitution of the Paskenta Band of Nomlaki Indians, adopted December 18, 1993). Presented below is a summary of research findings on membership and socio-political interaction and continuity for the Paskenta Band of Nomlaki Indians.

**Membership and Kinship**

A list of the current membership of the Paskenta Band of Nomlaki Indians appears in Appendix B. Appendix C contains genealogical charts certified by the BIA Tribal Operations Office, Sacramento which detail the descendency of the current

membership. A cover sheet for each family lists current descendants of former residents who are known to have lived in the area prior to the formation of the Rancheria as well as subsequent to the Rancheria's establishment. Documents which record occupants for the years 1905-1906, 1916, 1920, 1922, 1932 are contained in Appendix D. Documents such as those included here, and other census records, especially the 1928 California Great Roll and the subsequent 1933 California Census Roll, as well as later rolls (1950 Roll, 1968-1972 California Judgement Roll), are used in the BIA certification process to establish descendency for California Indian peoples. Persons not on these rolls must establish their ascendancy with sometimes difficult to obtain documentation (e.g., birth certificates, antecedent's death certificates), hence some people listed in Appendices B and C have not as yet completed the lengthy and complicated BIA certification process, although they are considered members of the Paskenta Band of Nomlaki Indians through the Paskenta group's knowledge and recognition of their relationships to each other and to the former Rancheria membership.

Department of the Interior agents and officials consistently identified a group of people and their descendants as the Paskenta Band of Nomlaki Indians in the earlier part of this century. The census materials contained in Appendix D show continuity in identity for individuals and families from the 1905-1906 Kelsey census (pre-rancheria) through the 1932 BIA census (post 1920 rancheria formation).

Many of the descendants of distributee William Freeman, Jr. have been BIA certified. "Willy" Freeman's parents, William Freeman, Sr. and Molly Dann (Freeman, Franks, Freeman), and his siblings (children of Molly Dann), Fannie Freeman Joe [fa. George Freeman], Albert Franks [fa. Poncho Franks], Birdie Freeman Downey [fa. William Freeman] have appeared on all or most of the census lists (Appendix D) and many of their descendants have been BIA certified as Nomlaki. The Freeman family is very large and complicated, and must not be construed as consisting solely of the descendants of William Freeman, Sr. and Molly Dann.

Some of the descendants of Willy Freeman Jr.'s first cousins, Andrew Freeman (son of Ellen and David Freeman) and Joe Freeman (son of Ellen and George Freeman), have also been BIA certified as Nomlaki. The descendants of other first cousins (siblings to the above [children of Ellen], Henry Freeman [fa. George Freeman], Calvin Jones [fa. Jeff Jones], and Nickel Brown [fa. Fil Brown]), who also appear consistently throughout the census documents, are eligible for membership or are members of the Paskenta Band but have not yet sought official BIA certification as Nomlaki.

Many of the descendants of distributee Ann Raglin have been BIA certified. Ann James Raglin's parents, Ellen and Bill James were Paskenta people, as were her husband Deck Raglin,

Sr., and his mother Julia. Ann and Deck's children, Deck Jr. and Ellen Raglin Franks, as well as Ann's mother Ellen James, consistently appear throughout the census material and many of their descendants have been BIA certified as Nomlaki. Other people with the Raglin surname also appear in the census reports (Willie and Jim). These Raglins and their descendants are known to be Nomlaki and are eligible for membership or are already members of the Paskenta Band but have not yet sought official BIA certification as Nomlaki.

Some descendants of John Jordan (son of Lucy and Jordan [no other names provided]) and Nancy Jim Jordan (daughter of Susie and Captain Jim) have been BIA certified as Nomlaki and are members of the Paskenta Band. These Jordans, including Nancy and John Jordan's son Frank, appear intermittently in the census data used for BIA certification of their descendants. Other Jordans who appear on the various census data are Ed Jordan, his wife Drusilla, their daughter Elaine, Elaine's children Arthur and Dean, and Elaine's grandson John Jordan. Other people of Nomlaki descent with the surname Jordan appear in the census data (Walter, Ray, John [wife is Lizzy]), and their descendants are either members or are eligible for membership in the Paskenta Band of Nomlaki.

Other possible candidates for membership in the Paskenta Band of Nomlaki Indians, in addition to the above, would be the descendants of other people who are listed in the various census data. These would be such as descendants of Joe Brown (uncle of Nickel Brown), Jeff Jones, Dominic Hastings, Ben Ayers and daughters Maude Ayers Kirk and Evaline Ayers, Johnny and Nettie Carrol, Pete Mitchell, Mary Haywood, Herman Gorg (Geary) and family, and Jim Smith. The lack of consistency in recording such people through time would not be unusual in the early part of this century because at that time it was common for Indian people to reside and work on the land of local ranchers. Such employment would occur during harvest season, but in the Nomlaki area year around employment in residence is known to have existed (Theodoratus, Field Data 1980s). This dispersed settlement as a result of such employment might eliminate some persons from consistent census enumeration due to their absence from population clusters at the time the census material was gathered.

While the above discussion of Nomlaki descent is based primarily on census data, much of these data have been supported by data received through interview with Nomlaki descendants. All interviews included questions about antecedents and descendants, their occupations, living conditions, and other social factors which were meaningful to their lives before, during and after the establishment of the Paskenta Rancheria.

### Social Interaction and Continuity

The first account of a Native American population in what is now southern Tehama County was by General John Bidwell in 1844 when he reports what he considers to be a large population of Indians in the area (Bidwell as cited in Justus Rogers, Colusa County; Its History . . . Orland, CA., 1891). Shortly thereafter, non-Indian settlement began in the area and a common practice was to incorporate forced Indian labor on farms. The Noma Lackee Reservation, established 1854 in what is now southern Tehama county, confined many Nomlaki people into a tense living situation with other Native groups. This reservation was terminated in 1861 and much of its population was removed to the Round Valley (Nome Cult) Reservation. Many Indian people escaped from these reservations to return to their traditional areas where they settled in small Indian enclaves often on land which now belonged to non-Indians. Others stayed at Round Valley and family and social connections between the two populations remain to the present (Jerald Johnson and Dorothea Theodoratus, et al., Black Butte Lake Intensive Cultural Resources Survey, Sacramento, for the U.S. Army Corps of Engineers, 1984). Historical factors, such as forced relocation, labor, and introduced diseases during the 19th century clearly contributed to a decline in Nomlaki population by the 20th century.

The Nomlaki people are generally considered to be two groups, Hill and River (W. Goldschmidt, Nomlaki Ethnography, University of California Publications in American Archaeology and Ethnology, 1951), and it is generally agreed that people from both groups lived and worked through the years after contact on the land of non-Indians. In 1909, the government established Grindstone Rancheria where many Nomlaki (40 according to C. E. Kelsey's 1905-1906 survey) had settled after their full-time employment had ended with local ranches, although many continued seasonal ranch work out of their Rancheria home base. A few Paskenta people stayed intermittently through the years at Grindstone as indicated through Goldschmidt's ethnography (*ibid.*, as well as current and earlier Field Data [Johnson and Theodoratus, *op. cit.*]). Goldschmidt's data are mostly obtained from Paskenta affiliated individuals, although his report is often associated with the Grindstone group. While many Paskenta people have affinal and other social contact with Grindstone people, it is clear that the two populations are different Nomlaki groups, and have maintained very separate identities. Even today, Paskenta people, as well as other non-Nomlaki Indians, make a clear distinction between the Paskenta and Grindstone groups (Field Data).

Paskenta people of the Hill Nomlaki group continued to reside within their traditional territory well into the twentieth century when in 1917 the Office of Indian Affairs made efforts to secure a permanent home for them. Many of them were then residing in what has been referred to as a "squat village"

on an elderly Indian woman's land. As reported in a letter November 26, 1917, to Commissioner of Indian Affairs, Cato Sells, from Indian Service Inspector, John J. Terrell, most of the land visited was considered too small and too poor "to support even a moderate sized Indian family" and was certainly not capable of supporting a group of Indians because of the poor quality of soils. Noting the strong attachment the Paskenta people had to their ancestral land and the difficulty this group had in securing employment within the area, thus demanding their travel or residence some distance away for employment, Terrell emphasized that the Paskenta band required special consideration. The Paskenta group consisted of about 53 individuals according to a 1917 census taken by Terrell.

In June of 1920 the Indian service recommended for purchase the only available lands in the area which amounted to a total of 260.16 acres for the homeless band of Paskenta Indians. One portion of the acreage was the location of the "village home" of some of the Paskenta people's ancestors from which, according to Terrell, the Indians could not be induced to move from for any distance. This land was adjoined by lands owned by other Paskenta Indians, a fact verified through field interview (Terrell Letter, June 1, 1920, to Commissioner of Indian Affairs; Field Data). The land purchased included boundary fences, timber for domestic use, a five room residence, cellar with box house over it, a barn, chicken house, two wells, and an orchard. It was presumed that one-half of the land could be "dry farmed and about one-fourth irrigated either from an intake proposition or by pumping plant from the creek" (Assistant Commissioner E. B. Merrill Letter, June 11, 1920, to the Secretary of the Interior). Thomes Creek ran through the Rancheria property and bisected what was to become the living area. The 1920 land purchase became known as the Paskenta Rancheria.

The Rancheria was established as a land base for approximately fifty-three people who the Bureau of Indian Affairs believed would be able to sustain themselves on the property. This proved not to be the case. The agriculture potential did not materialize since the land proved to be much too rocky for farming, and irrigation was not feasible. As a result, seasonal employment continued to be sought away from the land base, particularly sheep herding, ranch work, fruit and vegetable harvest, and wood cutting. According to Native consultants (referred to as informants in early anthropological reports), the Paskenta people had to go out from the Rancheria to work, but they always came back (Field Data).

Access to the Rancheria was via two very rocky, rough roads. A "short" steep road which connected with Round Valley Road came onto the Rancheria from the east side. This road, called "the rock pile" road, was a "horrible little road" "too rough for a model Ford" which crossed Thomes Creek providing

access to both sides of the Rancharia, but during winter months the Rancharia was inaccessible from this side due to road damage from the rains and the flooding of Thomes Creek. The road on the west side was an improved wagon road that was upgraded through a WPA project involving only Indians (Field Data). This road was less steep and rocky than the east side road, but was longer and used mostly in winter in order to travel around the rising creek waters (Field Data). This "long route" goes north from the Rancharia to converge with a road running northeast-southwest to/from the town of Paskenta. The western road was used most of the school year as the route to Paskenta for children from the Rancharia who attended school in town. According to consultants, access to the Rancharia was inadequate.

Living conditions on the Rancharia were also deemed insufficient, with the exception of Birdie Freeman's house thought by some to have been built by the government, but probably existed on the property at the time of purchase. The other residents built their own houses. These structures were very plain without much foundation, --"just boards," with a main room and two bedrooms off the main room. They had no insulation and lacked kitchens and bathrooms. There were approximately six houses on the Rancharia. Sources of water consisted of a single well built by a previous owner and located on William Freeman's "property," a spring behind the Raglin's house, and water from the creek which was transported manually. William Freeman used portable pumps to obtain water from the well which he used to water his garden, and the other residents carried water from Thomes creek. According to consultants, there was no place to live on the Rancharia, and because of poor access in the winter time, people in many cases stayed wherever they were working when winter set in (Field Data).

The number of people at the Rancharia was in constant fluctuation. Visitors were always welcome and regular visits were made by friends and relatives, particularly in the summer months when access was at its optimum and camping was a possibility. People came to hunt, fish, and gather traditional foods on the property and surrounding lands, as well as to visit. Winter visitors usually stayed in the homes of residents. Visitors also came to the Rancharia for church meetings held under a brush arbor at Willie Freeman's place.

Funerals took place on the Rancharia, beginning with a three day and night stay with the body at the home of the deceased where people would cry, eat, talk and sing at the "box," which was made locally by Jeff Jones. Interment was away from the Rancharia at one of two cemeteries, at Mountain House in a one-acre plot on the Murphy Ranch, and at the Jordan Cemetery (also called Butte Cemetery, or Thomes Creek Cemetery) to the southwest of the town of Paskenta, off the country road through private property. After the funeral, people would return to the home and burn the deceased's clothes and other

belongings, but this practice has not extended into the present time. A traditional Nomlaki man from Grindstone used to come and sing at the funerals. Today, after a funeral people often congregate and eat at the park in Paskenta.

The Paskenta people also have an annual gathering every year at this park for all the families involved. In addition to the Paskenta funerals they attend, they also attend relative and friend funerals at other reservations and rancherias (e.g., Round Valley, Grindstone, Colusa) and towns throughout the Sacramento valley.

A Nomlaki Indian cemetery containing three or four interments, all with known identity, was once located on a local ranch which had employed Indian people. This cemetery was, in recent years, moved to the Mountain House Cemetery. During the 1980s, two large (240+ individuals) prehistoric cemeteries disturbed by stream action at Black Butte Lake were exhumed by California State University, Sacramento, for the U. S. Army Corps of Engineers at the request of the Nomlaki people and reinterred at the Mountain House cemetery with the permission of the Paskenta people and under the direction of Grindstone Rancheria Cultural Committee members (Theodoratus, Field Data 1980s).

Both the Mountain House and Jordan cemeteries continue to be used today. In the 1970s, a fence was built around the Mountain House cemetery, and a culvert pipe put in under the road to facilitate drainage and access. A shed was added in 1988 through contributions of several families, and in 1993 the Paskenta people painted the bathroom and planted a tree at the site. Much of this group work was financed by the Paskenta volleyball team which gave all their proceeds to the cemetery fund.

The Paskenta people "clean" these cemeteries annually. At this event, people generally enjoy their time talking about the old people and those interred at the location. Some consultants did not distinguish between the two cemeteries regarding who would be interred at which cemetery, while others believed the cemetery west of the town to be where people "more connected with Paskenta" are buried. Still others connected the "Jordan Cemetery" to the Raglins, Simmons, and Jordans, while the Mountain House Cemetery is for people like the Freemans, Dominic Hastings, and Calvin Jones.

Traditional Indian doctoring figured prominently in Paskenta life during the Rancheria's existence. Andrew Freeman was known as a Indian dream doctor who could see things that were going to happen. Another rancheria man was reputed to be a poison doctor and people were very careful of him. Another man used a "shaman spring" on or very near the Rancheria for spiritual assistance. Three people from Paskenta regularly participated in the traditional religious dances held at the

Grindstone Rancheria. One consultant remembers traditional dancers from Paskenta coming to Round Valley to dance.

The Pentecostal religions became a part of Paskenta spiritual life through the preaching of Willie Freeman, who learned this religion from an Indian man from Montgomery Creek. Many people from the Rancheria joined this religion through Willie who had become a preacher. The church had fellowship meetings at Grindstone, Redding, Paskenta (town), Susanville, Greenville, Anderson, and Gerber and many Paskenta Rancheria people participated. This religion continues to be a focal point for fellowship among some Paskenta people.

Sports is another activity which has brought Paskenta people together today, as well as in the past, and has served as a means of raising funds for other purposes, e.g., cemetery maintenance. In the 1950s, Paskenta people formed a competitive baseball team with the Colusa Rancheria which played throughout northern California. In the 1970s, they played basketball with Colusa in tournaments at Chico, Covelo and Fall River. In the 1990s Paskenta people participated in a two-day volleyball tournament with Grindstone and Lake County Indian groups. They also have a "Stick Game" team for individuals over the age of 18. They host games and also compete at Grindstone, Grinding Rock and Tuolumne.

Today many older people understand some of their language but are not fluent in Nomlaki. One member has a tape of his grandfather speaking the language, much of which he understands. Words for places, foods, and greetings are commonly known, but full conversation is not possible. This is primarily because California Indian people were forbidden to speak their Native languages in the government schools they attended. As a result Nomlaki elders discouraged their children from speaking Nomlaki. Thus, there were few opportunities to learn conversational Nomlaki because of parental decisions as well as the post-contact scattered living situation of the Nomlaki people, as discussed elsewhere in this report (Field Data).

Many people distinguish themselves as Paskenta wherever they live -- Paskenta (town), Covelo, Gerber, Williams, Colusa, Corning, Elk Creek, Williams, Red Bluff, or other places (see Appendix B, Membership). Regardless of location, interaction among individuals and involvement in group activities have always been an important aspect of social cohesiveness and continuity for the Paskenta Band of Nomlaki Indians. These interactions extend beyond the social realm and overlap with activities of a political nature.

#### Political Interaction and Continuity

During pre-contact and early contact times the basic Nomlaki political unit was the autonomous village led by a

headman or chief. Village size ranged from 25 to 200 persons and each village was composed of families. Kinship affiliation was an important part of village composition. The chief's position was semi-hereditary, transmitted through the male line, with approval by male village members, who sought a friendly person who spoke well and was fair with others. The Nomlaki had a strong village identity, one aspect of which was village land ownership and use (Goldschmidt, *op. cit.*, p. 343; Johnson and Theodoratus, *op. cit.*, p. 87; A. L. Kroeber, *Handbook of the Indians of California*, Bureau of American Ethnology, Washington, 1925, p. 356).

The pre-contact type of socio-political organization is apparent during post-contact times for the Paskenta people as well. Village identity remains strong and politically autonomous. Family units have remained strong and distinctly Paskenta (see Appendices B and C). Political leadership has followed the traditional semi-hereditary pattern by consensus. For example, Kroeber names the grandfather of Dominic Hastings as an early post-contact captain (political leader) who possessed all the qualities of leadership (*The Patwin and Their Neighbors*, University of California Publications in American Archaeology and Ethnology, 1932, Vol. 29, No. 4, p. 355). According to Goldschmidt (*op. cit.*, p. 325), Dominic's father was not accorded this status, although Dominic was also considered to be a chieftain, even though he did not exhibit all of the qualities necessary for the position. Dominic Hastings, who appears first in the 1905-1906 census, was purported to be in his 90s in 1916. The census data reveal only one progeny, a daughter, who would not qualify to inherit this position.

Another well known leader mentioned by Goldschmidt (*op. cit.*, p. 325) is Captain Jim who appears on the BIA certifications as the father of Nancy Jim Jordan (the only progeny listed). Captain Jim died about 1898, and according to Goldschmidt a number of Nomlaki have been selected to serve in this position since that time.

Consultants remember Billy Freeman, Sr. (born 1858) as a Captain, who was followed by his son, William Freeman, Jr. discussed below. After William Freeman, Jr., and through the encouragement of his uncles, this position passed to William's cousin, Everett Freeman, who currently is recognized as the group's leader by consensus. Leadership among the Paskenta people appears to have been passed through traditional means down to the present time (Field Data).

The leadership activities for William Freeman, Jr. are well remembered by people consulted during this research. A major portion of his activities were related to securing employment for Indian people in Tehama county and the surrounding counties of Glenn and Mendocino, as well as for local non-Indian people. He is known for establishing a system of contract work involving food harvest (e.g., peaches, apricots, olives, tomatoes,

walnuts, prunes). Work was sometimes available on local ranches, but this employment did not serve everyone. Others left the area to do contract work for Willie, who was known as a "big contractor." He would build a camp for people where they could stay during a specific harvest time. The people of Paskenta were a part of this harvest cycle, which kept them regularly employed away from the Rancheria property where job opportunities were more readily available to them. Much of the contract work was in northcentral California (e.g., Corning, Flournoy, Woodland) which allowed people to return home if necessary. Willy Freeman is fondly remembered for his contributions in the area of employment (Field Data). He was also in this leadership position when the government recognized the Paskenta group's existence as a historical band of Indians occupying a clearly defined territory and exercising traditional decision-making by consensus through a headman. The government conducted an election under the Indian Reorganization Act (IRA) on June 10, 1935. The decision to accept the IRA was determined by a vote of 17 to 0 with a voting population of 26.

William Freeman is also known to be "the one who 'sold' the Paskenta Rancheria." Due to poor access to the Rancheria, the rocky soil conditions which made farming difficult if not impossible, and the lack of employment in the immediate vicinity, the number of year-round Rancheria residents was in steady decline. According to "A Plan for the Distribution of the Assets of the Paskenta Rancheria According to the Provisions of Public Law 85-671, Enacted by the 85th Congress, August 18, 1958,"

. . . the place is not large enough to support a single economic unit. At one time it was utilized for home-sites by landless Indians during the winter months when they could not find jobs outside. About 25 Indians lived here during the winters of the 1920's and early 1930's, but the place was so isolated and access roads so bad that the number had dwindled to the William Freeman and Deck Raglin families by 1940. It is generally understood that these two families are the only assignees of the Paskenta Rancheria.

The government determined that the heads of these two families should be the sole participants (distributees) in the distribution of the assets of the Rancheria. The notification of the proposed plan for termination was posted in the Paskenta post office, mailed to the two distributees, posted on the Rancheria, and mailed to any persons who believed themselves to have an interest in the plan and who had contacted the Sacramento Area Office. People from families who had homes on the Rancheria, but who no longer consistently resided there due to lack of accessibility and work, were not contacted or involved in the termination process. Most of the Rancheria membership was away at work during this time and thus many were unaware of

the government's intentions. Consultants recall that there were protests to the BIA Office in Sacramento, but these objections to the plan were denied as follows:

. . . The lands at Paskenta have been used by Indians with the approval of the officials of the Bureau of Indian Affairs stationed in California. In preparing the plan, the Bureau officials and the Indian users decided that in order to participate in the distribution, and [sic.] Indian must have had a recognized assignment in and subsequent to 1940. There are only two such recognized assignments: the one of William Freeman, Jr., and the other of Mrs. Ann Raglin. Since you do not have a recognized assignment, your appeal must be denied. [Letter to Mrs. Birdie Freeman, July 10, 1959, from Assistant Secretary of the Interior]

The assignment of Rancheria lands prior to 1940 is not part of Rancheria history, yet formed the basis for the government's decision denying the appeals. The Rancheria was terminated on July 7, 1959, and the government proceeded with the distribution plan.

The Paskenta people remained organized and under the leadership of Everett Freeman who is currently recognized in this role not only by the Paskenta membership, but by county officials, the school system, and by leaders of other Central California Indian groups. Recently, under Everett's leadership, and in association with other family members, the descendants of the Paskenta people for whom the original purchase of the Rancheria lands was made, have officially organized under the Constitution of the Paskenta Band of Nomlaki Indians, adopted on December 18, 1993 and included as Appendix A.

### Summary

The Paskenta Band of Nomlaki Indians associated with the former federally recognized Paskenta Rancheria has remained connected through kinship ties and socio-political organization since termination. This community is recognized socially and politically as a distinct entity internally and by outside Indian and non-Indian groups, organizations, and agencies. This recognition has endured through time as a distinctive component throughout the documented history of the Paskenta Band of Nomlaki Indians.

<sup>1</sup>Field work was conducted during 1993-1994 through interviews with members of the Paskenta Band of Nomlaki Indians, as well as observation of community activities, and document research. Information from interviews and observations is referred to in this document as "Field Data." Field data obtained by D. Theodoratus in the 1980s is included and is distinguished from the 1993-1994 field data by date.

**APPENDIX A**

**Constitution of the Paskenta Band  
of Nomlaki Indians**

**Adopted December 18, 1993**

**CONSTITUTION**  
**of the**  
**PASKENTA BAND OF NOMLAKI INDIANS**

**PREAMBLE**

We, the people of the Paskenta Band of Nomlaki Indians, hereinafter referred to as the "Band," in order to establish a tribal government through which we may effectively exercise our inherent sovereign powers and privileges, and preserve and maintain our unique cultural and ethnic heritage, do hereby ordain and establish this Constitution. This Constitution shall serve as an interim governing document until such time as the Band's status as a self-governing tribe is formally recognized by the United States government and a new constitution is adopted at a special election called by the Secretary of the Interior.

**ARTICLE I: TERRITORY**

The territorial jurisdiction of the Band shall extend to all lands as to which the Band hereafter may acquire legal or beneficial title.

**ARTICLE II: MEMBERSHIP**

**Section 1.**

The membership of the band shall consist of the following:

(a) All persons of Nomlaki Indian blood who resided on the Paskenta Rancheria at any time prior to the distribution of the assets of the Rancheria pursuant to the California Rancheria Act;

(b) All persons who were identified as Indians from Paskenta in any of the official or unofficial rolls of Indians prepared by the Bureau of Indian Affairs;

(c) All other persons who are direct lineal descendants of persons qualifying as members under subsections (a) or (b) and who have maintained tribal relations with the Band, together with such other persons who apply for and are accepted into

membership pursuant to the adoption provisions of an ordinance enacted under Section (3) of this Article.

#### Section 2.

Any person who is officially enrolled with or has received an assignment or allotment of land on the reservation of another federally-recognized tribe shall not be eligible for membership in the Paskenta Band of Nomlaki Indians; provided that

(a) interests in tribally assigned or individually allotted land acquired by gift, devise or inheritance shall not be considered grounds for ineligibility; and

(b) if a person who is officially enrolled with another federally-recognized tribes executes a Notice of Intention to Relinquish Membership on a form approved by the Band, and is otherwise qualified for membership in the Band, he/she shall be deemed a member of the Band until such time as the Band is officially recognized by the United States government. Upon such recognition, such member shall not be officially enrolled with the Band until he/she has executed a written relinquishment of his/her membership in any other federally recognized tribe.

#### Section 3.

The Tribal Council shall have the power to adopt ordinances, consistent with this Constitution, governing future membership, loss of membership, adoption of members into the Band and the preparation and maintenance of a tribal membership roll.

### ARTICLE III: GOVERNING BODY

#### Section 1.

The governing body of the Band shall be the Tribal Council, which shall consist of five (5) tribal members elected from the General Council. The Tribal Council shall consist of a chairperson, vice-chairperson, secretary-treasurer, and two (2) members, each elected in an election held in accordance with this Constitution.

#### Section 2.

The General Council shall consist of all members of the Band who are eighteen (18) years of age or older. The General Council shall exercise its powers through election of officers, referendum, initiative, amendment and such other powers as may be reserved to it by this Constitution.

**ARTICLE IV: ELECTIONS****Section 1.**

The first election under this Constitution shall be held within sixty (60) days after the date on which this Constitution is adopted. At that election, the Chairperson, Secretary-Treasurer and one (1) Council member shall be elected to two (2) year terms while the Vice-Chairperson and one (1) Council member shall be elected to one (1) year terms. Thereafter, all terms of office shall be for two (2) years and elections shall be held annually on a staggered basis.

**Section 2.**

Any enrolled member of the Band who is at least eighteen (18) years of age at the time of the election shall be eligible to vote. Any eligible voter of the Band who has not been convicted of a felony and who resides in Tehama, Glenn or Colusa Counties shall be eligible to hold office.

**Section 3.**

Any eligible voter of the General Council may announce his/her candidacy for tribal office or membership on the Tribal Council no later than 30 days prior to an election. The list of candidates shall be announced publicly in the regular Tribal Council meeting immediately preceding the election and shall further be posted that same day at the tribal office or such other place or places designated by the General Council in an election ordinance. If no person has announced his/her candidacy for a particular office prior to the Tribal Council meeting immediately preceding the election, nomination may be made from the floor at said meeting. In the event that no candidate is nominated for a particular office, the incumbent shall continue to serve therein until the next election. If there is no incumbent, the Tribal Chairperson shall have the power to appoint an eligible voter from the Band's membership to such vacant office. If the vacant office is that of Tribal Chairperson, the Vice-Chairperson shall serve as Chairperson until the election of a successor.

**Section 4.**

The candidate receiving the highest number of votes for a particular office shall be elected to that office.

**Section 5.**

Within thirty (30) days following the approval of this Constitution, the General Council shall elect an Elections Board and enact an election ordinance prescribing procedures for fair elections, absentee balloting, settlement of election disputes, handling of petitions and the conduct of referendum, initiative and recall elections. All elections shall be conducted by secret ballot.

**Section 6.**

All elections shall be supervised and conducted by an Elections Board composed of five members of the Band who are 18 years of age or older and who reside within Tehama, Glenn or Colusa Counties, or on the Paskenta Rancheria; provided, however, that no member of the Elections Board shall be at the same time a member of the Tribal Council or a candidate for any other tribal office. The initial terms of office for the three members of the Elections Board who receive the highest votes shall expire two years after the first annual General Council meeting following the Board members' election. The initial term of office for the remaining two Board members would expire one year after the first annual General Council meeting following the remaining Board members' elections. After the terms of the initial members of the Elections Board have expired, the terms of office of all Board members shall be three years. At the first General Council meeting following the adoption of this Constitution and at any annual General Council meeting thereafter, the General Council shall elect the members of the Elections Board. The Secretary of the Tribal Council shall update the tribal roll and provide the Elections Board with a current and accurate roll within 48 hours of receipt of a written request to do so signed by the Chairperson of the Elections Board. The Board shall maintain a current voter registration list for use in all tribal elections. Said voter registration list shall be available for inspection and copying upon receipt of a fee not to exceed 25 cents per copy by all tribal members.

**ARTICLE V: VACANCIES, REMOVAL AND RECALL****Section 1.**

If a member of the Tribal Council dies or resigns or is absent from three (3) consecutive regular Tribal Council meetings in any twelve (12) month period, the Tribal Council shall declare the position vacant. If a member of the Tribal Council shall be convicted by a court of competent jurisdiction of a crime of moral turpitude while in office, or if a Tribal Council member is determined, based upon a preponderance of the evidence adduced at a duly noticed meeting at which that member is given a fair and reasonable opportunity to be heard, to have committed

acts which are contrary to the best interests of the Band or otherwise to have abused the powers or privileges of his/her office, the Tribal Council may declare the position vacant by a vote of a majority of the members of the Tribal Council then in office, not including the member whose position is the subject of the vote. If fewer than twelve (12) months remain of the officer's term, the Tribal Council shall, by a majority vote, fill the vacancy by appointing an eligible voter from among the Band's membership to serve the remainder of the term. A special election shall be called to fill vacated positions when more than twelve (12) months remain on an unexpired term.

## **Section 2. Recall.**

Upon receipt of a petition signed by at least forty (40) percent of the eligible voters of the Band setting forth specific reasons for recalling any member(s) of the Tribal Council and demanding the recall of any member(s) of the Tribal Council, the Election Board shall call a special election on the question of the recall within thirty (30) days from the date of the filing of the valid petition with the Board. The election shall be held in the manner prescribed in the Tribe's election ordinance adopted in accordance with Article IV, Section 5, of this Constitution. The decision of a majority of the voters voting in the recall election shall be final, provided that at least thirty (30) percent of the eligible voters voted in the election. Should the Election Board fail to call an election within thirty days, the position shall be declared vacant and filled in accordance with Article V, Section 1; and the Election Board may be removed by the General Council for failure to comply with the provisions of this Constitution. If removal occurs, the General Council shall appoint new Board members to serve the remainder of the recalled Board members' terms. No recall election shall be held to recall any member(s) of the Council on the same grounds or for the same reasons that were rejected by the voters within the twelve-month period preceding the submission of the petition therefor.

## **ARTICLE VI: POWERS AND DUTIES OF THE TRIBAL COUNCIL**

### **Section 1. Enumerated Powers.**

The Tribal Council shall exercise the following powers and responsibilities subject only to those limitations imposed by this Constitution and applicable federal law:

- (a) To negotiate contracts or conclude agreements with Federal, State, local and Tribal governments, private entities and individuals on behalf of the Band; to consult with the Department of the Interior on all activities of the Department which

might affect the Band or the Paskenta Indian Reservation or Rancheria; and to advise the Secretary of the Interior and other federal officials on all federal projects for the benefit of the Band or the Reservation/Rancheria.

(b) To promote the health, education and general welfare of the members of the Band and to administer charity and such other services as may contribute to the social and economic advancement of the Band and its members.

(c) To encourage and foster arts, crafts, traditions and culture of the Band.

(d) To promulgate and enforce resolutions and ordinances providing for the manner of making, holding and revoking assignments of the lands on the Paskenta Reservation/Rancheria, providing for the levying of taxes and fees and the appropriation of available Band funds for public and other lawful purposes; providing for the licensing of business and other activities by any and all persons subject to the Band's jurisdiction; for the exclusion of persons from Band lands; and on such other subjects as the activity of the Band may require that are not inconsistent with this Constitution.

(e) To borrow money and provide for the repayment thereof, manage all economic affairs and enterprises, create Tribally-owned and/or chartered corporations or other business entities and employ and discharge Tribal employees.

(f) To initiate, approve or reject any acquisition, disposition, lease, encumbrance or condemnation of tribal lands or property; to pledge newly-purchased lands as security for loans on such lands; to manage, protect and preserve all lands, minerals, wildlife and other natural resources of the Band; and to initiate and administer land development projects for the Band on tribal lands.

(g) To create and maintain a reasonable tribal fund for administrative expenses of the Band and to provide for remuneration for Tribal Council members and tribal officials as may be required; to administer any funds or property within the control of the Band for the benefit of the Band and its members, officers or employees; and to allocate tribal funds as loans or grants and to transfer tribal property and other assets to tribal organizations for such use as the Tribal Council may determine to be appropriate.

(h) To choose and employ legal counsel and/or other consultants and representatives and to fix fees for such counsel, consultants, and/or representative(s), subject to the approval of the Secretary of the Interior or his/her delegate as required by law.

(i) To initiate such administrative proceedings and/or legal action on behalf of the Band as may be necessary to protect the interests of the Band and its members.

(j) To form or join tribal courts/consortia/Indian organizations now existing or yet to be formed for the purpose of exercising the Band's civil and criminal jurisdiction and protecting the rights and interests of the Band's members under the Indian Child Welfare Act, 25 U.S.C. 1918.

(k) To create and regulate subordinate organizations; and to delegate to such organizations, or to any subordinate boards or officials of the Band any of the foregoing powers, reserving the right to review and rescind any action taken under such delegation.

(l) To preserve, protect and uphold the Constitution of the Band.

## **Section 2. General Powers.**

The Tribal Council shall have all of the appropriate powers necessary to implement specific provisions of this Constitution and to effectively govern the affairs of the Band. All other powers heretofore vested in the Band and not specifically referred to in this Constitution, including the waiver of the Band's sovereign immunity to unconsented suit, are reserved to the General Council, and may be exercised through initiative, referendum or appropriate amendment to this Constitution.

## **ARTICLE VII: MEETINGS**

### **Section 1. Tribal Council Meetings.**

(a) **Regular Meetings.** Regular meetings of the tribal council shall be held on the first Saturday of each month at a place and time designated by the Tribal Council or at such other times as the Tribal Council shall provide by resolution, provided, however, that once the Band acquires tribal trust land and a building on its trust land suitable to hold Tribal Council meetings, all Tribal Council meetings shall be held on the Band's trust land. Within 30 days from enactment of this Constitution the Tribal Council shall enact an ordinance establishing rules of procedure for conducting Tribal Council meetings. The ordinance shall provide that all council meetings shall be open to tribal members except those items that are designated by the Council in the ordinance as being appropriate for executive session. The ordinance shall also specify when a Councilmember is disqualified from participating or voting on issues because of a conflict of interest.

(b) **Special Meetings.** Special meetings of the Tribal Council may be called by the Chairperson at his/her discretion, and shall be called by the Chairperson upon receipt of a petition signed by three (3) Council members, provided the reason for the meeting is stated in the petition. Upon refusal of the Chairperson to call a special meeting, the petitioners may proceed to call and conduct the special meeting provided that a quorum is present. Twenty-four (24) hours' written or verbal notice shall be given of each special meeting.

(c) **Quorum.** No business shall be transacted at any meeting of the Tribal Council unless a quorum is present. A quorum of the Tribal Council shall consist of three (3) members.

(d) **Order of Business.** The order of business at special meetings shall be as stated in the notice or petition by which the meeting is called. The order of business at regular meetings shall be as follows:

- A. Call to order;
- B. Roll call;
- C. Reading, correction and/or approval of minutes of previous meeting;
- D. Consent calendar;
- E. Public hearings;
- F. Petitions, communications and appeals;
- G. Unfinished business;
- H. Staff recommendations;
- I. Officers' and Committee reports;
- J. New business;
- K. Executive session;
- L. Adjournment.

## Section 2. General Council meetings.

(a) **Annual Meetings.** The General Council shall meet at least annually on the third Saturday of April, beginning at 10:00 a.m., at a place designated by the Tribal Council upon thirty (30) days written notice to all adult Band members.

(b) **Special Meetings.** A special meeting of the General Council may be called by the Chairperson of the Tribal Council or shall be called by the Chairperson upon receipt of a valid petition signed by at least 25% of the qualified voters of the Band, for the purpose of bringing special business or issues to the General Council for discussion or enactment. A special meeting may be held only upon at least seven days' written notice to all adult tribal members, provided that the reason for the meeting be stated in such notice and that a quorum be present. It, upon validation

of the petition by the Secretary, the Chairperson does not call and give notice of the meeting within seven (7) days after validation, the next highest ranking officer shall exercise such authority, and upon failure of any of the Tribal Council to call and give notice of the special meeting, the petitioner spokesperson shall proceed to call, give notice of and conduct the special meeting; provided that a quorum be present. A special meeting of the General Council shall not be canceled after the seven-day notice is given. In any special meeting the General Council shall have the same power to transact business as in a regular meeting, including but not limited to removing any Council member from office and declaring their position vacant for failing to perform any of their duties required under this Constitution.

(c) **Quorum.** No business shall be transacted at any meeting of the General Council unless a quorum is present. A quorum of the General Council shall consist of thirty per cent (30%) of its members, provided that once a quorum has been established the General Council can continue to transact business so long as at least 20% of the members thereof are in attendance at the meeting. A quorum shall be required for the election of tribal officers.

### ARTICLE VIII: DUTIES OF OFFICERS

#### Section 1. Tribal Chairperson.

The Chairperson of the Band also shall serve as the Chairperson of the Tribal Council, and shall preside at all meetings of said Council and of the General Council. The Chairperson shall execute on behalf of the Band all contracts, leases or other documents approved by the Tribal Council or the General Council.

The Chairperson shall have general supervision of all other tribal officers, employees and committees of the Band, and shall see that their duties are properly performed. Between sessions of the Tribal Council, he/she shall be the official representative of the Band.

The Chairperson shall prepare and cause to be posted at at least three public places at least thirty (30) days before a General Council meeting, an agenda for the meeting. The items on the agenda shall include, but not be limited to: (1) presentation of the Band's annual audit for all tribal enterprises by the Band's accountant and/or bookkeeper/financial officer; (2) a written report presented by the Secretary-Treasurer of the Tribal Council: (a) on the finances of the tribal government and (b) listing the names of all persons enrolled, disenrolled, or who relinquished membership in the Band during the fiscal year immediately preceding the meeting; (3) a written report presented by the Chairperson on all laws enacted by the Tribal Council during the four quarters immediately preceding the meeting, with a short

summary explaining each law; (4) a written report presented by the Vice-Chairperson of the Band on the status of all tribal land leases, including but not limited to, the amount, if any, of all lease payments paid to the tribal government for each lease.

### **Section 2. Vice-Chairperson.**

The Vice-Chairperson of the Band shall serve as the Vice-Chairperson of the Tribal Council, and otherwise shall assist the Chairperson when called upon to do so. In the absence or incapacity of the Chairperson, the Vice-Chairperson shall preside over meetings of the Tribal Council and/or the General Council, and in that capacity shall be entitled to exercise all of the powers and be obligated to discharge all of the responsibilities of the Tribal Chairperson.

### **Section 3. Secretary-Treasurer.**

The Secretary-Treasurer of the Band shall serve as the Secretary-Treasurer of the Tribal Council. He/she shall keep and file all Tribal correspondence, shall make and transcribe a complete and accurate record of all matters transacted at meetings of the Tribal Council and/or the General Council and shall attest to the accuracy of all ordinances, resolutions or other enactments by the Tribal Council or the General Council. In the absence or incapacity of both the Chairperson and the Vice-Chairperson, the Secretary-Treasurer shall preside over meetings of the Tribal Council and/or the General Council, and otherwise shall serve as acting Chairperson until the Chairperson or the Vice-Chairperson again is able to exercise the powers and responsibilities of that office. The Secretary-Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Band and/or the Tribal Council, and shall account therefor. All such funds shall be deposited in such bank(s) or other repository as may be directed by the Tribal Council, and shall not be paid out or disbursed except upon proper authorization by the vote of a majority of the incumbent members of the Tribal Council. All checks drawn on the account(s) of the Band shall be signed by the Secretary-Treasurer and the Chairperson; the Vice-Chairperson may sign properly authorized checks in the absence of the Chairperson. The books of account and other records maintained by the Secretary-Treasurer shall be audited at least once per year by a competent auditor. The Secretary-Treasurer shall be bonded at the expense of the Band.

### **Section 4. Appointed Officers.**

The duties of all appointed officers or committees shall be clearly defined by the Tribal Council when and in the enactment by which such officers are appointed. Such officers and/or committees shall report on their activities and decisions as directed by the Tribal Council, and such actions and decisions shall be subject to the review and approval of the Tribal Council.

### Section 5. Oath of Office.

Each officer of the Band elected or appointed under this Constitution or any resolution or ordinance enacted pursuant thereto shall take an oath of office before assuming the duties thereof, by which oath he/she shall pledge to support and defend the Constitution of the Paskenta Band of Nomlaki Indians. The oath shall be as follows:

I, \_\_\_\_\_, do solemnly swear that I will support and defend the Constitution of the Paskenta Band of Nomlaki Indians; that I faithfully and impartially will carry out the duties of my office to the best of my abilities; that I will cooperate with, promote and protect the best interests of the Band and its members, in accordance with this Constitution.

### Section 6. Attendance at General Council Meetings.

All members of the Tribal Council shall attend all General Council meetings and report on those items provided by Section 1 of this article. Failure of any Council member to attend a General Council meeting, except for illness, the death of a member of the Tribal Council member's immediate family (i.e., spouse, grandparents, parents, uncles, aunts, siblings, first cousins, children or grandchildren) or the serious illness of a Council member's immediate family, shall be grounds for immediate removal. The removal of a Council member under this section shall be decided by a majority vote of the members of the General Council in attendance, provided that the quorum requirements of Article VII(2)(c) are met.

## ARTICLE IX: REFERENDUM AND INITIATIVE

### Section 1. Referendum.

The General Council of the Band reserves the power independently to modify any legislation, resolution or policy of the Band. Any proposed referendum measure shall be presented to the Tribal Council accompanied by a petition signed by at least thirty per cent (30%) of the qualified voters. The decision of a majority of the voters voting in the referendum shall be final, provided that at least 30% of the qualified voters cast ballots. The Tribal Council shall call the referendum within thirty (30) days from the date of receipt of a valid petition.

Upon receipt of the petition the Secretary-Treasurer shall immediately verify the signatures. Upon verification of such petition, the Tribal Council may enact the

proposed amendment. If the Tribal Council fails to enact the amendment within fourteen (14) days from the date of receipt of the petition, the Elections Board shall call a special election for the purpose of allowing the eligible voters of the Band to vote on the referendum measure. The election shall be held within forty-five (45) days after receipt and verification of the petition by the Secretary-Treasurer. The result of the referendum election shall be final, provided that at least thirty per cent (30%) of the eligible voters cast ballots. If the Secretary-Treasurer fails to verify the petition or the Elections Board fails to call the election required herein, then, within sixty (60) days from the date that the petition was presented to the Tribal Council, there shall be a General Council meeting called by the Tribal Chairperson for the purpose of voting on the referendum petition.

### **Section 2. Initiative.**

The General Council of the Band reserves the power independently to propose legislation for the Band. Any proposed initiative measure shall be presented to the Tribal Council accompanied by a petition signed by at least thirty percent (30%) of the qualified voters. Upon receipt of the petition the Secretary-Treasurer shall immediately verify the signatures. Upon verification of such a petition by the Secretary-Treasurer, the Tribal Council may enact the proposed legislation. If the Tribal Council fails to enact the proposed legislation within fourteen (14) days from the date of receipt of the petition, the Elections Board shall call a special election for the purpose of allowing the eligible voters of the Band to vote on the initiative measure. The election shall be held within forty-five (45) days after receipt and verification of the petition by the Secretary-Treasurer. The result of the initiative election shall be final, provided that at least thirty percent (30%) of the eligible voters cast ballots. If the Secretary-Treasurer fails to verify the petition or the Elections Board fails to call the election required herein, then, within sixty (60) days from the date that the petition was presented to the Tribal Council, there shall be a General Council meeting called by the Tribal Chairperson for the purpose of voting on the referendum petition.

### **Section 3. Limitations on Initiative and Referendum.**

The Tribal Council shall have the power to decline to call a special election on any proposed initiative or referendum which was rejected by the voters within the twelve-month period preceding the submission of the petition therefor. No initiative or referendum shall be set for election which would void, cancel, abrogate, modify or amend any properly approved contract, agreement or compact to which the Band is a party.

**Section 4. Secretary-Treasurer Removal.**

The Secretary-Treasurer's failure to verify an initiative or referendum petition shall be grounds for removing him/her from office.

**ARTICLE X: BILL OF RIGHTS**

Neither the Tribal Council nor the General Council shall exercise any power in such a manner as to deprive any person of rights secured by this Constitution or applicable laws of the United States.

**Section 1.**

All members of the Band shall enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly, and association.

**Section 2.**

This Constitution shall not in any way alter, abridge or otherwise jeopardize the rights and privileges of the members of the Band as citizens of the State of California or the United States.

**Section 3.**

Individual property rights of any member of the Band, vested prior to the adoption of this Constitution, shall not be altered, abridged, or otherwise affected by the provisions of this Constitution.

**Section 4.**

Band members shall have the right to review all tribal records, including financial records, at any reasonable time in accordance with procedures established by the Tribal Council.

**Section 5.**

The Band, in exercising its powers of self-government, shall not:

(a) make or enforce any law prohibiting the full exercise of worship or religion, or abridging the freedom of speech or of the press, or the right of any person peaceably to assemble and to petition for a redress of grievances;

(b) violate the right of any person to be secure in their persons, houses, papers, and effects against unreasonable search and seizure, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

(c) subject any person to be punished twice for the same offense;

(d) require any person in any criminal case to be a witness against himself;

(e) take any private property for a public use without paying the fair market value for the property;

(f) deny to any person in a criminal proceeding the right to speedy trial, to be informed of the nature and cause of the accusation, to confront and cross-examine witnesses, and, at his/her own expense, to have the assistance of counsel for his/her defense;

(g) require bail in excess of that necessary, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than that authorized by federal or tribal law;

(h) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without notice and an opportunity for a fair hearing;

(i) pass any bill of attainder or ex post facto law; or

(j) deny to any person threatened with imprisonment the right, upon request, to a trial by jury of his/her peers of not less than six (6) persons.

#### ARTICLE XI: SEVERABILITY

If any provision of this Constitution shall in the future be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

#### ARTICLE XII: AMENDMENT

This Constitution may be amended by a majority vote of the eligible voters of the Band voting in an election called for that purpose, provided that at least thirty (30) percent of those eligible to vote shall vote in such election.

**ARTICLE XII: RATIFICATION**

This Constitution shall be effective when ratified by a majority of the eligible voters of the Band voting in a special election in which at least thirty (30) percent of the eligible voters vote.

(1/122/93)

CERTIFICATION OF ELECTION RESULTS  
PASKENTA BAND OF NOMLAKI INDIANS

We, the undersigned members of the Paskenta Election Committee, hereby certify that a special election on the adoption of the attached Constitution of the Paskenta Band of Nomlaki Indians was held on December 18, 1993, at which 30 eligible voters, constituting at least thirty (30) percent of the eligible voters of the Paskenta Band, cast their votes. The Constitution was duly adopted by a majority vote of those voting, with 21 ballots cast FOR adoption, 0 ballots cast AGAINST adoption, and 0 ballots disallowed.

Dated this 18th day of December, 1993.

PASKENTA ELECTION COMMITTEE:

Everett Freeman  
Everett Freeman

Rebecca Swearingen-Bill  
Rebecca Bill

John A. Crosby  
John Crosby

George H. Freeman  
George H. Freeman

APPENDIX B

Paskenta Band of Nomlaki Indians

1994 Membership List

PASKENTA BAND OF NOMLAKI INDIANS  
MEMBERSHIP

- Andrew Freeman (deceased) – Descendants:  
Agnes Ruth Freeman Swearinger Burrows  
(daughter of Andrew) (deceased)
- Everett Freeman (5-25-31)  
P.O. Box 988  
Williams, CA 95987
- Ivan L. Freeman (3-1-56)  
P.O. Box 83  
Tollhouse, CA 93667  
James I. Freeman (8-1-91)  
Rachel L. Freeman (8-12-93)
- Andrew J. Freeman (5-25-57)  
P.O. Box 988  
Williams, CA 95987
- Brenda G. Freeman (8-12-58)  
P.O. Box 1287  
Williams, CA 95987
- Kimberly J. Freeman Robles (9-22-59)  
P.O. Box 1393  
Williams, CA 95987  
Brandon L. Paya (12-26-81)  
Oakes Q. Locust (10-11-84)  
Sierra A. Robles (12-3-90)
- Tracy L. Freeman (8-12-66)  
P.O. Box 1287  
Williams, CA 95987  
Andrew O.P. Alijandre (4-6-88)
- Carlino J. Swearinger (1-9-33)  
P.O. Box 294  
Princeton, CA 95970
- Ronald R. Swearinger (9-19-54)  
7230 Manuel St.  
Rio Linda, CA 95673  
Amy Swearinger (9-17-76)  
Carlino Swearinger (7-1-88)
- David L. Swearinger (12-7-60)  
609 D. Murdock St.  
Willows, CA 95988  
Robin Swearinger (12-10-88)  
Bailey Swearinger (7-24-91)
- Allen L. Swearinger (1029-62)  
P.O. Box 83  
Princeton, CA 95970  
Rebecca Q. Swearinger (3-11-88)  
Daren S. Swearinger (8-1-92)
- Leonard J. Swearinger (1-5-64)  
P.O. Box 1069  
Covelo, CA 95428  
Tyler J. Swearinger (1-4-91)
- Sonia J. Swearinger (3-30-65)  
P.O. Box 294  
Princeton, CA 95970
- Bonnie J. Swearinger Gonzales (7-4-35)  
P.O. Box 1521  
Williams, CA 95987
- Nolan D. Gonzales (10-17-53)  
P.O. Box 1325  
Colusa, CA 95932  
Beau Gonzales (7-4-77)  
Anna Gonzales (10-17-79)
- Herman C. Gonzales (1-8-61)  
P.O. Box 1346  
Colusa, CA 95932
- Steven C. Gonzales (7-23-63)  
P.O. Box 1521  
Williams, CA 95987  
Steven C. Gonzales Jr. (2-4-91)
- Jennifer L. Gonzales (1-19-74)  
P.O. Box 1521  
Williams, CA 95987  
Christina Mota (5-22-88)  
Emma M. Gonzales (11-13-92)
- Darryel D. Swearinger (3-5-38)  
P.O. Box 197  
Elk Creek, CA 95939
- Kenneth A. Swearinger (5-15-57)  
P.O. Box 144  
Elk Creek, CA 95939  
Eliza A. Swearinger (9-11-76)  
Kenneth A. Swearinger Jr. (2-1-78)  
Kelly Ann Swearinger (6-1-79)  
Kimberly Swearinger (7-30-84)  
Craig Swearinger (5-15-87)  
Andrea Swearinger
- Ruben Swearinger (7-7-69)  
P.O. Box 197  
Elk Creek, CA 95939  
Matthew Swearinger (8-30-86)

- Gale Swearinger (2-2-72)  
P.O. Box 197  
Elk Creek, CA 95939
- Darrylene Swearinger (7-13-73)  
P.O. Box 197  
Elk Creek, CA 95939
- Brandy Swearinger (11-5-75)  
P.O. Box 197  
Elk Creek, CA 95939
- Duane J. Swearinger (12-11-40)  
P.O. Box 677  
Covelo, CA 95928
- Coleen Swearinger (1-10-61)  
P.O. Box 677  
Covelo, CA 95428
- John Swearinger (3-28-62)  
P.O. Box 677  
Covelo, CA 95428
- Melissa Swearinger (4-10-63)  
P.O. Box 677  
Covelo, CA 95428
- Vanessa Swearinger (10-19-64)  
P.O. Box 677  
Covelo, CA 95428
- Duane J. Swearinger Jr. (5-14-73)  
P.O. Box 677  
Covelo, CA 95428
- Nicole Swearinger Card (5-14-73)
- Rebecca M. Swearinger Arnold Bill (5-20-42)  
P.O. Box 1117  
Colusa, CA 95932
- Kenneth E. Arnold Jr. (7-10-61)  
1721 Hogar Drive  
San Jose, CA 95124  
Kyle E. Arnold (12-3-85)  
Jake M. Arnold (6-11-88)
- Darryel R. Bill (5-30-63)  
Lacey C. Bill  
Daniel Wesley Bill (8-7-65)  
Greg T. Bill (8-5-77)
- Shirley A. Swearinger (1-9-46)  
1201 W. Wood St., Apt. 26  
Willows, CA 95988
- Danny Burrows (deceased)  
Aston Burrows (7-1-82)  
P.O. Box 42  
Elk Creek, CA 95939  
Ernest J. Burrows (5-19-85)  
P.O. Box 142  
Elk Creek, CA 95939  
Heather Burrows (10-5-86)
- Larry Burrows (5-24-68)  
1201 W. Wood St., Apt. 26  
Willows, CA 95988  
Byron Burrows
- Terry Burrows (12-27-69)  
1201 W. Wood St., Apt. 31  
Willows, CA 95988  
Tyler J. Lopez (6-16-91)
- Natalie Burrows (3-18-71)
- Leora F. Burrows John (9-16-52)  
P.O. Box 234  
Elk Creek, CA 95939
- Joe Freeman – Descendants:  
George W. Freeman (son of Joe) (deceased)  
Stanford L. Freeman (son of Joe) (deceased)
- George W. Freeman (deceased)
- George H. Freeman (12-8-49)  
P.O. Box 671  
Covelo, CA 95428
- Janice V. Freeman (4-10-56)  
P.O. Box 671  
Covelo, CA 95428  
Harley D. Decent (2-8-73)  
Brent J. Decent (10-19-92)  
Zachariah S. Decent (1-8-79)  
Julie Bond (5-19-85)
- Jeannie C. Freeman (3-7-58)  
P.O. Box 671  
Covelo, CA 95428  
Carol J. Short (2-28-78)
- Stanford L. Freeman (deceased)
- Geraldine W. Freeman (12-20-52)  
P.O. Box 563  
Colusa, CA 95932
- Stanley R. Freeman (2-22-54)  
P.O. Box 563  
Colusa, CA 95932

Frances J. Freeman Caldera (10-5-55)  
P.O. Box 563  
Colusa, CA 95932

William Freeman (deceased) -- Descendants:  
Willard C. Freeman (son of William)

Willard C. Freeman (deceased)

Harold Freeman (2-7-44)  
75950 Comm St.  
Covelo, CA 95428  
Eileen Freeman Thompson (3-25-64)  
Jobe J.D. Thompson (7-9-81)  
Charlene J. Thompson (12-21-86)  
Jolene W. Thompson (4-4-89)  
Melanie L. Freeman (4-30-67)

William C. Freeman (son of William) (deceased)

Tami Freeman (1-19-58)  
P.O. Box  
Covelo, CA 95428  
Myron Freeman (11-3-77)  
Amber Murrillo (7-29-89)

Richard Freeman (deceased) -- Descendants:  
Ivalene Freeman (daughter of Richard)  
(deceased)

Elaine Wynona Freeman (7-16-44)  
240 Edith Avenue #117  
Corning, CA 96021

Sean Whitney Hedrick (5-26-55)  
1327 West St.  
Corning, CA 96032  
Tillman Jacob Hedrick (10-16-89)  
Arthur Dale Freeman (3-31-61)  
Lorenzo Richard Davis (6-6-77)

Cynthia Frease White (3-25-49)  
240 Edith Avenue #117  
Corning, CA 96021  
Avis Frease Zamora (3-4-67)  
Lawrence Lawson (8-24-70)  
Tracy Lopez Moon (3-27-72)  
Kyle Dean Moon (7-11-90)  
Raymond Moon Jr. (7-26-91)

Deck Raglin (deceased) -- Descendants:  
Mervin Raglin (son of Deck Raglin, Jr.)  
(deceased)

Naomi Raglin Smith (11-27-55)  
P.O. Box 1117  
Colusa, CA 95932  
Ezra Rodriguez (3-18-80)

Mariana Rodriguez (9-15-81)  
Angela E. Rodriguez (1-28-83)  
Consuelo M. Rodriguez (7-19-85)  
Jesus A. Bermudez (6-22-90)

Ruth Raglin Dorman (11-27-55)  
P.O. Box 1117  
Colusa, CA 95932  
Lakotah F. Rangel (6-23-80)  
Lyle D. Dorman (8-24-82)

Rosie Clara Raglin Ponce Cruson  
(daughter of Deck, Jr.) (deceased)

Mary Cathleen Ponce (11-14-61)  
363 Valleywood Dr.  
Woodland, CA 95965

Alice Marie Ponce (8-22-63)  
363 Valleywood Dr.  
Woodland, CA 95965

Christopher Mejia Ponce (4-11-66)  
363 Valleywood Dr.  
Woodland, CA 95965

Albert Franks (deceased) -- Descendants:  
Ethel Franks Raigosa (daughter of Albert)  
(deceased)

Mary Raigosa (2-17-59)  
538 1/2 G Street  
Arcata, CA 95521  
Jeremy A. Bill (11-11-86)  
Kyle Bill (2-8-89)

Francisco Raigosa (8-20-60)  
Natoshua Raigosa (4-2-79)  
Jodie Raigosa (8-1-82)

Lisa Raigosa Salas (8-23-62)  
P.O. Box 988  
Williams, CA 95988

Pablo Raigosa (6-15-65)  
P.O. Box 988  
Williams, CA 95988

Juan Raigosa (7-18-55)  
P.O. Box 988  
Williams, CA 95988

John Jordan -- Descendants:

James Cyrus Jordan (son of John) (deceased)

Shirley Jordan Thompson (9-21-45)  
75950 Comm St.  
Covelo, CA 95428  
Dean Clifford Thompson (11-12-63)  
Elizabeth Ann Thompson (7-5-68)  
Todd Whyant Thompson (5-6-66)  
Yana Thompson Dampier (10-15-74)  
Skyeler Savie Malone (12-11-87)  
Austin Lamont Malone (7-27-89)

Edward Jordan (son of John) (deceased)

June Jordan Mota (6-29-21)  
1165 Delphimin St. Apt. D  
Red Bluff, CA 96080  
Roseanna Hayes Spinks (6-12-39)  
Roslynn Spinks  
Ronda Spinks  
Rodney Spinks

Melanie Mota Uribe (6-14-63)  
General Delivery  
Gerber, CA  
Dustin Bill  
Mindy Bill  
Angelicia Bill  
Rose Uribe  
Vanessa Uribe

Fannie Freeman Joe (deceased) -- Descendants:

Sylvester Simmons (son of Fannie Freeman  
Simmons Joe) (deceased)

Fern Simmons Dalson (10-10-38)  
General Delivery  
Covelo, CA 95428  
Vernon Lester Dalson, Jr. (3-29-61)  
Steven Eugene Dalson  
Sherri Lee Dalson Molina (4-11-63)  
Daniel Wiley Dalson (5-11-64)  
Timothy Nathan Dalson (3-20-68)

James Simmons  
General Delivery  
Gerber, CA

Louis Simmons  
Roseburg, OR

Diane Simmons  
General Delivery  
Gerber, CA

Birdie Christine Freeman (deceased) --  
Descendants:

Bernie Downey Blakenship (11-27-30)  
5432 President Avenue  
North Highlands, CA 95660

Ronald Orr (9-23-50)  
Ronald Orr, Jr. (7-22-78)  
Lorraine Teresa Orr (8-31-80)  
Betty Louise Orr (3-10-82)  
Vivian Arlene Orr (2-17-83)  
April Rose Orr (4-11-84)  
Olivia Darlene Orr (7-19-91)

Bernyce Georgina Orr (10-16-51)  
Robert Gene Orr (2-1-73)

Irene Louise Orr (7-12-65)  
Mary Elena Gutierrez

Richard Daniel Garnica (1-1-64)  
Maria Renee Garnica (2-18-83)  
Richard D. Garnica, Jr. (8-18-88)  
Crystal Rose Garnica (8-27-87)  
Christopher Merle Garnica (7-27-90)  
Ruben Royce Garnica (12-19-91)

Royce Gene Ray (3-6-59)  
Ryan Ray (5-13-85)  
Keiith Ray (5-8-86)

Stuart Kevin Ray (5-27-60)

Elizabeth Ann Norwood (11-3-52)  
Richard Anthony Pequeno (8-1-82)

Deck Raglin (deceased) -- Descendants:  
Deck Raglin, Jr. (son of Deck) deceased

William Wilbur Raglin (11-6-29)  
Maria Ella Raglin (7-2-74)  
William James Raglin (9-3-75)

[berniedowney@comcast.net](mailto:berniedowney@comcast.net)

APPENDIX C

Paskents Genealogical Information

and

BIA Certified Family Relationship Charts

Paskenta Genealogical information  
 (for use in compiling tribal roll and voting roster)  
 [Theodoratus/Geri Emberson November 26, 1993]

## Legend:

- \* BIA certified, eligible for membership/vote  
 (born 1975 or before)
- + BIA certified, born after 1975 (under 18)
- # not certified (BIA needs information),  
 eligible for voting membership (born 1975 or before)
- @ not certified (BIA needs information),  
 minor (born after 1975)

Descendants of William Freeman and Mollie Dann (Freeman, Frank,  
 Freeman) through daughter Berdie Freeman

- \* Bernice Downey Blankinship (Orr, Ray, Garcia)
  - \* Ronald Orr
    - @ Ronald Orr, Jr. (b. 7-22-78)
    - @ Lorene Orr (b. 8-31-80)
    - @ Betty Orr (b. 3-10-82)
    - @ Vivian Orr (b. 2-17-83)
    - @ April Orr (b. 4-11-84)
    - @ Olivia Orr (b. 7-19-91)
  - \* Bernyce Georgina Orr
    - @ Robert Gene Orr (b. 2-1-73)
  - \* Elizabeth Ann Norwood
    - @ Richard Anthony Pequeno (b. 8-1-82)
  - \* Royce Gene Ray
    - @ Ryan Ray (b. 5-13-85)
    - @ Kieth Ray (b. 5-8-86)
  - \* Stuart Kevin Ray
  - \* Richard Daniel Garcia
    - @ Marie Renee Garcia (b. 1-18-83)
    - @ Crystal Rose Garcia (b. 8-27-87)
    - @ Richard D. Garcia (b. 8-18-88)
    - @ Christopher M. Garcia (b. 7-27-90)
  - @ Ruben Royce Garcia (b. 12-19-91)
  - \* Irene L. Orr
    - @ Mary Elena Gutierrez (b.            )





## United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Bernyce G. Orr

is enrolled as a California Indian under the Act of September 21, 1968  
(82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
of California Indians, completed as of December 15, 1972, as enrollee  
number 47227, date of birth October 16, 1951

Information as to degree of Indian blood is not shown on this roll,  
however, other records in this office show her/him to be the

daughter

of

George Hugh Orr, 11/16 Pit River/WahpunneBernice (Downey) Pete, Orr, Rav. Blankenship, 7/8 Wallaki/Komalaki

Based on the above relationship the applicant's degree of Indian blood  
is computed to be

25/32 Wahpunne/Pit River/Wallaki/Komalaki

Please note: The 1972 Judgment Fund Roll is only considered as a  
payment list and inclusion on the payment list does not denote tribal  
membership nor does the possession of California Indian blood necessarily  
entitle the above named person to BIA benefits.

FOR

*Harold M. Brafford*  
Harold M. Brafford  
Superintendent





## United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Bernyce G. Orr  
is enrolled as a California Indian under the Act of September 21, 1968  
(82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
of California Indians, completed as of December 15, 1972, as enrollee  
number 47227, date of birth October 16, 1951

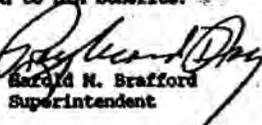
Information as to degree of Indian blood is not shown on this roll,  
however, other records in this office show her/him to be the,

daughter of George Hugh Orr, 11/16 Pit River/Wahpunnas  
Bernice (Downey) Pete, Orr, Rav. Blankenship, 7/8 Wailaki/Kowalaki

Based on the above relationship the applicant's degree of Indian blood  
is computed to be

25/32 Wahpunnas/Pit River/Wailaki/Kowalaki

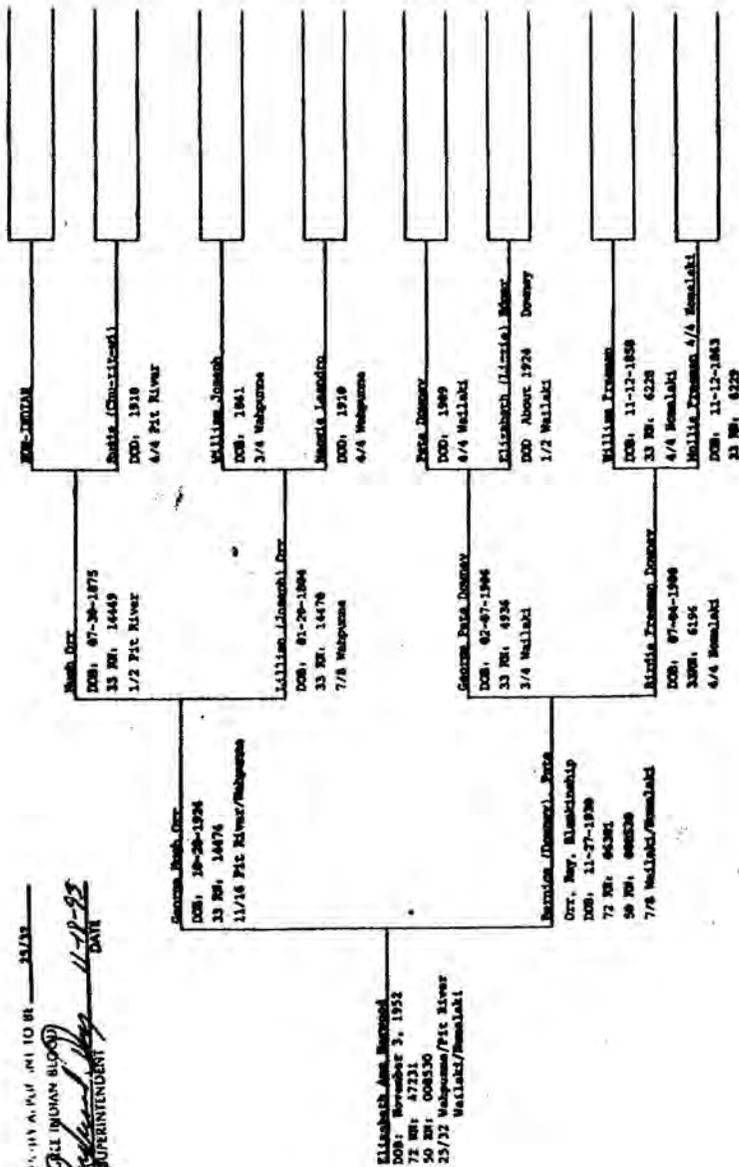
Please note: The 1972 Judgment Fund Roll is only considered as a  
payment list and inclusion on the payment list does not denote tribal  
membership nor does the possession of California Indian blood necessarily  
entitle the above named person to BIA benefits.

FOR   
Harold M. Brafford  
Superintendent

1875-1910 A. P. P. INI TO BE 34/23

DOUBLE INDIAN BLOOD

FOR SUPERINTENDENT 11-19-92  
DATE





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4508

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Elizabeth Ann Norwood  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 47231, date of birth November 3, 1952

Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/him to be the  
daughter of George Hugh Orr, 11/16 Pit River/Wahpunnas; Bernice Dowsey, (Peta)  
Orr, Rev. Blankenship, 7/8 Wailaki/Komalaki

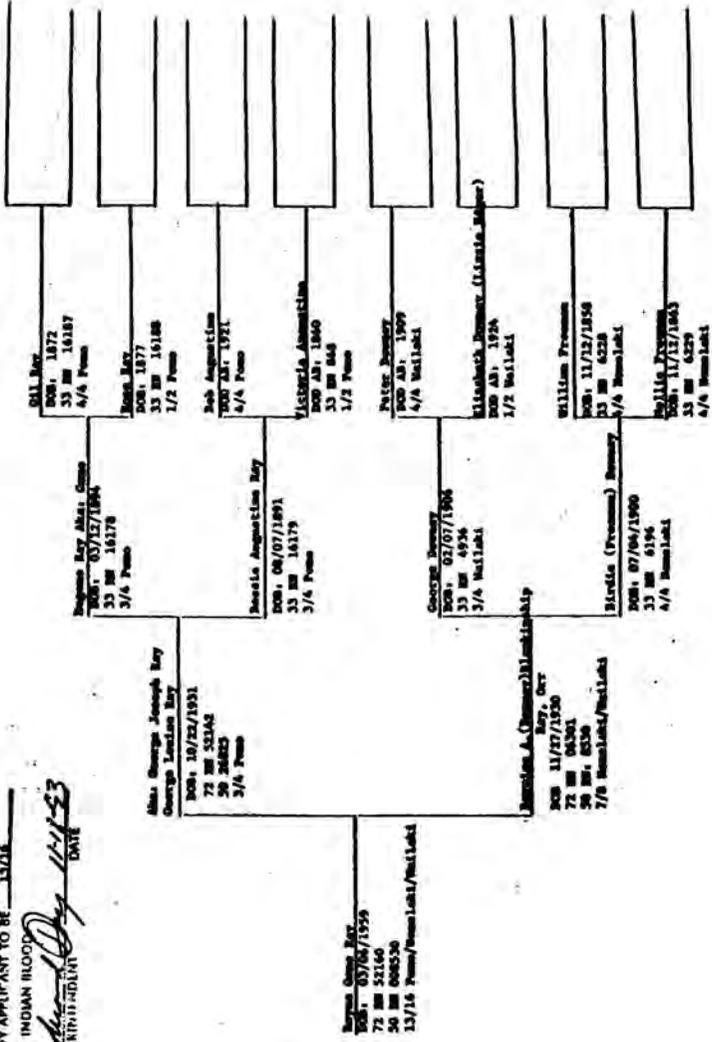
Based on the above relationship the applicant's degree of Indian blood  
 is computed to be 25/32 Wahpunnas/Pit River/Wailaki/Komalaki

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

FOR

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent

1 - FERTILITY APPLICANT TO BE \_\_\_\_\_ 12/16  
 DISCIPLE INDIAN BLOOD  
 SUPERVISOR *Richard Day* 1-1-83  
 DATE





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

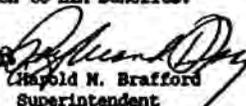
This is to certify that Royce Gene Ray  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 52160, date of birth March 6, 1959

Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/him to be the

son of George Louis Ray, 3/4 Pomo; Bernice (Downey) Pete, Orr, Ray,  
Blankinship, 7/8 Mailaki, Komalaki

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be 13/16 Pomo/Mailaki/Komalaki

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

FOR   
 Raymond M. Brafford  
 Superintendent

CERTIFY APPLICANT TO BE  
 INDIAN BLOOD  
 DATE 11-12-53  
 [Signature]

<p>George, Joseph Ray                  DOB: 10/22/1931                  72 RR 531A3                  50 RR 62825                  3/4 Male</p>	<p>George, Joseph Ray                  DOB: 03/12/1936                  33 RR 16178                  3/4 Male</p>	<p>George, Joseph Ray                  DOB: 10/22/1931                  72 RR 531A3                  50 RR 62825                  3/4 Male</p>	<p>George, Joseph Ray                  DOB: 03/12/1936                  33 RR 16178                  3/4 Male</p>	<p>George, Joseph Ray                  DOB: 08/07/1891                  33 RR 16179                  3/4 Male</p>	<p>George, Joseph Ray                  DOB: 03/07/1900                  33 RR 4936                  3/4 Male</p>	<p>George, Joseph Ray                  DOB: 07/04/1900                  33 RR 6196                  4/4 Male</p>	<p>George, Joseph Ray                  DOB: 11/22/1930                  72 RR 66501                  50 RR 6530                  7/8 Male</p>	<p>George, Joseph Ray                  DOB: 11/22/1930                  33 RR 6228                  4/4 Male</p>	<p>George, Joseph Ray                  DOB: 07/04/1900                  33 RR 6196                  4/4 Male</p>	<p>George, Joseph Ray                  DOB: 08/07/1891                  33 RR 16179                  3/4 Male</p>	<p>George, Joseph Ray                  DOB: 03/07/1900                  33 RR 4936                  3/4 Male</p>	<p>George, Joseph Ray                  DOB: 07/04/1900                  33 RR 6196                  4/4 Male</p>	<p>George, Joseph Ray                  DOB: 11/22/1930                  72 RR 66501                  50 RR 6530                  7/8 Male</p>	<p>George, Joseph Ray                  DOB: 11/22/1930                  33 RR 6228                  4/4 Male</p>	<p>George, Joseph Ray                  DOB: 07/04/1900                  33 RR 6196                  4/4 Male</p>
--	---	--	---	---	--	--	---	--	--	---	--	--	---	--	--



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

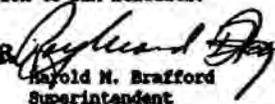
This is to certify that Stuart Kevin Ray  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 52162, date of birth May 27, 1960

Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/him to be the

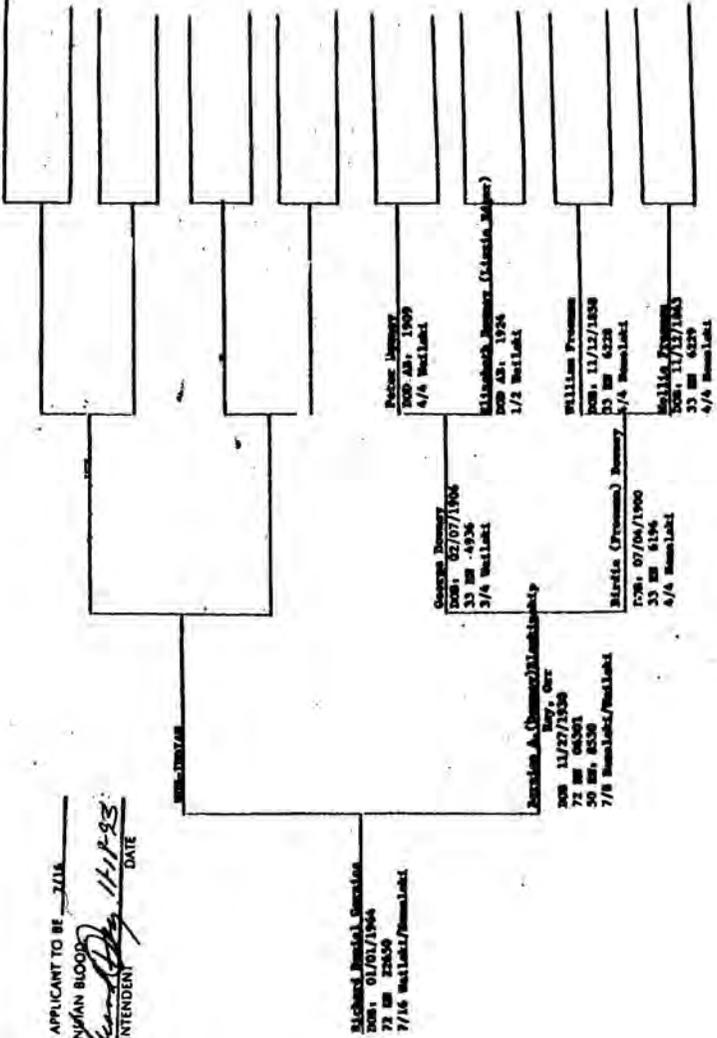
son of George Louis Ray, 3/4 Pomo; Bernice (Downey) Pats. Orr. Ray,  
Blankinship, 7/8 Wailaki, Kwalaki

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be 13/16 Pomo/Wailaki/Kwalaki

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

FOR   
 Harold N. Brafford  
 Superintendent

IF THIS APPLICANT TO BE 3116  
 URGENT INDIAN BLOOD  
 FOR SUPERINTENDENT 11-18-93  
 DATE

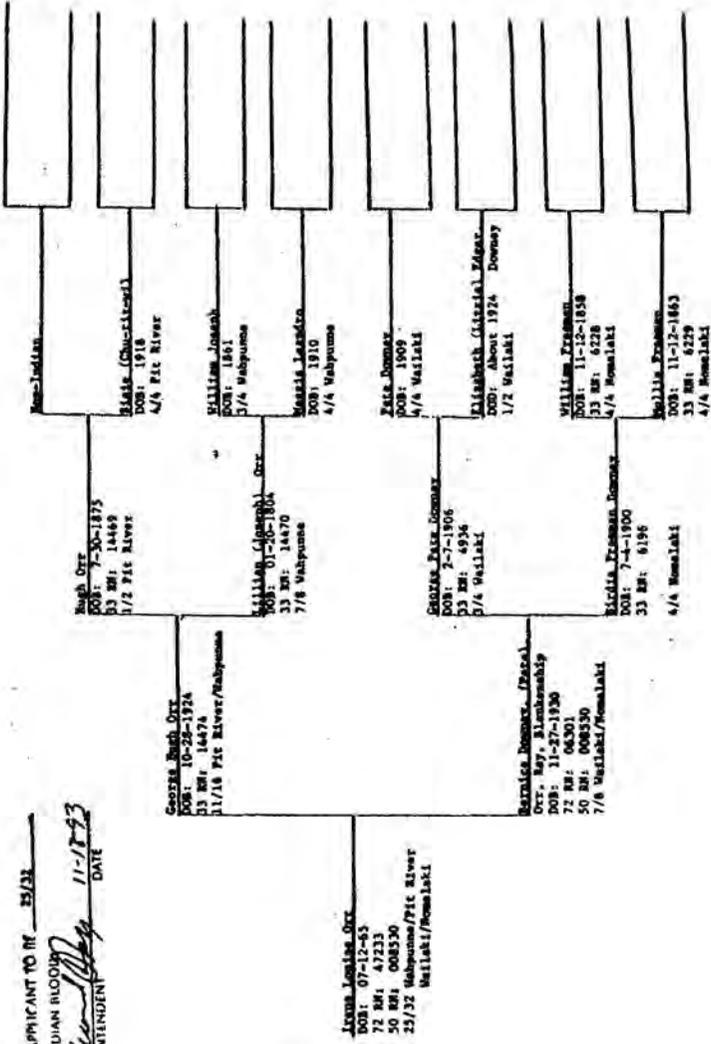




CERTIFICATE APPLICANT TO BE \_\_\_\_\_ 25/33

DI CAROL INDIAN BLOOD

*Richard A. [Signature]*  
FOR SUPERINTENDENT DATE 11-17-53





## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Irene Louise Orr  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 47233, date of birth July 12, 1965

Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/him to be the

daughter of George Hugh Orr, 11/16 Pit River/Wahpunnah; Bernice Downey, (Pete)  
Orr, Rev. Blankenship, 7/8 Wailaki/Komalaki

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be 25/32 Wahpunnah/Pit River/Wailaki/Komalaki

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent

Paskenta Genealogical information  
 (for use in compiling tribal roll and voting roster)  
 [Theodoratus/Geri Emberson November 26, 1993]

## Legend:

- \* BIA certified, eligible for membership/vote  
 (born 1975 or before)
- + BIA certified, born after 1975 (under 18)
- # not certified (BIA needs information),  
 eligible for voting membership (born 1975 or before)
- @ not certified (BIA needs information),  
 minor (born after 1975)

Descendants of William Freeman and Mollie Dann (Freeman, Frank,  
 Freeman); through son Willard Charles Freeman (aka Charlie  
 Freeman)

- \* Harold Freeman
  - \* Eileen Maxwell Freeman
    - @ Jobe J. D. Thomson (b. 7-9-81)
    - @ Charlene J. Thomson (b. 12-21-86)
    - @ Jolene W. Thompson (b. 4-4-89)
  - \* Melanie Lynn Freeman
- \* Tami Dolores Freeman
  - @ Myron Freeman (b. 11-3-77)
  - @ Amber Murillo (b. 7-29-89)

1/2

THE BLOOD

*[Signature]*  
DATE 1-14-83

(Copy of 1/1/83)

**Shirley Freeman**

DOB: 06/17/1922  
28 RR 6219  
5/8 Watson/Mallaki  
7A RN 21365  
50 RN 10590

**Harold Franklin Freeman**

DOB: 02/07/1944  
72 RR 21375  
1/2 Watson/Mallaki/Mallan/Machon

**William Freeman, Jr.**

DOB: 09/23/1903  
28 RR 6230  
4/4 Watson

**Indeena Simms Freeman**

DOB: 04/17/1981  
28 RR 6218  
1/4 Mallaki

**Carroll Cook**

DOB: 05/28/1993  
28 RR 3945  
3/8 Mallan/Machon

**Goldie Cook Peatling Blak**

DOB: 04/06/1923  
28 RR 3945  
3/8 Mallan/Machon

**Annis Cook - WDF-1801AR**



## United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4508

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Harold Franklin Freeman

is enrolled as a California Indian under the Act of September 21, 1968  
(82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
of California Indians, completed as of December 15, 1972, as enrollee  
number 21295, date of birth February 27, 1944

Information as to degree of Indian blood is not shown on this roll,  
however, other records in this office show her/him to be the

Son of \_\_\_\_\_

Willard Freeman, 5/8 Kwalaki/Wailaki

Based on the above relationship the applicant's degree of Indian blood  
is computed to be \_\_\_\_\_

5/16 Kwalaki/Wailaki

Please note: The 1972 Judgment Fund Roll is only considered as a  
payment list and inclusion on the payment list does not denote tribal  
membership nor does the possession of California Indian blood necessarily  
entitle the above named person to BIA benefits.

FOIA

*Harold M. Brafford*  
Harold M. Brafford  
Superintendent





## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO

NOV 18 1993

**TO WHOM IT MAY CONCERN:**

This is to certify that Melanie Lynn Freeman  
is enrolled as a California Indian under the Act of September 21, 1968  
(82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
of California Indians, completed as of December 15, 1972, as enrollee  
number 21327, date of birth April 28, 1967  
Information as to degree of Indian blood is not shown on this roll,  
however, other records in this office show her/his to be the  
daughter of  
Harold Franklin Freeman, 1/2 Wintun/Wailaki/Neida/Euchooa  
Illace Marie Yilletsaa, 9/16 Wintun/Pomo/Yuki  
Based on the above relationship the applicant's degree of Indian blood  
is computed to be 17/32 Wintun/Neida/Yuki/Pomo/Euchooa/Wailaki

Please note: The 1972 Judgment Fund Roll is only considered as a  
Payment list and inclusion on the payment list does not denote tribal  
membership nor does the possession of California Indian blood necessarily  
entitle the above named person to BIA benefits.

FOR   
Harold M. Bradford  
Superintendent





## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO

NOV 18 1993

**TO WHOM IT MAY CONCERN:**

This is to certify that Eileen Maxwell Freeman  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 868 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 21283, date of birth March 25, 1964  
 Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/his to be the  
daughter of Harold Franklin Freeman. 1/2 Wintun/Wailaki/Waidu/Wuchnon  
Ilisee Marie Tillotson. 9/16 Wintun/Pomo/Yuki  
 Based on the above relationship the applicant's degree of Indian blood  
 is computed to be 17/32 Wintun/Waidu/Yuki/Pomo/Wuchnon/Wailaki

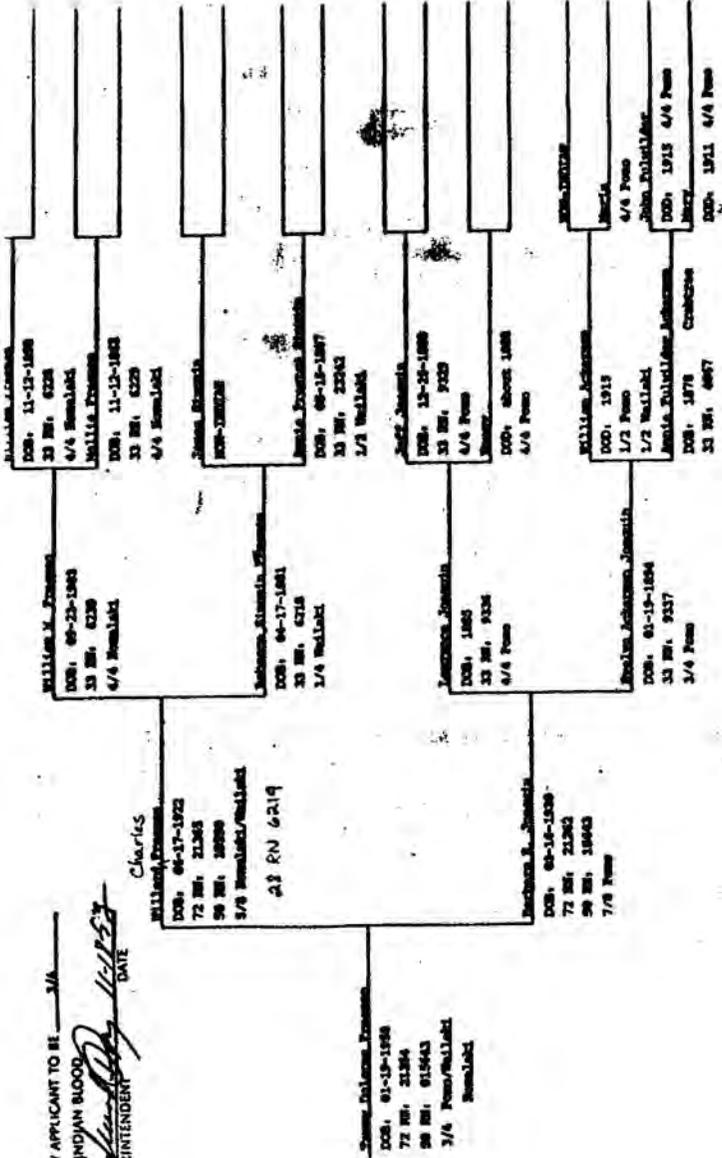
Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

FOR

*[Signature]*  
 Gerald E. Brafford  
 Superintendent

I CERTIFY APPLICANT TO BE 3/A

DISCREDITARY BLOOD  
  
 SUPERINTENDENT  
 DATE 11-15-53





## United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Tammy Delores Freeman

is enrolled as a California Indian under the Act of September 21, 1968  
(82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
of California Indians, completed as of December 15, 1972, as enrollee  
number 21354, date of birth January 19, 1958

Information as to degree of Indian blood is not shown on this roll,  
however, other records in this office show her/him to be the

Daughter of \_\_\_\_\_

Willard Freeman, 5/8 Kwalaki/Wailaki

Barbara E. Joergin, 7/8 Pomo

Based on the above relationship the applicant's degree of Indian blood  
is computed to be \_\_\_\_\_

3/4 Kwalaki/Wailaki/Pomo

Please note: The 1972 Judgment Fund Roll is only considered as a  
payment list and inclusion on the payment list does not denote tribal  
membership nor does the possession of California Indian blood necessarily  
entitle the above named person to BIA benefits.

FOR

*Arnold M. Brafford*  
Arnold M. Brafford  
Superintendent

Paskenta Genealogical information  
 (for use in compiling tribal roll and voting roster)  
 [Theodoratus/Geri Emberson November 26, 1993]

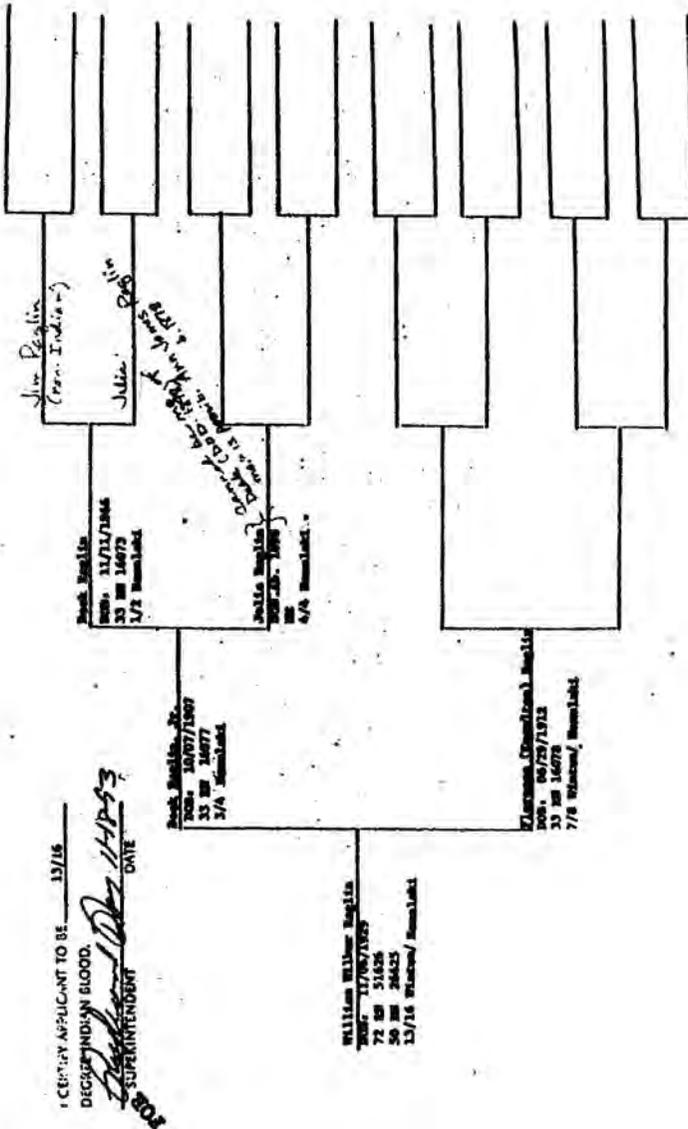
Legend:

- \* BIA certified, eligible for membership/vote  
 (born 1975 or before)
- + BIA certified, born after 1975 (under 18)
- # not certified (BIA needs information),  
 eligible for voting membership (born 1975 or before)
- @ not certified (BIA needs information),  
 minor (born after 1975)

Descendants of William "Billy" Freeman and Molly Dann (Freeman, Franks, Freeman); through son Richard Freeman; through daughter Ivalene Freeman Frease.

- # Cynthia Frease White (b. 3-25-49)
- # Avis Frease Zamora (b. 3-4-67)
- # Lawrence Lawson (b. 8-24-70)
- # Tracy Lopez Moon (b. 3-27-72)
  - @ Kyle Dean Moon (b. 7-11-90)
  - @ Raymond Moon, Jr. (b. 7-25-91)

IDENTITY APPLICANT TO BE \_\_\_\_\_ 12/16  
DECEASED'S BLOOD.  
*[Signature]*  
FOR SUPERINTENDENT DATE 11-23-53





## United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

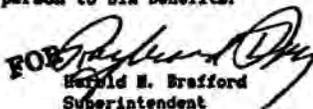
IN REPLY REFER TO:

NOV 18 1993

## TO WHOM IT MAY CONCERN:

This is to certify that William Wilbur Reglin  
is enrolled as a California Indian under the Act of September 21, 1968  
(82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
of California Indians, completed as of December 15, 1972, as enrollee  
number 51625, date of birth November 6, 1929  
Information as to degree of Indian blood is not shown on this roll,  
however, other records in this office show her/his to be the  
son of Deck Reglin, Jr., 3/4 Honslaki  
Florence (Knoviton) Reglin, 7/8 Wintun/Honslaki  
Based on the above relationship the applicant's degree of Indian blood  
is computed to be 13/16 Wintun/Honslaki

Please note: The 1972 Judgment Fund Roll is only considered as a  
Payment list and inclusion on the payment list does not denote tribal  
membership nor does the possession of California Indian blood necessarily  
entitle the above named person to BIA benefits.

FOR   
Harold E. Bradford  
Superintendent

I CERTIFY ATTICANT TO BE 11/23

DEGREE INDIAN BLOOD

*William G. Little*  
SUPERINTENDENT

DATE

William G. Little, M.D.  
DOB. 11/06/1929  
72 RR 51626  
50 RR 26435  
12/14 Wisconsin/Menominee

Marie Ella Raskin

DOB. 07/02/1974

12/28 Wisconsin/Menominee

Mark Raskin, Jr.

DOB. 10/07/1987

33 RR 14977

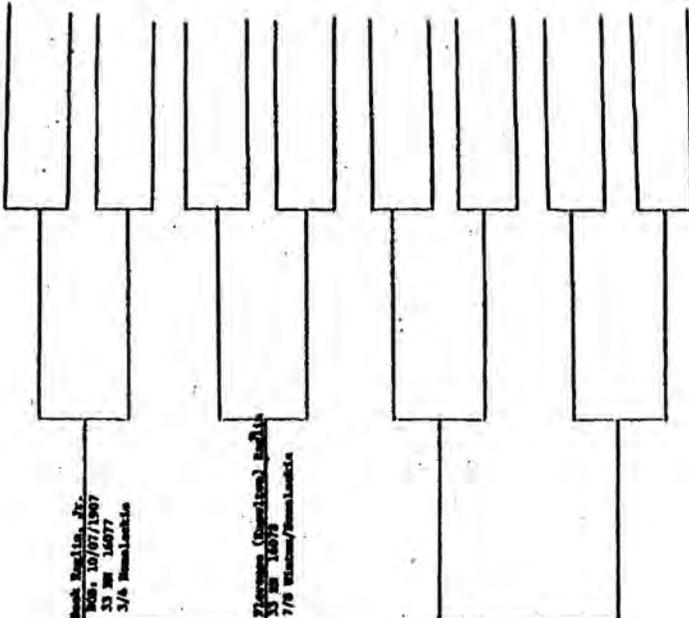
3/4 Menominee

Thomas (Quintus) Raskin

DOB. 10/27

7/8 Wisconsin/Menominee

MS-20728





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

Applicant, Marie Ella Reagin

Born July 2, 1974 is identified to be the

daughter of

William Wilbur Reagin, 13/16 Wintun/Nomlaki

Based on the stated relationship and the information shown in the records in this office, the applicant's degree of Indian blood is computed to be

13/32 Wintun/Nomlaki

Please note: The 1972 Judgment Fund Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person to BIA benefits.

FOR

*Harold N. Brafford*  
Harold N. Brafford  
Superintendent

1 COPY, ATTACHED TO BE 13/22

CONFIDENTIAL IN BACOD.

*Richard D. [Signature]*  
DATE 11-11-83

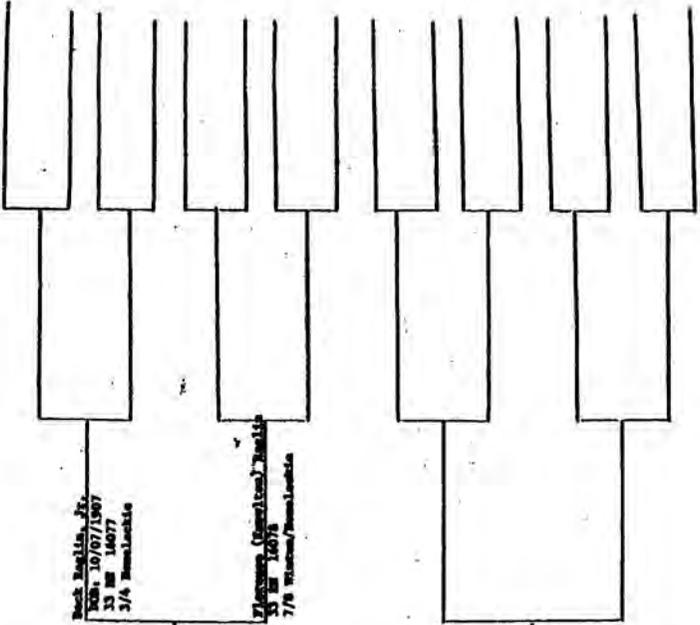
William Wilson, Basilio  
DOB: 11/04/1929  
72 IN 51/65  
14 IN 24/25  
12/16 Wistron/Panama/Los Angeles

William James Basilio  
DOB: 09/03/1975  
IN 13/28 Wistron/Panama/Los Angeles

Jack Basilio, Jr.  
DOB: 10/07/1907  
33 IN 14/07  
3/4 Panama/Los Angeles

Thomas (Tom) Basilio  
DOB: 11/15/1978  
7/8 Wistron/Panama/Los Angeles

DOB: 10/11/48





# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4908

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

Applicant, William James Reagin

Born: September 3, 1975 is identified to be the

son of \_\_\_\_\_

William Wilbur Reagin, 13/16 Wintun/Nowlaki

Based on the stated relationship and the information shown in the records in this office, the applicant's degree of Indian blood is computed to be \_\_\_\_\_

13/32 Wintun/Nowlaki

Please note: The 1972 Judgment Fund Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person to BIA benefits.

FOR

*Harold N. Brafford*  
Harold N. Brafford  
Superintendent





## United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

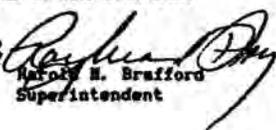
IN REPLY REFER TO

NOV 18 1993

## TO WHOM IT MAY CONCERN:

This is to certify that Mervin Reolin  
is enrolled as a California Indian under the Act of September 21, 1968  
(82 Stat. 868 & 861), and is named on the California Judgment Fund Roll  
of California Indians, completed as of December 15, 1972, as enrollee  
number 51624, date of birth June 3, 1936  
Information as to degree of Indian blood is not shown on this roll,  
however, other records in this office show her/him to be the  
son of Deck Reolin, Jr., 3/4 Komslaki  
Eva (Lowell) Geary, 4/4 Pomo/Wintun (Colusa Co.)  
Based on the above relationship the applicant's degree of Indian blood  
is computed to be 7/8 Pomo/Wintun/Komslaki

Please note: The 1972 Judgment Fund Roll is only considered as a  
Payment list and inclusion on the payment list does not denote tribal  
membership nor does the possession of California Indian blood necessarily  
entitle the above named person to BIA benefits.

FOR   
Harold M. Brufford  
Superintendent





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

Applicant, Ruth (Raclin) Dorman Smith

Born November 27, 1955 is identified to be the  
daughter of

Mervin Raclin, 7/8 Pomo/Wintun/Mowalaki

Polly Reed Raclin Smith

Based on the stated relationship and the information shown in the  
 records in this office, the applicant's degree of Indian blood is  
 computed to be

7/16 Pomo/Wintun/Mowalaki

Please note: The 1972 Judgment Fund Roll is only considered as a  
 payment list and inclusion on the payment list does not denote  
 tribal membership nor does the possession of California Indian  
 blood necessarily entitle the above named person to BIA benefits.

FOR *Raymond D. Gray*  
 Harold M. Bradford  
 Superintendent

I CERTIFY ABOVE IS TO BE \_\_\_\_\_ 11/22

DEGREE IN HUMAN BLOOD.

*[Signature]*  
SUPERINTENDENT DATE 11/22

**Lois Marie Jones**  
DOB: 09/25/1933  
72 MM 07211  
1/2 Pansu/Quasim  
4/4 Pansu

**Lois B. Jones**  
DOB: 08/24/1902  
MM  
12/22 Pansu/Quasim/Pansu  
Winn Lake 1

**Lois Marie Jones**  
MM-1207128

**Marjorie (Lorraine) Marshall**  
DOB: 04/22/1918  
33 MM 11649  
30 MM 18228  
4/4 Quasim/Pansu

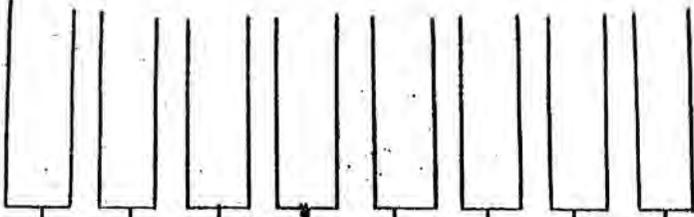
**Beulah Marshall**  
DOB: 11/25/1937  
DOB: 11/26/1991  
34 MM 11864  
4/4 Quasim  
**Bertie (Mollie) Marshall Miller**  
DOB: 08/07/1935  
4/4 Pansu

**Mervin Haglin**  
DOB: 05/03/1938  
72 MM 21624  
50 MM 24621  
7/8 Pansu/Walrus/Pansu/Lake 1

**Beulah Haglin, Jr.**  
DOB: 10/17/1997  
33 MM 14477  
50 MM 24617  
3/4 Marshall  
**Beulah (Lorraine) Haglin**  
DOB: 02/04/1913  
33 MM 11324  
4/4 Walrus

**Beulah (Lorraine) Haglin Jones**  
DOB: 11/27/1935  
MM  
7/16 Pansu/Walrus/Pansu/Lake 1

**Polly Beulah Haglin Beulah**  
DOB: 04/10/08/18 1897/18





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

Applicant, Lyle D. Dorman

Born August 24, 1992 is identified to be the

son of

Lyle D. Dorman, 1/2 Pomo/Concov

Ruth (Reelin) Smith Dorman, 7/16 Pomo/Wintun/Nomlaki

Based on the stated relationship and the information shown in the records in this office, the applicant's degree of Indian blood is computed to be 4

15/32 Pomo/Concov/Wintun/Nomlaki

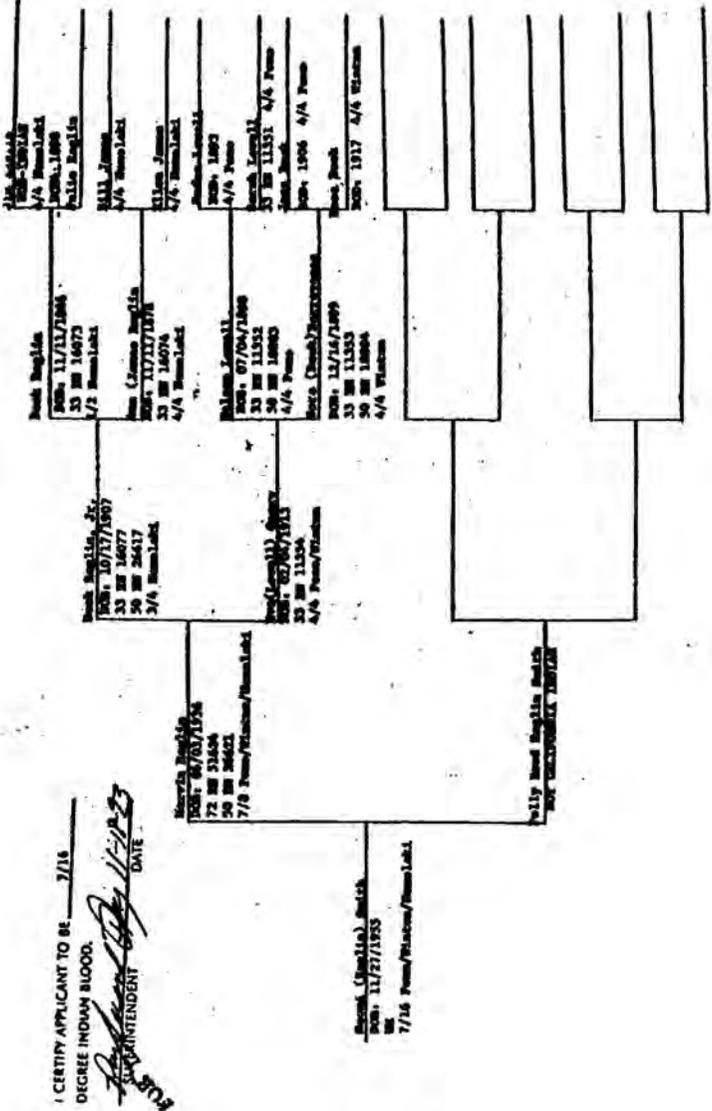
Please note: The 1972 Judgment Fund Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person to BIA benefits.

FOR   
 Harold H. Brafford  
 Superintendent

I CERTIFY APPLICANT TO BE \_\_\_\_\_ 7/16

DEGREE INDIAN BLOOD.

*[Signature]*  
 SUPERINTENDENT DATE 11-19-23





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO

NOV 18 1993

TO WHOM IT MAY CONCERN:

Applicant, Maomi (Reglin) Smith

Born November 27, 1955 is identified to be the  
daughter of

Mervin Reglin, 7/8 Pomo/Wintun/Nomwiski

Polly Reed Reglin Smith

Based on the stated relationship and the information shown in the  
 records in this office, the applicant's degree of Indian blood is  
 computed to be

7/16 Pomo/Wintun/Nomwiski

Please note: The 1972 Judgment Fund Roll is only considered as a  
 payment list and inclusion on the payment list does not denote  
 tribal membership nor does the possession of California Indian  
 blood necessarily entitle the above named person to BIA benefits.

FOR

*Harold N. Bradford*  
 Harold N. Bradford  
 Superintendent

OFFICER / WITNESS TO BE \_\_\_\_\_ DATE \_\_\_\_\_

OFFICIAL INJURY BOARD

*[Signature]*  
SUPERINTENDENT

**Juan Manuel Ramirez**  
DOB: 12/27/68

**Juan Alberto Ramirez**  
DOB: 07/18/1955  
72 SE, 21653  
50 SE, 010464  
7/16 Honolulu (Wiscum)

**Albert Freije**  
DOB: 11-11-1899  
33 SE, 0897  
4/A Honolulu

**Esibel Freije Ramirez**  
DOB: 07-05-1938  
DOB: 12-01-1969  
72 SE, 81621  
58 SE, 10664  
7/8 (Wiscum) Honolulu

**Freije Freije**  
4/A Honolulu

**Julie Freije Freeman**  
DOB: 11-12-1963  
33 SE, 0129  
4/A Honolulu

**Sin Basilio Ben. Indion**

**Frank Basilio**  
DOB: 11-11-1944  
33 SE, 10072  
1/2 Honolulu

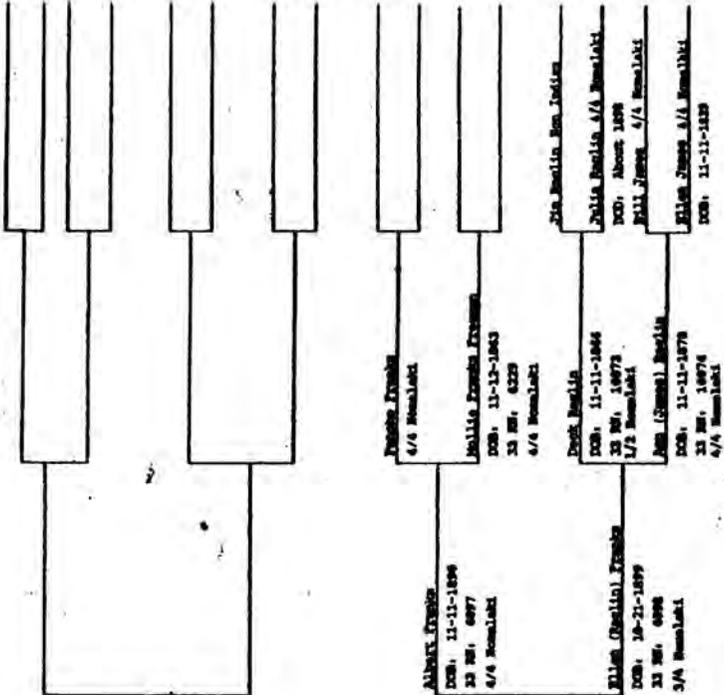
**Jan (Janet) Basilio**  
DOB: 11-11-1878  
33 SE, 10074  
4/A Honolulu

**William (William) Freije**  
DOB: 10-21-1899  
33 SE, 0898  
3/A Honolulu

**Julia Basilio 4/A Honolulu**  
DOB: About 1898

**Bill Jones 4/A Honolulu**

**Ellen Jones 4/A Honolulu**  
DOB: 11-11-1828





## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Juan Albert Raigosa  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 51653, date of birth July 18, 1955  
 Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/him to be the  
son of  
Ethel Franks Raigosa, 7/8 (Wintun) Komalaki

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be 7/16 (Wintun) Komalaki

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

FOR

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent

I CERTIFY ASSISTANT TO BE \_\_\_\_\_ ZIA  
 DEGREE INDIAN BLOOD.  
 SUPERINTENDENT *[Signature]* 11-13-83  
 DATE

John Samuel Williams  
 1892-1971

Henry William Williams  
 DOB: 02/17/1859  
 74 M, 51455  
 50 M, 010464  
 7/16 Mamehaki (Wiamam)

Ednah Franka Williams  
 DOB: 07-08-1898  
 DOB: 12-01-1899  
 72 M, 61481  
 50 M, 18464  
 7/6 (Wiamam) Mamehaki

Albert Franka  
 DOB: 11-11-1896  
 33 M, 6977  
 4/4 Mamehaki

William (William) Franka  
 DOB: 10-21-1899  
 33 M, 6999  
 3/6 Mamehaki

Franka Franka  
 4/4 Mamehaki

Malie Franka Franka  
 DOB: 11-12-1863  
 33 M, 6329  
 4/4 Mamehaki

Deak Roslin

DOB: 11-11-1866  
 33 M, 16973  
 1/2 Mamehaki  
 Jan. (Mamehaki) Roslin  
 DOB: 11-11-1878  
 33 M, 16974  
 4/6 Mamehaki

Fla Roslin Jan. Janin

Julia Roslin A/A Mamehaki

DOB: About 1888

Bill Jany 4/4 Mamehaki

William Franka A/A Mamehaki

DOB: 11-11-1878



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Mary Ellen Raigosa  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 51655, date of birth February 17, 1959

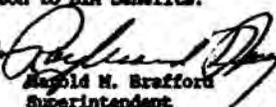
Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/him to be the

daughter of Ethel Franks Raigosa, 7/8 (Wintun) Kowaleki

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be

7/16 (Wintun) Kowaleki

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

FOR   
 Harold M. Brafford  
 Superintendent

A CERTIFY AFFIDAVIT TO BE FILED

IN THE CIRCUIT COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

IN RE: THE ESTATE OF [REDACTED]

FOR SUBSTITUTION

DATE 11-11-1998

*[Signature]*

SUBSTITUTED

**James Bernard Robinson**  
 1928-1981/81

**Francisco Rodriguez**

DOB: 08/20/1940

72 BR 51652

50 BR 010464

7/16 Honolulu (Waikanae)

**Albert Fruebe**

DOB: 11-11-1909

33 BR 6977

4/4 Honolulu

**Robert Fruebe Rodriguez**

DOB: 07-06-1930

DOB: 12-01-1968

72 BR 51651

50 BR 28466

7/8 (Waikanae) Honolulu

**Francis Fruebe**

4/4 Honolulu

**Hollis Francis Freeman**

DOB: 11-12-1943

33 BR 6229

4/4 Honolulu

**Paul Joseph**

DOB: 11-11-1944

33 BR 14973

1/4 Honolulu

**Ann Josephine Fruebe**

DOB: 11-11-1878

33 BR 14974

4/4 Honolulu

**Elizabeth Ann Justice**

DOB: 11-11-1929



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Francisco Raigosa  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 51652, date of birth August 29, 1960  
 Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/him to be the

son of \_\_\_\_\_  
Ethel Franks Raigosa, 7/8 (Wintun) Kowalaki

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be \_\_\_\_\_  
7/16 (Wintun) Kowalaki

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

FOR

*Harold M. Bradford*  
 Harold M. Bradford  
 Superintendent

I CERTIFY APPLICANT TO BE 7/15

WISCONSIN INDIAN BLOOD.

*Raymond D. [Signature]*  
 SECRETARY DATE 11-17-83

John Marshall Badgson  
 DOB: 2/26/1928

Paula Marshall Badgson  
 DOB: 07/15/1963  
 72 BR, 51654  
 50 BR, 010464  
 7/15 WamsJaki (Wisconsin)

Albaret Frenchie  
 DOB: 11-11-1899  
 33 BR, 0977  
 6/4 WamsJaki

Richard Frenchie Badgson  
 DOB: 07-08-1939  
 DOB: 12-01-1999  
 72 BR, 51883  
 86 BR, 18444  
 7/8 (Wisconsin) WamsJaki

Kileen (Hospital) Frenchie  
 DOB: 10-21-1899  
 33 BR, 6698  
 3/4 WamsJaki

Frenchie Frenchie  
 4/4 WamsJaki

Jollie Frenchie Frenchie  
 DOB: 11-12-1863  
 33 BR, 6329  
 4/4 WamsJaki

Paula English  
 DOB: 11-11-1866  
 33 BR, 14673  
 1/8 WamsJaki  
 8/8 (Frenchie) Frenchie

Ma. Beulah New Indian  
 DOB: 11-11-1868  
 33 BR, 14674  
 4/4 WamsJaki

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 16 1993

TO WHOM IT MAY CONCERN:

This is to certify that Pablo Manuel Raigosa  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 51656, date of birth June 15, 1965  
 Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/him to be the  
son of \_\_\_\_\_  
Ethel Franks Raigosa, 7/8 (Wintun) Kosalaki

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be \_\_\_\_\_  
7/16 (Wintun) Kosalaki

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

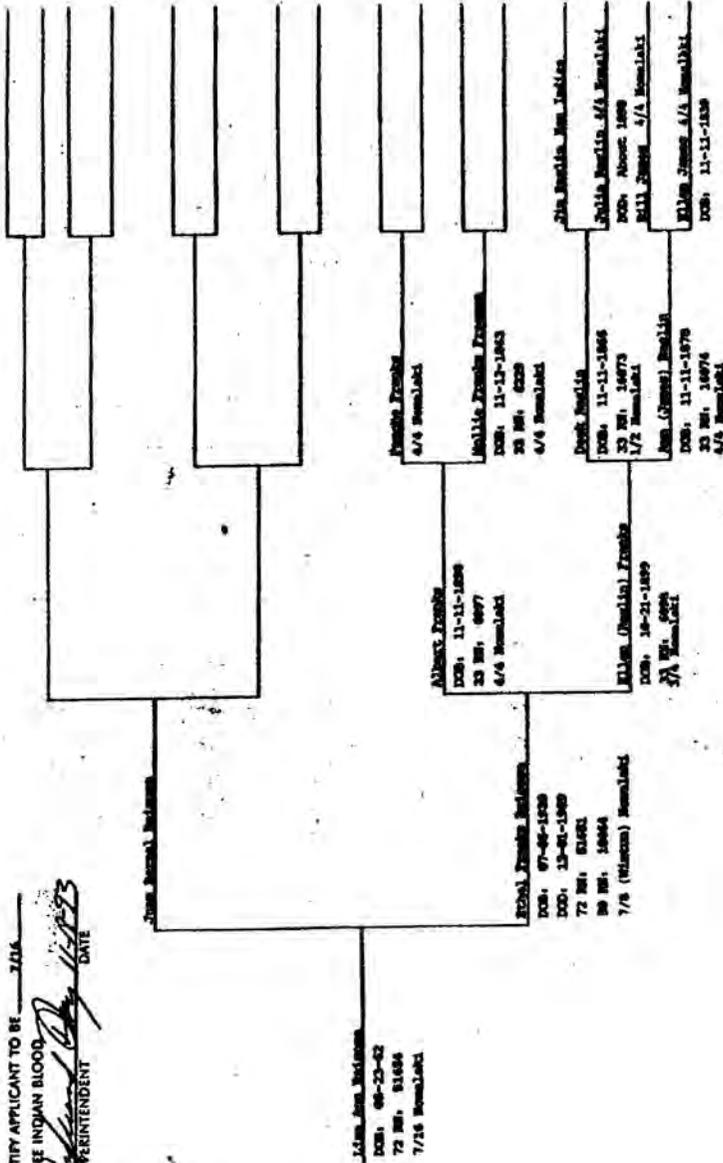
*Carol M. Brafford*  
 FOR: Carol M. Brafford  
 Superintendent

I CERTIFY APPLICANT TO BE \_\_\_\_\_ 7/16

DEGREE INDIAN BLOOD.

*[Signature]*  
SUPERINTENDENT

DATE



**John, John, Medicine**  
DOB: 08-25-42  
72 %  
7/16 Blood

**Edna, Frank, Medicine**  
DOB: 07-06-1908  
DOB: 13-01-1909  
72 %  
7/8 (Wagon) Blood

**Albert, Frank**  
DOB: 11-11-1908  
23 %  
6/4 Blood

**Frank, Frank**  
DOB: 11-13-1943  
28 %  
6/4 Blood

**Marie, Frank, Frank**  
DOB: 11-11-1906  
22 %  
1/2 Blood

**John, (General), Marie**  
DOB: 11-11-1978  
23 %  
6/4 Blood

**John, John, Marie**  
DOB: 11-11-1938

**John, Marie, Marie**  
DOB: 11-11-1908  
21 %  
5/4 Blood

**John, Marie, Marie**  
DOB: 11-11-1978  
23 %  
6/4 Blood



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Lisa Ann Raigosa  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 51654, date of birth August 23, 1962

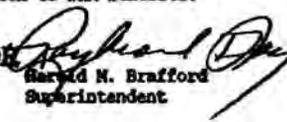
Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/him to be the

daughter of Ethel Franks Raigosa, 7/8 (Wintun) Kosalaki

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be

7/16 (Wintun) Kosalaki

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

FOR   
 Harold M. Brafford  
 Superintendent

Paskenta Genealogical information  
 (for use in compiling tribal roll and voting roster)  
 [Theodoratus/Geri Emberson November 26, 1993]

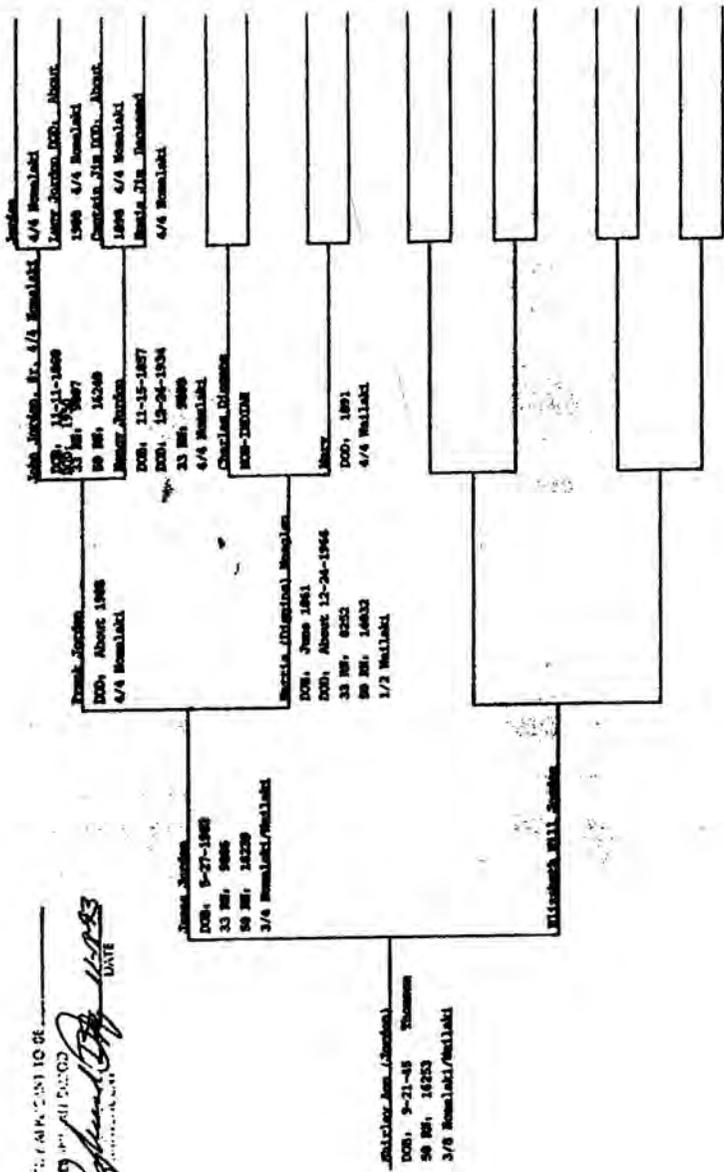
Legend:

- \* BIA certified, eligible for membership/vote  
 (born 1975 or before)
- + BIA certified, born after 1975 (under 18)
- # not certified (BIA needs information),  
 eligible for voting membership (born 1975 or before)
- @ not certified (BIA needs information),  
 minor (born after 1975)

Descendants of John Jordan and Nancy Jim Jordan; through  
 grandson Frank Jordan; through son James Jordan.

- \* Shirley Ann Jordan Thomson (b. 9-21-45)
- # Dean Clifford Thomson (b. 11-12-63)
- # Todd Whyant Thomson (b. 5-6-66)
- # Elizabeth Ann Thomson (b. 7-5-68)
- # Yana Thomson Damper (b. 10-15-74)
- @ Skyelar Savis Malunz (b. 12-11-87)
- @ Austin Dumont Malunz (b. 7-27-89)

FOR OFFICIAL USE ONLY  
 DATE 11-23





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

Applicant, Shirley Ann (Jordan) Thomson

Born September 21, 1945 is identified to be the  
daughter of \_\_\_\_\_

James Jordan, 3/4 Nomlaki/Wailaki

Based on the stated relationship and the information shown in the records in this office, the applicant's degree of Indian blood is computed to be \_\_\_\_\_

3/8 Nomlaki/Wailaki

Please note: The 1972 Judgment Fund Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person to BIA benefits.

FOR   
 Barfield M. Bradford  
 Superintendent

Paskenta Genealogical information  
 (for use in compiling tribal roll and voting roster)  
 [Theodoratus/Geri Emberson November 26, 1993]

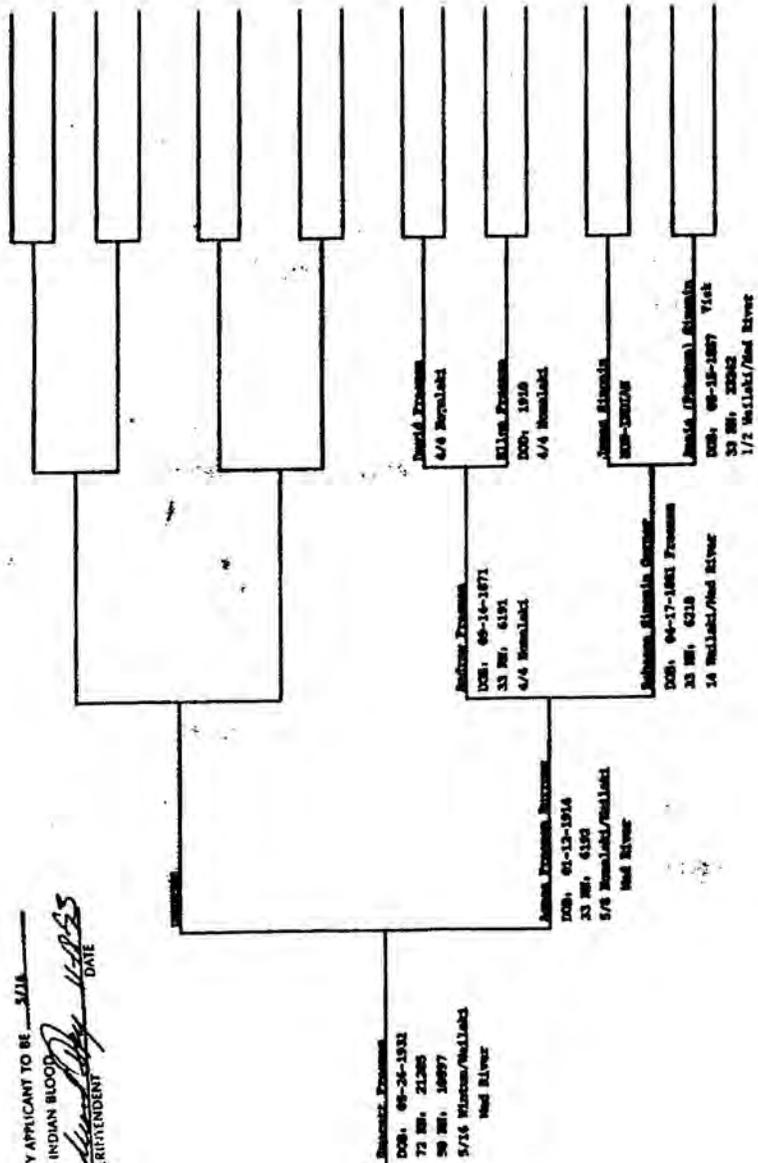
## Legend:

- \* BIA certified, eligible for membership/vote  
 (born 1975 or before)
- + BIA certified, born after 1975 (under 18)
- # not certified (BIA needs information),  
 eligible for voting membership (born 1975 or before)
- @ not certified (BIA needs information),  
 minor (born after 1975)

Descendants of Andrew Freeman and Rebecca Simonin; through  
 daughter Agnes Ruth (Freeman) Swearinger Burrows.

- \* Everett Freeman
  - \* Ivan Lavern Freeman
    - @ James Ivan Freeman (b. ? )
  - \* Andrew James Freeman
  - \* Brenda Gail Freeman
  - \* Kimberly Jewel Freeman
    - @ Brandon L. Paya (b. 12-26-80)
    - @ Oaks Quinten Locust (b. 10-11-85)
    - @ Sierra A. Robles (b. 12-3-90)
  - \* Tracy Lynn Freeman
    - @ Andrew O. P. Alijandre (b. 4- -88)
- # Leora F. Burrows-John (b. ? )

I CERTIFY APPLICANT TO BE 5/16  
 DISCLOSE INDIAN BLOOD  
 SUPERINTENDENT [Signature] DATE 4-19-83  
 BOB





## United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

## TO WHOM IT MAY CONCERN:

This is to certify that Everett Freeman  
is enrolled as a California Indian under the Act of September 21, 1968  
(82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
of California Indians, completed as of December 15, 1972, as enrollee  
number 21285, date of birth May 25, 1931

Information as to degree of Indian blood is not shown on this roll,  
however, other records in this office show her/him to be the

son of Agnes Freeman Burrows, 5/8 Konomlaki/Vailaki/Had River

Based on the above relationship the applicant's degree of Indian blood  
is computed to be

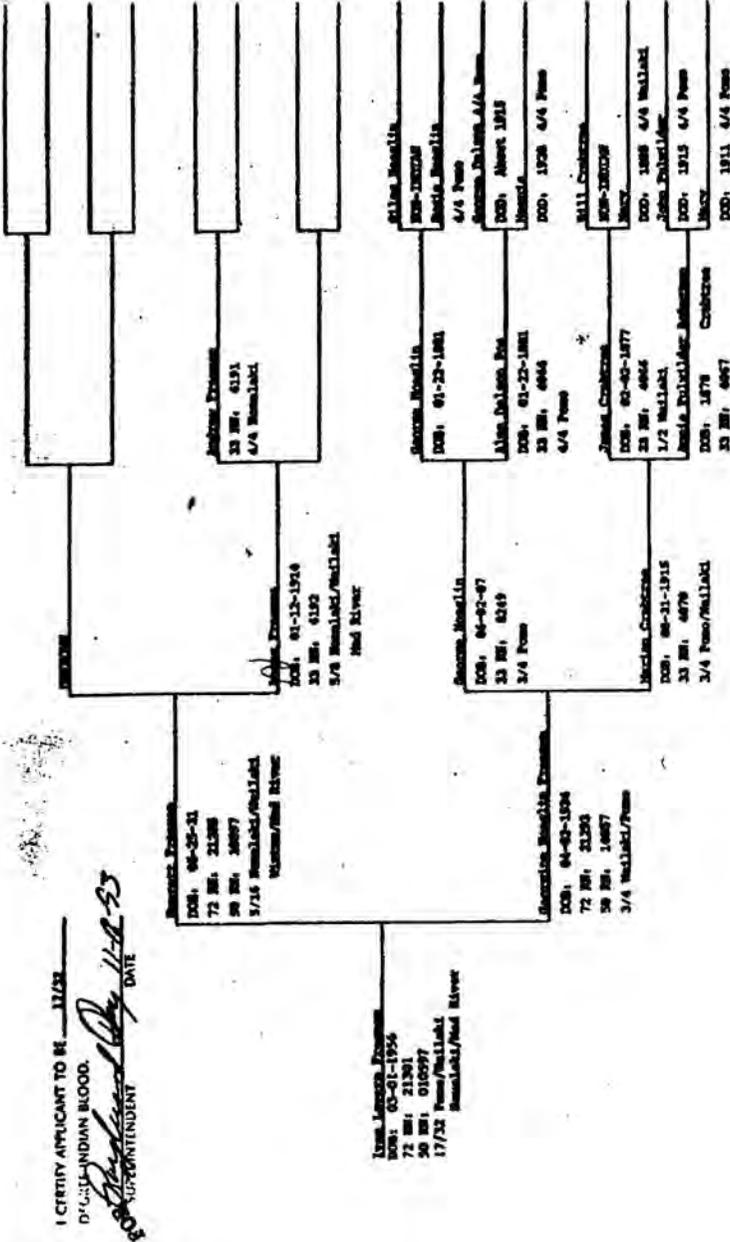
5/16 Konomlaki/Vailaki/Had River

Please note: The 1972 Judgment Fund Roll is only considered as a  
Payment list and inclusion on the payment list does not denote tribal  
membership nor does the possession of California Indian blood necessarily  
entitle the above named person to BIA benefits.

FOR

*Errol E. Bradford*  
Errol E. Bradford  
Superintendent

I CERTIFY APPLICANT TO BE 11/23  
 D'CELESTIAN BLOOD.  
*Wendell R. ...*  
 SUPERINTENDENT DATE





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

**TO WHOM IT MAY CONCERN:**

This is to certify that Ivan Lavern Freeman  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 868 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 21391, date of birth March 1, 1956

Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/him to be the

son of Everett Freeman, 5/16 Kowaleki/Vailiki/Wintun/Mad River  
Georgina (Hosolin) Freeman, 3/4 Vailiki/Pomo

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be 17/32 Pomo/Vailiki/Kowaleki/Mad River/Wintun

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

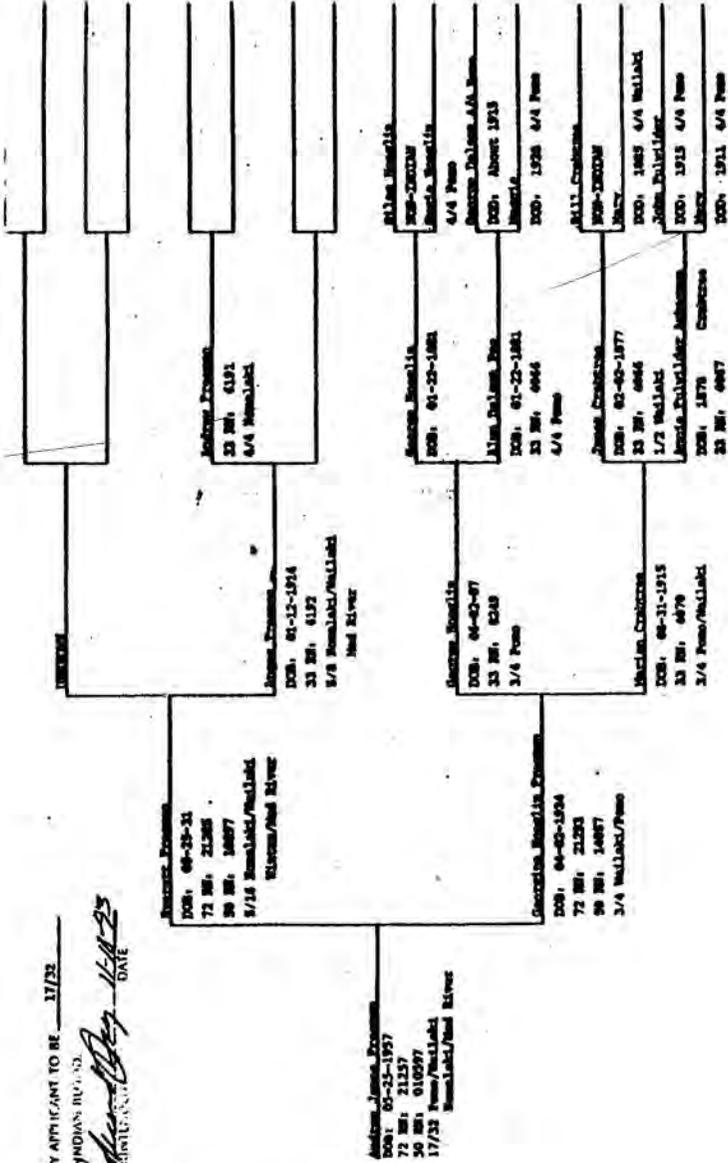
FOR *Harold H. Bradford*  
 Harold H. Bradford  
 Superintendent

I CERTIFY APPLICANT TO BE \_\_\_\_\_ 11/72

ORIGINAL INDIAN BLOOD

*Richard J. [Signature]*  
DATE 11-1-72

FOR





## United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4508

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Andrey James Freeman  
is enrolled as a California Indian under the Act of September 21, 1968  
(82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
of California Indians, completed as of December 15, 1972, as enrollee  
number 21257, date of birth May 25, 1957  
Information as to degree of Indian blood is not shown on this roll,  
however, other records in this office show her/him to be the

son of Everett Freeman, 5/16 Kosalaki/Vailiki/Vintun/Had River  
Germaine (Koolin) Freeman, 3/4 Vailiki/Pomo

Based on the above relationship the applicant's degree of Indian blood  
is computed to be 17/32 Pomo/Vailiki/Kosalaki/Had River/Vintun

Please note: The 1972 Judgment Fund Roll is only considered as a  
Payment list and inclusion on the payment list does not denote tribal  
membership nor does the possession of California Indian blood necessarily  
entitle the above named person to BIA benefits.

FOR:

*[Signature]*  
M. E. Bradford  
Superintendent

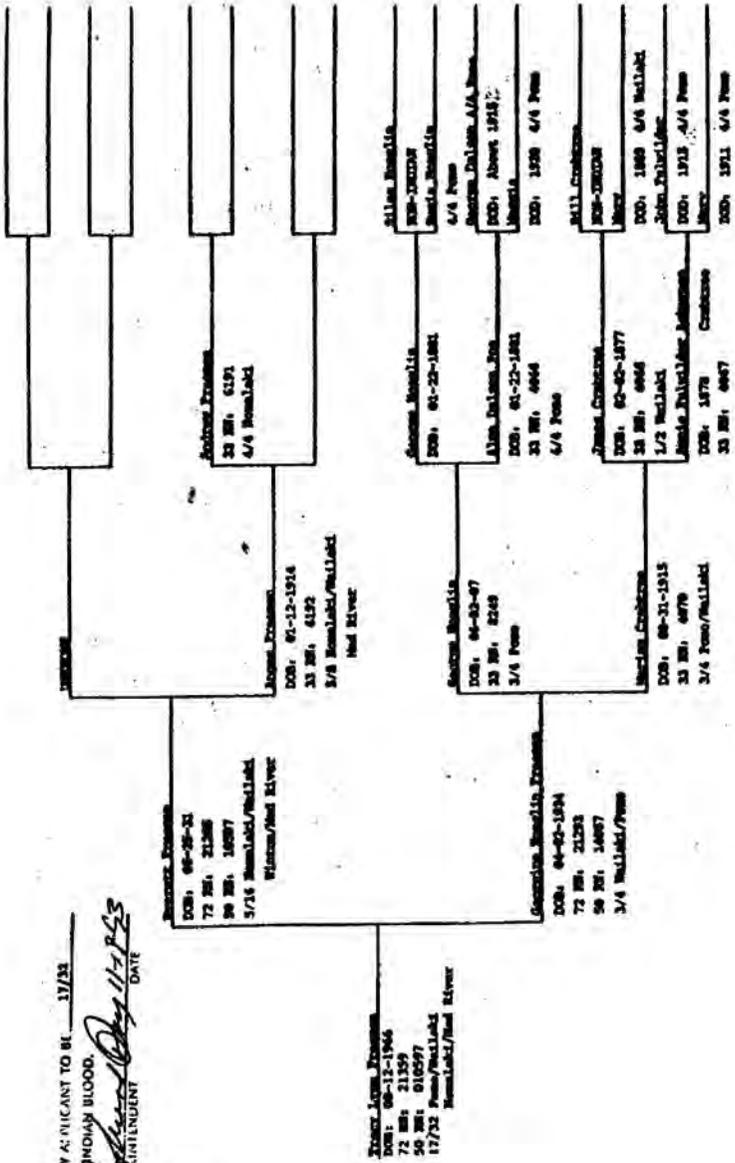








CERTIFY APPLICANT TO BE 3/7/53  
 DULAK INDIAN BLOOD.  
 Signature: *John P. ...*  
 DATE: 3/7/53  
 FOR





# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4508

IN REPLY REFER TO:

NOV 18 1993

**TO WHOM IT MAY CONCERN:**

This is to certify that Tracy Lynn Freeman  
is enrolled as a California Indian under the Act of September 21, 1968  
(82 Stat. 868 & 861), and is named on the California Judgment Fund Roll  
of California Indians, completed as of December 15, 1972, as enrollee  
number 21359, date of birth August 12, 1966

Information as to degree of Indian blood is not shown on this roll,  
however, other records in this office show her/his to be the

daughter of Everett Freeman, 5/16 Kosalaki/Vailaki/Wiatun/Had River  
Georgina (Hosulin) Freeman, 3/4 Vailaki/Pomo

Based on the above relationship the applicant's degree of Indian blood  
is computed to be

17/32 Pomo/Vailaki/Kosalaki/Had River/Wiatun

Please note: The 1972 Judgment Fund Roll is only considered as a  
Payment list and inclusion on the payment list does not denote tribal  
membership nor does the possession of California Indian blood necessarily  
entitle the above named person to BIA benefits.

FOR

*Richard N. Brafford*  
Richard N. Brafford  
Superintendent

Paskenta Genealogical information  
 (for use in compiling tribal roll and voting roster)  
 [Theodoratus/Geri Emberson November 26, 1993]

## Legend:

- \* BIA certified, eligible for membership/vote  
 (born 1975 or before)
- + BIA certified, born after 1975 (under 18)
- # not certified (BIA needs information),  
 eligible for voting membership (born 1975 or before)
- @ not certified (BIA needs information),  
 minor (born after 1975)

Descendants of Andrew Freeman and Rebecca Freeman; through  
 daughter Agnes Freeman and husband Carlino Swearingner.

page 1 of 2

- \* Carlino J. Swearingner
  - \* Ronald R. Swearingner
    - @ Amy Swearingner (b. 9-17-76)
  - \* David Lawrence Swearingner
    - @ Robin Swearingner (b. 12-10-88)
    - @ Bailey Swearingner (b. 6-24-91)
  - \* Allen Lee Swearingner
    - @ Rebecca Q. Swearingner (b. 3-11-88)
    - @ Darren S. Swearingner (b. 8-1-92)
  - \* Leonard James Swearingner
    - @ Tyler J. Swearingner (b. 1-4-91 ?)
  - \* Sonia J. Swearingner
- \* Bonnie J. (Swearingner) Gonzales
  - # Nolan D. Gonzales (b. ? )
    - @ Anna Gonzales (b. ? )
    - @ Beau Gonzales (b. ? )
  - \* Herman C. Gonzales
  - \* Steven Craig Gonzales
    - @ Steven C. Gonzales, Jr. (b. ? )
  - # Jennifer L. Gonzales (b. 1-19-74)
    - @ Emma M. Gonzales (b. 11-13-92)
    - @ Christina Mota-Gonzales (b. ? )
- \* Darryel D. Swearingner
  - \* Kenneth A. Swearingner
    - @ Craig Swearingner (b. ? )
    - @ Kelly Ann Swearingner (b. ? )
    - @ Kimberly Swearingner (b. ? )
    - @ Lisa Swearingner (b. ? )
    - @ Kenneth Swearingner, Jr. (b. ? )
  - # Gale Swearingner (b. ? )
  - # Darrylene Swearingner (b. ? )
  - # Brandy Swearingner (b. ? )
  - # Ruben Swearingner (b. ? )
    - @ Matthew Swearingner (b. ? )

(Continued on page 2 of 2)

Paskenta Genealogical information  
 (for use in compiling tribal roll and voting roster)  
 [Theodoratus/Geri Emberson November 26, 1993]

Descendants of Andrew Freeman and Rebecca Freeman; through  
 daughter Agnes Freeman and husband Carlino Swearinger.

page 2 of 2

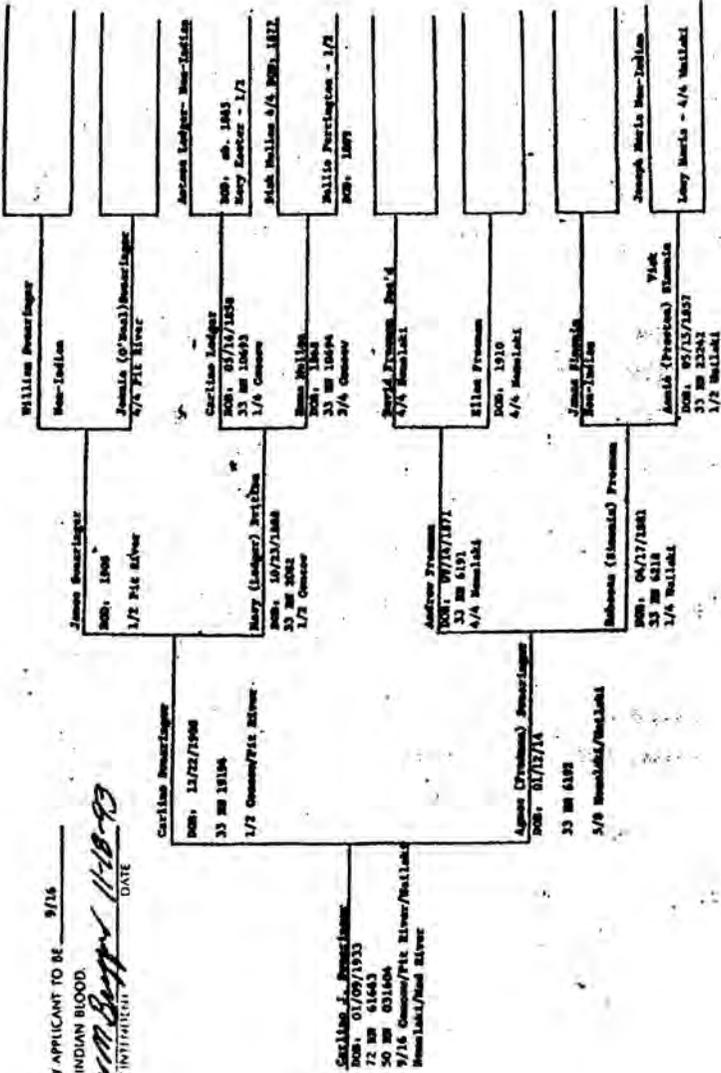
- \* Duane John Swearinger
  - \* John Andrew Swearinger
  - \* Vanessa Dee Swearinger
  - \* Duane John Swearinger, Jr.
  - # Nicole Swearinger (b. ? )
  - # Colleen Swearinger (b. ? )
  - # Melissa Swearinger (b. ? )
- \* Rebecca Mae (Swearinger) Bill
  - \* Kenneth E. Arnold III
    - @ Kyle E. Arnold (b. 12-03-85 ?)
    - @ Jake M. Arnold (b. 6-11-88)
- \* Shirley (Swearinger) Burrows
  - \* Larry Lee Burrows
    - @ Byron Burrows (b. ? )
  - # Terry Burrows (b. ? )
    - @ Tyler James (b. ? )
  - # Danny Burrows (b. 5-19-66)
    - @ Heather Burrows (b. ? )
    - @ Ernest J. Burrows (b. ? )
    - @ Aston Bill-Burrows (b. ? )
  - # Natalie Burrows (b. ? )
    - @ Kyle Bill (b. ? )
    - @ Jermy A. Bill (b. ? )

I CERTIFY APPLICANT TO BE 9/16

DEGREE INDIAN BLOOD.

*Howard M. Bopp* 11-18-93

DATE





I CERTIFY APPLICANT TO BE 9/16  
 U.S. BORN INDIAN BLOOD.  
*Harold M. Saffers* 1-18-93  
 SUPERINTENDENT DATE

<p>James Smearinger                  DOB: 08/14/1908                  1/2 Pit River</p>	<p>Carlton (Carlton) Smearinger                  DOB: 12/27/1908                  33 BB 19194                  1/2 Omocow/Pit River</p>	<p>Carlton James Smearinger                  DOB: 07/07/1933                  72 BB 61464                  50 BB 63166A                  9/16 Omocow/Pit River/                  Wiamoi/Mud River</p>	<p>James Smearinger                  DOB: 09/14/1871                  33 BB 6191                  4/4 Namahli (Wiamoi)</p>
<p>Miss May                  Northica (Lodge) Britton                  DOB: 10/23/1888                  33 BB 2082                  4/4 Namahli (Wiamoi)</p>	<p>Andrew Freeman                  DOB: 06/17/1881                  33 BB 6218                  1/4 Mud River</p>	<p>Agnes (Freeman) Smearinger                  DOB: 01/12/1914                  33 BB 6192                  3/8 Wiamoi/Mud River</p>	<p>Robert Redcliffe                  Non-Indian</p>
<p>Robert Redcliffe                  Non-Indian</p>	<p>Marjorie Redcliffe                  DOB: 06/11/1890                  33 BB 16043                  1/2 Wiamoi</p>	<p>Marjorie Archie Redcliffe                  DOB: 10/08/1917                  33 BB 16045                  50 BB 24601                  3/4 Wiamoi</p>	<p>Marjorie Redcliffe                  Non-Indian</p>
<p>Adam Wallin - 4/4 Pit River                  DOB: 06/11/1870                  33 BB 2117</p>	<p>Emma Wallin                  DOB: 06/11/1870                  33 BB 2117</p>	<p>Betty Lou (Chamney) Smearinger                  DOB: 12/09/1944                  72 BB 61645                  3/4 Wiamoi/Pit River</p>	<p>Adam Wallin - 4/4 Pit River                  DOB: 06/11/1870                  33 BB 2117</p>
<p>Clara Redcliffe - 4/4 Pit River</p>	<p>Shadda Redcliffe or Mallin                  1/2 Pit River</p>	<p>Leola Vera (Wallin) Chamney                  DOB: 05/23/1918                  33 BB 13718                  50 BB 6423                  3/4 Pit River/Wiamoi</p>	<p>Clara Redcliffe - 4/4 Pit River</p>



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

Applicant, Ronald E. Swearinger

Born July 19, 1954 is identified to be the  
son of

Carlino James Swearinger, 9/16 Congow/Pit River/Wintun/Mad River  
Betty Lou (Conway) Swearinger, 3/4 Wintun/Pit River

Based on the stated relationship and the information shown in the records in this office, the applicant's degree of Indian blood is computed to be 4

9/16 Congow/Pit River/Wailaki/Howlaki/Mad River

Please note: The 1972 Judgment Fund Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person to BIA benefits.

*Harold M. Brafford*  
Harold M. Brafford  
Superintendent





CERTIFICATE APPLICANT TO BE \_\_\_\_\_ \$1.25

DIGREE IMPROVED BY DOD

*Edward M. Deppert* 11-18-93  
 SUBSCRIBER NAME DATE

James Bourcier DOB: 04/19/48 1/2 Fat River	James Bourcier DOB: 04/19/48 1/2 Fat River		
John Hany Northport (Lougher) Britton DOB: 10/23/1868 33 RR 2082 A/A Bone Lake (Wisconsin)	John Hany Northport (Lougher) Britton DOB: 10/23/1868 33 RR 2082 A/A Bone Lake (Wisconsin)		
Andrew Peterson DOB: 09/14/1871 33 RR 8191 A/A Wauwatosa (Wisconsin)	Andrew Peterson DOB: 09/14/1871 33 RR 8191 A/A Wauwatosa (Wisconsin)		
Roberta Emma Gorman-Frasier DOB: 04/17/1881 33 RR 6218 1/4 Mud River	Roberta Emma Gorman-Frasier DOB: 04/17/1881 33 RR 6218 1/4 Mud River		Robert Redcliff New-Judith
Myrtle Redcliff DOB: 06/11/1890 33 RR 1409-3 1/2 Wiatom	Myrtle Redcliff DOB: 06/11/1890 33 RR 1409-3 1/2 Wiatom		Robert Redcliff A/A Wiatom
LEZIE, Mother DOB: 06/07/1893 33 RR 13715 A/A Wiatom	LEZIE, Mother DOB: 06/07/1893 33 RR 13715 A/A Wiatom		
Emma Nellon DOB: 06/11/1870 33 RR 2117 A/A Fat River 2/200 (William) River Poco Bobbie - New-Judith	Emma Nellon DOB: 06/11/1870 33 RR 2117 A/A Fat River 2/200 (William) River Poco Bobbie - New-Judith		Adam Nellon - 5/4 Fat River
Charles (Gus) Jones Bourcier DOB: 12/23/1908 33 RR 19194 1/2 Oconomowoc River	Charles (Gus) Jones Bourcier DOB: 12/23/1908 33 RR 19194 1/2 Oconomowoc River		
Agnes (Frances) Bourcier DOB: 01/12/1914 23 RR 6192 3/8 Wiatom/Mud River	Agnes (Frances) Bourcier DOB: 01/12/1914 23 RR 6192 3/8 Wiatom/Mud River		
Edith Arthur Redcliff DOB: 10/06/1917 23 RR 16065 50 RR 26401 3/4 Wiatom	Edith Arthur Redcliff DOB: 10/06/1917 23 RR 16065 50 RR 26401 3/4 Wiatom		
Lucia Vera (Nellon) Conroy DOB: 08/23/1918 33 RR 13722 50 RR 4623 3/4 Fat River/Wiatom	Lucia Vera (Nellon) Conroy DOB: 08/23/1918 33 RR 13722 50 RR 4623 3/4 Fat River/Wiatom		
Carlton Jacks Bourcier DOB: 07/07/1923 72 RR 61443 50 RR 031604 9/16 Oconomowoc River/ Wiatom/Mud River	Carlton Jacks Bourcier DOB: 07/07/1923 72 RR 61443 50 RR 031604 9/16 Oconomowoc River/ Wiatom/Mud River		
Betty Lou (Conroy) Bourcier DOB: 10/02/1944 72 RR 61443 3/4 Wiatom/Fat River	Betty Lou (Conroy) Bourcier DOB: 10/02/1944 72 RR 61443 3/4 Wiatom/Fat River		
Allen Lee Bourcier DOB: 10/29/1943 72 RR 61441 50 RR 031604 31/32 Oconomowoc River/Wiatom Mud River	Allen Lee Bourcier DOB: 10/29/1943 72 RR 61441 50 RR 031604 31/32 Oconomowoc River/Wiatom Mud River		



## United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

OF REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Allen Lee Swearinger  
is enrolled as a California Indian under the Act of September 21, 1968  
(82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
of California Indians, completed as of December 15, 1972, as enrollee  
number 61661, date of birth October 29, 1962  
Information as to degree of Indian blood is not shown on this roll,  
however, other records in this office show her/him to be the

son of Carlino J. Swearinger, 1/2 Concow/Pit River/Wintun/Mad River  
Betty Lou (Conway) Swearinger, 3/4 Wintun/Pit River

Based on the above relationship the applicant's degree of Indian blood  
is computed to be 21/32 Concow/Pit River/Wintun/Mad River

Please note: The 1972 Judgment Fund Roll is only considered as a  
Payment list and inclusion on the payment list does not denote tribal  
membership nor does the possession of California Indian blood necessarily  
entitle the above named person to BIA benefits.

*Harold M. Brafford*  
Harold M. Brafford  
Superintendent

I CERTIFY APPLICANT TO BE 21/22

DEGREE INDIAN BLOOD.

*Harold M. Conroy* 11-10-93  
 SUFFICIENT DATE

<p>James Beerlinger                  DOB: 1908                  1/2 Pit River</p>	<p>Carlton (Carlton) Beerlinger                  DOB: 12/27/1908                  33 M 19194                  1/2 Commo/Pit River</p>	<p>James Beerlinger                  DOB: 10/25/1888                  33 M 2082                  4/8 Non-Indian (Wiamum)</p>	<p>James Beerlinger                  DOB: 09/16/1871                  33 M 6191                  4/8 Non-Indian (Wiamum)</p>	<p>James Beerlinger                  DOB: 04/17/1881                  33 M 6318                  1/4 Non-Indian</p>	<p>James Beerlinger                  DOB: 06/11/1870                  33 M 2117                  2/8 Pit River</p>
<p>James Beerlinger                  DOB: 01/09/1833                  72 M 61663                  50 M 031604                  9/16 Commo/Pit River/                  Wiamum/Non-Indian</p>	<p>James Beerlinger                  DOB: 01/12/1914                  33 M 6197                  5/8 Wiamum/Non-Indian</p>	<p>James Beerlinger                  DOB: 06/11/1890                  33 M 16443                  1/4 Wiamum</p>	<p>James Beerlinger                  DOB: 06/07/1893                  33 M 13715                  4/4 Wiamum</p>	<p>James Beerlinger                  DOB: 10/08/1917                  33 M 16085                  49 M 20601                  3/4 Wiamum</p>	<p>James Beerlinger                  DOB: 06/11/1870                  33 M 2117                  2/8 Pit River</p>
<p>James Beerlinger                  DOB: 10/08/1944                  72 M 61662                  3/4 Wiamum/Pit River</p>	<p>James Beerlinger                  DOB: 08/23/1916                  33 M 13722                  50 M 6623                  3/4 Pit River/Wiamum</p>	<p>James Beerlinger                  DOB: 06/11/1870                  33 M 2117                  2/8 Pit River</p>	<p>James Beerlinger                  DOB: 06/11/1870                  33 M 2117                  2/8 Pit River</p>	<p>James Beerlinger                  DOB: 06/11/1870                  33 M 2117                  2/8 Pit River</p>	<p>James Beerlinger                  DOB: 06/11/1870                  33 M 2117                  2/8 Pit River</p>







## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Sonia J. Swaringer  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 61676, date of birth March 30, 1965

Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/his to be the

daughter of Carlino J. Swaringer, 1/2 Concow/Pit River/Wintun/Med River  
Betty Lou (Conny) Swaringer, 3/4 Wintun/Pit River

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be

21/32 Concow/Pit River/Wintun/Med River

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent





## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4508

DO NOT REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Bonnie J. (Swearinger) Gonzales  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 23786, date of birth July 4, 1935

Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/him to be the

daughter of Carlino Swearinger, 1/2 Concow/Pit River  
Agnes (Freeman) Swearinger, 5/8 Kowalaki/Wailaki

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be

9/16 Concow/Kowalaki/Wailaki/Pit River/Mad River

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent

I CERTIFY APPLICANT TO BE 11/16

LEGITIMATE SPOUSE

*Wm. B. Bopp*  
 SIGNATURE DATE 11-12-93

<p><b>Maxwell S. Gosselin</b>                  BOB. 01/08/1961                  72 MM 23879                  50 MM 031603                  11/16 Wiscam/Cosmo/Fric River                  Mall/Lak/Thom/Lak</p>	<p><b>Maxwell Gosselin</b>                  BOB. 09/11/1933                  72 MM 11157                  50 MM 11850                  13/18 Wiscam</p>	<p><b>Joe Gosselin</b>                  BOB AB. 1908                  1/2 Wiscam</p>	<p><b>Joe Gosselin</b>                  BOB AB. 1908                  1/2 Wiscam</p>
<p><b>Frank Gosselin</b>                  BOB. 06/16/1888                  33 MM 6099                  3/4 Wiscam (Osbaas)</p>	<p><b>Frank Gosselin</b>                  BOB. 05/01/1894                  33 MM 4910                  2/8 Wiscam (Osbaas)</p>	<p><b>Mollie Gosselin</b>                  BOB AB. 1881                  4/4 Wiscam</p>	<p><b>Mollie Gosselin</b>                  BOB AB. 1881                  4/4 Wiscam</p>
<p><b>Caroline Smarringer</b>                  BOB. 12/22/1908                  33 MM 19194                  1/2 Cosmo/Fric River</p>	<p><b>Caroline Smarringer</b>                  BOB. 07/12/1914                  33 MM 6192                  50 MM 10578                  5/8 Thom/Lak/Mall/Lak/                  Fric River</p>	<p><b>John Mitchell</b>                  BOB. 04/19/1873                  33 MM 13232                  3/4 Wiscam</p>	<p><b>John Mitchell</b>                  BOB. 04/19/1873                  33 MM 13232                  3/4 Wiscam</p>
<p><b>Reginald Smarringer/Maxwell</b>                  BOB. 07/06/1933                  72 MM 23786                  50 MM 31603                  9/16 Cosmo/Fric River                  Mall/Lak/Thom/Lak/Fric River</p>	<p><b>James Smarringer</b>                  BOB AB. 1908                  1/2 Fric River</p>	<p><b>Mary Ledger Britton</b>                  BOB. 10/23/1888                  33 MM 2002                  1/2 Cosmo</p>	<p><b>Mary Ledger Britton</b>                  BOB. 10/23/1888                  33 MM 2002                  1/2 Cosmo</p>
<p><b>Andrew Freeman</b>                  BOB. 09/16/1871                  33 MM 6191                  4/4 Thom/Lak</p>	<p><b>Andrew Freeman</b>                  BOB. 09/16/1871                  33 MM 6191                  4/4 Thom/Lak</p>	<p><b>Andrew Freeman (Wife)</b>                  BOB. 07/17/1881                  33 MM 6218                  1/2 Mall/Lak</p>	<p><b>Andrew Freeman (Wife)</b>                  BOB. 07/17/1881                  33 MM 6218                  1/2 Mall/Lak</p>



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4508

IN REPLY REFER TO

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Herman C. Gonzalez  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 23879, date of birth January 8, 1961  
 Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/his to be the  
son of  
Herman Gonzalez, 13/16 Wintun; Bonnie (Sveeringer) Gonzalez,  
9/16 Concow/Pit River/Wailaki/Kosulaki/Mad River  
 Based on the above relationship the applicant's degree of Indian blood  
 is computed to be  
11/16 Wintun/Concow/Pit River/Wailaki/Kosulaki/Mad River

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent

I CERTIFY APPLICANT TO BE 11/16

OFFICER IN CHARGE

*Edward P. Bopp* 11-10-92  
 SUPERVISOR

<p><b>Edwin Grady Gonzalez</b>                  DOB: 07/23/1963                  72 IN 26019                  11/16 Pitman/Conover/                  Pit Silver/Pit Silver/Pit Silver</p>	<p><b>William Gonzalez</b>                  DOB: 09/21/1923                  72 IN 11137                  50 IN 11000                  12/16 Pitman</p>	<p><b>Fred Gonzalez</b>                  DOB: 06/16/1945                  33 IN 6909                  3/4 Wicoma (Colima)</p>	<p><b>Joe Gonzalez</b>                  DOB: 08/27/1946                  1/2 Wicoma</p>	
<p><b>James Gonzalez</b>                  DOB: 05/01/1974                  33 IN 6910                  7/8 Wicoma (Colima)</p>	<p><b>John Mitchell</b>                  DOB: 04/19/1975                  33 IN 13253                  3/4 Wicoma</p>	<p><b>Willie Gonzalez</b>                  DOB: 08/17/1981                  4/4 Wicoma</p>	<p><b>Willie Mitchell</b>                  DOB: 04/19/1972                  33 IN 13253                  4/4 Wicoma</p>	
<p><b>Caroline Bessinger</b>                  DOB: 12/22/1908                  33 IN 19194                  1/2 Conover/Pit Silver</p>	<p><b>James Bessinger</b>                  DOB: 09/16/1908                  33 IN 19194                  1/2 Pit Silver</p>	<p><b>Mary Ladner Britton</b>                  DOB: 10/23/1986                  33 IN 2082                  1/2 Conover</p>	<p><b>Andrew Freeman</b>                  DOB: 09/16/1971                  33 IN 6191                  4/4 Emerald</p>	
<p><b>Donald Joseph Gonzalez</b>                  DOB: 07/04/1935                  72 IN 21794                  50 IN 31605                  8/16 Conover/Pit Silver/                  Pit Silver/Pit Silver/Pit Silver</p>	<p><b>Agnes (Phyllis) Bessinger</b>                  DOB: 01/12/1914                  33 IN 6192                  50 IN 10578                  5/8 Wicoma/1/8 Pit Silver</p>		<p><b>Isabella Freeman (Suzanne)</b>                  DOB: 06/17/1981</p>	







## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Darryel D. Swearinger  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 61665, date of birth March 5, 1938

Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/him to be the

son of Carlino (Swearinger) Burrows, 1/2 Concow/Pit River  
Agnes (Fresman) Swearinger 5/8 Komelaki/Mailaki

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be 9/16 Concow/Pit River/Mailaki/Komelaki/Mad River

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

*Harold N. Brafford*  
 Harold N. Brafford  
 Superintendent

IDENTIFY APLICANT TO BE \_\_\_\_\_ 19/52

DEGREE IN: IN BLOOD.

*Harold M. Deppa*  
 SUPERINTENDENT DATE 11-18-93

James Swearingen DOB: 03/15/1906 1/2 Pit River	Carline (Carline) Swearingen DOB: 12/22/1908 33 W 1919A 1/2 Coonier/Pit River	James (James) Swearingen DOB: 01/22/1916 33 W 6152 3/8 Wilcoxon/Red River	James B. Swearingen DOB: 03/05/1928 72 W 6165 50 W 31605 9/16 Red River/Coonier Pit River/Moomlahi/Walilaki	James Swearingen DOB: 05/15/1957 72 W 61672 50 W 031605 19/32 Red River/Coonier/ Pit River/Moomlahi/Walilaki
Alma Mary Swearingen (Langner) Swinton DOB: 10/23/1888 33 W 2002 4/8 Moomlahi (Wintona)	Anna (Anna) Swearingen DOB: 09/16/1871 33 W 6151A 4/8 Moomlahi (Wintona)	Rebecca (Rebecca) Swearingen DOB: 06/17/1881 33 W 6218 1/4 Red River	Elizabeth (Elizabeth) Swearingen DOB: 05/18/1912 33 W 14524 7/8 Moomlahi/Red-son	Elizabeth (Elizabeth) Swearingen DOB: 06/15/1887 33 W 2549 3/4 Moomlahi
Andrew Francis DOB: 09/25/1893 33 W 14523 4/4 Red-son (Moomlahi)	Ernest James Swearingen DOB: 05/18/1912 33 W 14524 7/8 Moomlahi/Red-son	Amelia (Amelia) Swearingen DOB: 09/26/1917 33 W 3444 3/8 Coonier/Redwood	Marilyn (Marilyn) Swearingen DOB: 11/06/1929 72 W 61676 50 W 4480 5/8 Wintona	William Swearingen DOB: 06/15/1887 33 W 2549 3/4 Moomlahi
Ernest Francis DOB: 09/25/1893 33 W 14523 4/4 Red-son (Moomlahi)	Amelia (Amelia) Swearingen DOB: 09/26/1917 33 W 3444 3/8 Coonier/Redwood	William Swearingen DOB: 06/15/1887 33 W 2549 3/4 Moomlahi	Ernest Francis DOB: 09/25/1893 33 W 14523 4/4 Red-son (Moomlahi)	William Swearingen DOB: 06/15/1887 33 W 2549 3/4 Moomlahi



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4508

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Kenneth A. Swearinger

is enrolled as a California Indian under the Act of September 21, 1968  
(82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
of California Indians, completed as of December 15, 1972, as enrollee  
number 61672, date of birth May 15, 1957

Information as to degree of Indian blood is not shown on this roll,  
however, other records in this office show her/him to be the

son

of

Darrel D. Swearinger, 9/16 Mad River/Concow/Pit River/Komalaki/Wailaki;

Marilyn D. Burrows, 5/8 Maidu/Concow/Wintun/Komalaki

Based on the above relationship the applicant's degree of Indian blood  
is computed to be

19/32 Mad River/Concow/Pit River/Komalaki/Wailaki/Wintun

Please note: The 1972 Judgment Fund Roll is only considered as a  
Payment list and inclusion on the payment list does not denote tribal  
membership nor does the possession of California Indian blood necessarily  
entitle the above named person to BIA benefits.

*Harold M. Brafford*  
Harold M. Brafford  
Superintendent





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Duane John Swearinger  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 61668, date of birth December 11, 1940

Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/him to be the

son of \_\_\_\_\_

Carlino Swearinger, 1/2 Concow/Pit River

Aones (Freeman) Swearinger, 5/8 Kosalaki/Wailaki

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be \_\_\_\_\_

3/16 Concow/Kosalaki/Wailaki/Pit River/Had River

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent

I CERTIFY APPLICANT TO BE \_\_\_\_\_ 38/33

DI GIBEL INDIAN BLOOD.

*Harold M. Beyer* 11/8-93  
 SUP. INDIAN BLOOD DATE

James J. Bessinger DOB, 12/17/1940 72 IN 61668 50 IN 31406 9/18 Cousin/Pat Silver Nephew/Pat/Lak	James Bessinger DOB, 12/22/1908 33 IN 19194 1/2 Cousin/Pat Silver	James Bessinger DOB, 1908 1/2 Pat Silver	
John Andrew Bessinger DOB, 03/28/1942 72 IN 61671 50 IN 081561 19/32 Cousin/Pat Silver Nephew/Pat/Lak	Andrew Bessinger DOB, 09/16/1871 33 IN 6191 4/6 Nephew/Lak	Navy Lodge Bessinger DOB, 10/23/1848 33 IN 20832 1/2 Cousin	
Franklin Andrew Bessinger DOB, 04/26/1943 72 IN 61675 50 IN 1561 5/8 Cousin/Pat/Nephew/Lak	Franklin Bessinger DOB, 10/07/1900 33 IN 905 50 IN 1549 3/4 Cousin/Pat	Franklin Bessinger DOB, 1903 1/2 Pat	
	Franklin Bessinger DOB, 12/13/1917 33 IN 843 1/2 Nephew/Lak	Franklin Bessinger DOB, 12-06-1888 33 IN 846 1/2 Pat	
	Franklin Bessinger DOB, 12/13/1917 33 IN 843 1/2 Nephew/Lak	Franklin Bessinger DOB, 12-06-1888 33 IN 846 1/2 Pat	





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95813-4508

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Yanessa Dee Svesringer  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 868 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 61677, date of birth October 19, 1964  
 Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/him to be the  
daughter of           
Duane J. Svesringer, 9/16 Concov/Pit River/Komlaki/Wailaki  
Prerilene (Azhill) Svesringer, 3/8 Concov/Pomo/Komlaki  
 Based on the above relationship the applicant's degree of Indian blood  
 is computed to be           
19/32 Concov/Pomo/Pit River/Komlaki/Wailaki

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

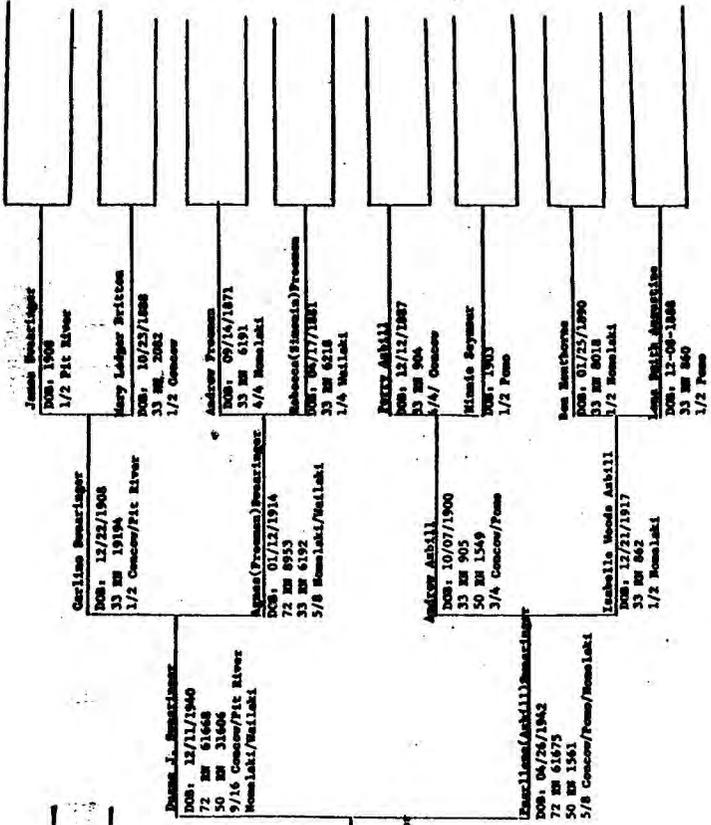
*Harold E. Brafford*  
 Harold E. Brafford  
 Superintendent

CERTIFY APPLICANT TO BE 10/32

OF PURE INDIAN BLOOD.

*David M. Pepp*  
SPECIAL AGENT

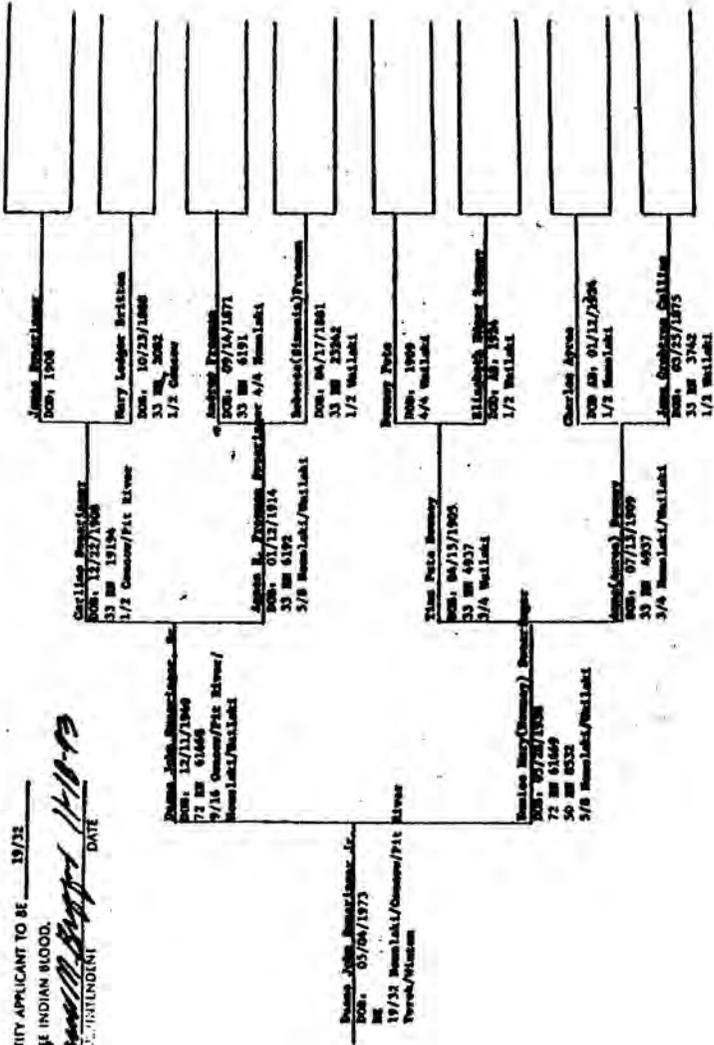
DATE



I CERTIFY APPLICANT TO BE \_\_\_\_\_ 19/32

GEORGE INDIAN BLOOD.

*James M. Hays* 11/10/73  
 SIGNATURE DATE





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

Applicant, Duane John Swearinger, Jr.

Born May 4, 1973 is identified to be the  
son of

Duane John Swearinger, Sr., 9/16 Concov/Pit River/Nomlaki/  
 Wailaki; Eunice Mary (Downey) Swearinger, 5/8 Nomlaki/Wailaki

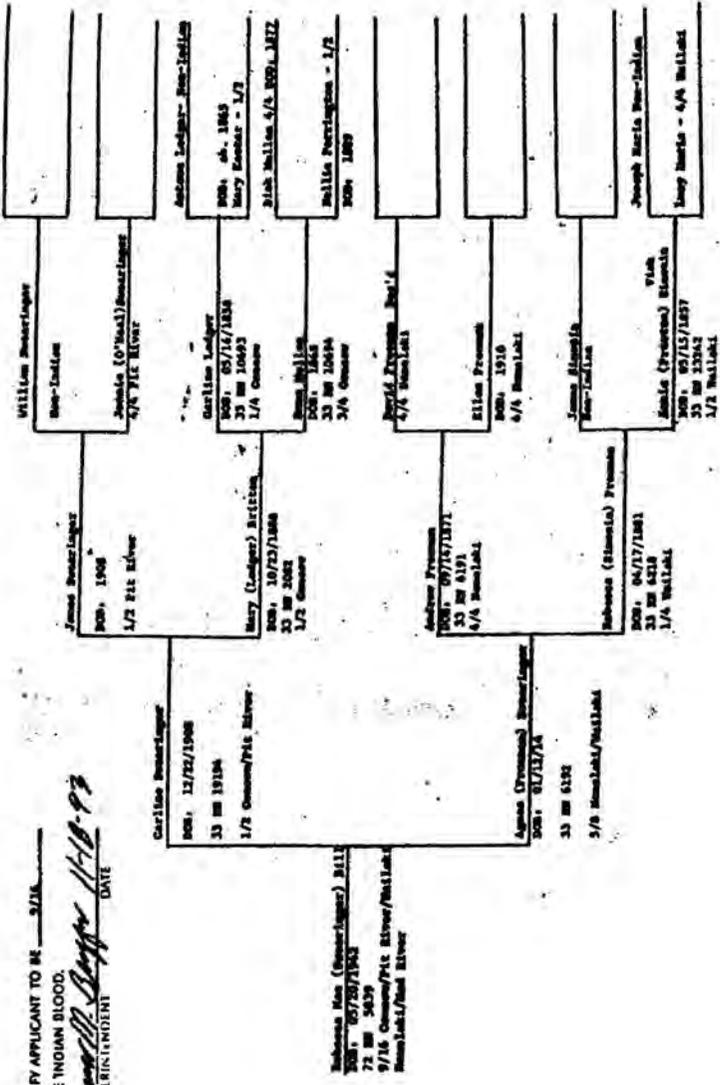
Based on the stated relationship and the information shown in the records in this office, the applicant's degree of Indian blood is computed to be

19/32 Nomlaki/Concov/Pit River/Wailaki

Please note: The 1972 Judgment Fund Roll is only considered as a payment list and inclusion on the payment list does not denote tribal membership nor does the possession of California Indian blood necessarily entitle the above named person to BIA benefits.

*Harold M. Brifford*  
 Harold M. Brifford  
 Superintendent

I CERTIFY APPLICANT TO BE 3/16  
 OLGALE INDIAN BLOOD.  
*James M. Dwyer* 1-10-93  
 SUPERINTENDENT DATE





I CERTIFY APPLICANT TO BE 31/64  
 DEGREE INDIAN BLOOD.  
*Harold M. Bruff* 11-18-73  
 SUPERINTENDENT DATE

3/13 Arnold DOB: Ab. 1923 1/2 Penn DOB: 1859 1/2 Penn Frank James Parker John Elliot 1/2 Penn	Lewis Arnold DOB: 1882 33 M 699 1/2 Penn Noel Elliott Arnold DOB: 1891 33 M 700 3/8 Penn	Kenneth Arnold DOB: 09/10/18 33 M 703 9/16 Penn Beatrice (May Arnold) DOB: 07/23/1913 33 M 1618 3/4 Penn	Kenneth E. Arnold DOB: 08/21/1941 72 M 2558 50 M 1213 21/32 Penn	Kenneth E. Arnold III DOB: 07/10/1961 72 M 62559 50 M 031608 39/64 Penn/Comany/Penn Ind.	Katherine Elliott 3/4 Penn Gill Ray DOB: 1872 33 M 3996 4/4 Penn Sarah Ray 1/2 Penn 33 M 3997 Bob Amickson 3/4 Penn DOB: 1921	William Ray 3/4 Penn Harold (Josephine) Ray DOB: 07/18/91 33 M 16179 3/4 Penn James Swearingner 1/2 Pitt River	James Swearingner 1/2 Pitt River Carolyn Swearingner DOB: 11/28/1908 33 M 19194 1/2 Comany/Pitt River	Rebecca (Swearingner) Ball DOB: 05/20/1942 72 M 3839 50 M 31609 9/16 Comany/Penn Ind.	Kenneth E. Arnold DOB: 1872 33 M 3996 4/4 Penn Sarah Ray 1/2 Penn 33 M 3997 Bob Amickson 3/4 Penn DOB: 1921 Elizabeth Amickson 1/2 Penn 33 M 5778 Mary Swearingner 1/2 Pitt River Lemble G. Ball 4/4 Pitt River Geraldine Taylor 1/4 Comany James Millen 3/4 Comany David Freeman 4/4 Penn Ind.	James Swearingner 1/2 Pitt River Carolyn Swearingner DOB: 11/28/1908 33 M 19194 1/2 Comany/Pitt River	Rebecca (Swearingner) Ball DOB: 05/20/1942 72 M 3839 50 M 31609 9/16 Comany/Penn Ind.	James Swearingner 1/2 Pitt River Carolyn Swearingner DOB: 11/28/1908 33 M 19194 1/2 Comany/Pitt River	Rebecca (Swearingner) Ball DOB: 05/20/1942 72 M 3839 50 M 31609 9/16 Comany/Penn Ind.	James Swearingner 1/2 Pitt River Carolyn Swearingner DOB: 11/28/1908 33 M 19194 1/2 Comany/Pitt River	Katherine Elliott 3/4 Penn Gill Ray DOB: 1872 33 M 3996 4/4 Penn Sarah Ray 1/2 Penn 33 M 3997 Bob Amickson 3/4 Penn DOB: 1921	William Ray 3/4 Penn Harold (Josephine) Ray DOB: 07/18/91 33 M 16179 3/4 Penn James Swearingner 1/2 Pitt River	James Swearingner 1/2 Pitt River Carolyn Swearingner DOB: 11/28/1908 33 M 19194 1/2 Comany/Pitt River	Rebecca (Swearingner) Ball DOB: 05/20/1942 72 M 3839 50 M 31609 9/16 Comany/Penn Ind.	Kenneth E. Arnold DOB: 1872 33 M 3996 4/4 Penn Sarah Ray 1/2 Penn 33 M 3997 Bob Amickson 3/4 Penn DOB: 1921 Elizabeth Amickson 1/2 Penn 33 M 5778 Mary Swearingner 1/2 Pitt River Lemble G. Ball 4/4 Pitt River Geraldine Taylor 1/4 Comany James Millen 3/4 Comany David Freeman 4/4 Penn Ind.	Katherine Elliott 3/4 Penn Gill Ray DOB: 1872 33 M 3996 4/4 Penn Sarah Ray 1/2 Penn 33 M 3997 Bob Amickson 3/4 Penn DOB: 1921	William Ray 3/4 Penn Harold (Josephine) Ray DOB: 07/18/91 33 M 16179 3/4 Penn James Swearingner 1/2 Pitt River	James Swearingner 1/2 Pitt River Carolyn Swearingner DOB: 11/28/1908 33 M 19194 1/2 Comany/Pitt River	Rebecca (Swearingner) Ball DOB: 05/20/1942 72 M 3839 50 M 31609 9/16 Comany/Penn Ind.	Kenneth E. Arnold DOB: 1872 33 M 3996 4/4 Penn Sarah Ray 1/2 Penn 33 M 3997 Bob Amickson 3/4 Penn DOB: 1921 Elizabeth Amickson 1/2 Penn 33 M 5778 Mary Swearingner 1/2 Pitt River Lemble G. Ball 4/4 Pitt River Geraldine Taylor 1/4 Comany James Millen 3/4 Comany David Freeman 4/4 Penn Ind.
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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO

NOV 1 1993

TO WHOM IT MAY CONCERN:

This is to certify that Kenneth E. Arnold, III  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 92559, date of birth July 10, 1961

Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/him to be the

son of Kenneth E. Arnold, 21/32 Pomo

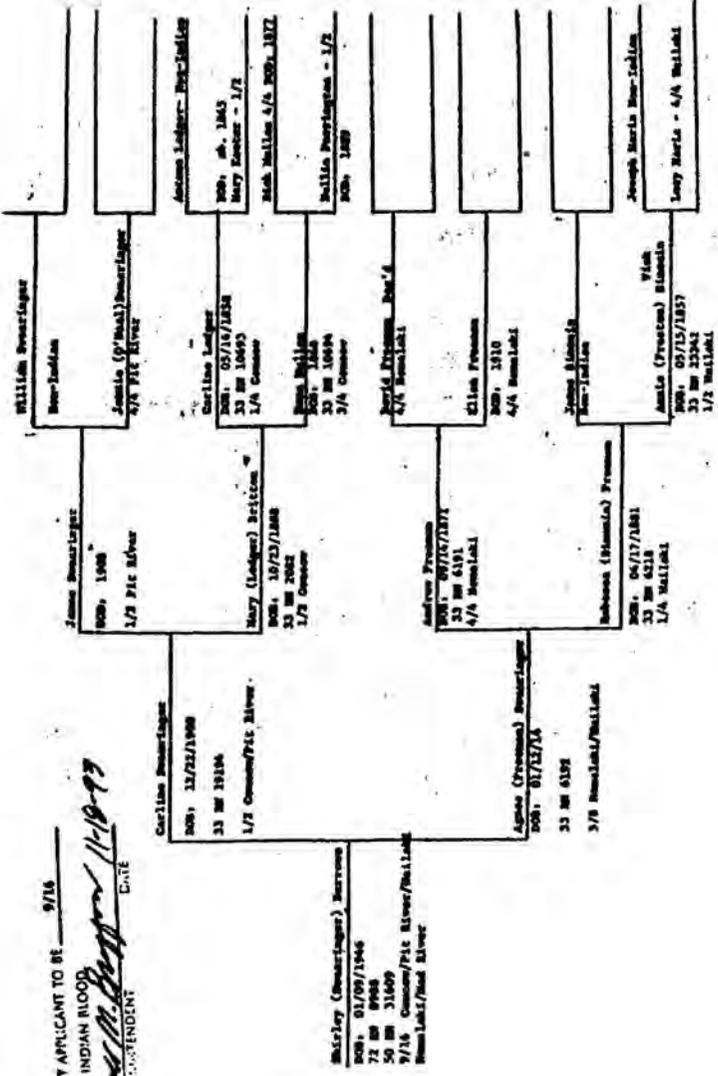
Rebecca (Sweatpiper) Bill, 9/16 Concov/Womalski

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be 39/64 Pomo/Concov/Womalski

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

*Harold M. Bradford*  
 Harold M. Bradford  
 Superintendent

ACTIVITY APPLICANT TO BE 9/16  
 ALL INDIAN BLOOD  
*Handwritten Signature* 11-19-93  
 DATE





IDENTIFY APPLICANT TO BE 10/23

ORIGINALE INDIAN BLOOD.

*Harold M. Bagg* 11-18-93  
S.C. COMMISSIONER DATE

Wallace C. Burrows  
3/4 Winton  
DOB: 8/18/1887  
28 RM: 2549 App: 7128

Ernest James Burrows  
5/8 Winton, 1/8 Pomo = 7/8  
DOB: 5/18/19  
28 RM: 14224 App: 7127

Annale (Jett) Burrows Mena  
1/2 Winton, 1/2 Pomo = 4/4  
DOB: 8/15/1898  
28 RM: 14223 App: 7127  
(Child under 1805)

Carlroll Cook  
1/2 Maida, 1/2 Mochum = 3/4  
DOB: 5/78/1910  
28 RM: 3842 App: 6822

Annale (Pessum) Cook  
DOB: 9/7/17  
28 RM: 3844 App: 6823

Antia (Cook) Burrows  
1/2 Maida, 1/8 Mochum = 5/8  
DOB: 9/7/17  
28 RM: 3844 App: 6823

James S. Burrows  
5/16 Winton, 1/8 Pomo, 1/8 Maida, 1/16 Mochum = 9/8-  
DOB: 8/30/87  
50 RM: 4477  
72 RM: 8974 App: 34631  
FB: 20388

Levy Lee Burrows  
9/32 Winton, 1/8 Maida, 1/16 Pomo,  
1/16 Pit River, 1/32 Maida, 1/32 Mochum = 10/78  
DOB: 5/24/68  
72 RM: 8978 App: 34630  
FB: 20384

James Spearfinger  
1/4 Pit River  
DOB: 1908

Caroline aka  
Carlino Carlos Spearfinger, Sr.  
1/2 Maida, 1/4 Pit River = 3/4  
DOB: 11/22/06  
28 RM: 19194 App: 34639

Maribeta (Leifer) Burton  
1/2 Maida  
DOB: 10/25/1888  
28 RM: 2082 App: 3913

Shirley A. (Spearfinger) Burrows  
1/2 Winton, 1/8 Maida, 1/8 Pit  
River, 1/16 Maida, 1/16 Pit  
DOB: 1/7/46  
50 RM: 3169  
72 RM: 8988 App: 34639  
FB: 20384

Andrew Pessum  
1/4 Winton  
DOB: 9/14/1871  
28 RM: 6197 App: 6841

Rebecca (Stamba) Pessum  
1/2 Maida  
DOB: 4/17/1881  
28 RM: 6218 App: 7096

Agnes P. (Pessum) Burrows  
1/2 Winton, 1/8 Maida = 5/8  
DOB: 1/12/14  
28 RM: 6192 App: 6841



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4508

IN REPLY REFER TO

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that LARRY L. BURROWS  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 08978, date of birth May 26, 1968

Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/him to be the

SON of \_\_\_\_\_  
James C. Burrows, 5/8 Wintun, Pomo, Maidu, Huchnon  
Shirley A. (Swearingen) Burrows, 9/16 Wintun, Maidu, Pit River, Mailaki

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be \_\_\_\_\_  
19/32 Wintun/Maidu/Pomo/Pit River/Mailaki/Huchnon

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

*Harold M. Brafford*  
 Harold M. Brafford  
 Superintendent

Paskenta Genealogical information  
 (for use in compiling tribal roll and voting roster)  
 [Theodoratus/Geri Emberson November 26, 1993]

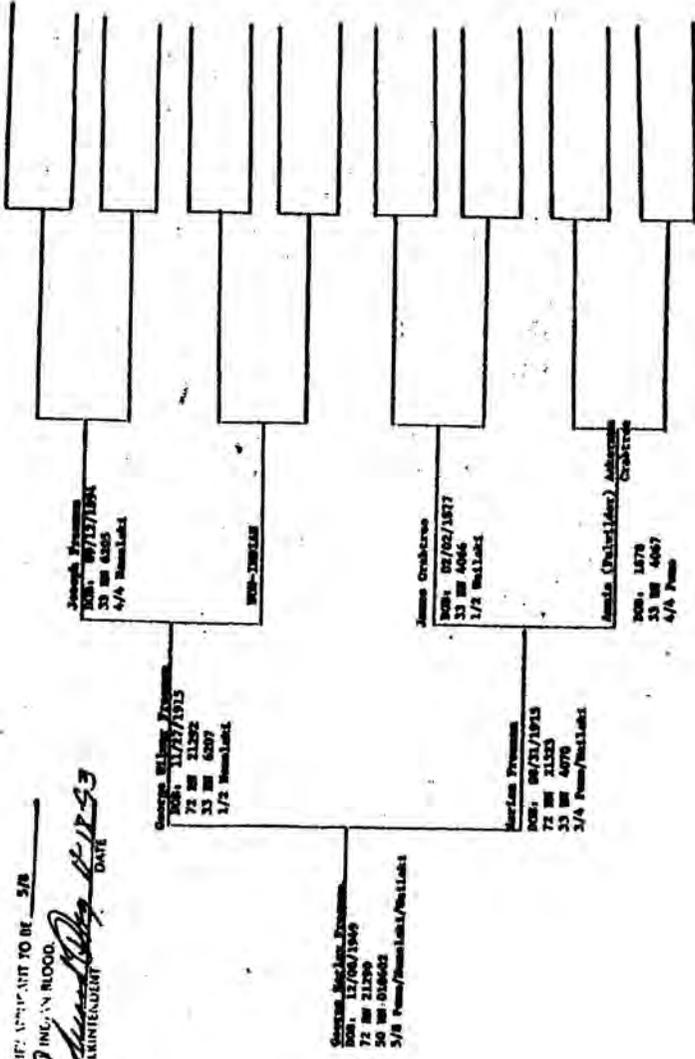
Legend:

- \* BIA certified, eligible for membership/vote  
 (born 1975 or before)
- + BIA certified, born after 1975 (under 18)
- # not certified (BIA needs information),  
 eligible for voting membership (born 1975 or before)
- @ not certified (BIA needs information),  
 minor (born after 1975)

Descendants of Joe Freeman; through son George W. Freeman

- \* George Harley Freeman
- \* Janice Valerie Freeman
  - # Harley Davison Decent (b. 2-8-73)
    - @ Brent Joseph Decent (b. 10-19-92)
    - @ Zachariah Stone Decent (b. 1-8-79)
- \*Jeannie Carmel Freeman
  - @ Carol Jean Short (b. 2-28-78)

ICIT: COMPANY TO BE 5/8  
USGAS INC. IN BLOOD.  
*George Elmer Jones* 11/25/53  
DATE



**George Elmer Jones**  
DOB: 11/27/1915  
71 M 21292  
53 M 6287  
1/2 Panna/Lak

**Joseph Freeman**  
DOB: 07/17/1884  
53 M 4355  
4/4 Panna/Lak

**James Crabtree**  
DOB: 02/02/1877  
53 M 4044  
1/2 Panna/Lak

**Amos (Pulvinder) Crabtree**  
DOB: 1879  
53 M 4067  
4/4 Panna



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4508

IN REPLY REFER TO

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that George Harley Fressan  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 21299, date of birth December 12, 1949

Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/him to be the

son of \_\_\_\_\_  
George Wilmer Fressan, 1/2 Komalaki  
Marian Fressan, 3/4 Pomo/Yailaki

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be \_\_\_\_\_

5/8 Pomo/Komalaki/Yailaki

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

FOR   
 Harold N. Brafford  
 Superintendent

CERTIFY AFFIDAVIT TO BE 5/8

DICKINSON INDIAN BLOOD

*[Signature]*  
INDEPENDENT DATE 12/12/93

Janice Valeria Primm  
DOB: 04/11/1955  
72 IN 21307  
50 IN 010618  
5/8 Pans/Pans-Lab/No-Lab

George Wilbur Primm  
DOB: 11/25/1913  
78 IN 21322  
53 IN 4207  
1/2 Trans-Lab

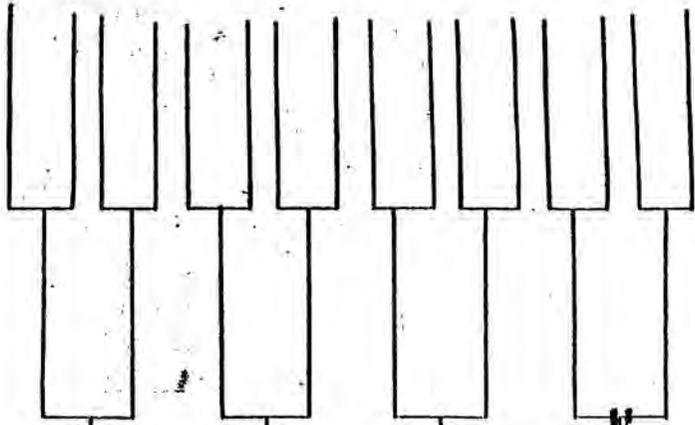
Marian Primm  
DOB: 06/21/1915  
71 IN 21323  
53 IN 4279  
3/4 Pans/No-Lab

Joseph Primm  
DOB: 07/27/1954  
52 IN 4248  
4/4 Trans-Lab

DOB: 12/29/1918

James Crabtree  
DOB: 02/02/1877  
33 IN 4066  
1/2 No-Lab

Annis (Valeria) Crabtree  
DOB: 1878  
33 IN 4067  
4/4 Pans





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4908

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Janice Valerie Freeman  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 868 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 21397, date of birth April 11, 1933

Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/his to be the  
daughter of \_\_\_\_\_

George Wilmer Freeman, 1/2 Konomiaki

Marian Freeman, 3/4 Pomo/Wailaki

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be \_\_\_\_\_

5/8 Pomo/Konomiaki/Wailaki

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

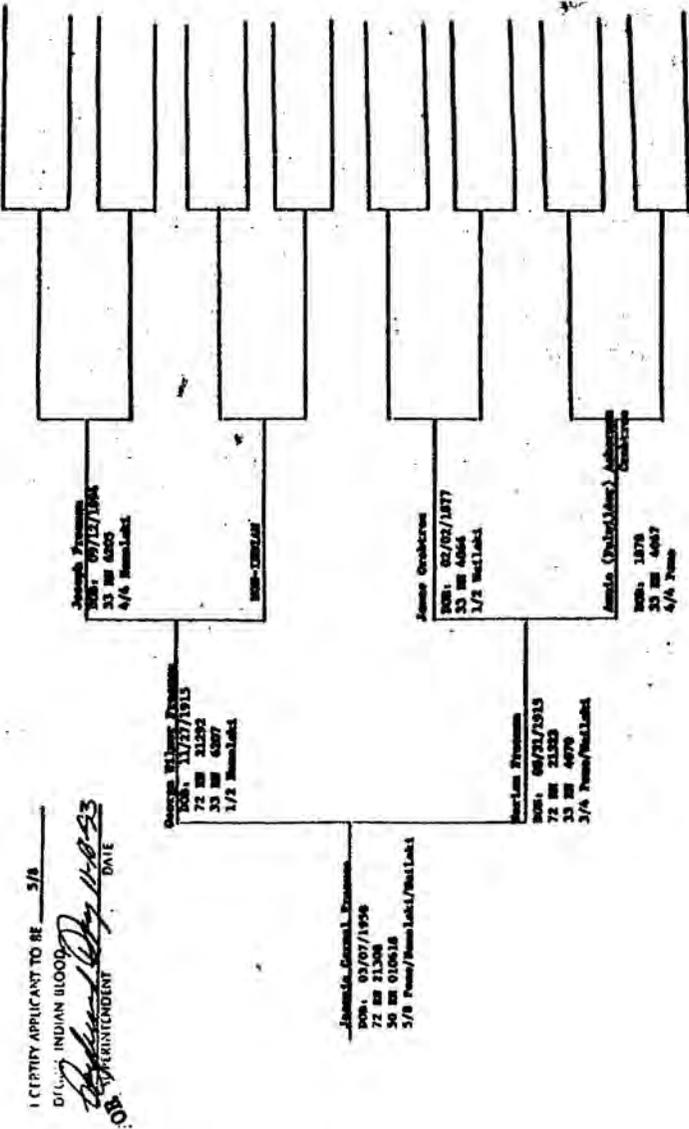
BOB. *Raymond Day*  
 Raymond M. Bradford  
 Superintendent

I CERTIFY APPLICANT TO BE 3/8

OF INDIAN BLOOD

*Robert D. ...*  
SUPERINTENDENT

DATE 11-8-23





## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Central California Agency  
 1824 Tribute Road, Suite J  
 Sacramento, CA 95815-4308

IN REPLY REFER TO:

NOV 18 1993

TO WHOM IT MAY CONCERN:

This is to certify that Jeannie Carmel Freeman  
 is enrolled as a California Indian under the Act of September 21, 1968  
 (82 Stat. 860 & 861), and is named on the California Judgment Fund Roll  
 of California Indians, completed as of December 15, 1972, as enrollee  
 number 21388, date of birth March 7, 1956

Information as to degree of Indian blood is not shown on this roll,  
 however, other records in this office show her/his to be the

daughter of George Wilmer Freeman, 1/2 Kowaleki  
Marian Freeman, 3/4 Pomo/Vailiki

Based on the above relationship the applicant's degree of Indian blood  
 is computed to be 5/8 Pomo/Kowaleki/Vailiki

Please note: The 1972 Judgment Fund Roll is only considered as a  
 Payment list and inclusion on the payment list does not denote tribal  
 membership nor does the possession of California Indian blood necessarily  
 entitle the above named person to BIA benefits.

FOR *Richard D. Gray*  
 Richard M. Bradford  
 Superintendent

Paskenta Genealogical information  
 (for use in compiling tribal roll and voting roster)  
 [Theodoratus/Geri Emberson November 26, 1993]

Legend:

- \* BIA certified, eligible for membership/vote  
 (born 1975 or before)
- + BIA certified, born after 1975 (under 18)
- # not certified (BIA needs information),  
 eligible for voting membership (born 1975 or before)
- @ not certified (BIA needs information),  
 minor (born after 1975)

Descendants of Joseph G. Freeman; through son Stanford L.  
 Freeman.

- # Geraldine W. Freeman (b. 12-20-52)
- # Stanley R. Freeman (b. 2-22-54)
- # France J. Freeman Caldera (b. 10-5-55)

Paskenta Genealogical information  
 (for use in compiling tribal roll and voting roster)  
 [Theodoratus/Geri Emberson November 26, 1993]

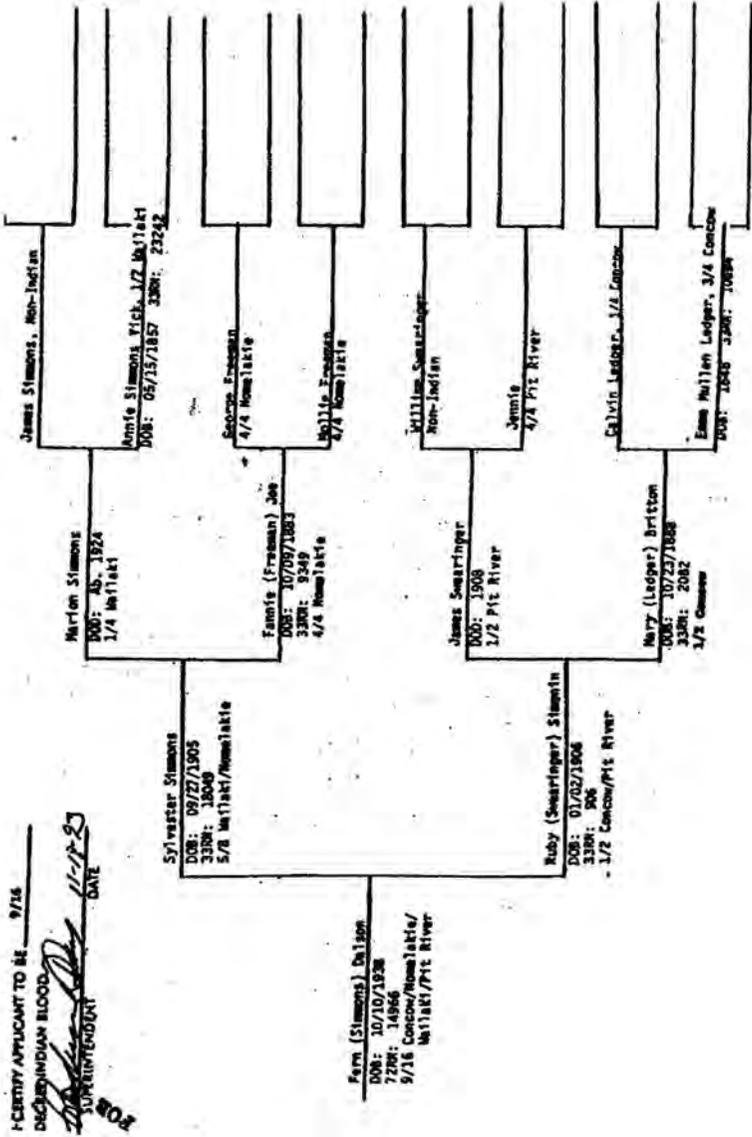
Legend:

- \* BIA certified, eligible for membership/vote  
   / born 1975 or before)
- + BIA certified, born after 1975 (under 18)
- # not certified (BIA needs information),  
   eligible for voting membership (born 1975 or before)
- @ not certified (BIA needs information),  
   minor (born after 1975)

Descendants of Fannie Freeman Joe Simmons and Marion Simmons;  
 through son Sylvester Simmons

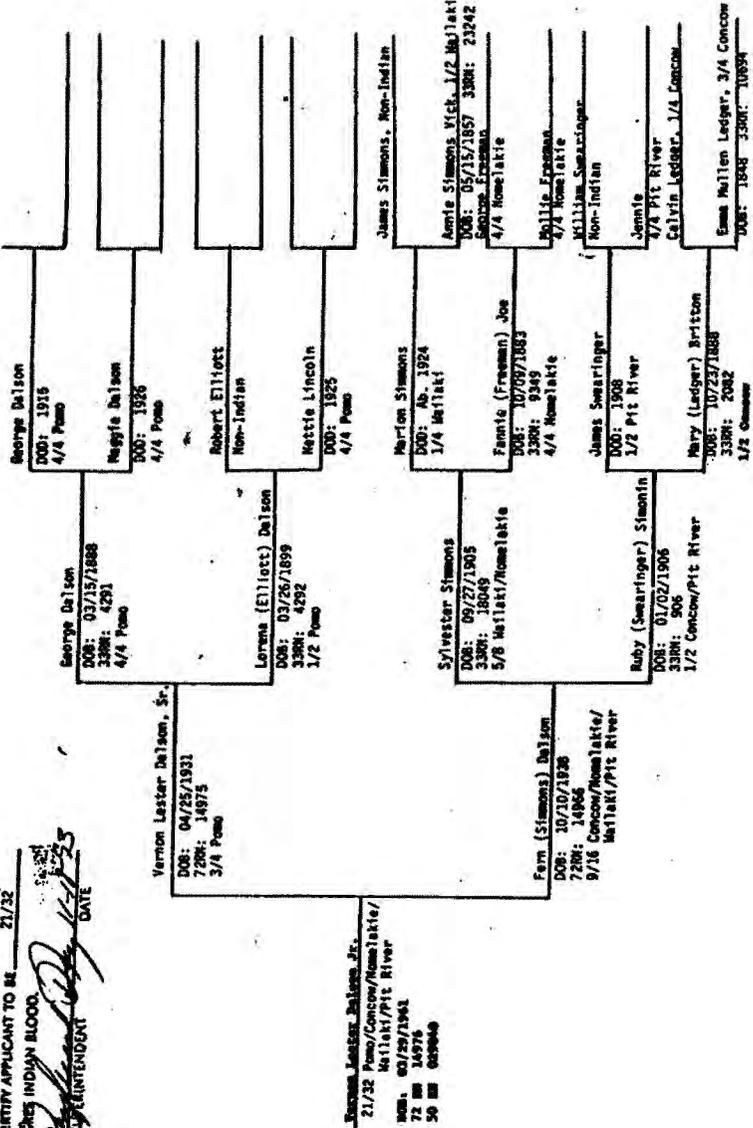
- \* Fern Simmons Dalson
  - \* Vernon Lester Dalson, Jr.
  - \* Sherri Lee (Dalson) Molina
    - @ Vernon Lee Dalson (b. 6-24-79)
  - \* Daniel Wiley Dalson
    - @ Alisha Ann Dalson (b. 12-25-86)
  - \* Timothy Nathan Dalson
    - @ Timothy Nathan Dalson, Jr. (b. 9-21-90)
    - @ Lorena Marie Dalson (b. 10-16-92)
  - # Matthew Dale Dalson (b. 6-7-69)
  - # Steven Eugene Dalson (b. 10-14-71)
- [descendants of Marian Simmons (dcd), si of Fern Simmons Dalson]
  - # Barney Wilsey Mclane, Jr. (b. 7 )
  - [Deanna Simmons Dalson Aparico, si. of Barney Mclane]
    - # Stacy Ann Dalson (b. 6-28-72)

I CERTIFY APPLICANT TO BE 9/16  
 DISCHARGE INDIAN BLOOD.  
 [Signature]  
 SUPPLEMENTARY DATE 11-1-23  
 FOR





I CERTIFY APPLICANT TO BE 21/32  
 PURE INDIAN BLOOD  
 BY [Signature] DATE 11/17/23  
 INDEPENDENT





I CERTIFY APPLICANT TO BE 21/32

FOR DEGREE INDIAN BLOOD.

*[Signature]*  
SUPERINTENDENT DATE 11-1-23

Vernon Lester Dailson, Sr.  
DOB: 04/25/1931  
720R: 14975  
3/4 Pomo

George Dailson  
DOB: 03/15/1888  
338R: 4291  
4/4 Pomo

George Dailson  
DOB: 1915  
4/4 Pomo

Maggie Dailson  
DOB: 1926  
4/4 Pomo

Robert Elliott  
Non-Indian

Lorena (Elliott) Dailson  
DOB: 03/26/1899  
338R: 4292  
1/2 Pomo

Nettie Lincoln  
DOB: 1925  
4/4 Pomo

Sherril Lee (Malina) Malina  
21/32 Pomo/Concow/Nonaklakie/  
Matiak/Pit River  
DOB: 04/11/1963  
72 RR 14973  
50 RR 029840

Fern (Simmons) Dailson  
DOB: 10/10/1938  
720R: 14966  
9/16 Concow/Nonaklakie/  
Matiak/Pit River

Sylvester Simmons  
DOB: 09/27/1905  
338R: 18049  
5/8 Matiak/Nonaklakie

Marion Simmons  
DOB: Ab. 1924  
3/4 Matiak

James Simmons, Non-Indian

Amie Simmons Vicks 1/2 Matiak  
DOB: 05/15/1857 338R: 23242  
George Fressman  
4/4 Nonaklakie

Fannie (Fressman) Joy  
DOB: 10/09/1883  
338R: 9349  
4/4 Nonaklakie

Nettie Fressman  
4/4 Nonaklakie  
William Swearingar  
Non-Indian

James Swearingar  
DOB: 1908  
1/2 Pit River

Ruby (Swearingar) Simons  
DOB: 01/02/1906  
338R: 906  
1/2 Concow/Pit River

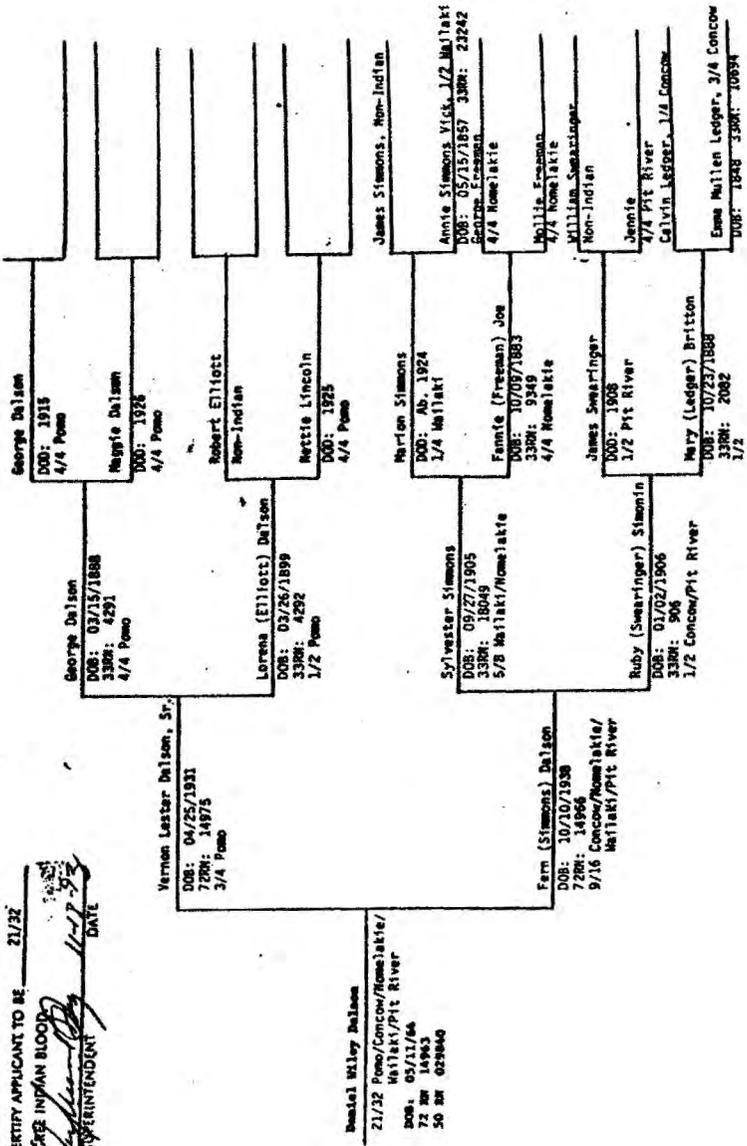
Mary (Ledger) Britton  
DOB: 10/23/1888  
338R: 2082

Jennie  
4/4 Pit River  
Calvin Ledger, 1/4 Concow

Emma Mullen Ledger, 3/4 Concow  
DOB: 1888 338R: 10894



I CERTIFY APPLICANT TO BE \_\_\_\_\_ 21/32  
 DEGREE INDIAN BLOOD  
 \_\_\_\_\_  
 SUPERINTENDENT DATE 11-7-53



George Dalsen  
DOB: 1915  
4/4 Pomo

Nuggie Dalsen  
DOB: 1928  
4/4 Pomo

Robert Elliott  
Non-Indian

Nettie Lincoln  
DOB: 1925  
4/4 Pomo

Marion Simmons  
DOB: Ab. 1924  
1/4 Mattiak

Fannie (Freeman) Joe  
DOB: 10/05/1883  
338M: 9348  
4/4 Non-Indian

James Swearingen  
DOB: 1908  
1/2 Pit River

Mary (Ledger) Britton  
DOB: 10/23/1888  
338M: 2062  
1/2

George Dalsen  
DOB: 03/15/1888  
338M: 4291  
4/4 Pomo

Lorena (Elliott) Dalsen  
DOB: 03/26/1899  
338M: 4292  
1/2 Pomo

5/16 Concow/Non-Indian/  
Mattiak/Pit River  
DOB: 09/27/1905  
338M: 18049  
5/8 Mattiak/Non-Indian

Ruby (Swearingen) Simonin  
DOB: 01/02/1906  
338M: 908  
1/2 Concow/Pit River

Vernon Lester Dalsen, Sr.  
DOB: 04/25/1931  
728M: 14975  
3/4 Pomo

James (Simmons) Dalsen  
DOB: 10/10/1938  
728M: 14966  
9/16 Concow/Non-Indian/  
Mattiak/Pit River

21/32 Pomo/Concow/Non-Indian/  
Mattiak/Pit River  
DOB: 05/11/64  
72 8M 14963  
30 8M 029640

James Simmons, Non-Indian

Annie Simmons Visk, 1/2 Mattiak  
DOB: 05/15/1857 338M: 23242  
George Freeman  
4/4 Non-Indian

Mollie Freeman  
4/4 Non-Indian

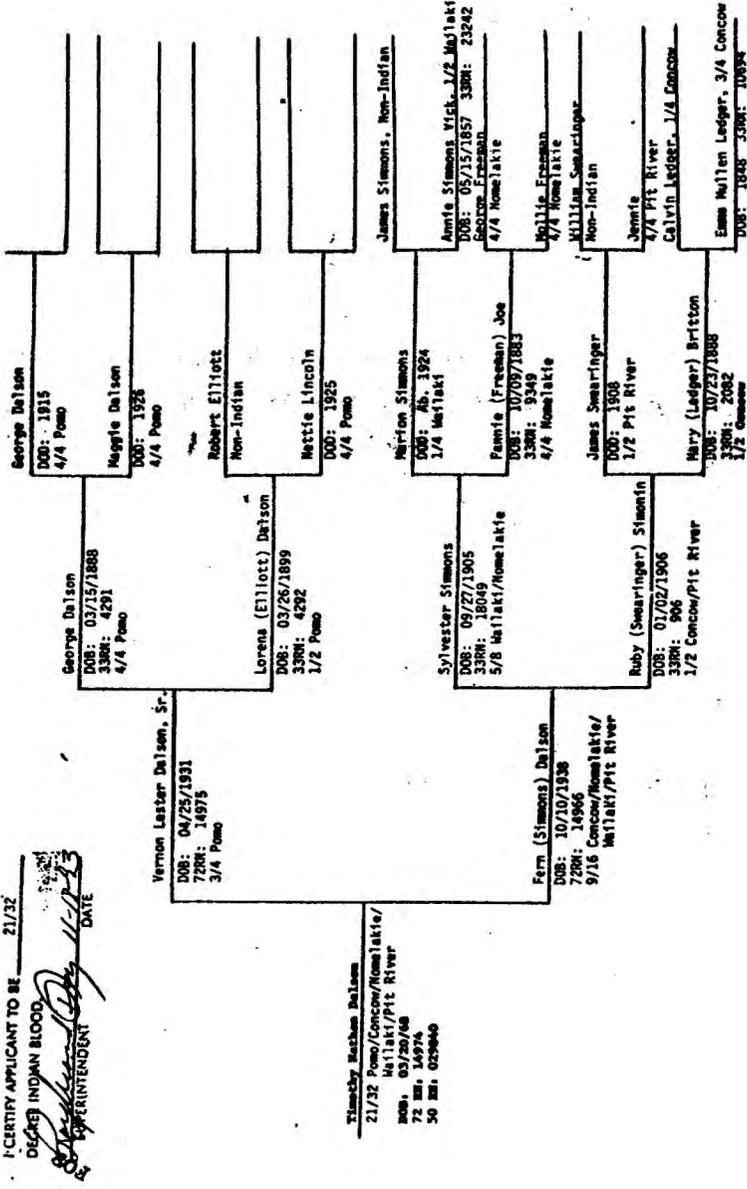
William Swearingen  
Non-Indian

Jennie  
4/4 Pit River  
Calvin Ledger, 1/2 Concow  
DOB: 1848 338M: 10894

Emma Mullen Ledger, 3/4 Concow  
DOB: 1848 338M: 10894



IDENTIFY APPLICANT TO BE 21/32  
 DEGREE INDIAN BLOOD.  
 SUPERINTENDENT DATE





I CERTIFY APPLICANT TO BE 21/32  
DEGREE INDIAN BLOOD  
*[Signature]*  
FOR SUPERINTENDENT DATE 11-19-53

Vernon Lester Dalsen, Sr.  
DOB: 04/25/1931  
728R: 14875  
3/4 Pomo

Georgia Dalsen  
DOB: 03/15/1868  
338R: 4291  
4/4 Pomo

George Dalsen  
DOB: 1815  
4/4 Pomo

Neggie Dalsen  
DOB: 1926  
4/4 Pomo

Lorena (Elliott) Dalsen  
DOB: 03/26/1899  
338R: 4292  
1/2 Pomo

Robert Elliott  
Non-Indian

Nettie Lincoln  
DOB: 1925  
4/4 Pomo

Steven Eugene Dalsen  
21/32 Pomo/Concow/Nonakla/  
Mallaki/Pit River  
19-14-71

Fern (Simmons) Dalsen  
DOB: 10/10/1938  
728R: 14966  
9/16 Concow/Nonakla/  
Mallaki/Pit River

Sylvester Simmons  
DOB: 09/27/1905  
338R: 18049  
5/8 Mallaki/Nonakla

Marion Simmons  
DOB: Ab. 1924  
1/4 Mallaki

James Simmons, Non-Indian

James Simmons, Non-Indian  
Auntie Simmons Vick, 1/2 Mallaki  
DOB: 05/15/1857 338R: 23242  
George Freeman  
4/4 Nonakla

Pamie (Freeman) Joe  
DOB: 10/09/1883  
338R: 9349  
4/4 Nonakla

Nettie Freeman  
4/4 Nonakla

William Swearinger  
Non-Indian

James Swearinger  
DOB: 1908  
1/2 Pit River

Ruby (Swearinger) Simonin  
DOB: 01/02/1906  
338R: 906  
1/2 Concow/Pit River

Jennie  
4/4 PFE River  
Calvin Ledger, 1/4 Concow

Mary (Ledger) Britton  
DOB: 10/23/1888  
338R: 2082  
1/2 Concow

Emma Mullen Ledger, 3/4 Concow  
DOB: 1848 338R: 10894



Kelsey, C. E.  
1971 Census of Non-Reservation California Indians,  
1905-1906. University of California, Department of  
Anthropology, Archaeological Research Facility.  
Berkeley.

SUTTER COUNTY (CONT'D.)

Name	Indians Heads of families.	Mixed bloods Heads of families.	No.	Name	Indians Heads of families.	Mixed bloods Heads of families.	No.
Cayuse Baker 2 children	1	3		Mary Hayes	1	1	
Charley Nelson & wife grandmother Old Man Nick	1	4		Lute Boney Eveland		1	1
<u>TERHAMA COUNTY</u> Wintoon Stock Farquhar Without land				<u>Lowreys</u> Owning land			
Eliza Jane & child			1	Mary Ellen Hayward 6 children			
Tom Eveland & wife			1	Dominic Hastings	1	9	
Ben Eveland			1	Julia Hastings			
George Williams & wife			1	<u>Peakente</u> Without land			
Frank Holbert & wife 4 children			1	Frank Jordan & wife 2 children	1	4	
Clarence Carey & wife 2 children			1	Ed Jordan	1	1	
Mrs. Baker			1	Deck Raglan & wife 2 children			1
Belle Philpot Shelton 5 children			1	Mrs. Frow			1
Jeff Eads			1	Walter Jordan & wife 2 step-sons	1	4	
Harrison Raglan & wife			1	Ray Jordan	1	1	
George Raglan			1	Henry Freeman & wife	1	2	
Jim Raglan			1	Billy Freeman & wife 3 children			6
Dave Raglan			1	1 step-son	1		
Ike Raglan			1	Jeff Jones & wife	1	2	
John Raglan			1	Ben Ayres & wife	1	2	
Owning land			5	<u>Thomas</u> Without land			
			5	Joseph Davis & wife	1	2	

TEHAMA COUNTY (CONT'D.)

Name	Indians Heads of families.	No.	Mixed bloods Heads of families.	No.	Name	Indians Heads of families.	No.	Mixed bloods Heads of families.	No.
Lee Davis	1	1			Ida Bush & 2 children	1	3		
Charley W. Frazier & wife 7 children	1	9			Owning land				
Joe Brown & wife	1	2			3 children	1	5		
Bank	1	1							
Mose McKenzie & 1 child	1	2			TRINITY COUNTY				
Walker Ingraham 3 children	1	4			Winton Stock				
Owning land					Hettenshav				
George Jones			1	1	Owning land				
Jelly's Ferry Without land					Aaron F. Willburn & wife 4 children	1	6		
Jim Jelly	1	1			W. S. Willburn & wife 1 child	1	3		
Billy Palmo	1	1			R. L. Hoeglin & wife 1 child				
Maidu Stock Manton					Fannie Willburn 7 children	1	8		
Without land					H. D. Willburn & wife 7 children	1	9		
Joe Kuehn & wife	1	1			Without land				
Charley Golden & wife 3 children	1	5			John Duncan & wife 1 child	1	3		
Sam & wife	1	2			Church D. Willburn & wife 2 children				
Indian Pete & wife 2 children uncle	1	5			John S. Hale				
Mrs. Dr. Louis 2 children	1	3			Sid Willburn & wife	1	2		
Ed Sipe & wife	1	2			Robert F. Duncan				
					L. P. Duncan & wife 2 children				

U.S.D.I., United States Indian Service  
1916 Census of the Indians in and near Paskenta, Tehama  
County, California. Submitted by U.S. Indian Service,  
Special Indian Agent, John J. Terrell. Manuscript on  
File at California Indian Legal Services, Paskenta  
File, Oakland, CA.. [Original from National Archives,  
Record Group 75, Bureau of Indian Affairs.]

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE

Census of the Indians in and near Pasakenta, Tehama County, California :

John Jordan, age 53, wife Nancy 53 and one son, Ed., age 23,	2.
Ed Jordan, 23 and wife Drusilla 22 and dau, Elane one year old,	3.
Mr. & Mrs John Jordan have three grandchilden, 2 raised by them and one by mother who is likely to atandion same soon, viz:	
Frank, 15, Johnny 14 and Elmer Jordan 9,	3.
Billy Freeman 50, wife Mollie 48 and 3 children, 3 own and 3 step, own, Fannie-married- Maude 28, -married- and Albert 24; stepch.,	
Bardie 14, Willie 12 and Richard 7 (Freeman)	8.
Marion Simmons 32, wife Fannie 30 & 1 child, Silvester 12,	3.
Ben Ayers 40, wife Maude 28 and 2 children, Maude & Evalina 6,	4.
Dick Ragland 50, wife Ann 48 and 4 children, Willie 18, Jim 16, Ellen 14 and Dick Jr., 7,	6.
Mrs Ellen James 60 and son Jessy James 31, single,	2.
Johnny Carroll 58, wife Nettie 40 (no Children)	2.
Domineck Hasting 68, father of Nettie Carroll,	1.
Andrew Freeman 45, wife <sup>(Rebecca)</sup> Eulah and 2 children, Mable 15 & Agnes 2,	4.
Joe Freeman 22 (has a white wife)	1.
Mnery Freeman 27, wife Lula 25 & 1 child, Theador 9,	3.
Joe Brown 49, wife Sarah 48 & nephew Nickle Brown 12,	3.
*Uncle Pete Mitchell-widower 70,	1.
Mrs Mary Haywood 40 and 6 children, Edith 25, Alvy 21, Oscar 19, Rena 16, Rud 9 and Renett 3,	7.
Total	<u>53.</u>

Respectfully submitted.

*John J. Carroll*  
Special Indian Agent.

1916 Census WAS TAKEN  
According to Everett's Mom's AGE  
Born - 1914

P. #2

Lipps, O. H., and L. F. Michaels

1920 Lipps - Michaels Survey of Landless Nonreservation Indians of California, 1919-1920 for the Commissioner of Indian Affairs by O. H. Lipps, Superintendent and L. F. Michaels, Special Supervisor. Manuscript on File at California Indian Legal Services, Paskenta File, Oakland, CA. [Original from National Archives, Record Group 75, Bureau of Indian Affairs.]

Schools: At the office of the County Superintendent of Schools, it was found that this County had un-  
 derated but 37 minors of Indian blood, and that the  
 Indian children were admitted to the schools of Trinity  
 County without any question at all. It also was found that  
 many of the pupils reached the eighth grade with average  
 scholarship. We should be a little more liberal with  
 the payment of tuition.

The number of Indian children not in school is  
 negligible, a few are out on account of being too far away  
 from a school.

Homes: The home situation in general is better  
 from all reports, than that of some other sections.

Health: The County being mostly of a high  
 elevation, the general health situation is better and less  
 tuberculosis is found. Practically no trachoma exists.  
 In fact, there is a question whether there are any true  
 cases of this disease among the Trinity County Indians.  
 The County hospital is open to all Indians, same as whites,  
 but the Indians it appears do not care to take advantage  
 of hospital facilities, this being particularly true of the  
 older people.

Needs: The County gives some aid to the needy,  
 principally to those who are old and unable to work; the  
 amount allowed is not sufficient to meet their needs and  
 it falls upon friends and relatives to aid them, who may  
 themselves be in rather limited circumstances.

It would be no more than right and proper to  
 meet the County allowance with an equal amount of money  
 from Federal appropriated funds for such purposes.

#### Tehama County.

Tehama County has a very small Indian population  
 of not to exceed 90 people. The largest camp is at  
 Paskenta, where they live on the Andrew Freeman homestead,  
 a full blood Nomelekie, who still retains 80 acres of a  
 130 acre fee homestead.

Some time ago he sold 80 acres to another Indian  
 by the name of John Jordan, who by thrift and industry  
 has accumulated considerable property and additional land.

The general conditions in this camp are very  
 unsatisfactory from a health and sanitation standpoint.  
 Their houses are small and poorly constructed and the land

upon which they live and make their homes is quite barren.  
Paskenta Families:

1. Ellen - 85- fullblood Nomelakie  
Jesse James - 35 son - fullblood Nomelakie  
Son is day laborer; mother sick with  
rheumatism. County charge \$5.00 per mo.
2. Dick Raglan - one-half Wintoon,  
Ann Raglan - 60 one-half Nomelakie,  
Ellen - 24 - 3/4 Nomelakie  
William 25 - " "  
Jim 20 - " "  
Dick- 13 - " "

Day laborer.

Claim loss of a fee homestead through debt  
about 3 years ago. Now live with Ellen and  
Andrew Freeman part of the time.

3. Andrew Freeman - 50 - fullblood Nomelakie  
Beckie Simmons - 38 - 1/2 " "  
Agnes-daughter- 5 - " "  
Shurman - son - 3 - " "  
Gail " - 1 " "

Husband owns land and wife has  
inherited interests on the Round  
Valley Reservation.

4. William Raglan - 25 - 1/2 Wintoon  
Mabel Raglan - 18 - fullblood Nomelakie  
Irving -son - 2

Day Laborer - shepherd  
No home, no land.

5. Billie Freeman - 60 - Fullblood Nomelakie  
Mollie Freeman - 59 - " "  
Step children  
Bertha Joe 11 Round Valley Public School  
Woody Joe 7 " "  
Ruth Joe 5 At Home  
Willie Freeman 16 " "  
Richard " 11 Paskenta Public School  
Bertie Simmons 18 Full-blood Nomelakie  
Charlotte Simmons 2.

This family has a small two room house,  
poorly furnished. Day laborers.  
Charles Simmons separated from his wife Bertie.  
31.

- 6 John Jordan - 60 fullblood Nomolakie  
Lizzie Jordan - 60 1/2  
Owns land. Good home.
7. Ed Jordan - 28 - 3/4 Nomolakie  
Drusilla - 27 - full blood Round Valley  
Flaine - 4 - daughter  
Arthur - 3 -  
Dean - 3 months  
John Jordan 17 grandson.  
Ed Jordan owns no real property and lives  
with John Jordan. Day laborer.
8. Pete Mitchell - 90 fullblood Nomolakie  
Lives at John Jordan's, No other home.  
County charge \$5.00 per month
9. Dosonie Hastings - 90 - fullblood Nomolakie  
Lives with John Carrol.
10. John Carrol - 69 - fullblood Nomolakie  
Nellie Hastings - 49  
No children.  
Squatters on Wilcott Ranch which joins  
the Freeman property. Have lived here  
for over 20 years.  
2 room shack, clean. Husband day laborer.  
Wife does washing. All speak English.
11. Henry Freeman - 35 - Fullblood Nomolakie  
Lulu Montgomery  
Frank James - 18 - 1/2 Nomolakie - stepson  
Lives at Gas Point.  
Theodore Freeman - 13 - Paskenta Public school  
Day laborer.
12. Joe Freeman - 24 - fullblood Nomolakie.  
Mollie Freeman - White  
George 3  
Floyd 6 months.  
Live at Grindstone.
13. Gloriana Freeman Gorg - 28 - fullblood Nomolakie  
Herman Gorg - 7 - son  
Joe Gorg - 4 - "  
Alvin - 5 months - son  
Husband died, Live at Grindstone. Fair home.  
Calvin Jones - 19- 1/2 Nomolakie  
Half brother to Gloriana  
This family lives on the Brownell Ranch  
where they are employed. Have lived here  
for a number of years. They belong to the  
Paskenta group.

15. Joe Brown - 45 - 1/2 Komolakie  
 Nicholas Brown - 16 - Nephew  
 Live at Tetsa.  
 Has property of his own. Day laborer.  
 Wife died recently.
16. Ben Ayers - 43 - 1/2 Komolakie  
 Paul Ayers - 14 - 3/4 Komolakie  
 Evaline " - 10 -  
 Family drifts. Tehama part of the time.  
 Wife dead. Day laborer. Girls want to  
 go to Riverside school.
17. Jim Smith - 60 - Fullblood Komolakie  
 Lester 13 - son - not in school  
 Duella - 12 - daughter  
 No home. - drift. At Grindstone part of  
 the time. Children get scant attention.

The Paskenta group is in need of land for horses. It is our belief that these Indians would make good use of a suitable piece of land.

There is a homestead of 160 acres adjoining this village that can be bought for about \$2500. It has fair improvements and 40 acres can be irrigated. This purchase would solve the homeless Indian problem in Tehama County. A reasonable amount should be made available for houses, etc.

Health: The general health of the Indians in this group is good. No trachoma was observed.

Woods: Three old people have a monthly allowance of \$5.00 from the County. This amount is not sufficient to meet their immediate needs.

Schools: The public schools are open to all Indian children and they are made welcome. This is particularly true of those in and around Paskenta.

#### Glenn County.

This county is credited in the 1910 census with 34 Indians. They are located on what is known as the Grandstone Rancheris, which consists of 80 acres and is credited with a population of 56 people. It is quite possible that part of the Paskenta group are included in the enumeration.

About 15 acres are suitable for cultivation. The rest is pasture and wood land. Their great need is water for their gardens and some lumber for improving the housing conditions.

Kriegh and Miller

1922 Paskenta Indians Census Made Jany. 23, 1922.  
Manuscript on File at California Indian Legal  
Services, Paskenta File, Oakland, CA. [Original from  
National Archives, Record Group 75, Bureau of Indian  
Affairs.]

PASKENTA INDIANS  
 CENSUS MADE JAN. 23, 1922  
 by KRIEGH AND MILLER:

Ayers, Ben, 42 yrs.  
 Evalyn Ayers, dau., 12 yrs.  
 Maud Ayers, dau., 15 yrs.

Freeman, William  
 Freeman, Mollie, wife:  
 Birdie Freeman, 21, dau.  
 Willie Freeman, 18, son.  
 Richard Freeman, 15, son.

Franks, Albert  
 Franks, Mrs. Albert (Ellen Ragland).

Hastings, Dominick, age 75 yrs.

James, Jesse,  
 James, Ellen (his mother).

Jordan, Ed, 28 yrs.  
 Jordan, Tricilla, wife, 26,  
 Elaine Jordan, dau., 7 yrs.  
 Arthur Jordan, son, 4.

Jordan, John 55 yrs.  
 Jordan, Lissie, wife, 60 yrs.

Joe, Frank, about 45,  
 Joe, Fannie, wife, 45.

Karl, John, 70 yrs.  
 Karl, Nettie, 45 (dau. Dominick Hastings)

Mitchell, Pete, about 80 yrs.

Ragland, Dick  
 Ragland, Anne, wife,  
 Ragland, Dick, some, 15 yrs.

Three Indian homes on the place with plenty room  
 for several more. Some good land if water was  
 gotten for it. A fine place for these Indians.

E. K. N.

## U.S. Bureau of Indian Affairs

1932 Indian Census Roll. Census of the Indian Tribe of the Paskenta Rancheria of the Sacramento, California jurisdiction, as of February 5, 1932 taken by W. S. Kriegh, Senior Clerk. Manuscript on File at California Indian Legal Services, Paskenta File, Oakland, CA.. [Original from National Archives, Record Group 75, Bureau of Indian Affairs.]





INDIAN CENSUS ROLL

Page 5

Census of the Indiana jurisdiction, as of February 5, 1908. Tribes of the Piankatta Band, reservation of the Sacramentos, California. When by E. S. Krieger, Register, clerk. Superintendent.

CHIEF'S TRIBE	Name	Sex	Age	Married	Date of birth	Place of birth	Manner of death	Relation to head of family
35					1866	M		Husb-head
36					1869	F		wife
37					1877	M		Head
38					1878	M		son
39					1879	M		son
40					1881	M		son
41					1881	M		Husb-head
42					1882	F		wife
43					1883	M		son
44					1885	F		Head, hwb
45					1885	M		wife
46					1887	M		son
47					1887	F		son, jr.

Mr. RICHARDSON. Well, Mr. Quesenberry, you have made some very good suggestions. What you are basically saying is that we have two unique cases and that it makes sense to move both on a fast track. Is that what you are saying?

Mr. QUESENBERRY. That is correct.

Mr. RICHARDSON. Now Chief, or Chairman Weaver, your Representative in Congress is Mr. Fazio, as I understand it?

Mr. FREEMAN. Yes, that is correct.

Mr. RICHARDSON. Is he supportive of this effort?

Mr. FREEMAN. We met with him yesterday, and basically the indication we get from his office is that they will be supportive. They would like some direction from the subcommittee as to whether they are willing to add the Paskenta Band. I believe that Congressman Fazio will support it.

Mr. RICHARDSON. Well, I think that it is very important that you get the support of the local Member of Congress from the area.

And Mr. Johnson and Mr. Houghton are going to facilitate a meeting with the BIA or, as I understand it, the Assistant Secretary, to see if we can get a decision, a quick decision on the Paskenta, and see if we can add it to the Auburn bill.

Now, let me say something about the Auburn issue. I don't need to ask you any questions because you have made very convincing cases.

The case is historical, it is economic, it is sociological, it is political—that you deserve recognition. So I am going to pledge to you that this House of Representatives—this subcommittee and this full committee and then the full House will pass a recognition bill for you by the 15th of July of this year.

So, I would like to add the Paskenta too, but I don't want to keep the Auburn off track. But I would hope we can move ahead with the Paskenta, your discussions there, because it seems to me it is a compelling case also.

Without question, the Auburn case is crystal clear and it is just a question of logistics, and we will assist in making sure that the Senate, the other body, moves also.

Well, thank you all.

**PANEL CONSISTING OF HON. FRAMON WEAVER, TRIBAL CHIEF, MOWA BAND OF CHOCTAW INDIANS, MOUNT VERNON, AL; HON. JOHN RIVERS, TRIBAL JUDGE, MOWA BAND OF CHOCTAW INDIANS, MOUNT VERNON, AL; AND, HON. JAQUELINE MATTIE, TRIBAL HISTORIAN, MOWA BAND OF CHOCTAW INDIANS, BIRMINGHAM, AL**

Mr. RICHARDSON. We will now move on to panel number 3, the Honorable Framon Weaver, Tribal Chief, Mowa Band of Choctaw Indians, Mount Vernon, Alabama; the Honorable John Rivers, Tribal Judge, Mowa Band of Choctaw Indians, Mount Vernon, Alabama; the Honorable Jaqueline Mattie, Tribal Historian, Mowa Band of Choctaw Indians from Birmingham, Alabama.

Welcome to the subcommittee to the Choctaws, the Mowa Band of Choctaw Indians. Let me first mention that we will proceed with Chief Weaver. Is it Fraymon or Framon?

Mr. WEAVER. Framon.

Mr. RICHARDSON. Framon. Please proceed, Mr. Tribal Chief.

### STATEMENT OF HON. FRAMON WEAVER

Mr. WEAVER. Thank you, Mr. Chairman. I am Framon Weaver, the Chief of the Mowa Band of Choctaw Indians. My people have remained in north Mobile County and south Washington County, Alabama, as well as other counties throughout southwest Alabama since the 1830 Treaty of Dancing Rabbit Creek was first signed.

Article 14 of this treaty between the Choctaw Nation and the United States of America provided for those members of the Choctaw Nation that chose not to immigrate West could remain in Alabama and Mississippi. This treaty also stated each person who elected to stay would retain their citizenship in the Choctaw Nation but would not share in the annuity.

The State of Alabama first recognized the rights of the Choctaws in Alabama in 1832. This was an Act passed by the Alabama Legislature to annex the Indian lands that were ceded by the treaty. This Act provided that we did not have to pay taxes to the State, that we could live under our own laws and customs. It also stated that we did not have to serve in the military, nor did we have to work on roads, bridges or other State projects.

The landmark case of *Wall v. Williams* recognized the sovereign rights of the Choctaws in Alabama once again. This decision ruled that the Choctaws did not have to give up their right to be part of the Choctaw Nation by remaining in Alabama. And unlike the Creek and the Cherokee, the Choctaw could meet in council and live under their own laws and customs.

The Treaty of Dancing Rabbit Creek recognized the rights of the Choctaw to remain in Alabama to govern themselves and to live under laws and customs of the Choctaw Nation. Agents of the United States refused to recognize most of the Choctaw land claims. It was guaranteed to the Choctaw people that those who chose to remain in our native Alabama could receive certain grants of land.

Many attempts were made to get the United States to honor the terms of the Treaty of Dancing Rabbit Creek. In 1836 my great-great-great grandfather, Chief Peter Cole, testified before the Senate of the United States, trying to get the terms of the treaty honored. Peter Cole never did see any results of his great efforts.

And efforts were made on behalf of the Choctaw people by our Tribal Chiefs and many white leaders as well. We had correspondence with the Department of Interior through 1860 on a regular basis. The Bureau of Indian Affairs did little more than make empty promises and pay lip service to any real lasting solutions to the problems of the Choctaw people.

In most recent times the Mowa Band of Choctaw Indians have taken control of our own destiny. The tribe adopted a constitution in 1977 and updated it in 1991. We have an 11-member Tribal Council, a Tribal Chief and Tribal Judiciary. The State of Alabama reaffirmed its recognition of the Mowa Band of Choctaw Indians in 1979 by creating the Mowa Choctaw Indian Commission, and a 1981 Attorney General's opinion confirmed the fact that the State of Alabama did indeed recognize the Mowa Band of Choctaw Indians as the same people that were subject to provisions of Article 14 of the Treaty of Dancing Rabbit Creek.

Washington County, Alabama, has never taxed any lands that make up the Mowa Choctaw Reservation. When the Mobile County

Revenue Commissioner attempted to put reservation land on their tax rolls, the Alabama Revenue Commissioner issued an opinion that exempted all land that make up the Choctaw Reservation from taxation.

The Mobile County and Washington County Health Departments recently signed a cooperation agreement recognizing the sovereign status of the Mowa Choctaw Tribal Government. Each agency agreed to provide inspection services at the request of the Tribal Chief or his agent. The tribal police have cross federalization agreements with Washington County Sheriff's Office and the Mobile County Constable's office.

Mr. Chairman, 23 Choctaw people from our communities pooled their resources so they could attend the hearing here today, and you can see them represented behind me.

The Bureau of Indian Affairs stated earlier in their testimony an estimate of 3 years for the Federal Government to recognize the Mowa band of Choctaw Indians.

Even after this there is still a 1-year comment period, and if we are turned down, the appeal process is back to the same people who turned us down in the first place.

So, in closing, I would like to say that my people have waited for more than a century and a half for the Treaty of Dancing Rabbit Creek to be honored by the United States. The same country that many of my people have taken up arms to defend. I think, Mr. Chairman, it is time for the United States to live up to its obligation to all Choctaw people, not just the ones in Oklahoma and Mississippi.

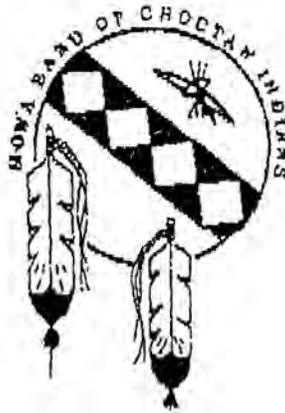
Thank you, Mr. Chairman for this opportunity to present our views.

[EDITOR'S NOTE.—Prepared statement and exhibits in their entirety may be found in the committee's files.]

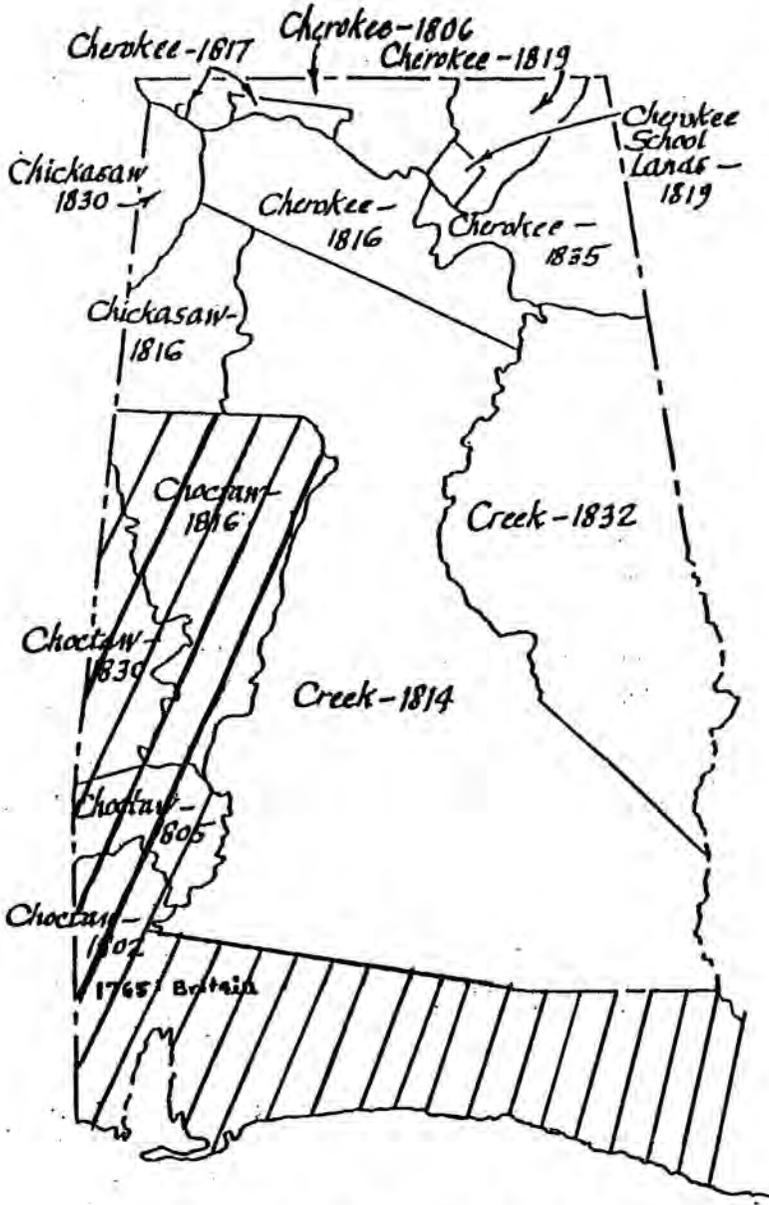
Mr. RICHARDSON. Thank you.

[Prepared statements in support of S. 282 and cover page of each volume of exhibits follow:]

TESTIMONY IN SUPPORT OF  
S.362 (S.282) PROPOSED LEGISLATION  
FOR FEDERAL RECOGNITION OF  
MOWA CHOCTAWS OF ALABAMA



Framon Weaver  
Tribal Chief  
Mowa Choctaws  
Alabama



MAP 14. Indian Land Cessions: Alabama

STATEMENT OF JACK EDWARDS  
MEMBER OF CONGRESS FOR ALABAMA 1965-1985

I first became aware of the Choctaws of north Mobile and south Washington counties in Alabama, who have as a modern designation adopted the name MOWA's, in 1964, as I traveled the district which I served as a United States Congressman for twenty years beginning in 1965. At that time, I was approached by Gallasneed Weaver, one of the MOWA community leaders, inquiring about federal assistance for education and other programs to improve the plight of his people. I was, at first, surprised to learn that there were Indians living in my district and then concerned upon becoming aware about the conditions under which the MOWA's existed.

The MOWA Choctaws reside in a relatively isolated rural area in a series of contiguous communities made up almost exclusively of their people. As I learned in my interaction with the MOWA Choctaws and through my study of their community, these Indians for many years isolated themselves as a result of the discrimination that they suffered in their attempts at contact with the non-Indian world. For example, although several chemical companies were the predominant employers in south Washington and north Mobile counties when I became a Congressman, these chemical plants would not hire the MOWA Choctaws. One of my acts on behalf of the MOWA Choctaws was to intervene with these chemical plants and persuade them to hire these Indians.

In so doing, it was apparent to me that the MOWA Choctaws were recognized, and had been recognized, as Indians by members of the area where they resided, separate and distinct from other ethnic groups of that area. Unfortunately, that recognition had frequently led to discrimination, as was the case when the MOWA's originally sought employment in the chemical plants in their community.

I also learned in my study of the MOWA Choctaws that their recognition as a separate Indian community in the south Washington and north Mobile county area was not something of recent development. Timber producers of those counties had long been aware of the MOWA Choctaws, knew of their separate community, and knew the leaders of these Indians, as reflected by the fact that these timber producers would approach the MOWA tribal leaders and negotiate with them for labor to be provided by the entire MOWA community. I also, of course, became aware of the separate schools that the MOWA's had established for their tribal members, as well as the churches that they had established dating back to the early 19th century.

During my tenure in Congress, the MOWA Choctaws, although limited by their very scarce resources, worked to develop information necessary to seek governmental recognition as an Indian tribe and community. In 1979, the MOWA Choctaws were recognized as an Indian tribe by the state of Alabama. During this same time period, the MOWA Choctaws worked and employed the

services of experts to develop what has now become the massive amount of information, proof and documentation required to submit their petition for recognition as an Indian tribe to the federal government. Unfortunately, as we all know, the substantial effort and expense that preparation of a federal recognition petition requires is only the beginning of that process. As Senator Inouye has reported, there were, as of February 3, 1989, over one hundred petitions for acknowledgment pending within the offices of the Bureau of Indian Affairs, with the BIA completing a review on average of only two petitions a year. Senator Inouye's analysis also estimated that the average cost of completing a petition for acknowledgment is approximately \$250,000. The MOWA Choctaw community consists of only approximately 5000 individuals, most of whom have very limited financial resources as a result of years of discrimination and limited educational opportunities. The financial burden, alone, of the administrative process for tribal recognition may well be prohibitive for this legitimate Indian tribe.

The irony of the MOWA's being required to undergo the administrative process for tribal recognition is that they have already been Congressionally recognized and would continue to be federally recognized if not for the misfeasance and malfeasance of agents appointed by Congress to protect the rights and fulfill the obligations owed to these Indians by the United States. Indeed, the previous federal recognition of the Choctaw Indians of south Alabama is the basis for the MOWA's contention that the

administrative process for recognition is inappropriate in their case. The MOWA Choctaw's submit, and I believe that a careful review of the evidence that they have painstakingly developed to date supports them, that the Treaty of Dancing Rabbit Creek entered in 1830 between the United States and the Choctaws who at that time resided in Mississippi and southern Alabama (the very same area occupied by the MOWA's today), mandates their recognition and rights as an Indian tribe. That treaty, consistent with most other agreements between the United States and Indians made at that time, was entered for the primary purpose of removing the Choctaws of Mississippi and southern Alabama to the west so that the United States could take their land. The Treaty of Dancing Rabbit Creek reserved, however, in its Article XIV, the right of any Choctaw who did not desire to remove west to stay in their native homeland and provided that by so doing, these Indians would "not lose the privilege of a Choctaw citizen." The present day MOWA Choctaws are descendants of those Choctaws who exercised their rights under Article XIV of the Treaty of Dancing Rabbit Creek, and have continued the Choctaw community, albeit on a smaller scale, that existed in southern Alabama at the time of first European contact with that area.

The present day MOWA tribe members can and have traced their ancestry back to the signors of the treaty of Dancing Rabbit Creek. Their continuous community is established by documentary evidence of federal and state government contact by and with

tribal ancestors before and after the Treaty of Dancing Rabbit Creek including land records, other treaties, petitions for the honoring of treaties, censuses, court records, military muster rolls and school records. In addition, there are various accounts of the presence of this south Alabama Choctaw community in articles, diaries, books and essays written during the 1800's and continuing to the present day. Many of these records and documents, however, contain mischaracterizations and misclassifications of the south Alabama Choctaws. For example, for a period of time the Choctaws were called and written about as "cajuns," a designation given them by a state senator who did not know or investigate their origins. Indeed, it is clear today that there are not and have never been "cajuns" living in the area occupied by the MOWA's. MOWA Choctaws have also been designated as black, mulatto and white on various official records, although their family names and ancestry, when studied, clearly reveal them to be Indians. MOWA Choctaws have also attempted, unsuccessfully, to sign on the rolls of other Indian tribes, including Cherokees and Creeks, as part of their desparate efforts to gain any sort of aid and assistance.

The geneology of the present tribe has been carefully prepared. The MOWA tribal ancestry has been carefully studied. It is clear from these efforts that the present day tribe traces back to the Choctaws of south Alabama who were signors of the Treaty of Dancing Rabbit Creek, who, prior to that treaty, owned the land of south Alabama where the modern-day Mowa's presently

reside, and who have stayed in their ancestral homeland through the present time pursuant to the rights provided by that treaty. Indeed, to the extent that there is any confusion about the geneology and historical continuity of the MOWA Choctaws, that confusion is the fault of agents of Congress, a fact which once again supports the MOWA Choctaw's contention that it is the duty of Congress, and not of the BIA, to determine and declare their rights. After the Treaty of Dancing Rabbit Creek in 1830, Congress sent its agent, Colonel William Ward, into MOWA territory to compile a roll of those Choctaws who claimed the right to continue their south Alabama and Mississippi residence under Article XIV of the Treaty of Dancing Rabbit Creek. If Colonel Ward would have performed his duties as instructed by the Congress, there would be an undeniable record of the ancestry of the present-day MOWA Choctaws. Instead of creating, however, what would have been conclusive proof of MOWA tribal existence, Agent Ward, who has been historically described as intemperate, incompetent and abusive to the Choctaws, left a legacy which may well be used by the BIA against the MOWA Choctaws in their efforts to obtain tribal recognition. In short, Agent Ward did not compile the record ordered by Congress of Choctaws claiming under Article XIV of the Treaty of Dancing Rabbit Creek. As a result, Agent Ward's failings have been used by some to argue that the very few names which Agent Ward did compile included all of the Choctaw claimants that existed at that time, and that the modern day MOWA Choctaws whose ancestors do not appear on Agent Ward's roll are Indian imposters.

Census takers also contributed to whatever confusion presently exists regarding the MOWA Choctaws' history and continuity of community. Throughout the 1800's and 1900's, census records show clear proof of alterations by federal government employees to change the ethnic designation of the south Alabama Choctaws who registered as "Indians," to some other ethnic designation such as "black," "white," "cajun" or "mulatto," based on the whim, prejudice or ignorance of those officials. Moreover, as alluded to above, the MOWA's themselves sometimes contributed to this confusion by adopting other ethnic designations in their attempts to escape the poverty and prejudice which was attendant to an Indian classification. Indeed, it is sad to say that many of the designations of the MOWA Choctaws were the result of any number of factors other than historical analysis. All of these problems, though, including the poverty of the MOWA Choctaws and the prejudice against them, were directly related to their abandonment by the federal government.

Fortunately, other evidence exists, which evidence is submitted to you today, to establish the legitimate south Alabama Choctaw ancestry of all of the present-day MOWA tribal members. The effort to compile this information, however, would have never been necessary if Congress' Agent Ward and other agents of Congress would have fulfilled their duty to this Indian tribe.

Based on the past failings of its agents which has directly resulted in the present plight of the MOWA's, I respectfully submit that Congress, not the BIA, has the responsibility to acknowledge this Indian tribe. Indeed, the BIA may well consider itself or take the position that it is powerless to abrogate the findings of Colonel Ward, or other agents of Congress, regardless of the historical proof of their incompetence or error. Moreover, it is the exclusive province of Congress to enforce treaties and it is the enforcement of the Treaty of Dancing Rabbit Creek that is the issue in the case of the MOWA Choctaws. The BIA may well not have jurisdiction to address and resolve the question of MOWA Choctaw tribal status. Accordingly, Congress should and must declare the MOWA's rights.

In sum, the MOWA Choctaws are and have been recognized in their community throughout recorded history as an Indian tribe. They have also been so recognized by the state of Alabama. The MOWA Choctaws are recognized by other Indian tribes and national Indian organizations as a legitimate Indian tribe. They were historically recognized by the federal government until the federal government failed in its obligation and commitment to preserve the trust that was ensured them by the Treaty of Dancing Rabbit Creek. Congress can and should now reverse that historical wrong. I thank the MOWA's and this Committee for the opportunity to be a part of the effort to accomplish the restitution of the MOWA's rightful status.

TESTIMONY OF MOWA CHOCTAW CHIEF FRAMON WEAVER

Mr. Chairman, I am Framon Weaver, Chief of the Mowa Band of Choctaw Indians. My people have remained in North Mobile County and South Washington County Alabama since the 1830 Treaty of Dancing Rabbit Creek.

Article XIV of this treaty between the Choctaw Nation and the United States of America provided for those members of the Choctaw Nation that chose not to emigrate west could remain in Alabama and Mississippi. This treaty also stated "each person who elected to stay would retain their citizenship in the Choctaw Nation but would not share in the annuity."

The State of Alabama first recognized the rights of Choctaws in Alabama in an act in 1832. This act provided that we did not have to pay taxes to the State and that we could live under our own laws and customs. It also stated that we did not have to serve in the military, nor did we have to work on roads and bridges.

The landmark case of Wall vs Williams recognized the sovereign rights of the Choctaws in Alabama once again. This decision ruled that the Choctaws did not give up their rights to be part of the Choctaw Nation by remaining in Alabama; that unlike the Creek and the Cherokee the Choctaw could meet in council and live under their own laws and customs.

The Treaty of Dancing Rabbit Creek recognized the rights of the Choctaws remaining in Alabama to govern themselves and to live under the laws and customs of the Choctaw Nation.

Agents of the United States refused to recognize most of the Choctaw land claims that were guaranteed to the Choctaw people that chose to remain in our Native Alabama. Many attempts were made to get the United States to honor the terms of the Treaty of Dancing Rabbit Creek.

In 1836 my great, great, great, grandfather, Chief Peter Cole, testified before the Senate of the United States trying to get the terms of the treaty honored. Chief Peter Cole never did see any results of his great efforts.

Many efforts were made on behalf of the Choctaw people by our tribal chiefs and many white leaders as well. We had correspondence with the Department of the Interior through 1860 on a regular basis. The Bureau of Indian Affairs did little more than make empty promises and pay lip service to any real lasting solutions to the problems of the Choctaw people.

In more recent times the MOWA Band of Choctaw Indians have taken control of our own destiny. The Tribe adopted a constitution in 1977 and updated it in 1991. We have an eleven member Tribal Council, Tribal chief and the Tribal Judiciary.

The state of Alabama reaffirmed it's recognition of the MOWA Band of Choctaw Indians in 1979 by creating the MOWA Choctaw Indian commission. A 1981 Attorney Generals opinion confirmed the fact that the State of Alabama did indeed recognize the MOWA Band of Choctaw Indians as the same people that were subject to provisions of Article XIV of the Treaty of Dancing Rabbit Creek.

Washington County Alabama has never taxed any of the lands that make up the MOWA Choctaw Reservation. When the Mobile County Revenue Commissioner attempted to put reservation land on their tax rolls the Alabama Revenue Commissioner issued an opinion that exempted all lands that make up the Choctaw Reservation from taxation.

The Mobile County and Washington County Health Departments recently signed a cooperation agreement, recognizing the sovereign status of the MOWA Choctaw Tribal Government. Each agency agreed to provide inspection services at the request of the Tribal Chief or his agent. The Tribal Police also have cross deputization agreements with the Washington County Sheriff's Office and a Mobile County Constable's office.

In closing, I would like to say that my people have waited for more than a century and a half for the Treaty of Dancing Rabbit Creek to be honored by the United States, the same country many of my people taken up arms to defend

I think, Mr. Chairman, it's time for the United States to live up to its obligation to all Choctaw people, not just the ones in Oklahoma and Mississippi.

Thank you, Mr. Chairman, for this opportunity to present our case before your committee.

## Senate of Alabama



MONTGOMERY, ALABAMA

OFFICE OF THE SECRETARY

## Resolution

SUPPORTING PENDING FEDERAL LEGISLATION S. 371,  
THE "MOWA BAND OF CHOCTAW INDIANS RECOGNITION ACT"

By Senators Lindsey and Windom

WHEREAS, S. 361, the "MOWA Band of Choctaw Indians Recognition Act," currently pending in the U.S. Congress, would, if enacted, transfer to the United States all MOWA property in trust for the MOWA Band; and

WHEREAS, for more than 10 generations, the Mowa Band of Choctaw Indians has been a group of about 7,000 people living in Southwest Alabama within the original boundary of the Choctaw Nation; and

WHEREAS, the name "MOWA" is a recent derivation from the first two letters of Mobile and Washington Counties in Alabama denoting ancestors of the Choctaw Indians who established the community during the 1800's, just prior to the removal of the Indians from the State of Alabama; and

WHEREAS, the MOWA band refused to migrate from their homeland during the infamous "Trail of Tears" and in 1978, they were officially recognized by the State of Alabama; and

WHEREAS, for over 200 years, the Mowa Choctaws have lived in the same area, which has been identified as a prehistoric Indian site by the U.S. Army Corps of Engineers prior to the construction of the Tennessee-Tombigbee Waterway; and

WHEREAS, the Mowa people have been taxpayers, voted, and served their country from the Civil War through the Persian Gulf War; and

WHEREAS, since the 1800's, the ancestors of today's Mowa Band have consistently sought recognition as an Indian Tribe each time the U.S. Government opened the mills for federal recognition, they have sought recognition with the Eastern Choctaw in 1887, the Eastern Choctaws in 1907, and the Creeks in the 1950's; and

WHEREAS, the goal of these Native Americans in seeking federal recognition is to preserve their community and to promote economic development goals of the band; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby support the pending federal legislation S. 371, the "MOWA Band of Choctaw Indians Recognition Act," and memorialize the U.S. Congress to enact the legislation.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Alabama delegation of Congress.



I hereby certify that the above is a true, correct and accurate copy of Senate Joint Resolution No. 123, adopted by the Legislature of Alabama on April 7, 1994.

*McDowell Lee*  
McDowell Lee  
Secretary of Senate

## Senate of Alabama



MONTGOMERY, ALABAMA

OFFICE OF THE SECRETARY

## Resolution

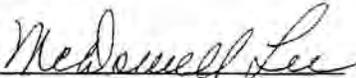
DECLARING THAT ALL FEDERAL AND STATE ACTS  
AND JUDICIAL DECISIONS PERTAINING TO CHOCTAW INDIANS  
ARE REAFFIRMED AND DECLARING THAT ALL STATE  
AND COUNTY AGENCIES SHALL BE BOUND BY THOSE  
FEDERAL AND STATE ACTS AND JUDICIAL DECISIONS.

By Senator Lindsey

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH  
HOUSES THEREOF CONCURRING, That the Legislature hereby declares that  
all federal and state acts and judicial decisions pertaining to the Choctaw  
Indians within the boundaries of the State of Alabama are reaffirmed.

BE IT FURTHER RESOLVED, That we further declare that all state  
and county agencies shall be bound and subject to all federal and state acts and  
judicial decisions pertaining to Choctaw Indians residing within the State of  
Alabama.

I hereby certify that the above is a  
true, correct and accurate copy of  
Senate Resolution No. 4, filed with  
the Senate of Alabama on January  
11, 1994.

  
McDowell Lee  
Secretary of Senate



## NATIONAL CONGRESS OF AMERICAN INDIANS

Jan. 1988

## EXECUTIVE DIRECTOR

Suzan Shown Harjo  
Cheyenne & Creek Nations

## EXECUTIVE COMMITTEE

PRESIDENT  
John F. Gonzales  
San Isidro Pueblo  
FIRST VICE PRESIDENT  
Giles Shabon  
Lac Courte Oreilles ChippewaRECORDING SECRETARY  
A. Gay Kingman  
Cheyenne River Sioux TribeTREASURER  
Sulford L. Rain  
Pocahontas Band of Creeks

## AREA VICE PRESIDENTS

ABERDEEN AREA  
Wayne Ducheneaux  
Cheyenne River Sioux TribeALBUQUERQUE AREA  
Stanley Paylamo  
Pueblo De AcomaANADARKO AREA  
Edgar L. French  
Delaware TribeBILLINGS AREA  
Dorral L. Brown, Sr.  
Northern Arapahoe TribeJUNEAU AREA  
Wit Mayo  
Tanana TribeMINNEAPOLIS AREA  
Hilary Waukau  
Menominee TribeMUSKOGEE AREA  
Harry F. Ginnock  
Quapaw TribeNORTHEASTERN AREA  
Loretta Crane  
Seneca NationPHOENIX AREA  
Herald Tolo  
Tolowa Ojibwa NationPORTLAND AREA  
Joe De La Cruz  
Quinault NationSACRAMENTO AREA  
Dale Rasmus  
Hoopa Valley TribeSOUTHEASTERN AREA  
Billy Cypress  
Mocmokee Tribe

January 3, 1988

Chief Framon Weaver  
P.O. Box 119  
McIntosh, Alabama 36553

Dear Chief Weaver:

The legislative road to federal recognition is a laborious one which does not end with the approval of the act of Congress. There are the appropriations hurdles and the seemingly endless barriers of the various bureaucracies, particularly those of the Bureau of Indian Affairs. It is often difficult to maintain appropriate diplomacy throughout it all, but that is perhaps the most essential ingredient to a successful effort.

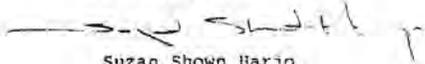
Anything that I might do to make your journey a bit easier, I would be pleased to do.

You and the Mowa Band of Choctaw have the support of the National Congress of American Indians membership. If I need to call on their support at various stages, you only need to let us know what would best help.

I look forward to working with you on these important matters.

Aho.

Sincerely,

  
Suzan Shown Harjo  
Executive Director



*Tunica - Biloxi Indians of Louisiana*

P.O. BOX 331  
 MARKSVILLE, LOUISIANA 71351  
 (318) 253 9767

July 12, 1991

Honorable Daniel Inouye, Senator  
 Chairman, Select Committee  
 on Indian Affairs  
 648 Hart Building  
 Washington, D.C. 20510-6450

Attn: Lenna Ioka

Dear Senator Inouye:

As Chairman of the Tunica-Biloxi Tribe, I wish to express our full support of the Mowa Band of Choctaw Indians in their efforts to gain Federal recognition.

We have been witness over the years to their struggle to maintain and preserve their cultural identity as a Native American tribe, and realize the importance of their quest for recognition as such by the federal government. As Chairman of a tribe which received its federal recognition as recently as 1981, I am all too aware of just how difficult this struggle is, and of the many hours of work that must be put into proving something to others that we feel so natural about.

We hope that your Committee will give its earnest consideration to the efforts of Alabama's Mowa Band of Choctaw Indians in its petition for recognition, thereby enabling it to begin its journey toward a better standard of living for its members and the establishment of future goals for the tribe.

Sincerely,

Earl J. Rulby, Sr.  
 Chairman

*Poarch Band of Creeks*

ICREK; NATION EAST OF THE MISSISSIPPI INC

TRIBAL COUNCIL OFFICES

P.O. Box 243-A

ATMORE, ALABAMA 36502

TELEPHONE (205) 368 8126



June 10, 1981

Mr. Fremton Weaver  
 Mowa Band of Choctaw Indians  
 P.O. Box 268  
 McIntosh, Al 36553

RE: POARCH CREEK RECOGNITION

Dear Mr. Weaver:

This letter is to formally ask your tribe in the spirit of Indian brotherhood, support our efforts for Federal Recognition. As stated previously in my phone conversation with you as Tribal Chairman of the Poarch Band of Creeks. I would request on behalf of my Tribal Council our Executive Director and entire membership that you would send a letter to the Bureau of Indian Affairs in Washington, D.C. supporting the Poarch Band of Creeks' petition for Federal Recognition. The address is United States Department of the Interior, Bureau of Indian Affairs, Washington D.C. 20245.

We as Native Americans must work together to protect our rights. I assure you that if you assist us with our struggle for Federal Recognition you can count on us to be there when your petition is ready for consideration by BAR.

I hope to see you soon at the Alabama Indians Affairs Commission Meeting. Thank you for your time and support.

Sincerely,

*Eddie L. Tullis*  
 POARCH BAND OF CREEK INDIANS  
 Eddie L. Tullis, Chairman

*Ray P. Brown*  
 Ray P. Brown, Executive Director

/E.L.T

July 15, 1991

Honorable Daniel K. Inouye, Chairman  
Select Committee on Indian Affairs  
838 Hart Building  
Washington, D.C. 20510

Dear Honorable Senator Inouye :

I am writing in support of the MOWA Band of Choctaw Indians' request for Federal Acknowledgment and Recognition. The MOWA Choctaws are the descendants of the great Choctaw Tribe who resided in what is now the states of Alabama, Mississippi and Louisiana.

As the first member of the Mississippi Band of Choctaw Indians to complete a doctorate in Educational Administration with colisteral in American Indian Studies from the University of Minnesota, it is my belief that the MOWA Band of Choctaw Indians have clearly demonstrated 1) historical relationship with the United States Government and 2) ancestral kinship relationship with those Choctaw Indians who were forced to remove to what is now the state of Oklahoma during the Indian Removal Period.

Therefore, I urge your support in providing Federal Acknowledgment and Recognition to the MOWA Band of Choctaw Indians. Please advise if you need additional information.

Sincerely,

*Kenneth H. York*

Dr. Kenneth H. York  
MBCI Tribal Council Member  
Pearl River Choctaw Community

cc : Senator Thad Cochran, Member  
Select Committee on Indian Affairs  
838 Hart Building  
Washington, D.C. 20510

Chief Framon Weaver  
MOWA Band of Choctaw Indians  
P.O. Box 268  
McIntosh, Alabama

Lenna M. Acki  
Select Committee on Indian Affairs  
838 Hart Building  
Washington, D.C. 20510

Mr. Russell Baker  
Alabama Indian Affairs  
669 South Lawrence Street  
Montgomery, Alabama 36104



*Tunica - Biloxi Indians of Louisiana*

P.O. BOX 331  
 MARKSVILLE, LOUISIANA 71351  
 (318) 253-9767

July 12, 1991

Honorable Daniel Inouye, Senator  
 Chairman, Select Committee  
 on Indian Affairs  
 848 Hart Building  
 Washington, D C 20510-6450

Attn: Lenna Ioka

Dear Senator Inouye:

As Chairman of the Tunica-Biloxi Tribe, I wish to express our full support of the Mowa Band of Choctaw Indians in their efforts to gain Federal recognition.

We have been witness over the years to their struggle to maintain and preserve their cultural identity as a Native American tribe, and realize the importance of their quest for recognition as such by the federal government. As Chairman of a tribe which received its federal recognition as recently as 1981, I am all too aware of just how difficult this struggle is, and of the many hours of work that must be put into proving something to others that we feel so natural about.

We hope that your Committee will give its earnest consideration to the efforts of Alabama's Mowa Band of Choctaw Indians in its petition for recognition, thereby enabling it to begin its journey toward a better standard of living for its members and the establishment of future goals for the tribe.

Sincerely,

Earl J. Barbry, Sr.  
 Chairman

# OFFICE OF THE ATTORNEY GENERAL



JIMMY EVANS  
ATTORNEY GENERAL  
STATE OF ALABAMA

ALABAMA STATE HOUSE  
11 SOUTH LEMON STREET  
4001 GENESEE, SE 82445, 36130  
TOL 4 1789 243-7300

July 11, 1991

The Honorable Daniel K. Inouye  
Chairman, Senate Select Committee on  
Indian Affairs  
United States Senate  
Washington, D.C. 20010

Re: Federal recognition for  
MOWA Indians

Dear Senator Inouye:

I am writing to urge support for passage of the Senate bill recognizing the Choctaw Indians of Mobile and Washington Counties, Alabama.

This tribal government is recognized by the sovereign State of Alabama and has been known as a political entity for well over 150 years in our state. Washington County, which was part of the original Choctaw land holdings, was the first county established when Alabama became a State. The Choctaw are an industrious, cooperative and indigenous population, and I strongly urge passage of a bill correcting the injustices they have long suffered.

Sincerely,

*Jimmy Evans*  
JAMES H. EVANS  
ATTORNEY GENERAL

JHE/fm



GEORGE C. WALLACE, JR.  
STATE TREASURER

## State Treasurer of Alabama

THE ALABAMA STATE HOUSE

Montgomery, Alabama 36130

July 8, 1991

Senator Daniel Inouye, Chairman  
Senate Select Committee on Indian Affairs  
Room 838  
Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Inouye:

As an Alabama constitutional officer, I am writing to express my support of the legislation introduced by Senator Richard Shelby and assisted by Senator Heflin which provides formal recognition of the MOWA Choctaw Indians of Alabama at the federal level.

These important citizens of Alabama are most deserving of this recognition and the Alabama Indian Affairs Commission and the Alabama Intertribal Council have both adopted resolutions of support which have been submitted to the Senate Select Committee. The MOWA Choctaw Indians should have the opportunity to reclaim their birthright and take their appropriate place in the fabric of American society and history.

Your serious consideration in voting favorably for this important piece of legislation will be greatly appreciated. If you have any questions regarding the matter, please do not hesitate to let me know as I will be happy to answer any questions you may have.

Sincerely,

*George C. Wallace, Jr.*  
George C. Wallace, Jr.  
State Treasurer

GCWjrd:r

FROM: STATE PERSONNEL DEPT

TO: 262 224 225

JUL 12, 1991 11:46AM P.02



## STATE OF ALABAMA

July 9, 1991

JIM FOLSON, JR.  
 LIEUTENANT GOVERNOR  
 SUITE 705  
 ALABAMA STATE HOUSE  
 MONTGOMERY, ALABAMA  
 36130

TELEPHONE  
 (205) 457-2222

Senator Daniel Inouye, Chairman  
 Senate Select Committee on Indian Affairs  
 Room 838 Hart Senate Office Building  
 Washington, D. C.

Dear Senator Inouye:

It is my honor and privilege to recommend to you the MOWA Choctaw, in Southwest Alabama, for federal recognition as a nation.

As Lieutenant Governor, I have had the pleasure of seeing the many valuable contributions the MOWA Choctaws have made to the State of Alabama. They have enriched our heritage while building for the future. Their dedication to family and nation serves as an example to all Americans.

I believe the MOWA Choctaws are deserving to be recognized as a nation by the Federal Government. I would deeply appreciate your support and assistance of this endeavor.

I thank you in advance for any assistance you might give in this matter.

With warmest personal regards, I remain

Sincerely,

  
 Jim Folson, Jr.  
 Lieutenant Governor

JFjrl:c



GUY HUNT  
GOVERNOR

## STATE OF ALABAMA

GOVERNOR'S OFFICE  
MONTGOMERY 36130

July 15, 1991

The Honorable Daniel Inouye, Chairman  
Senate Select Committee on Indian Affairs  
838 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Inouye:

As Governor of the State of Alabama, I would like to offer my support for Senate Bill 362, The NOWA Band of Choctaw Recognition Act, which will restore the relationship between the United States government and this group of Alabama Choctaw who have lived in tightly-knit Indian communities in northern Mobile and southern Washington counties for over one-hundred and seventy years.

The NOWA Band of Choctaw Indians is represented on the Alabama Indian Affairs Commission and the Alabama Intertribal Council and their leadership is known in this office. In their petition for federal recognition, they have submitted over 3,000 family genealogy charts and an extensive tribal history.

This tribe justly deserves the protection and support of the United States Government, as it is a descendant-in-fact of the historical Choctaw Nation. I am convinced that the NOWA Choctaw Tribe, when recognized, will work cooperatively with the State of Alabama in assuring a smooth transition to federal status.

As Governor, I cannot intimate how strongly I feel that the NOWA Band of Choctaw should be recognized by the United States Government and I support wholeheartedly the efforts of the Alabama Senators in seeking the passage of Senate Bill 362.

With best personal regard, I AM

Sincerely,

*Guy Hunt*  
Guy Hunt

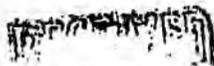
/skf

STATE OF ALABAMA ATTORNEY GENERAL



CHARLES A. GRADDICK  
ATTORNEY GENERAL  
STATE OF ALABAMA

DEC 10 1981



DEC 11 1981

AL. INDIAN AFFAIRS COM. 1076  
MONTGOMERY OFFICE

W. R. GARDNER, JR.  
ATTORNEY GENERAL

LEAH M. GARDNER, JR.  
DEPUTY ATTORNEY GENERAL

WALTER S. TURNER  
STATE ATTORNEY GENERAL

JAMES PROCTOR  
DEPUTY ATTORNEY GENERAL

ADMINISTRATIVE BUILDING  
64 NORTH LINDEN STREET  
MONTGOMERY, ALABAMA 36111  
Area (205) 534-6100

Ms. Jennie Lee Dees  
Executive Director  
Alabama Indian Affairs Commission  
Suite 211 Perry Hill Office Park  
Montgomery, AL 36109

Indians - Indian Tribes -  
Indian Affairs Commission

Acts 79-343 and 79-228 give the  
Mowah Band of Indians state  
recognition.

Dear Ms. Dees:

You have requested the opinion of this office in regard to the validity of the status of the Mowah Band of Choctaw Indians in Mobile and Washington counties. In particular your question is whether this Band qualifies as a tribe and therefore may receive federal grant money.

According to §41-9-703(c) of the Alabama Code "Recognition of Indians shall be at the discretion of the Southwest Alabama Indian Affairs Commission." This Commission adopted regulations providing for legal recognition of Indian tribes, groups and organizations on April 10, 1980. However, before these regulations were passed the state of Alabama still had the authority to recognize individual tribes as shown through Local Acts No. 79-343 and 79-228. These acts repeal "all laws or parts of laws conflicting with this Act in regard to Mobile and Washington counties."

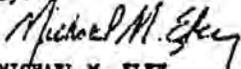
Ms. Jennie Lee Deas  
Page Two

It is the opinion of this office that the Mowah Band of Choctaw Indians has been recognized by the State of Alabama by virtue of two 1979 Local Acts (numbers 79-454 and 79-228), and that a letter of certification may be issued to this effect.

Yours very truly,

CHARLES A. GRADDICK  
Attorney General

By:

  
MICHAEL M. ELEY  
Assistant Attorney General

CAG/ME/pm



GUY HUNT  
Governor

State of Alabama  
Department of Revenue

Montgomery, Alabama 36132

STAN McDONALD  
Commissioner  
GEORGE E. MINGLEDORFF III  
Assistant Commissioner  
LEWIS A. EASTBURY  
Secretary

March 2, 1993

Mrs. Freda Roberts  
Revenue Commissioner  
Mobile County  
P. O. Drawer 1169  
Mobile, AL 36633

Dear Mrs. Roberts:

I received a call from Framon Weaver, Representative of the MOWA Band of Choctaw Indians regarding their reservation property located in Mobile County. They advised that they had received a tax bill from Mobile County for ad valorem taxes on their property. We had the same problem with property located in Washington County, and I wrote a memorandum to the Legal Division asking for an opinion regarding the status of the property. This memorandum opinion stated reservation property as stated in Act No. 89-697 was exempt from ad valorem taxes. This act defines reservation property as any land, the title to which is held by the MOWA Band of Choctaw Indians.

I am not thoroughly familiar with all of the details regarding land in Mobile county, however, it appears that the same situation might exist and property might be exempt. I am enclosing a copy of the opinion that I received regarding the Washington County property.

If you need to discuss this matter further, please advise.

Yours very truly,

  
James K. Green, Chief  
Ad Valorem Tax Division

JKG:jaf

Enc.



GUY HUNT  
Governor

State of Alabama  
Department of Revenue

Montgomery, Alabama 36132

December 22, 1992

BYAN McDONALD  
Commissioner  
GEORGE E. MINGLEDORFF III  
Assistant Commissioner  
LEWIS A. BARTLEY  
Secretary

M E M O R A N D U M

TO: Ron Bowden, Chief *RB*  
Legal Division

FROM: Gwendolyn B. Garner *gby*  
Assistant Counsel

RE: Nowa Choctaw Indian Property

James K. Green, Chief of the Ad Valorem Division, has requested an opinion from the Legal Division regarding approximately 160 acres of property located in Washington County. This property is currently listed as exempt for ad valorem tax purposes. The State of Alabama has recognized the NOWA Band of Choctaw Indians of Mobile and Washington counties as a tribe since 1979 when the legislature passed Acts No.79-343 and 79-226. The above-mentioned property has not been designated as an Indian Reservation by the Federal government. However, 1989 Ala. Acts, No. 697 in §1.(3) defines a reservation as "Any land, the title to which is held by the NOWA Band of Choctaw Indians." The question asked is whether the property located in Washington County is considered reservation property.

It is my opinion based on the definition of "reservation" found in Act No. 697 and the fact that the property in question is titled in the name of the NOWA Band of Indians that the property is reservation property under Alabama law.

GBG:pj136

## Agency to get jobs for Indians opened

An office has been established in Mobile to serve as headquarters for a federally funded program designed to provide train-



**MS HORSE**

ing and employment opportunities for American Indians who live in Alabama.

Ms. Beverly Horse, who is in charge of

the office, said that the purpose of the Off-Reservation Indian Manpower Program is to assure that training and other services offered lead to maximum employment opportunities and to enhance self-sufficiency.

To be eligible, one must reside outside the limits of an Indian reservation and be able to provide proof of Indian descent. In addition, one must be unemployed, underemployed or economically disadvantaged, Ms. Horse stated.

She noted that Phillip Martin, Choctaw Tribal Chairman of the Mississippi Band of Choctaw Indians, applied for and received money from the Department of Labor to operate the program in Alabama, Mississippi, Arkansas and Tennessee.

The funds, which were approved under Title III of the Comprehensive Employment and Training Act of 1973 (CETA), were made available to Indian and other agencies across the country, she said.

Anyone interested in participating may call Ms. Horse at 668-0720, or write or visit the office at 5464 Government Blvd., Suite 10, Mobile 36609. Office hours are 8:30 a.m. to 5 p.m.

# State acts to pave road to reservation

► Mobile County chips in 40 percent toward cost of \$1 million project that touches Choctaw Indian land

By **BARBARA DRUMMOND**  
Staff Reporter

The Mobile County Commission on Monday approved an agreement with the state to spend \$1 million on paving the road that leads into the MOWA Band of Choctaw Indians' reservation in north Mobile County.

For the first time in the history of the county's road paving programs, County Engineer Joe Ruffer said the state allocated money for the paving of Red Fox Road in Mount Vernon without a request from the county.

"The normal process in most road paving projects is the county will make a request for funding, but the tables were turned in this situation," Ruffer said. "The state came to us (county) and said if we put up so much money, they would put up the rest."

Ruffer said the state has agreed to allocate \$600,000 and the county will put up \$400,000 for the two-mile project that will pave Red Fox Road from Highway 43 to the Washington County line. The MOWA reservation and headquarters is located on the road that has never been paved.

MOWA Chief Framon Weaver said the road's paving will assist reservation officials in getting a \$3 million grant from the Department of Housing Urban Development to build 10 low-income single family houses and a vocational training center.

"We asked Gov. Jim Folsom last year to commit to using state funds to pave the road because once the road is paved, HUD is going to build these homes and the center," Weaver said. "I'm glad the county agreed to allocate the money for this project. The county made a wise decision."

Improvements on the road will not only help in the construction of low-income homes, Weaver said, "But it will create more jobs and more opportunities for local businesses and vendors."

# Governor Folsom Visits Choctaw Indian Reservation

**F**RAMON Weaver, tribal chief of the Mowa Band of Choctaw Indians, welcomed governor Jim Folsom, Jr., to the Choctaw Indian Reservation at a reception held Tuesday, Jan. 4.

Gov. Folsom spoke about the long relationship that the Choctaw Indians of Mobile and Washington Counties have had with the State of Alabama.

Gov. Folsom stated "Since the treaty of Dancing Rabbit Creek was signed in 1830 the State of Alabama has acknowledged the rights of the Choctaws in Mobile and Washington counties. I intend to continue the spirit of cooperation between the State of Alabama and the sovereign tribe of the Mowa Band of Choctaw Indians."

The issues that were discussed between the governor and Chief Weaver were improving the roads to the reservation, economic development and education reform.

Chief Weaver congratulated Gov. Folsom on getting the Mercedes plant here in Alabama, and the Governor said he was making attempts to see that the Mowa Choctaws could participate in a cooperative effort to bring some outside manufacturing to the Choctaw Reservation.

Approximately 500 people attended the reception honoring the

governor. Gov. Folsom also spoke with judge John Rivers on some historical and legal perspectives between the state and the Choctaw people. Well informed on the subject of the Choctaw people in Alabama and laws that are applicable to the Choctaws.

Many elected officials were in attendance from throughout the state.

## County Takes Four Actions

**W**ASHINGTON County Commission took four actions Monday.

It voted to pay \$3600 to Alabama-Tombigbee Regional Commission as administrative costs of four senior aide slots. The regional commission pays salaries.

It employed Catherine Beech as a telecommunicator in the 911 office.

The commission rejected two timber bids and voted to reinstate bids on clearcutting.

It voted to close the courthouse Monday, Jan. 17, in observance of Dr. Martin Luther King's birthday anniversary.

(Continued On Page 3)

## AEC Pays County \$1.5 Million In Taxes

**A**LABAMA Electric Cooperative recently paid more than \$1.5 million in 1993 ad valorem taxes in Washington County.

The check was broken down into \$341,455.79 in state tax, \$604,114.09 in county tax, \$472,784.94 in county-wide school tax and \$157,594.98 to school districts A and B.

AEC is the county's second largest taxpayer. Ciba Geigy is the largest.

At the close of 1993, AEC's ad valorem tax payments in 40 Alabama counties totaled more than \$2.8 million, an increase of approximately \$500,000 more than the

1992 payments. Of the total, AEC paid \$352,175 in Covington County and \$470,309 in Jefferson County.

In Florida, AEC paid \$532,527 in ad valorem taxes in the 10 counties it serves; an increase of \$43,200 more than the 1992 payment. The largest payment, \$169,669.75, went to Walton County.

These payments are for real and personal property taxes on AEC's electric generating plant, compressed air energy storage plant, substations, district service center, transmission line equipment and the corporate headquarter complex in Andalusia.

**PROAL VIDEO**  
 2000 W. 1st St., Suite 100  
 Jackson, MS 39201  
 Phone: 367-4101

**PLUMBER CHATCO**  
 1000 N. Hollman Rd., Chattooga  
 Phone: 367-2424

**CRIST OF AEC**  
 1000 N. Hollman Rd., Chattooga  
 Phone: 367-2424

**HEARN FORTUNE**  
 1000 N. Hollman Rd., Chattooga  
 Phone: 367-2424

home covered.

many affordable  
 coverage options

## County Hardware

275-3151 - Jackson 205-246-6642

3 -- CONGOLEUM Floors  
 from The Factory And Pass The

COOPERATION AGREEMENT

This cooperation agreement is entered into on this \_\_\_\_ day of March, 1994, between the MOWA Band of Choctaw Indians, a sovereign treaty tribe, and the MOWA Choctaw Housing Authority and the Mobile County Health Department whereby the MOWA Choctaw Housing Authority contracts for plumbing and onsite sewage disposal system inspection services within Mobile County as follows:

1. The MOWA Choctaw Housing Authority has been found eligible to participate in the Indian Housing Program administered by the United States Department of Housing and Urban Development.

2. The MOWA Choctaw Housing Authority has received funding from the HUD Indian Housing Program to construct, on reservation land in both Mobile and Washington counties, units of residential housing and a community center.

3. Ownership of, and title to, the reservation land remains in the MOWA Band of Choctaw Indians and the United States Government. Title to the structures is held in the name of the MOWA Choctaw Housing Authority. The Community Center and fifteen (15) units of residential rental housing are located on reservation land located in Mobile County, Alabama. The legal description of the reservation lands in Mobile County is as follows:

PARCEL #1

Beginning at a point on the South line of Red Fox Road where the West Line of the Southwest Quarter of the Northeast Quarter of Section 15, Township 2 North, Range 1 West, intersects the South line of Red Fox Road; run thence South along the West line of said quarter section a distance of 420 feet to a point; run thence East 953 feet to a point; run thence North 210 feet to a point; run thence West 414.86 feet to a point; run thence North 210 feet to a point on the South line of Red Fox Road; run thence West and along the South line

of Red Fox Road a distance of 538.14 feet to the point of beginning.

PARCEL #2

That portion of the Southwest Quarter of the Northwest Quarter of Section 14, Township 2 North, Range 1 West, lying on the South side of Red Fox Road.

PARCEL #3

A parcel of land bounded by a line described as commencing at the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 15, Township 2 North, Range 1 West, being the point of beginning; run thence East along the North line of said Quarter-Quarter Section 953 feet to a point; run thence South 640 feet along a line which is herein referred to as the East line to a point which is 953 feet East of the West line of said Quarter-Quarter Section; run thence West 953 feet more or less parallel to the North line of said Quarter-Quarter Section to a point on the West line of said Quarter-Quarter Section; run thence North along the West line of said Quarter-Quarter Section to the point of beginning. LESS AND EXCEPT therefrom two (2) parcels of land conveyed to Mowa Band of Indians of South Alabama, a nonprofit corporation, dated July 24, 1989, and recorded in Real Property Book 3250, Page 42 through 53, Mobile County probate records, and lying in the northernmost portions of the parcel herein described.

4. The tribal government of the MOWA Band of Choctaw Indians has adopted the Southern Standard Building Code and the Southern Standard Plumbing Code, as amended by the Mobile County Health Department, to govern construction on reservation lands. [The Tribal Council has also adopted the State of Alabama Department of Public Health "Rules Governing Onsite Sewage Disposal and Subdivision Onsite Sewage Systems, Water Supplies and Solid Waste Management."] The Tribal Council, together with the MOWA Choctaw Housing Authority, is desirous of insuring that any construction on

reservation lands meets applicable standards and insures the health and safety of tribal members and the larger public.

5. The MOWA Choctaw Housing Authority and the tribe, therefore, contract with the Mobile County Health Department to conduct inspections of the plumbing and onsite sewage disposal system of the Community Center and the residential units on that portion of the reservation located within Mobile County. The MOWA Choctaw Housing Authority nominates and appoints Darin Snow, the authority's public works director, to coordinate such inspection. The Mobile County Health Department shall appoint a qualified inspector or inspectors. The inspector or inspectors will be invited to the reservation for purposes of conducting necessary inspections upon request of the MOWA Band of Choctaw Indians in accordance with the Southern Standard Plumbing Code, as amended by the Mobile County Health Department and with the State of Alabama Department of Public Health, "Rules Governing Onsite Sewage Disposal and Subdivision Onsite Sewage Systems, Water Supplies and Solid Waste Management", and consistent with the sovereignty of the MOWA Band of Choctaw Indians.

6. The Mobile County Health Department shall waive its customary fee for conducting such services. The MOWA Choctaw Housing Authority agrees to pay \$1.00 per inspection for these inspection services.

7. It is contemplated by the parties that this agreement may from time to time be modified or amended as changed conditions may necessitate, but no such modification or amendment shall be effective without written agreement of the parties, duly executed.

8. Nothing in this agreement shall be construed to impinge upon the sovereignty of the MOWA Band of Choctaw Indians.

WITNESS:

Rebecca Boyd

John D. Pugh

Clarence F. Tubbs

FRANON WEAVER  
FRANON WEAVER, CHIEF  
MOWA BAND OF CHOCTAW INDIANS

CARL SNOW  
CARL SNOW, EXECUTIVE DIRECTOR  
MOWA CHOCTAW HOUSING AUTHORITY

BERNARD H. RICHOLD II  
BERNARD H. RICHOLD II, M.D., DE.P.H.  
HEALTH OFFICER  
MOBILE COUNTY HEALTH DEPARTMENT

DATE: May 14 1994

TESTIMONY

HISTORICAL LEGAL PERSPECTIVE OF CHOCTAWS OF MOBILE AND WASHINGTON  
COUNTIES, ALABAMA

BY

JOHN DOUGLES RIVERS, J.D.  
UNIVERSITY OF ALABAMA  
SCHOOL OF LAW

HISTORICAL LEGAL PERSPECTIVE OF CHOCTAWS OF MOBILE AND WASHINGTON  
COUNTIES, ALABAMA

BY

JOHN DOUGLES RIVERS

The first contact between the Sixtown Yowani Choctaw of Alabama and the Europeans in 1702 proved to be a blessing and a curse for the Choctaw people. The Choctaws' early relationship with the French produced periods of prosperity, but also caused them to suffer much animosity from not only the Americans, but other Choctaws located in the interior of the nation.

The Sixtown Yowani Choctaw vehemently opposed the signing of any treaty calling for their removal from their home in Alabama. The Treaty of Dancing Rabbit Creek, signed in 1830, guaranteed that we, as Choctaws, would be able to stay on our ancestral land if we chose to do so and "would not lose our rights as Choctaw citizens and would remain a sovereign people retaining our customs and laws." However, to the dismay of many of my ancestors, this promise was never fulfilled by the white man.

In a feeble attempt to comply with the treaty, the United States Government sent its agent, Col. Ward to sign up the Indians who wished to stay and grant to each an allotment of land. Col. Ward signed a few people, but told the majority of Choctaws that we could not stay and would have to remove to Oklahoma. Choctaw Chief Elitubbe, Tom Gibson, pleaded with Col. Ward to sign all those that wished to stay, as provided in the treaty. Each of Elitubbe's numerous attempts to persuade Col. Ward to comply with the treaty were denied.

When it came to the attention of Elitubbe that the book containing the names of the Choctaws previously signed had been destroyed, he approached Col. Ward about having the names replaced. Col. Ward said no, and that the Choctaws would have to remove to Oklahoma.

It was the feeling of the Sixtown Yowani Choctaw that we would rather die than leave our beautiful home. It was promised by the Commissioners of Dancing Rabbit Creek Treaty that we would be allowed to stay. We refused to be removed to Oklahoma, or any other location.

Almost since the signing of The Treaty of Dancing Rabbit Creek, we have repeatedly petitioned congress for our rights. In 1836, we petitioned the United States Government regarding our

complaints against government agents. We wrote President Millard Fillmore advising that we are here and that we were promised we would be treated fairly. In 1853, Felix Andre petitioned the Secretary of the Interior regarding the claim of remnants of Choctaw Indians. In the court of claims case in 1881, our ancestors James Campbell, Alexander Brashears, Charles Frasier, Robert Cole, Peter Cole, and Elitubbe again testified that we are here in Mobile. We have written letters and we have given testimony. Our brothers in Oklahoma have given testimony about the ones who were left in Alabama. We continually ask that our rights be recognized and acknowledged.

In 1902, we petitioned congress again because of the final rolls of the Mississippi Choctaws, called the Dawes Enrollment. The remoteness of our area, our paramount mistreatment suffered at the hands of our neighbors and our lack of education combined to make it almost impossible for us to travel the great distances to be counted. Many of the few that were able to make the trip were turned away because they were 7/8, 3/4, or 1/2 Choctaw, (due to our French and American ancestors) instead of "full blood." In Oklahoma, those with as little as 1/8 Choctaw blood were allowed to be counted Indian.

Our situation has not improved much over the years. The younger generations of Choctaws were blessed with their own schools, which were established by Baptist and Methodists missionaries. I was one of the fortunate ones to get an education at the Choctaw schools, and continued my learning on a collegiate level at Bacone Indian College in Muskogee, Oklahoma. Others, such as my father were not so fortunate. The Indian schools existed and operated until the State of Alabama forced desegregation of the tri-racial school system.

I realize that many of you here today are from the West, and are perhaps most familiar with the Indians of that region. Although we are different from the Western Indians, we have the utmost respect and admiration for them. I was married to a White Mountain Apache, and others in our community are married to Creeks from Oklahoma, Kickapoos from Kansas and Navajos from Arizona. However, if you were to analogize the tribe closest in similarities to the Choctaw of South Alabama, I believe it would be the Matize Chippawa of Montana. They wandered for so many years with opposition from everyone as to who they were and where they belonged. Finally, through their perseverance, they were able to settle in their home land of Montana.

We, the Choctaws of South Alabama have continually served our country. We have fought for the United States in every war since the Revolutionary War. We have always been friends and allies of the Americans. Many of our leaders were half French or half

American, and we've been made to suffer for that.

We have presented our issues to the Bureau of Indian Affairs, and they have assured us that they are doing everything possible to assist our needs. Due to their heavy work schedule, they have advised us that it could be at least ten years before they can complete their review of our documentation. Ten years is more than we can afford to wait.

At this time, we again come before the Congress of the United States, the only people who can help us correct the injustice that our people have been made to suffer for so many years. Congress is the only body that has the Constitutional authority to enter into treaties with tribes. We ask that you acknowledge our rights under the Treaty of Dancing Rabbit Creek.

Thank you for you time.

JOHN DOUGLES RIVERS

BRIEF IN SUPPORT OF THE FEDERAL ACKNOWLEDGEMENT PETITION OF  
CHOCTAW INDIANS OF MOBILE AND WASHINGTON COUNTIES, ALABAMA

BY JOHN DOUGLES RIVERS

## QUESTION PRESENTED

WHETHER THE MOWA CHOCTAW INDIAN TRIBE IN ALABAMA  
RETAINS THE RIGHTS, LAWS, CUSTOMS, AND "SOVEREIGNTY"  
GUARANTEED THEM UNDER THE TREATY OF DANCING RABBIT  
CREEK.

## STATEMENT OF THE FACTS

In the 1820's President Andrew Jackson signed an Indian removal act that forced most Choctaw Indians to leave Alabama. In 1830, under the Treaty of Dancing Rabbit Creek, the Choctaws gave up almost all of their land east of the Mississippi except for reservation land that was given to certain Choctaws.

Choctaws who had neither the heart nor the desire to leave moved to more remote Choctaw Indian communities located in North Mobile and South Washington Counties. These Indians became known as the Mobile, Washington County Band of Choctaw Indians and are more commonly referred to as Mowa Choctaws.

In exchange for the sale of this land under the treaty, the Choctaw Indians were given the right to "live under their own laws in peace with the United States and Alabama."

The Choctaws of Mobile and Washington Counties are now seeking federal acknowledgement of their rights as guaranteed under the Treaty of Dancing Rabbit Creek and to ask the federal government to abide by the treaty obligations that the Senate approved 150 years ago.

## DISCUSSION

The Mobile Washington County Band of Choctaws is a tribe of Indians within the generally accepted meaning of that term even though they are not yet formally acknowledged by the Department of Interior, or by the United States Congress.

"An Indian tribe is a body of Indians of the same or similar race, united in a community under one leadership or government, and inhabiting a particular though sometimes ill defined territory." United States v. Candelaria, 271 U.S. 432 (1926), 441, 442.

The Mowa Choctaw tribe are the aboriginal inhabitants of the area that is now South Alabama. They continue to govern themselves and to preserve their culture and customs and traditions as distinctly Indian. They have repeatedly been identified as an Indian tribe by local institutions and state government, and in an opinion issued by the Attorney General's office in 1981, the Mowa Band of Choctaw Indians was recognized by the State of Alabama by virtue of two 1979 local Acts (numbers 79-454 and 79-228).

Most important, they were recognized as a separate tribal entity by the United States in its Treaty of Dancing Rabbit Creek of 1830. This treaty provided that persons who claimed under it "shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not entitled to any portion of the Choctaw annuity. Walls v. Williams, 11 Ala. 826 (1847).

Once considered a political body by the United States a tribe retains its sovereignty until Congress acts to divest that sovereignty. Harjo v. Kleppe, 420 F. Supp. 1110 (D.D.C. 1976).

The Mowa Choctaw tribe submits to this court that it was recognized as a sovereignty in the 1800's and has maintained that status ever since.

By Act of 1832, the State of Alabama's jurisdiction over Indian territory was extended. However, this act in effect abolished only the laws, usages and customs of the Creek and Cherokee nations of Indians, leaving those of the Choctaw in full force as guaranteed under the Treaty of Dancing Rabbit Creek, except as far as they might interfere with the exercise of jurisdiction conferred upon the tribunals of the states. Walls, p. 838.

To date, there has been no act of Congress which has abolished the sovereignty of the Mowa Choctaws as guaranteed them by the Treaty of Dancing Rabbit Creek.

From the earliest years of the Republic the political independence of self governing status of Indian tribes has been recognized by the courts. Worcester, 31, U.S. (6 Pet.) 515 (1832). Following this decision, the states were barred from regulating within Indian country. Tribal power was exclusive, subject only to federal preemption.

In 1972 the Passamaquoddy Tribe of Maine sued to compel the United States to bring suit against the State for loss of several million acres of its aboriginal lands under a 1794 treaty between

the tribe and Massachusetts (Maine's predecessor). The federal government had refused because the Interior Department claimed the tribe had never been recognized by the United States and therefore could not enjoy the protection of the Act. The 1st Circuit Court of Appeals affirmed the District Court that the tribe was included in the act. The State of Maine had stipulated to the fact that the Passamaquoddy's were a tribe racially and culturally. The Court rejected the idea, prevalent in the 1960's and 1970's, that tribes which had not been subject to some specific act of recognition, such as a federal treaty or a statute naming the tribe, were therefore unrecognized as tribes for the purpose of all federal statutes and programs.

"No one in this proceeding has challenged the tribe's identity as a tribe in the ordinary sense. Moreover, there is no evidence that the absence of federal dealings was or is based on doubts as to the genuineness of the Passamaquoddies' tribal status, apart, that is, from the simple lack of recognition." Joint Tribal Council of the Passamaquoddy Tribe v. Norton, 528 F. 2d 370, 376 (1975).

The Court held that the plain meaning of "any tribe of Indians" included the Passamaquoddies. It read the quoted language as encompassing all tribes of Indians. The court reasoned that the Act should be given its plain meaning, there being no evidence of any contrary congressional intent, legislative history or administrative interpretation; that the policy of the United States is to protect Indian title; that there was no reason to exclude the Passamaquoddy Tribe since it was stipulated to be a tribe racially and culturally; that there

was no requirement that a tribe must be otherwise recognized by the Federal government to come within the Act; and that even if "tribe" is thought to be ambiguous, it should be construed non-technically and to the advantage of Indians so as to include the Passamaquoddies. Id. p. 376-77.

In Worcester, the court held that the tribes were domestic dependent nations whose relation to the United States resembles that of a ward to his guardian. p. 517.

The Court further stated that the relationship did not abolish preexisting tribal powers or make tribes dependent upon federal law for their powers of self government.

In Alabama-Coushatta Indian Tribe of Texas v. Mattox, 850 F. Supp. 282 (W.D.Tex. 1986), the state claimed that the Alabama Coushatta was not a tribe but a private association. The State claimed that the Supremacy clause did not apply because the tribe had been terminated in 1854 by Congress. The State therefore claimed that they could regulate tribal activities.

The Court held in 1954 the Congressional statute at issue did not terminate the existence of the tribe. When the State assumed the duties of the federal government its relationship with the tribe was based upon the tribe's separate and unique political status.

Under the present facts, the Mowa Choctaw Indians are in a better posture than the Alabama Coushatta's were. The Mowa Choctaws have already been recognized as a separate entity by Treaty. Their sovereign status was reaffirmed in an Act of 1832,

when the State of Alabama abolished the rights of the Cherokee and Creek tribes, and left in full force the rights, laws and customs of the Choctaw. To date, there has been no action taken by the United States to divest the Mowa Choctaws of the rights guaranteed them under the Treaty of Dancing Rabbit Creek.

## CONCLUSION

The Mowa Band of Choctaws was recognized as an Indian tribe well over 150 years ago and were guaranteed their rights to retain customs, laws, and sovereignty under the Treaty of Dancing Rabbit Creek. The tribe has maintained its customs, and a distinct Indian identity. There has been no act of Congress to divest the sovereignty of the Choctaw and therefore it remains. The Mowa Band of Choctaw Indians are recognized by the State of Alabama, local governments and institutions, and have been so recognized by United States for 150 years. They hereby respectfully request this Honorable Congress to abide by the treaty obligations and to formally acknowledge their sovereignty.

  
JOHN DOUGLES RIVERS









## TREATY WITH THE CHOCTAW, 1830.

Sept. 9, 1830.  
 at Washington, Feb.  
 21, 1830.

A Treaty of perpetual friendship,cession and limits, entered into by John H. Eaton and John Coffee, for and in behalf of the Government of the United States, and the Mingoos, Chiefs, Captains and Warriors of the Choctaw Nation, begun and held at Dancing Rabbit Creek, on the fifteenth of September, in the year eighteen hundred and thirty.

WHEREAS the General Assembly of the State of Mississippi has extended the laws of said State to persons and property within the chartered limits of the same, and the President of the United States has said that he cannot protect the Choctaw people from the operation of these laws; Now therefore that the Choctaw may live under their own laws in peace with the United States and the State of Mississippi they have determined to sell their lands east of the Mississippi and have accordingly agreed to the following articles of treaty:

ARTICLE I. Perpetual peace and friendship is pledged and agreed upon by and between the United States and the Mingoos, Chiefs, and Warriors of the Choctaw Nation of Red People; and that this may be considered the Treaty existing between the parties all other Treaties heretofore existing and inconsistent with the provisions of this are hereby declared null and void.

ARTICLE II. The United States under a grant specially to be made by the President of the U. S. shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it, beginning near Fort Smith where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian fork; if in the limits of the United States, or to those limits; thence due south to Red River, and down Red River to the west boundary of the Territory of Arkansas; thence north along that line to the beginning. The boundary of the same to be agreeable to the Treaty made and concluded at Washington City in the year 1825. The grant to be executed so soon as the present Treaty shall be ratified.

ARTICLE III. In consideration of the provisions contained in the several articles of this Treaty, the Choctaw nation of Indians consent and hereby cede to the United States, the entire country they own and possess, east of the Mississippi River; and they agree to move beyond the Mississippi River, early as practicable, and will so arrange their removal, that as many as possible of their people not exceeding one half of the whole number, shall depart during the falls of 1831 and 1832; the residue to follow during the succeeding fall of 1832; a better opportunity in this manner will be afforded the Government, to extend to them the facilities and comforts which it is desirable should be extended in conveying them to their new homes.

ARTICLE IV. The Government and people of the United States are hereby obliged to secure to the said Choctaw Nation of Red People the jurisdiction and government of all the persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation of Red People and their descendants; and that no part of the land granted them shall ever be embraced in any Territory or State; but the U. S. shall forever secure said Choctaw Nation from, and against, all laws except such as from time to time may be enacted in their own National Councils, not inconsistent with the Constitution, Treaties, and Laws of the United States; and except such as may, and which have been enacted by Congress, to the extent that Congress under the Constitution are required to exercise a legislation over Indian Affairs. But the Choctaws, should this treaty be ratified, express a wish that Congress may grant to the Choctaws the right of punishing by their own laws, any white man who shall come into their nation, and infringe any of their national regulations.

ARTICLE V. The United States are obliged to protect the Choctaws from domestic strife and from foreign enemies on the same principles that the citizens of the United States are protected, so that whatever would be a legal demand upon the U. S. for defense or for wrongs committed by an enemy, on a citizen of the U. S. shall be equally binding in favor of the Choctaws, and in all cases where the Choctaws shall be called upon by a legally authorized officer of the U. S. to fight an enemy, such Choctaw shall receive the pay and other emoluments,

Peace and friendship.

Country to be conveyed to Choctaws.

Country ceded to United States.

Self-government secured in Choctaws.

United States to protect Choctaws, etc.

which citizens of the U. S. receive in such cases, provided, no war shall be undertaken or prosecuted by said Choctaw Nation but by declaration made in full Council, and to be approved by the U. S. unless it be in self defence against an open rebellion or against an enemy marching into their country, in which cases they shall defend, until the U. S. are advised thereof.

Offenses against citizens of United States, etc.

ARTICLE VI. Should a Choctaw or any party of Choctaws commit acts of violence upon the person or property of a citizen of the U. S. or join any war party against any neighbouring tribe of Indians, without the authority in the preceding article; and except to oppose an actual or threatened invasion or rebellion, such person so offending shall be delivered up to an officer of the U. S. if in the power of the Choctaw Nation, that such offender may be punished as may be provided in such cases, by the laws of the U. S.; but if such offender is not within the control of the Choctaw Nation, then said Choctaw Nation shall not be held responsible for the injury done by said offender.

Offenses against Choctaws.

ARTICLE VII. All acts of violence committed upon persons and property of the people of the Choctaw Nation either by citizens of the U. S. or neighbouring Tribes of Red People, shall be referred to some authorized Agent by him to be referred to the President of the U. S. who shall examine into such cases and see that every possible degree of justice is done to said Indian party of the Choctaw Nation.

Delivery of offenders.

ARTICLE VIII. Offenders against the laws of the U. S. or any individual State shall be apprehended and delivered to any duly authorized person where such offender may be found in the Choctaw country, having fled from any part of U. S. but in all such cases application must be made to the Agent or Chiefs and the expense of his apprehension and delivery provided for and paid by the U. States.

Persons ordered from the nation, etc.

ARTICLE IX. Any citizen of the U. S. who may be ordered from the Nation by the Agent and constituted authorities of the Nation and refusing to obey or return into the Nation without the consent of the aforesaid persons, shall be subject to such pains and penalties as may be provided by the laws of the U. S. in such cases. Citizens of the U. S. travelling peaceably under the authority of the laws of the U. S. shall be under the care and protection of the nation.

Traders to require a written permit.

ARTICLE X. No person shall expose goods or other article for sale as a trader, without a written permit from the constituted authorities of the Nation, or authority of the laws of the Congress of the U. S. under penalty of forfeiting the Articles, and the constituted authorities of the Nation shall grant no license except to such persons as reside in the Nation and are answerable to the laws of the Nation. The U. S. shall be particularly obliged to assist to prevent ardent spirits from being introduced into the Nation.

Navigable streams, post-offices, and military posts.

ARTICLE XI. Navigable streams shall be free to the Choctaws who shall pay no higher toll or duty than citizens of the U. S. It is agreed further that the U. S. shall establish one or more Post Offices in said Nation, and may establish such military post roads, and posts, as they may consider necessary.

Intruders.

ARTICLE XII. All intruders shall be removed from the Choctaw Nation and kept without it. Private property to be always respected and on no occasion taken for public purposes without just compensation being made therefor to the rightful owner. If an Indian unlawfully take or steal any property from a white man a citizen of the U. S. the offender shall be punished. And if a white man unlawfully take or steal any thing from an Indian, the property shall be restored and the offender punished. It is further agreed that when a Choctaw shall be given up to be tried for any offence against the laws of the U. S. if unable to employ counsel to defend him, the U. S. will do it, that his trial may be fair and impartial.

Agent.

ARTICLE XIII. It is consented that a qualified Agent shall be appointed for the Choctaws every four years, unless sooner removed

by the President; and he shall be removed on petition of the constituted authorities of the Nation, the President being satisfied there is sufficient cause shown. The Agent shall fix his residence convenient to the great body of the people; and in the selection of an Agent immediately after the ratification of this Treaty, the wishes of the Choctaw Nation on the subject shall be entitled to great respect.

ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

Choctaws wishing to become citizens of United States.

ARTICLE XV. To each of the Chiefs in the Choctaw Nation (to wit) Greenwood Laffore, Nutekachie, and Mushulatubbe there is granted a reservation of four sections of land, two of which shall include and adjoin their present improvement, and the other two located where they please but on unoccupied unimproved lands, such sections shall be bounded by sectional lines, and with the consent of the President they may sell the same. Also to the three principal Chiefs and to their successors in office there shall be paid two hundred and fifty dollars annually while they shall continue in their respective offices, except to Mushulatubbe, who as he has an annuity of one hundred and fifty dollars for life under a former treaty, shall receive only the additional sum of one hundred dollars, while he shall continue in office as Chief; and if in addition to this the Nation shall think proper to elect an additional principal Chief of the whole to superintend and govern upon republican principles he shall receive annually for his services five hundred dollars, which allowance to the Chiefs and their successors in office, shall continue for twenty years. At any time when in military service, and while in service by authority of the U. S. the district Chiefs under and by selection of the President shall be entitled to the pay of Majors; the other Chief under the same circumstances shall have the pay of a Lieutenant Colonel. The Speakers of the three districts, shall receive twenty-five dollars a year for four years each; and the three secretaries one to each of the Chiefs, fifty dollars each for four years. Each Captain of the Nation, the number not to exceed ninety-nine, thirty-three from each district, shall be furnished upon removing to the West, with each a good suit of clothes and a broad sword as an outfit, and for four years commencing with the first of their removal, shall each receive fifty dollars a year, for the trouble of keeping their people at order in settling; and whenever they shall be in military service by authority of the U. S. shall receive the pay of a captain.

Reservations for chiefs.

Annuitie.

Pay of chiefs, etc.

ARTICLE XVI. In wagons; and with steam boats as may be found necessary—the U. S. agree to remove the Indians to their new homes at their expense and under the care of discreet and careful persons, who will be kind and brotherly to them. They agree to furnish them with ample corn and beef, or pork for themselves and families for twelve months after reaching their new homes.

Removal of Indians.

It is agreed further that the U. S. will take all their cattle, at the valuation of some discreet person to be appointed by the President, and the same shall be paid for in money after their arrival at their

Cattle.

new homes; or other cattle such as may be desired shall be furnished them, notice being given through their Agent of their wishes upon this subject before their removal that time to supply the demand may be afforded.

Annuities under former treaties.

ARTICLE XVII. The several annuities and sums secured under former Treaties to the Choctaw nation and people shall continue as though this Treaty had never been made.

Further annuity.

And it is further agreed that the U. S. in addition will pay the sum of twenty thousand dollars for twenty years, commencing after their removal to the west, of which, in the first year after their removal, ten thousand dollars shall be divided and arranged to such as may not receive reservations under this Treaty.

Survey of ceded lands, etc.

ART. XVIII. The U. S. shall cause the lands hereby ceded to be surveyed; and surveyors may enter the Choctaw Country for that purpose, conducting themselves properly and disturbing or interrupting none of the Choctaw people. But no person is to be permitted to settle within the nation, or the lands to be sold before the Choctaws shall remove. And for the payment of the several amounts secured in this Treaty, the lands hereby ceded are to remain a fund pledged to that purpose, until the debt shall be provided for and arranged. And further it is agreed, that in the construction of this Treaty wherever well founded doubt shall arise, it shall be construed most favorably towards the Choctaws.

Reservations of land, etc.

ARTICLE XIX. The following reservations of land are hereby admitted. To Colonel David Fulson four sections of which two shall include his present improvement, and two may be located elsewhere, on unoccupied, unimproved land.

Certain individuals.

To I. Garland, Colonel Robert Cole, Tuppanshomer, John Pythyrnn, Charles Juzan, Johokebetubbe, Eaychahobia, Ofehoma, two sections, each to include their improvements, and to be bounded by sectional lines, and the same may be disposed of and sold with the consent of the President. And that others not provided for, may be provided for, there shall be reserved as follows:

Heads of families.

First. One section to each head of a family not exceeding Forty in number, who during the present year, may have had in actual cultivation, with a dwelling house thereon fifty acres or more. Secondly, three quarter sections after the manner aforesaid to each head of a family not exceeding four hundred and sixty, as shall have cultivated thirty acres and less than fifty, to be bounded by quarter section lines of survey, and to be contiguous and adjoining.

Third; One half section as aforesaid to those who shall have cultivated from twenty to thirty acres the number not to exceed four hundred. Fourth; a quarter section as aforesaid to such as shall have cultivated from twelve to twenty acres, the number not to exceed three hundred and fifty, and one half that quantity to such as shall have cultivated from two to twelve acres, the number also not to exceed three hundred and fifty persons. Each of said class of cases shall be subject to the limitations contained in the first class, and shall be so located as to include that part of the improvement which contains the dwelling house. If a greater number shall be found to be entitled to reservations under the several classes of this article, than is stipulated for under the limitation prescribed, then and in that case the Chiefs separately or together shall determine the persons who shall be excluded in the respective districts.

Captains.

Fifth. Any Captain the number not exceeding ninety persons, who under the provisions of this article shall receive less than a section, he shall be entitled, to an additional quantity of half a section adjoining to his other reservation. The several reservations secured under this article, may be sold with the consent of the President of the U. S. but should any prefer it, or omit to take a reservation for the quantity

he may be entitled to, the U. S. will on his removing pay fifty cents an acre, after reaching their new homes, provided that before the first of January next they shall adduce to the Agent, or some other authorized person to be appointed, proof of his claim and the quantity of it. Sixth; likewise children of the Choctaw Nation residing in the Nation, who have neither father nor mother a list of which, with satisfactory proof of Parentage and orphanage being filed with Agent in six months to be forwarded to the War Department, shall be entitled to a quarter section of Land, to be located under the direction of the President, and with his consent the same may be sold and the proceeds applied to some beneficial purpose for the benefit of said orphans.

Orphan.

ARTICLE XX. The U. S. agree and stipulate as follows, that for the benefit and advantage of the Choctaw people, and to improve their condition, they shall be educated under the direction of the President and at the expense of the U. S. forty Choctaw youths for twenty years. This number shall be kept at school, and as they finish their education others, to supply their places shall be received for the period stated. The U. S. agree also to erect a Council House for the Nation at some convenient central point, after their people shall be settled; and a House for each Chief, also a Church for each of the three Districts, to be used also as school houses, until the Nation may conclude to build others; and for these purposes ten thousand dollars shall be appropriated; also fifty thousand dollars (viz.) twenty-five hundred dollars annually shall be given for the support of three teachers of schools for twenty years. Likewise there shall be furnished to the Nation, three Blacksmiths one for each district for sixteen years, and a qualified Mill Wright for five years; Also there shall be furnished the following articles, twenty-one hundred blankets, to each warrior who emigrates a rifle, moulds, wipers and ammunition. One thousand axes, ploughs, hoes, wheels and cards each; and four hundred looms. There shall also be furnished, one ton of iron and two hundred weight of steel annually to each District for sixteen years.

Stipulations by United States for the benefit of the Choctaws.

ARTICLE XXI. A few Choctaw Warriors yet survive who marched and fought in the army with General Wayne, the whole number stated not to exceed twenty.

Annuitly to certain old warriors.

These it is agreed shall hereafter, while they live, receive twenty-five dollars a year: a list of them to be early as practicable, and within six months, made out, and presented to the Agent, to be forwarded to the War Department.

ARTICLE XXII. The Chiefs of the Choctaws who have suggested that their people are in a state of rapid advancement in education and refinement, and have expressed a solicitude that they might have the privilege of a Delegate on the floor of the House of Representatives extended to them. The Commissioners do not feel that they can under a treaty stipulation accede to the request, but at their desire, present it in the Treaty, that Congress may consider of, and decide the application.

Delegate to Congress.

Done, and signed, and executed by the commissioners of the United States, and the chiefs, captains, and head men of the Choctaw nation, at Dancing Rabbit creek, this 27th day of September, eighteen and thirty.

Jon. H. Eaton,	[L. S.]	Yohalamehabubbee, his x mark,	[L. S.]
Gen. Coffee,	[L. S.]	Hoinibee, his x mark,	[L. S.]
Greenwood Lottom,	[L. S.]	Robert Cole, his x mark,	[L. S.]
Muchohatubbee, his x mark,	[L. S.]	Mokelamharhopin, his x mark,	[L. S.]
Nittwachee, his x mark,	[L. S.]	Lewis Perry, his x mark,	[L. S.]
Holarterhosomah, his x mark,	[L. S.]	Artonnuretabbe, his x mark,	[L. S.]
Hopamuchububbee, his x mark,	[L. S.]	Hoyeahubbee, his x mark,	[L. S.]
Zehoonings, his x mark,	[L. S.]	Hoshahomah, his x mark,	[L. S.]
Captainhalke, his x mark,	[L. S.]	Chualahomah, his x mark,	[L. S.]
James Shield, his x mark,	[L. S.]	Joseph Kinable, his x mark,	[L. S.]
Pitayubbee, his x mark,	[L. S.]	Eyahocuttubbee, his x mark,	[L. S.]

Iyacherhopia, his x mark,	[L. S.] Heshohomme, his x mark,	[L. S.]
Offahoomah, his x mark,	[L. S.] John McKolbery, his x mark,	[L. S.]
Archalater, his x mark,	[L. S.] Benjin. James, his x mark,	[L. S.]
Onnahubbee, his x mark,	[L. S.] Tiktochabanthe, his x mark,	[L. S.]
Pisinhocuttubbee, his x mark,	[L. S.] Aholiktube, his x mark,	[L. S.]
Tullarhacher, his x mark,	[L. S.] Walking Wolf, his x mark,	[L. S.]
Little leader, his x mark,	[L. S.] John Waide, his x mark,	[L. S.]
Maanhutter, his x mark,	[L. S.] Big Axe, his x mark,	[L. S.]
Cowhoomah, his x mark,	[L. S.] Bob, his x mark,	[L. S.]
Tillamoer, his x mark,	[L. S.] Tshkkoehaubt, his x mark,	[L. S.]
Imnullacha, his x mark,	[L. S.] Ittale, his x mark,	[L. S.]
Artopilachubbee, his x mark,	[L. S.] Tshowakayo, his x mark,	[L. S.]
Shupberunchahubbee, his x mark,	[L. S.] Folehoomo, his x mark,	[L. S.]
Nitterhoomah, his x mark,	[L. S.] John Garland, his x mark,	[L. S.]
Oaklyubbee, his x mark,	[L. S.] Koshona, his x mark,	[L. S.]
Pukumna, his x mark,	[L. S.] Iehlyohamube, his x mark,	[L. S.]
Appalar, his x mark,	[L. S.] Jacob Folsom,	[L. S.]
Holber, his x mark,	[L. S.] William Foster,	[L. S.]
Hoparungo, his x mark,	[L. S.] Ontioerharcho, his x mark,	[L. S.]
Ieparhoomah, his x mark,	[L. S.] Hugh A. Foster,	[L. S.]
Tieberhoomah, his x mark,	[L. S.] Pierre Juzan,	[L. S.]
Tishoholarter, his x mark,	[L. S.] Jno. Pitchlynn, jr.,	[L. S.]
Mahayahubbee, his x mark,	[L. S.] David Folsom,	[L. S.]
Artooklulutetushpar, his x mark,	[L. S.] Sholohommetube, his x mark,	[L. S.]
Metubbee, his x mark,	[L. S.] Todus, his x mark,	[L. S.]
Armarkatubbee, his x mark,	[L. S.] Lauwechubbee, his x mark,	[L. S.]
leasterhoomah, his x mark,	[L. S.] Heshohomme, his x mark,	[L. S.]
Chohtabnatahah, his x mark,	[L. S.] Ofenowo, his x mark,	[L. S.]
Tunnoppasubbee, his x mark,	[L. S.] Ahekoche, his x mark,	[L. S.]
Okocharyr, his x mark,	[L. S.] Kalowhube, his x mark,	[L. S.]
Hoshhopia, his x mark,	[L. S.] Atoko, his x mark,	[L. S.]
Wassharhahopia, his x mark,	[L. S.] Ishtenebeche, his x mark,	[L. S.]
Maarshunchahubbee, his x mark,	[L. S.] Enthtohale, his x mark,	[L. S.]
Misharyubbee, his x mark,	[L. S.] Silas D. Fisher, his x mark,	[L. S.]
Daniel McCurtain, his x mark,	[L. S.] Isaac Folsom, his x mark,	[L. S.]
Tushkerharcho, his x mark,	[L. S.] Hekutube, his x mark,	[L. S.]
Hoktoontubbee, his x mark,	[L. S.] Hak-seche, his x mark,	[L. S.]
Nuknacrahookmarhee, his x mark,	[L. S.] Jerry Carney, his x mark,	[L. S.]
Mingo hoomah, his x mark,	[L. S.] John Washington, his x mark,	[L. S.]
James Karnes, his x mark,	[L. S.] Panshostubbee, his x mark,	[L. S.]
Tishuhakubbee, his x mark,	[L. S.] P. P. Pitchlynn, his x mark,	[L. S.]
Narlanalar, his x mark,	[L. S.] Joel H. Nail, his x mark,	[L. S.]
Pennasha, his x mark,	[L. S.] Hopia Stonakey, his x mark,	[L. S.]
Inharyarker, his x mark,	[L. S.] Koshooma, his x mark,	[L. S.]
Mottubbee, his x mark,	[L. S.] William Wade, his x mark,	[L. S.]
Naharyubbee, his x mark,	[L. S.] Pamshetiekubbee, his x mark,	[L. S.]
Iahmaryubbee, his x mark,	[L. S.] Hotttankechahubbee, his x mark,	[L. S.]
James McKing,	[L. S.] Oklanowa, his x mark,	[L. S.]
Lewis Wilson, his x mark,	[L. S.] Neto, his x mark,	[L. S.]
Istonarkerharcho, his x mark,	[L. S.] James Fletcher, his x mark,	[L. S.]
Hobinsahuartharher, his x mark,	[L. S.] Silas D. Pitchlynn,	[L. S.]
Kinsulachubbee, his x mark,	[L. S.] William Testorn, his x mark,	[L. S.]
Emarhinatubbee, his x mark,	[L. S.] Toshkahemitto, his x mark,	[L. S.]
Gysalndaira, bn, his x mark,	[L. S.] Tethetayo, his x mark,	[L. S.]
Thomas Wall,	[L. S.] Emokloshahopie, his x mark,	[L. S.]
Sam. B. Worcester,	[L. S.] Tishomita, his x mark,	[L. S.]
Arlatar, his x mark,	[L. S.] Thomas W. Foster, his x mark,	[L. S.]
Nittahubbee, his x mark,	[L. S.] Zuhse Bracheers, his x mark,	[L. S.]
Tishonoun, his x mark,	[L. S.] Levi Perkins, his x mark,	[L. S.]
Wasshar-hahoomah, his x mark,	[L. S.] Isaac Perry, his x mark,	[L. S.]
Isaac James, his x mark,	[L. S.] Iehonoska Hoomah, his x mark,	[L. S.]
Hopiantushker, his x mark,	[L. S.] Hiram King, his x mark,	[L. S.]
Aryoshkermer, his x mark,	[L. S.] Ogle Enlah, his x mark,	[L. S.]
Shenotar, his x mark,	[L. S.] Nulhahutubbee, his x mark,	[L. S.]
Hopisakefina, his x mark,	[L. S.] Tuska Hollartuh, his x mark,	[L. S.]
Thomas Leflore, his x mark,	[L. S.] Koshwanahubbee, his x mark,	[L. S.]
Arnokehahutubbee, his x mark,	[L. S.] Evarjotubbee, his x mark,	[L. S.]
Shokoperlukna, his x mark,	[L. S.] Okintatubbee, his x mark,	[L. S.]
Posherhoomah, his x mark,	[L. S.] Living War Club, his x mark,	[L. S.]
Robert Folsom, his x mark,	[L. S.] John Jones, his x mark,	[L. S.]
Arharyotubbee, his x mark,	[L. S.] Charles Jones, his x mark,	[L. S.]
Kushonolarter, his x mark,	[L. S.] Isaac Jones, his x mark,	[L. S.]
James Vaughan, his x mark,	[L. S.] Hocklucha, his x mark,	[L. S.]
Phiлип, his x mark,	[L. S.] Muscogee, his x mark,	[L. S.]
Meshameye, his x mark,	[L. S.] Eden Nelson, his x mark,	[L. S.]
Ishteheka, his x mark,	[L. S.]	[L. S.]

And be it further enacted, That it shall not be lawful for the Directors of said Branch Bank, to dispose of the capital stock of said Branch Bank shall be as follows: *And be it further enacted,* That the total amount of said corporation shall at any time owe, whether by bill of exchange, or otherwise, shall not exceed twice the amount of the monies then actually deposited in the said bank, unless the contracting of any greater debt shall be previously authorized by a law of this State; and the Directors, under whose administration it happens, shall be liable for the same in their private capacity, as well as in their official capacity, and the private action of debt in such cases, be brought against any of them, their or any of their heirs, executors or assigns, in any Court of this State having jurisdiction, by a bill of said corporation, and may be prosecuted to judgment, on any condition, covenant, and agreement to the contrary notwithstanding; but this shall not be construed to extend to the debts, tenements, goods or chattels of said bank, or of their assignees, the State of Alabama, from which the said Directors who may have been absent when said bank was established or created, or who may have dissented from the resolution of acts by which the same was contracted or created, shall exonerate themselves from being individually liable for the same, if present, their dissent on the books of the bank, at the time the debt may be so contracted, and forthwith filed with the Comptroller of the State.

*And be it further enacted,* That the credit of the State shall be hereby pledged for the ultimate redemption of all bills issued, and all debts contracted by said bank, *And be it further enacted,* That the remedy for collection of said bills, for and against the said Branch Bank, shall be as follows: *And be it further enacted,* That the Governor, Comptroller of the State, and President of the Bank of Alabama, be, and they are hereby authorized and empowered, to issue certificates of State stock, to an amount not exceeding one hundred thousand dollars, to bear interest not exceeding five per centum, payable semi-annually at the Bank of Alabama, or at such other place as may be determined by the said Governor, at the expiration of twenty years, or at such other time as the State may choose, and said stock, as provided the same can be disposed of at par; and the same shall be applied to, and shall compose the capital of the said Branch of the Bank of the State of Alabama.

*Sec. 7. And be it further enacted,* That to secure the regular payments of the interest semi-annually, and the

ultimate redemption of said stock, all the revenue of the State except the University fund, the three per cent. fund, and the fund being from the sale of the sixteenth section, shall be, and the same is hereby pledged; and in case of insufficiency, the faith of the State is hereby solemnly pledged to provide such additional means as may be necessary.

Approved, January 21, 1832.

**AN ACT**  
to extend the Jurisdiction of the State of Alabama over the Territory according to the Geographical Boundaries within the Limits of said State, and for other Purposes.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the civil and criminal jurisdiction of the State of Alabama, and the same is hereby extended over all the Indian territory within the State of Alabama.

*Sec. 2. And be it further enacted,* That the commissioners of courts of revenue and roads of any county in this State where Indians inhabit any portion of the territory, be, and they are hereby authorized to cause all such roads, bridges, and ferries to be established within the territory upon which the Indians may live, as they may think the public good requires.

*Sec. 3. And be it further enacted,* That this act shall not be construed as to compel Indians to muster, or perform any other military duty, to work on roads, or serve on juries; neither shall any thing in this act be so construed, as to authorize the assessment or collection of any tax whatever, from any Indian or person of mixed blood descended of Indians, residing within the limits of the territory claimed by any of the Indian tribes within the chartered limits of this State.

*Sec. 4. And be it further enacted,* That all Indians or persons of mixed blood descended of Indians, within the limits of the State of Alabama, who, within the county of their residence, have all the privileges of perpetuating testimony, recording wills and bills of sale and conveyances, with the testimony of such persons before mentioned, as white persons have in their respective counties with white testimony.

*Sec. 5. And be it further enacted,* That all white persons living within any portion of the country claimed by Indians, and attached to any county in the State, shall be in all respects governed by the same laws now in force for the government of the whites.

*Sec. 6. And be it further enacted,* That all laws, usages and customs now used, enjoyed or practiced, by the Creek and Cherokee nations of Indians, within the limits of this State, contrary to the constitution and laws of this State, be, and the same are hereby abolished.

*Sec. 7. And be it further enacted,* That if any Indian or Indians shall meet in any council, assembly, or convention, and there make any law for said tribe, contrary to the laws and constitution of this State, shall, upon conviction, be imprisoned in the common

1833

Indian country

White persons living in Indian territory

publishment & printing

1833

of the proper county, not less than two, but more than for months.

Sec. 8. *And be it further enacted*, That it shall at all times be lawful for the chiefs and headmen, for any portion of any of the Indian tribes within this State, to make any agreement or commission of the United States or the State, for any purpose whatsoever; and that any person attempting by persuasion or by force to prevent such meeting on the part of the Indians, shall, upon conviction thereof, before the district court of the county where the offence may be committed, be imprisoned three months.

Sec. 9. *And be it further enacted*, That in all cases where suit is brought on contracts heretofore made to recover money or property from any Indian, the consideration shall be proved by two credible witnesses.

Sec. 10. *And be it further enacted*, That if any person or persons shall confess or attempt to confess that property of any person or persons, in consequence of his or her enrolling for emigration, or offering to enrol, shall upon conviction, be imprisoned in the common jail of the proper county, not less than two nor more than four months.

Sec. 11. *And be it further enacted*, That it shall be the duty of the Governor of this State, to cause to be printed and distributed two hundred copies of this Statute, to be printed and distributed within the chartered limits of this State, one copy of each of the Indian tribes.

Sec. 12. *And be it further enacted*, That it shall be the duty of the judges of the circuit courts, to give this law in charge to the grand juries of these counties, in which have sections of the Indian territory is the bedrock.

Sec. 13. *And be it further enacted*, That no person shall take effect from any contract for the purchase of land, or any other interest, voluntarily made, whereby any white man shall purchase an improvement or claim of any Indian, or any of the bounded territory in this State, and shall actually receive possession thereof, the same shall be obligatory on the purchaser for such contract: Provided, the same is made in the presence of one respectable free white person, and reduced to writing, in which shall be specified the terms of such contract; and provided a valuable consideration be paid for such claim.

Approved, January 16, 1833.

AN ACT, to dispose of certain Public Lands, and for other Purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John J. Crockett, John M. Brown, James B. Black, William Taylor and James Beene, be appointed Commissioners to sell and dispose of the public lands belonging to the State of Alabama, at and near Cahawba.

Sec. 2. *And be it further enacted*, That the said commissioners, of a majority of them, are hereby authorized and required to cause to be sold at public sale, on giving three months' pre-

vious notice, all the public lands belonging to the State of Alabama, at and near Cahawba, known as the land granted to the State of Alabama for the seat of government, and the lands thereunto belonging, excepting that part of said land west of the Cahawba and Alabama rivers, which is not in this lot, which shall forever remain as a common for the said town of Cahawba.

Sec. 3. *And be it further enacted*, That the said commissioners as aforesaid, are hereby required to secure the purchase money of said lands, by notes, at one, two, and three year two or more good and sufficient securities.

Sec. 4. *And be it further enacted*, That the said commissioners, before entering on the discharge of their duties as such commissioners, shall take and subscribe an oath, to be filed in the office of the county court of Dallas county, that they will faithfully discharge their duties as commissioners under the aforesaid Statute.

Sec. 5. *And be it further enacted*, That should any of the Commissioners aforesaid, die, refuse to qualify, or be unable to perform the duties of the office of Commissioner of roads and revenue of Dallas county, are hereby authorized and required to appoint others to fill any vacancy in the said Commissioners.

Sec. 6. *And be it further enacted*, That the said notes taken, and the said money when thereon paid, shall be deposited with the treasurer of the county of Dallas, who shall be liable, should the judge of the county court of said county it necessary, to give further security; and the money arising from said sales shall constitute a fund for the relief of purchasers in the town of Cahawba, to be disposed of as hereinafter prescribed.

Sec. 7. *And be it further enacted*, That the said commissioners, as soon as they effect the sale of the land as aforesaid advertised in some paper in Mobile, some paper in Mobile and some paper in Dallas, and some paper in any other persons interested therein, to come forward and file their vouchers thereto, in the office of the clerk of the county court, and which claims shall not be receivable after the first payment on said notes for the purchase aforesaid.

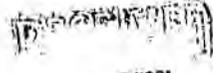
Sec. 8. *And be it further enacted*, That the judge of the county court of Dallas county, and the commissioners of revenue for said county, shall be a competent court to distribute among the said claimants the proceeds of the said sales, and proportionably, and draw on the treasury of the county court, for the sum of three dollars per day, and the said commissioners of roads and revenue, shall be employed in discharging their duties under the aforesaid Statute, and the said commissioners of sale, be allowed the sum of two

## OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK  
ATTORNEY GENERAL  
STATE OF ALABAMA

DEC 10 1981



DEC 11 1981

ALABAMA DEPARTMENT OF  
MONTGOMERY OFFICE

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Ms. Jennie Lee Dees  
Executive Director  
Alabama Indian Affairs Commission  
Suite 211 Perry Hill Office Park  
Montgomery, AL 36109

Indians - Indian Tribes -  
Indian Affairs Commission

Acts 79-343 and 79-228 give the  
Mowah Band of Indians state  
recognition.

Dear Ms. Dees:

You have requested the opinion of this office in regard to the validity of the status of the Mowah Band of Choctaw Indians in Mobile and Washington counties. In particular your question is whether this Band qualifies as a tribe and therefore may receive federal grant money.

According to §41-9-703(c) of the Alabama Code "Recognition of Indians shall be at the discretion of the Southwest Alabama Indian Affairs Commission." This Commission adopted regulations providing for legal recognition of Indian tribes, groups and organizations on April 10, 1980. However, before these regulations were passed the state of Alabama still had the authority to recognize individual tribes as shown through Local Acts No. 79-343 and 79-228. These acts repeal "all laws or parts of laws conflicting with this Act in regard to Mobile and Washington counties."

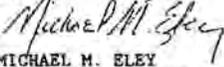
Ms. Jennie Lee Dees  
Page Two

It is the opinion of this office that the Mowah Band of Choctaw Indians has been recognized by the State of Alabama by virtue of two 1979 Local Acts (numbers 79-454 and 79-228) and that a letter of certification may be issued to this effect.

Yours very truly,

CHARLES A. GRADDICK  
Attorney General

By:

  
MICHAEL M. ELEY  
Assistant Attorney General

CAG/MME/pm

# NARF *Legal Review*

Native American Rights Fund

## Federal Recognition - A Historical Twist of Fate

by Falth Roessel

The Wampanoag Tribal Council of Gay Head, Massachusetts, after 200 years finally became formally acknowledged as an "Indian tribe" in 1987 - an identity they themselves never questioned. Long foreclosed from this distinct governmental status, it now brings to them all the rights, privileges, and protections accorded every other "recognized" Indian tribe in the United States.

The Gay Head tribe is not alone. The American Indian Policy Review Commission (AIPRC) in 1977 identified 133 nonrecognized Indian communities in the United States. The Report further documented that of these, 23 were land owners, although the land was not necessarily protected by the federal government. At least 37 communities were found to have had formal treaty relationships predating the United States and at least 29 communities have treaty rights that were either confirmed by the United States or were negotiated directly between the historic tribe and the United States. The AIPRC also found the Bureau of Indian Affairs (BIA) had designated 25 of these 133 Indian communities as Indian tribes. So what went wrong? Why weren't these Indian communities ever recognized?

The answer lies in our history books and in making sense of our federal Indian policy. Kirke Kickingbird and Karen Ducheneaux, authors of *One Hundred Million Acres, (1978)*, aptly titled a chapter on non-recognized Indian communities as "Those Whom Even

Time Forgot." In this chapter, the authors pose the question, "But what of the tribes so small, so peaceful, or so isolated that they posed no threat to white settlement? In most cases, they were simply forgotten."

The authors detailed several examples of Indian communities who escaped recognition but who qualify as dependent Indian communities.

*They are people who should have the same rights as other Indian tribes. But they are people who were never powerful militarily and thus able to force the United States to deal with them by Treaty. Consequently, there was no need to recognize them or to move them to Oklahoma. It may seem strange to realize that Indian legal rights depend upon the ease with which the United States can abuse Indian communities but such appears to be the case.*

Whereas most tribes gained their recognized status through war and treaty, and

Contents: Vol.14, No.3, Summer 1989

<i>Federal Recognition.....</i>	<i>1</i>
<i>New Board Members.....</i>	<i>10</i>
<i>National Support Committee.....</i>	<i>11</i>
<i>Case Updates.....</i>	<i>12</i>



by lands set aside for them, many by a historical twist of fate were denied federal recognition. These excluded tribes continue to exist, but have been administratively denied benefits because they are "non-federally recognized" tribes.

This article will define the nature of federal recognition and describe the history and present administrative requirements to become federally acknowledged. Because the United States Senate has pending before it two federal acknowledgment bills, these will be discussed, as well as the respective positions of the proponents and opponents of such measures. In conclusion, the article will explore who benefits from federal recognition and whether federal recognition contributes to Indian law and policy.

#### Congressional Recognition and Administrative Acknowledgment

In 1975 a unanimous federal court elucidated an astounding principle on behalf of a NARF client. The court held that even though the Passamaquoddy Tribe of Maine had never entered into a treaty with the United States, and the Congress had never specifically mentioned the Passamaquoddy, the federal government has a trust relationship based on the federal Nonintercourse act with "any tribe of Indians," including the Passamaquoddy. *Joint Tribal Council of Passamaquoddy Tribe v. Morton*, (1975). This holding went directly against the Department of Interior's position that predicated the trust relationship as only owed to "recognized" tribes.

*Passamaquoddy* sets forth the legal principle that Congress in 1790 by enacting the Nonintercourse act had generally recognized and assumed a trust responsibility to all Indian tribes. Specific acts of recognition, however, through treaty, executive order or acts of Congress, conceivably could later take place and did between particular tribes and the United States.

Within this context of general and specific recognition, questions continued to arise over whether an Indian group still existed as an Indian tribe to be accorded the trust relationship. In the absence of specific congressional guidelines, the Department of the Interior derived its own standards to determine whether specific Indian groups still maintained a tribal identity.

In the course of this evolution, the Solicitor's Office of the Department of the Interior distinguished between "recognition," a prerogative of Congress and "acknowledgment," a secretarial designation that a government-to-government relationship exists between the United States and a particular tribe. Accordingly, a tribe named in a treaty or receiving benefits from an act of Congress has been recognized, and acknowledging that status is an administrative, perhaps nondiscretionary act. The Department's 1978 regulations may have confused this distinction because it requires an elaborate anthropological showing but without any credence given to prior federal



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actions that demonstrate specific recognition. Consequently, the Department still refuses to take into account prior federal acts when reviewing a petition for acknowledgment.

The concept of recognition remains a viable doctrine defined as a formal political decision to establish a government-to-government relationship between an Indian tribe and the United States. Recognition therefore is similar to the process which is found in international law. "A state is not required by international law to recognize an entity as a state or a regime as the government of a state, but this is a political question to be determined by the executive branch of the government." 45 *A-Jur 2d Section 15*. The President usually conferred recognition to Indian tribes and foreign governments, with the advice and consent of the Senate through the constitutional treaty making power. In 1871, the treaty period ended between the United States and Indian tribes. Thereafter, recognition was conferred by executive order, legislation, or by other means.

Since the end of the treaty period, whether to recognize an Indian tribe in the first place has been one for Congress to make and is wholly discretionary. In *U.S. v. Candelaria*, (1926), the Supreme Court noted that Congress cannot arbitrarily call the pueblo an "Indian tribe," but "the questions whether, to what extent, and for what time they shall be recognized and dealt with as dependent tribes requiring the guardianship and protection of the United States are to be determined by Congress and not by the courts." In *United States v. John*, (1978) the Supreme Court confirmed the status of the Mississippi Choctaw and found that "Neither the fact that the Choctaws in Mississippi are merely a remnant of a larger group of Indians, long ago removed from Mississippi, nor the fact that federal supervision over them has not been continuous, destroys the federal power to deal with them."

Once recognition has been confirmed, this naturally leads to the question whether it may be lost or withdrawn. Charles Wilkinson,

noted Indian law professor and author, argues that tribes have the "right to change." In *American Indians, Time, and the Law*, (1987), Wilkinson states:

The permanency of tribal existence, then, gives tribes and Congress a continuing option. Tribal existence, wholly independent of any federal action, is maintained as long as a tribe or subgroup has the will to maintain it. In turn, Congress retains authority to deal with the tribe in order to correct old mistakes. *Id.* at 78.

Presumably then, once a tribe has been recognized, it cannot lose that status based on federal neglect or on the possibility that the tribe has changed or evolved. Whether a tribe ceases its political relationship with the United States can only be determined by an express act of Congress. A period of federal Indian policy attempted to do just that through termination legislation. *Menominee v. United States*, (1968). Similarly, it follows that specific Congressional legislation would be needed to withdraw a tribe's recognition rather than bureaucratic maleficence.

#### Proof of Tribal Identity and Existence

In 1978, the Bureau of Indian Affairs (BIA) promulgated administrative procedures for establishing that an American Indian group exists as an Indian tribe, in large part, as a reaction to the eastern land claims and *U.S. v. Washington* litigation. 25 *CFR Part 83*. The BIA was also succumbing to recommendations from the AIPRC which called for Congressional standards for recognition purposes. At the time, Senator James Abourezk, Chairman of the Senate Select Committee on Indian Affairs, had introduced S. 2375, in response to the AIPRC recommendation. This legislation relied on the "Cohen criteria" and allowed for a prima facie showing of recognition based on a treaty, act of Congress, or executive order, thereby shifting the burden of proof to the government. S. 2375 was never acted upon because the Administration assured Congress it had developed its own standards and

procedures, leaving legislation an unnecessary duplication.

The 1978 regulations departed significantly from what had been prior Bureau practice. Between 1935 and 1974, the Bureau had been applying the "Cohen criteria" found in Felix Cohen's *Handbook of Federal Indian Law* (1942 ed.). During this time the Bureau was determining tribal existence in order to ascertain eligibility for government services under the Indian Reorganization Act. Tribal existence questions under study by the Solicitor's office were evaluated under the following: (a) that the group has had treaty relations with the United States; (b) that the group has been denominated a tribe by act of Congress or executive order; (c) that the group has been treated as having collective rights in tribal lands or funds, even though not expressly designated a tribe; (d) that the group has been treated as a tribe or band by other Indian tribes; or (e) that the Indian group has exercised political authority over its members through a tribal council or other governmental forms. *Id.* 271.

A Solicitor's opinion was often employed utilizing at least one or more of the above to establish a group as a "tribe" or "band." Other factors that were considered, but not conclusive, were the "existence of special appropriation items for the group and the social solidarity of the group." *Correspondence from LaFollette Butler, Commissioner of Indian Affairs, to U.S. Senator Henry M. Jackson, June 7, 1974.* During the mid-1970's the Bureau maintained that it lacked the authority to "recognize" Indian tribes, but that it might "acknowledge the existence" of Indian tribes previously recognized under treaty or acts of Congress.

Remarkably, in this context, the 1978 regulations lacked any reference to treaties, acts of Congress, or executive orders as a means of prior federal recognition which would weigh in favor of proving tribal existence. Instead, the regulations took a socio-anthropological approach, but used the terminology of "acknowledgment" as conceived by the Solicitor's office.



The regulations, still in use and never modified, require a petitioner to meet seven criteria pursuant to 25 CFR 83.7. A petition must: (a) establish that a petitioning Indian group has been identified from historical times until the present on a substantially continuous basis as "American Indian" or "aboriginal;" (b) contain evidence that a substantial portion of the petitioning group inhabits a specific area or lives in an American Indian community with its members descendants of an Indian tribe which historically inhabited a specific area; (c) establish that a petitioning group has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present; (d) provide the petitioning group's governing document, or in its absence, a description of membership criteria and governmental operations over its affairs and members; (e) provide a membership list consisting of members who are descended from a historical tribe or tribes; (f) establish that the petitioning group's members are not principally members of other North American

Indian tribes; and, (g) show that the petitioning group has not been subject to a termination statute.

The Assistant Secretary for Indian Affairs carries out the prescribed duties through the Branch of Acknowledgment and Research (BAR) within the Bureau of Indian Affairs. BAR staff conducts the review of all petitions. Each petition is reviewed by one team consisting of a historian, an anthropologist and a genealogist. Should there be any "obvious deficiencies or significant omissions" in the petition, staff are to notify and describe them to the petitioner. The petitioner may withdraw or respond to correct these deficiencies; no time limits are specified to do so. Petitions are evaluated on a "first come, first served basis," with priority given to the petition or letter of intent to petition with the earliest filing date with the BAR office.

A fully documented petition that has undergone an initial review and any responses to it may be ready for active consideration, but such a determination remains wholly within the discretion of the BAR staff. When a petition comes under active consideration therefore depends on a variety of factors. A petition ideally would have an early filing date, the obvious deficiency stage would have been relatively short or none at all, and the BAR staff would be able almost simultaneous with the readiness of the petition to immediately begin work on it. The ideal, however, escapes the practice.

Within one year after a petitioner has been notified that active consideration has begun, the proposed findings are published in the Federal Register, unless extended by an additional 180 days upon a showing of due cause to the petitioner. All deadlines under the regulations are unenforceable.

Once the proposed findings are published, any individual or organization may within 120 days rebut the findings by submitting its own factual, legal, and evidentiary documentation.

If BAR refuses to acknowledge the petitioning group, the only opportunity to contest the adverse finding is through the Secretary of the Interior asking the Assistant

Secretary to reconsider his decision. Whether the Secretary will ask the Assistant Secretary to reconsider his decision in practice has been determined by the BAR staff themselves, since they ultimately receive the reconsideration request from the Secretary. A denied petition, therefore, goes back to the very persons who decided against tribal existence in the first place.

In the end, if a petitioner successfully makes it through the process, the regulations provide it will be eligible for services and benefits from the federal government available to other federally recognized tribes and will be able to maintain a government-to-government relationship with the United States. Funding for these new tribes comes under a separate account within the BIA.

#### "Lost and Found" Tribes

Included in the 1978 regulations was a provision directing the Secretary of the Interior to contact "all Indian groups known to the Department in the continental United States whose existence has not been previously acknowledged by the Department." 25 C.F.R. 83.6. The American Indian Policy Review Commission list was specifically required to be included.

The BIA reports that about 114 Indian groups have indicated an interest to petition for acknowledgment under the regulations. Forty of the requests were on hand when the acknowledgment office started in 1978 with the remaining 74 requests received since then. In accordance with the regulations, 7 groups have been acknowledged and 12 have been denied. Congress, in the meantime, has continued to exercise its legislative authority by recognizing, restoring, or clarifying the status of 5 Indian groups since 1978.

According to the Bureau's most recent statistics, April 1989, 28 fully documented petitions have been submitted and are at various stages of the petitioning process. Four of these petitions are listed as under active consideration, but that does not

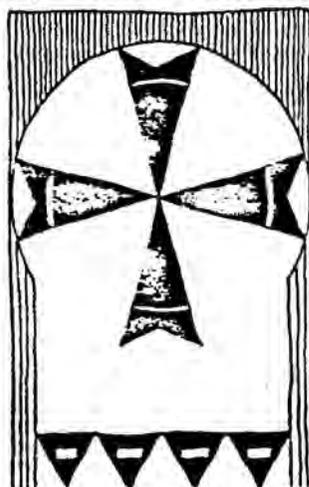
necessarily mean they are all being reviewed at the same time. BIA admits that only 1.5-2.0 petitions are being completed each year. Of the 28 completed petitions, 12 are awaiting some form of Bureau action, and 16 are awaiting petitioner responses to BAR's obvious deficiency letters. Furthermore, the Bureau documents that 35 additional groups are currently working on their petitions and 26 others are known to exist but who have not responded to the Bureau's inquiries. Given the current rate of 1.5-2.0 petitions being completed each year, the acknowledgment process will easily extend into the twenty-first century.

Petitioners are dependent on the Administration for Native Americans (ANA), which provides the only source of federal funding to assist nonrecognized communities in the preparation of their petitions. The BIA does not provide similar assistance to a petitioning group. ANA status clarification grants began in 1981 with the purpose of supporting community applied research and assisting groups by linking them with those who would provide technical assistance. An ANA 1982 Issue Paper on Status Clarification explained ANA's mission as assisting these communities in overcoming the policies of nonrecognition and termination which stand as barriers to Indian social and economic self-sufficiency. Since 1981, ANA has funded 118 grants for status clarification purposes.

Recently, ANA commissioned a study to survey their status clarification recipients. Commonly known as the Orbis Report, outside researchers visited 35 Indian communities who reside in 15 states. The size of the 35 communities ranged from the smallest with 150 members (Jena Band of Choctaw, Louisiana) to the largest with over 30,000 members (Lumbee, North Carolina). Sixty-three percent (22 grantees) of these communities fell below the BIA's "small tribe" definition of 1,500 members. Twenty-eight percent (10 grantees) ranged between 1,501 and 5,000 members and close to nine percent (3 grantees) had memberships which exceeded 5,000 members.

ANA status clarification grants go toward providing two types of activities: 1) research and 2) tribal governmental reorganization or strengthening. NARF currently represents a number of grantees in their research which include historical, genealogical, ethnographic, and legal. The Orbis Report observed the arduous task of this type of research noting that since the "groups in question seldom have documented histories available, the researcher is forced to spend considerable time searching state and local archives, private collections, and obscure secondary sources for information. . . . This historical research component is long, tedious, and expensive."

Regarding the second activity of strengthening tribal governments, Orbis underscored the fact that "[a] strong government with sound and effective operational procedures in place should be the springboard for advancing a community to greater social and economic self-sufficiency. . . . Furthermore, tribes with developed management capabilities and experience can



clearly make a smoother transition once federal recognition is achieved.<sup>9</sup>

The Orbis Report stated that the status clarification grants are achieving their goals. To date, 21 grantees have completed and submitted documented petitions to BAR. Only 11 have not, and 3 were ineligible to do so, because they had been named in a termination statute and would have to seek restoration legislation.

#### Overcoming Congressional Benign Neglect

Over the past twelve years the Senate has held three oversight hearings on the federal acknowledgment process, in 1980, 1983 and 1988. Following the 1988 hearing, Chairman Daniel K. Inouye urged witnesses to draft proposed legislation to respond to the ills testified to before the Senate Select Committee on Indian Affairs. NARF, at the Chairman's request, played a key role in assisting the Committee to develop legislation and in working with other organizations who took an interest in federal acknowledgment reform. Subsequently in March 1989, Senator Inouye introduced S. 611, the Indian Federal Acknowledgment Administrative Procedures Act. Twelve other Senators have joined in support and are co-sponsors of the bill. S. 611 represents the first comprehensive recognition bill to be introduced in the Senate, since Senator Abourezk's bill in 1977.

S. 611, rather than perpetuating the current acknowledgment system, attempts to correct the deficiencies by proposing solutions which are based on the experience of professionals who have been involved in the system since 1978. In approach, S. 611 distinguishes between two different types of petitioners; those who have been previously recognized and those who have not. For those who have been named in a treaty, executive order, or act of Congress, the petitioner need only show such a document; that the Indian group and its members are descendants from the historic tribe; and, that it has a current governing body. Once this prima facie showing has been made then the Indian group has

demonstrated prior recognition and that status should be acknowledged. The federal government carries the burden of proving the Indian group no longer exists as an Indian tribe.

Those Indian groups who do not have evidence of prior federal recognition would petition through the more elaborate process analogous to the present system. Important improvements, however, have been made. Deadlines are built into the process to overcome the years of delays. A new enforcement mechanism is being proposed to create a right to mandamus action in federal court to enforce the deadlines. Expediency will also be promoted with additional definitions and thresholds of proof stated so petitioners will know when they have met a requirement.

Related to what constitutes sufficient proof, S. 611 sets up for the first time uniform standards to be applied equally to each petitioner. Precedent will prevail and with it conceivably less money expended because petitioners will know what to provide, and will not have to repeatedly respond to vague obvious deficiency letters. An appeal process in S. 611 adds a critical component long overlooked. Disagreements with the new Office of Federal Acknowledgment will be resolved by an independent three-person panel to be named anew in each case. Panel members will be selected on the basis of expertise in anthropology, history and by national reputation.

The new Office of Federal Acknowledgment will only handle federal acknowledgment petitions, compared to the BAR office which only expends 40 percent of its time on active status petitions. This exclusive focus to federal acknowledgment should increase efficiency and promote professionalism. To address possible conflicts of interest between the acknowledgment office and the BIA, the new office is set up independent of the BIA, but still within the Department of Interior.

Two days before the hearing on S. 611, Ranking Minority Member Senator John

McCain introduced his own federal acknowledgment counterpart, S. 912. S. 912 has been viewed as legislating the status quo, with a few changes. It maintains the current BAR office within the BIA. It utilizes the current criteria for petitions without operational definitions to assist social scientists. And, priority consideration goes to tribes who have been terminated.

S. 912 further provides that an Assistant Secretary's adverse decision may be appealed to the Office of Hearings and Appeals within the Department of Interior, rather than undergo expert review as in S. 611. If no action on a petition takes place within 6 years either by the Assistant Secretary or the Appeals Board, the petition will be treated as denied and may be appealed for de novo review in federal court. Although the bill is authorized for 12 years, a petition for recognition must be submitted within six years. The legislation uses the term "recognition" in place of acknowledgment. Whether Senator McCain intends to do away with the distinction or not remains unclear.

On May 5, 1989 the Committee heard testimony on S.611 from the Department of Interior, legal experts, historians, anthropologists, Indian tribes against and in support of the acknowledgment process, and Indian communities seeking acknowledgment. Tribal witnesses who testified against S. 611, interpreted S. 611 as weakening the criteria for federal acknowledgment to such an extent that anyone may qualify as an Indian tribe. As one tribal witness stated in his written testimony, "We see in S. 611 a threat to our sovereign powers. Its broad definitions and lax standards would eventually make a mockery of the very meaning of 'Indian tribe' and 'government-to-government' relationship."

Contrasted with that view, the majority of witnesses at the hearing focused on the problems with the system and the need to substantially improve it. Academic scholars in history and anthropology testified that the revised criteria are actually more difficult to meet than the current criteria and they

supported the operational definitions to assist professionals in the field as to what proof is required and how much. Petitioning groups testified in support of S. 611 as a means to break the log jam at BAR where petitions have been languishing for years. At the end of the hearing Senator Inouye asked the minority and the majority staff of the Committee to fashion a "compromise" bill that would meet the concerns of all involved. To date, a compromise has yet to be proposed other than drafts of possible approaches. The Committee anticipates a hearing on the compromise version once it has been introduced.

### Conclusion

This article in a broad sweep has attempted to put in some historical, legal, and Congressional perspective the phenomenon of recognizing and acknowledging Indian communities that meet certain prescribed criteria. Over ten years ago, the American Indian Policy Review Commission in its task force report concluded that:

The results of 'non-recognition' upon Indian communities and individuals has been devastating, and highly similar to the results of termination: the continued erosion of tribal lands, or the complete loss thereof; the deterioration of cohesive, effective tribal governments and social organizations; and the elimination of special federal services, through the continued denial of such services which the Indian communities in general appear to desperately need.

It is this community of Indian people that NARF has served and continues to serve. Tribal existence forms the core of any Indian community's ability to become independent and self-sufficient, and tribal existence is one of NARF's priority areas. Consequently, the legislative proposals before Congress are of paramount importance to our clients who are not as fortunate as the majority of Indian tribes designated as "recognized."

NARF has built an impressive track record in its tribal existence area. NARF's clients who have chosen to proceed through the acknowledgment process have each been successful. In every case in which legislative

recognition or restoration has been the vehicle, again, NARF has never failed to achieve either goal.

The politics of "recognition" in Indian country cannot be overlooked. Even the AJPRC lamented about the "extremely controversial nature of 'recognition and non-recognition' in the socio-political arena of Indian affairs." Whereas nonrecognized Indian communities have faced almost insurmountable odds in their quest to become recognized, they now face even greater political odds to overcome the perception by some in Indian country that they are illegitimate and will further diminish already scarce resources. While no one can dispute the decrease in fiscal expenditure since 1980 for all domestic programs, including Indian programs, those who are concerned with a smaller pie need to remind themselves of the origins of the federal trust relationship. Rather than it being calculated by the Office of Management and Budget as an appropriation item, the trust relationship is based on the U.S. Constitution, treaties, statutes, and federal common law.

"Recognition" compels students of Indian law and policy to go back to the underlying precepts of the relationship between Indian tribes and the United States. Inquiries into the recognition issue may very well lead to the conclusion that since 1978 the Congress has abdicated its responsibility of recognizing Indian tribes and has left it to an administrative procedure that is carrying on with a life of its own, and now needs Congressional intervention.

"Recognition" also supports the concept that Indian law and tribal existence are not static concepts. The fact that Congress will continue to recognize or restore tribes, and even legislate to authorize the Interior Department to acknowledge tribes substantiates a continual trust relationship; not one dependent on or thwarted by fiscal policy.

We are further instructed that tribal existence and identity do not depend on "recognition." Once that equation is made,

any tribe at some point may be in jeopardy of losing its identity by a mere slip of the federal pen. It has already happened to 33 Alaska Native villages who testified at the 1988 oversight hearing that they had been "inadvertently" de-recognized by the BIA. They have yet to have had their status resolved.

Perhaps the story of Chief Little Shell, a Chippewa leader helps us understand how the accidents of history are closely allied with recognition. Facing forced removal, Chief Little Shell refused to sign what he believed was an unscrupulous treaty. His descendants, now NARF clients, are petitioning the BAR for federal acknowledgment. They are asking, and rightfully so, does not the act of refusing to sign a treaty denote an act of a sovereign? The answer should be yes. The BAR will be faced with that question whenever they actively consider the Little Shell petition.

In sum, the benefits of "recognition" for those communities who have achieved that goal are immeasurable. What these Indian communities teach us is an exercise of tribal sovereignty in its purest form; sovereignty never reliant upon federal services nor subsidies.



### Native American Rights Fund

The Native American Rights Fund is a nonprofit organization specializing in the protection of Indian rights. The priorities of NARF are (1) the preservation of tribal existence; 2) the protection of tribal natural resources; (3) the promotion of human rights; (4) the accountability of governments of Native Americans; and (5) the development of Indian law.

Our work on behalf of thousands of America's Indians throughout the country is supported in large part by your generous contributions. Your participation makes a big difference in our ability to continue to meet ever-increasing needs of impoverished Indian tribes, groups and individuals. The support needed to sustain our nationwide program requires your continued assistance. Requests for legal assistance, contributions, or other inquiries regarding NARF's services may be addressed to NARF's main office: 1506 Broadway, Boulder, Colorado 80302. Telephone (303) 447-8760.

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STATE OF SOUTH DAKOTA )  
  ) :ss  
COUNTY OF HUGHES )

IN CIRCUIT COURT  
SIXTH JUDICIAL CIRCUIT

THE PEOPLE OF THE STATE OF SOUTH )  
DAKOTA, ex rel SOUTH DAKOTA )  
DEPARTMENT OF SOCIAL SERVICES, )  
IN THE INTERESTS OF )

CARRIE HOSMAN, STEVEN HOSMAN, )  
SANDRA HOSMAN, CATHY HOSMAN, )  
MATTHEW HOSMAN, STACY HOSMAN, )  
and CODY HOSMAN, )

ORDER GRANTING  
TRIBE'S MOTION TO  
INTERVENE

Minor Children, )

and concerning )

CAROL ORSO HOSMAN and )  
DAVID HOSMAN, SR., )

Respondents. )

The Mo-wa Band of Choctaw Indians having filed, through the Honorable John D. Rivers, Tribal Judge, a Motion to Intervene; the Court having considered said motion and good cause appearing, it is hereby

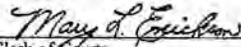
ORDERED that the Motion to Intervene by the Mo-wa Band of Choctaw Indians is granted

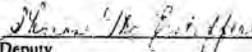
DATED this 14 day of April, 1994.

BY THE COURT:

  
James W. Anderson  
Circuit Court Judge

ATTEST:

  
Clerk of Courts

By:   
Deputy  
(SEAL)

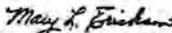
State of South Dakota )  
County of Hughes ) ss

I hereby certify that the foregoing document is a true and correct copy of the original on file in my office.

At this day of April 1994  
Sharon M. Pfeiffer  
Clerk of Courts, Deputy

STATE OF SOUTH DAKOTA  
CIRCUIT COURT, HUGHES CO.  
FILED

APR 14 1994

 CLERK  
By:  Deputy



(hereinafter Mother) is a member, the Judgment of the trial court is reversed and the trial court shall proceed in accordance with all provisions of the Indian Child Welfare Act (I.C.W.A.). If the lower court determines that (1) the minor children are not members of a tribe, and (2) the minor children are not eligible for membership and the Mother is not a member, the Judgment entered December 17, 1992 is affirmed. 510 N.W.2d at 124.

In compliance with the South Dakota Supreme Court's instructions, the Department of Social Services through the Hughes County State's Attorney provided notice of the child custody proceeding involving an Indian child to the Secretary of Interior and to various Choctaw Indian Tribes. The notice to the Secretary of Interior established Friday the 11th of March as the date for hearing. Notice of Child Custody Proceeding Involving an Indian Child dated February 3, 1994 was also sent to the Mobile/Washington Band of Choctaw in Alabama. The matter was noticed for hearing on March 10, 1994. A copy of the Notice to the Mobile/Washington (Mowa Band of Choctaw) is attached hereto as Exhibit "A". The Mowa Tribe responded to such Notice with a Petition of Transfer to the Mowa Tribal Court, and a separate Notice of Intervention of Tribal Court. By Order of the Tribal Court dated February 14, 1994 the Tribal Court appointed a Tribal Guardian Ad Litem to further investigate the matter. Thus far, the Court has made no ruling on the

Tribe's request for transfer or intervention. Mother has filed no objection to the transfer.

Hearing upon remand has been set for 9:00 o'clock a.m. on April 7, 1994, before the Honorable James W. Anderson at the Hughes County Courthouse, in Pierre, South Dakota. The Court established a briefing schedule in open court on March 10, 1994. A Joint Brief of the State and Children was deposited in the mail on March 22, 1994. Mother now submits this Brief in response.

#### FACTS

On March 4, 1992 the Department of Social Services filed a Petition alleging that Mother's eight (8) minor children were abused or neglected. Mother's baby died suddenly of SIDS just prior to the scheduled adjudicatory hearing. An Amended Petition was filed which removed allegations relating to the recently deceased baby. Both the original Petition and the Amended Petition alleged that this was an I.C.W.A. case. The Affidavits attached to the original Petition and the Amended Petition alleged that the Mother and children might be eligible members of the Alabama Choctaw Indian Tribe. Mother claimed to be one-half Choctaw. On May 11, 1992 Mother signed a Family Service Agreement with the Department of Social Services and entered into a Stipulation admitting to the allegations alleged in the Petition with the State agreeing that the children remain in the home with provided services. The Department of

Social Services recognized under paragraph C that there was no reported domestic violence or alcohol abuse and that Mother expressed pride in her profession and in their Native American culture.

When Mother did not personally appear at the August 10, 1992 second dispositional hearing, the Court ordered that the children be removed from the home and placed in custody. Final dispositional hearing was held on December 1, 1992 objection was raised by Mother as to the failure to provide adequate notice under the Indian Child Welfare Act and requested a continuance. The Court denied the Motion. The hearing was held, after which the Court entered its Findings terminating Mother's parental rights. The appeal to the Supreme Court followed. Previously noted, the Supreme Court remanded with instructions.

The State now has the burden of showing that these minor children are not Indian children within the meaning of the Indian Child Welfare Act. Further, the Joint Brief argues that even if these minor children are Indian children, that "good cause to the contrary" exists to deny the Tribe's Petition for Transfer.

#### ARGUMENT

##### I.

#### MOTHER AND MINOR CHILDREN ARE MEMBERS OF THE MOWA BAND OF CHOCTAW.

Mother admitted at the December 1, 1992 dispositional hearing that she was not then an enrolled member of any

Indian tribe. She did claim she was one-half Choctaw Indian. The original Amended Petition and the supporting Affidavit alleged the same. Mother was not asked if she was a "member" of an Indian tribe. She said all along that her ancestors were Choctaws from Alabama. The DSS Family Services Agreement signed May 11, 1992 indicated that the Mother expressed satisfaction and pride in their Native American culture. The Joint Brief now urges that at page 4, that any claim of tribal affiliation and involvement at this juncture parallels the "newfound religion of someone convicted of a major crime". Certainly, such is not the case as Mother has contended that she and the children were Choctaw Indians all along. While Mother and children may not have been "enrolled" as members at the time of the dispositional hearing, such enrollment is not a requirement for application of the Indian Child Welfare Act.

While enrollment is one means of proving "membership" in a tribe, it is by no means the only way to prove tribal membership. As noted in In the Interest of H.D., 729 P.2d 1234, 1238 (Kan. App. 1986):

Enrollment is not always required in order to be a member of a tribe. Some tribes do not have written roles. Other have roles that list only persons that were members as of a certain date. Enrollment is the common evidentiary means of establishing Indian status, but it is not the only means nor is it necessarily determinative.

The Kansas Appellate Court reversed the lower court for failing to notify the Tribe and the Secretary even where

Mother did not become enrolled until after termination of her parental rights. The South Dakota Supreme Court has now recognized that enrollment of a member is not dispositive. 510 N.W.2d at 123.

Since the December 1, 1992 dispositional hearing, Mother has now become an enrolled member of the Mowa Band of Choctaw. As indicated by a letter from the Tribe dated March 29, 1994 Mother's enrollment number is 4687. See Exhibit "B" which is attached hereto and incorporated herein by reference. On February 28, 1994 the Mowa Choctaw Tribal Court in its Petition for Transfer indicated that the children were of Mowa Choctaw descent and were eligible for membership. Since then, Mother has provided information to the Tribe and also enrolled her children in the Mowa Band. See Exhibit "B".

There is nothing in the definition of "Indian" nor in the definition of "Indian child" found at 25 U.S.C.A. Section 1903(3) and (4) to support any requirement that one be an "enrolled member". Rather, Congress chose the words "member" or "membership". If Congress had intended that the definition read "enrolled members" it would have said so in more definite terms. In any event Mother and children are now enrolled members.

Our Court and a number of other Courts have recognized that it is the tribe's prerogative to determine membership and that Section 1912(d) mandates that states accord full

faith and credit to the public acts, record and the judicial proceedings of Indian Tribe in Indian child custody proceedings. People In Interest of J.J., 454 N.W.2d 317, 327-28 (S.D. 1990); In Re Junious M., 44 Cal. App. 3d 786, 792-94, 193 Cal. Rptr. 40, 43-44 (1983); In Re Colnar, 52 Wash. App. 37, 39-41, 757 P.2d 534, 535-36 (1988); In Re M.C.P., 571 A.2d 627, 634 (Vt. 1989). Such deference to a tribe's determination of its own membership is proper, as one Court has found, even though a particular tribe had no formal membership criteria. State Ex Rel Juvenile Department of Lane County v. Tucker, 710 P.2d 793, 797 (Oreg. Court. App. 1985), reviewed denied, 717 P.2d 1182 (Or. 1986). The Mowa Band's determination for membership must be accorded full faith and credit.

## II.

### THE MOWA BAND OF CHOCTAW IS A "RECOGNIZED" INDIAN TRIBE WITHIN THE MEANING OF THE INDIAN CHILD WELFARE ACT.

The Joint Brief at page 3 urges that the Mowa Band of Choctaw is not an "Indian tribe" as defined by the I.C.W.A. and that therefore neither the minor children nor their Mother can be members of an "Indian tribe". Attached to the Joint Brief as Exhibit "A", is a Notice from the Bureau of Indian Affairs dated October 21, 1993 which is published in the Federal Register. It is argued, that since neither the Mowa Band or the Mobile/Washington Band of Choctaw is on this list, that it is not an "Indian tribe" as defined by the

I.C.W.A. at 25 U.S.C.A. Section 1903(8). Such reasoning is too simplistic, and is in error. The Joint Brief cites no authority for relying on this Federal Register list to define an "Indian tribe" for purposes of the I.C.W.A. Such reasoning confuses the administrative "acknowledgment" process of the B.I.A. with the process of "recognizing" that an Indian tribe or band is eligible for services because of their status as Indians. The B.I.A. administrative acknowledgment process is merely one way to obtain such recognition. Legislation and Court recognition are other methods.

The first and third pages of Exhibit "A" make it clear that the list are entities found to be "Indian tribes" as that term is defined and used in 25 C.F.R. Part 83. A review of Part 83, and specifically Section 83.1(f) shows that the definition for a "Indian tribe" is not the same as the definition of "Indian tribe" as used in the I.C.W.A. at 25 U.S.C.A. 1903(8). Compare with the definition of "Indian tribe" found at Part 23 (Indian Child Welfare Act), and found specifically at Section 23.2(i). The latter definition is nearly identical to that found under the I.C.W.A. at 25 U.S.C.A. 1903(8). Further, it is clear from reviewing Exhibit "A" that the same is not included as an all inclusive list and rather there is a clear indication that changes can occur from year to year. The discussion of the Alaskan Native entities is illustrative. What is important is that

there exists a government to government relationship. What constitutes an Indian tribe is sometimes a difficult question. See second page of Exhibit "A" of Joint Brief. The B.I.A. acknowledgment process does not create new sovereign entities, rather it merely acknowledges the existence of ones that have been there all along.

As noted in Cohens Handbook of Federal Indian Law, Chapter 1, Section B1, Page 3 (1982 Edition):

There is no single federal statute defining an Indian tribe for all purposes, although the Constitution and many federal statutes and regulations make use of the term. In most instances the question of tribal existence can be resolved by reference to a treaty, statute, executive order or agreement recognizing the tribe in question. In other cases the definition of tribe, like many other such generic terms, will depend in part upon the context and purposes for which the term is used.

The Choctaw Indians occupied their aboriginal land in the southern United States in what is now Mississippi and Alabama, even before our country came to be in existence. In 1789, Congress ratified the Northwest Ordinance, which declared that the utmost good faith shall always be observed toward Indians; their land and property should never be taken from them without their "consent". When Andrew Jackson became President of the United States in 1828 the policy toward Indians abruptly changed. The so-called removal policy became the dominant federal Indian policy. In 1830 Congress negotiated a treaty with the Choctaw Nation, which has become known as the Treaty of Dancing Rabbit Creek.

While some Choctaws removed themselves to the Indian Territory along with the Cherokees, Chickasaws, Creeks and Seminoles (the so-called Five Civilized Tribes), the Choctaw signed a treaty assuring its existence as a tribe and that its lands would not become part of the state without the tribe's consent. The federal government honored its promise until the Civil War. After the Choctaw's sided with the confederacy, portions of their lands were taken. The Choctaws remaining in Alabama are located in Mobile and Washington County and became known as the Mowa Band of Choctaw.

The Mowa Band's existence has been continuous; their treaty rights have never abrogated; nor was their tribal status terminated. The Mowa have their own reservation; their own tribal government; court system; and because of their status as an Indian tribe, they receive funding from HUD Indian housing, energy assistance monies, and economic development monies from the Administration for Native Americans. Mowa Band members have also received funds and services from the B.I.A. based on their Indian status.

The State of Alabama has long recognized the Mowa Choctaw as is evidenced by Exhibit "C" which is attached hereto and incorporated herein by reference. Exhibit "D", which is attached hereto and incorporated herein reference, is a Joint Resolution which passed both houses of the Alabama Legislature. The Mowa Choctaw receive Indian Child Welfare

Act notices and have successfully intervened or transferred child custody proceedings through the Alabama judicial system. Thus, a government to government relationship has existed between, the federal government, the State of Alabama, and the Mowa Band of Choctaw. In fact, the United States Senate has recently passed the Mowa Band of Choctaw Indians Recognition Act (Senate Bill 282). A faxed copy was obtained from Senator Pressler's Office and is attached hereto and incorporated herein by reference as Exhibit "E".

The Choctaw Tribe in Alabama has a treaty with the United States which creates a trust relationship with the federal government unless or until Congress has terminated that relationship. That has not occurred. The B.I.A.'s administrative procedures have not yet resulted in the "acknowledgment" of the Mowa Band of Choctaw, however, that does not mean that it is not "recognized". No action on the part of the Department of Interior can abrogate an Indian treaty, either directly or indirectly; and only Congress can do so by making its intention absolutely clear. See United States v. State of Washington, 641 F.2d 1368 (C.A. 1981). As another Court recently stated, "the requirements for recognition should be interpreted liberally in favor of Indian groups" and, for example, a tribe should not be deemed to have ceased to exist without clear proof that the tribe "has voluntarily sought, and achieved assimilation into non-Indian culture". See Alaska Native Village of Venetie IRA

Council v. Alaska, 918 F.2d 797 (9th Cir. 1990); see also Mashpee Tribe v. New Seabury Corp., 592 F.2d 575, 586 (1st Cir.), cert. denied, 444 U.S. 866 (9179).

The I.C.W.A. applies to all Indian child custody proceedings. Not only is there the matter of the termination of parental rights in this case, but proceedings under the Indian Child Welfare Act also include foster care placement, preadoptive placement and adoptive placement. Were this Court to find that the Mowa Band is not "recognized", would adoptions or placements be set aside later once the Mowa Band did become "recognized"?

25 U.S.C.A. Section 1914 specifically authorizes a parent or tribe to "petition any court of competent jurisdiction to invalidate [a termination of parental rights] upon a showing such action violated" certain I.C.W.A. provisions, including notice and other provisions. Courts interpreting Section 1914 have followed the rule that statutes enacted for the benefit of Indians must be liberally construed with all doubts resolved in favor of the Indians. Preston v. Heckler, 734 F.2d 1359, 1369 (9th Cir. 1984); Matter of L.A.M., 767 P.2d 1057, 1060 (Alaska 1986). Commentators have also interpreted the United States Supreme Court's holding in Mississippi Band of Choctaw Indians v. Hoyfield, \_\_\_\_ U.S. \_\_\_\_, 109 S.Ct. 1597, 104 L.Ed.2d 29 (1989) to support the clear message that the I.C.W.A. should be read liberally. See Tellinghuisen, The Indian Child

Welfare Act of 1978 a Practical Guide with [Limited] Commentary, 34 S.D.L.Rev. 660, 666 (1989). Doubts should be resolved in favor of the Mowa Band.

The Mowa Band of Choctaw is an Indian tribe within the meaning of the I.C.W.A. and Mother and her minor children are members of said tribe and thus subject to the provisions of the I.C.W.A.

### III.

THERE EXISTS NO "GOOD CAUSE" NOT TO TRANSFER THE MATTER.

Joint Brief has also argued that even if this is an Indian Child Welfare Act case and the previous termination of parental rights ought to be reversed, that the Mowa Band of Choctaw should not be permitted to transfer the proceedings to Tribal Court, as there is "good cause to the contrary" to prevent such transfer.

The burden of proving "good cause" rests with the party opposing the transfer to Tribal Court, and it is not an easy burden to satisfy. See Guidelines for State Court: Indian Child Custody Proceedings, 44 F.Reg. 67584, 67591 (1978). In the present case, the Mother has not resisted the transfer to Tribal Court. Court decisions and Bureau of Indian Affairs guidelines indicate that the following situations might constitute "good cause": (1) the tribe, parent or custodian did not file the request promptly after receiving notice, and the proceeding is in an advance stage when the request is received; (2) the Indian child is over twelve

(12) years of age and objects to the transfer; (3) the evidence necessary to decide the case could not be adequately presented in Tribal Court without undue hardship to the parties or the witnesses; or (4) the parents of a child over five (5) years of age are not available and the child has had little or no contact with the tribe or tribal members. See Guidelines for State Courts; Indian Child Custody Proceedings, 44 Fed.Reg. 67584, 67591 (1978).

Because a child has lacked contact with their tribe is not in and of itself is not enough to constitute good cause. Such a view would overlook the tribe and the extended families' substantial interest in having these matters decided in Tribal Court. In Re Junious M., surpa; In Re Appeal in Cocomino County Juvenile Action, 736 P.2d 829 (Ariz. 1987). Likewise, geography alone cannot be determinative; a request for transfer should not be denied simply because it would be expensive or inconvenient for off reservation witnesses to testify in Tribal Court. See In Re Pima County Juvenile Action, 635 P.2d 187 (Ariz. Court Appt. 1981), cert. denied, 455 U.S. 1007 (1982). Further, expert testimony on the customs and traditions of the Mowa Band of Choctaw would be more readily facilitated in Tribal Court. If the "good cause" exception were applied too liberally, the exception would undermine the whole transfer procedure. Such was not the intent of Congress.

While the Joint Brief is correct in stating that

modified doctrine of forum non conveniens was created by Section 1912(b), the presumption is in favor of transfer. The I.C.W.A. itself reflects Congress' recognition of the importance of child rearing to the tribe. The effectiveness of the structure for changing jurisdiction is insured by the inclusion of the full faith and credit provision of 25 U.S.C.A. Section 1912(d).

It is conceded that if an Indian child over age twelve (12) objects to the transfer, that that might constitute "good cause" as to that child. However, that is apparently not the case here, except perhaps as to Steven. The presumption in favor of transfer has not been overcome.

CONCLUSION

The Indian Child Welfare Act does apply under the facts of this case. The termination of Mother's parental rights must be reversed. Absent the objection by a child over age twelve (12), the presumption in favor of transfer of the matter to Tribal Court has not been overcome.

DATED this 4th day of April, 1994.

RITER, MAYER, HOFER & RITER

By: \_\_\_\_\_

*Jerry I. Wattier*  
 Jerry I. Wattier  
 319 S. Coteau - P.O. Box 280  
 Pierre, SD 57501-0280  
 Attorney for Mother, Carol Orso

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a true and correct copy of the foregoing Response Brief of Mother by personal service on the following:

Thomas E. Lee  
Attorney for Minor Children  
28 E. Main  
Fort Pierre, SD 57532

Mark Smith  
State's Attorney  
104 E. Capitol Avenue  
Pierre, SD 57501

and by mailing same with first class postage prepaid thereon addressed to the following:

Peter Rivers  
Mowa Band of Choctaw Indians  
1080 W. Red Fox Road  
Mt. Vernon, AL 36560

John Rivers, Tribal Judge  
Mowa Band of Choctaw Indians  
1080 W. Red Fox Road  
Mt. Vernon, AL 36560

Bruce Babbitt, Secretary  
U.S. Department of Interior  
18th and C Street NW  
Washington, DC 20240

David Hosman, Sr.  
8209 Highway No. 79  
Black Hawk, SD 57718

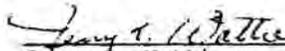
  
Jerry L. Wattier

EXHIBIT "A"

STATE OF SOUTH DAKOTA )  
 ) ss  
COUNTY OF HUGHES )

IN CIRCUIT COURT  
SIXTH JUDICIAL CIRCUIT

THE PEOPLE OF THE STATE OF SOUTH )  
DAKOTA, ex rel SOUTH DAKOTA )  
DEPARTMENT OF SOCIAL SERVICES, )  
IN THE INTERESTS OF )

CARRIE HOSMAN, STEVEN HOSMAN, )  
SANDRA HOSMAN, CATHY HOSMAN, )  
MATTHEW HOSMAN, STACY HOSMAN, )  
and CODY HOSMAN, )

NOTICE OF CHILD  
CUSTODY PROCEEDING  
INVOLVING AN INDIAN CHILD

Minor Children, )

and concerning )

CAROL ORSO HOSMAN and )  
DAVID HOSMAN, SR., )

Respondents. )

TO: JOHN RIVERS, Tribal Judge, Mobile/Washington Band of Choctaw, 1080  
Reservation Rd., Mt. Vernon, AL 36560

YOU ARE HEREWITH NOTIFIED of the action for foster care and/or  
termination of parental rights. The children who are the subject of this  
proceeding are named Carrie Hosman, Steven Hosman, Sandra Hosman, Cathy  
Hosman, Matthew Hosman, Stacy Hosman and Cody Hosman, and their maternal  
tribal affiliation is Choctaw.

You are also notified of the following information:

1. You as the natural parent, Indian custodian, or Indian tribe have a right to intervene in the proceeding.
2. If you as the parent or Indian custodian are unable to afford counsel, counsel will be appointed to represent you.
3. You have the right, as the natural parent, Indian custodian, or Indian tribe, to have, upon request, up to twenty (20) additional days to prepare for the proceeding.
4. You have the right, as a parent, Indian custodian, or Indian tribe to petition the State Circuit Court for transfer of the proceeding to the children's tribal court.
5. The petitioner in this action is the State of South Dakota, and the name and address of the Petitioner is Kim Kusler, South Dakota Department of Social Services, Child Protection Services, 912 E. Sioux, Pierre, South Dakota 57501.

5. The petitioner in this action is the State of South Dakota, and the name and address of the Petitioner is Kim Kusler, South Dakota Department of Social Services, Child Protection Services, 912 E. Sioux, Pierre, South Dakota 57501.
6. The Court in which the action will be heard is the Sixth Judicial Circuit Court, Hughes County, South Dakota.
7. The date and time now set for the hearing is Thursday, the 10th day of March, 1994 at 9:00 o'clock a.m.
8. The Court's phone number is (605) 773-3711.
9. It is possible that the proceeding for foster care will have significant legal consequences with regard to your future custodial rights to the children, or if your parental rights are terminated in the proceeding, you will no longer be able to exercise parental custodial or any other rights with regard to the children.

Dated this 3rd day of February, 1994.



\_\_\_\_\_  
Mark Smith  
Hughes County State's Attorney  
P.O. Box 104  
Pierre, SD 57501

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 3<sup>rd</sup> of February, 1994, he mailed a true and correct copy of the foregoing Notice of Child Custody Proceeding Involving an Indian Child and Notice of Hearing to:

JOHN RIVERS, Tribal Judge  
Mobile/Washington Band of Choctaw  
1080 Reservation Rd.  
Mt. Vernon, AL 36560

and that said mailing was by U.S. registered mail, return receipt requested, with postage thereon prepaid and mailed at the U.S. Post Office in Pierre, South Dakota.

  
\_\_\_\_\_  
Mark Smith

EXHIBIT "B"



FRANCO WEAVER  
Tribal Chief  
JOHN RIVERS  
Tribal Judge

### MOWA BAND OF CHOCTAW INDIANS

1080 W. RED FOX ROAD  
MT. VERNON, ALABAMA 36580  
PHONE: (205) 829-5500

COUNCIL PEOPLE  
VERMA RAY  
Chairman  
SEBASTIAN WEAVER  
Vice Chairman  
CLAUDIA SNOW  
Secretary  
MERLE TAYLOR  
Treasurer  
NATALIA BRUSH  
MARTHA LYONS  
KEMBLE WEAVER  
DARRIN SNOW  
JOHNNY WEAVER, JR.  
JUDGAS LIPTON, JR.  
L. GORDON SNOW

March 29, 1994

Mr. David Wattler  
319 S. Coteau St.  
P. O. Box 280  
Pierre, SD 57501-0280

Dear Mr. Wattler:

As Tribal Genealogist for the Mowa Band of Choctaw Indians, I write this letter to verify that Carol Orso Hoeman is an enrolled member of the Mowa Band of Choctaw Indians. Her roll number is 4667.

Ms. Hoeman and her children are enrolled members of the Mowa Band of Choctaw Indians. If you have any questions please contact my office at 205 829-5500.

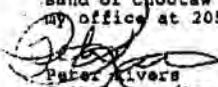
  
Peter Rivers  
Tribal Genealogist

EXHIBIT "C"

## ALABAMA INDIAN AFFAIRS COMMISSION

609 SOUTH LAWRENCE STREET  
MONTGOMERY, ALABAMA 36104J. LASHEED WEAVER  
CHAIRMAN  
JANE I. WEEKS  
EXECUTIVE DIRECTOR  
(5) 242-2831

FAX (205) 240-2806

March 31, 1994

RE: Orso Family - MOWA Choctaw - Indian  
Child Welfare

To Whom It May Concern:

This is to certify that the Alabama Indian Affairs Commission was established by legislative act in 1984 to represent seven tribal governments who are located primarily within the confines of the State of Alabama. These governments are state recognized and as such enjoy the rights and privileges of Indian governments of such standing.

Since the Commission was established two of these tribal governments petitioned the United States of America for federal recognition. The Poarch Band of Creek Indians of Escambia County, Alabama, and the MOWA (Mobile-Washington) County Band of Choctaw Indians.

The Poarch Band of Creek Indians were recognized in late 1984 and at the present time the Department of Interior, Division of Acknowledgment, has the petition of the MOWA Choctaw under consideration. Additionally, a bill was introduced for the federal recognition of the MOWA Choctaw in the United States Senate and House. It was heard in hearings and reported out favorably from both bodies last year. This year it was reintroduced, and has passed the U. S. Senate and is positioned in the U. S. House at this time.

Prior to the formation and continuing to this time several important factors pertaining to the tribal sovereignty of the MOWA Choctaw should be noted:

1. The MOWA Choctaw, because of their individual political standing as an Indian entity have the only state Indian Reservation land.
2. The MOWA Choctaw, because of their standing as an Indian tribe, receive funding from the HUD Indian Housing Set-aside; Energy Assistance monies; and, economic development monies from the Administration for Native Americans.
3. The MOWA Choctaw prior to the formation of this Commission and continuing to the present time, have a proclamation of Tribal recognition from

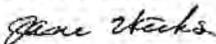
Page Two

the State of Alabama; and, they have a separate Choctaw Council which has long been recognized socially and politically by the State of Alabama through a legislative act as the one and only Choctaw Commission (for Choctaws) in the state.

I am attaching a copy of the original legislation establishing the AIAC, a list of Chiefs and Tribal leaders of those groups enumerated in the legislation, and if other information or specific cites and dates are needed, please contact my office OR the Office of the Secretary of the State of Alabama, Hon. Jim Bennett.

Because of the short time and the holiday period I am faxing this information to you and mailing other information in the hope that all parties in this matter will recognize the rights of this family as Indian people.

Yours very truly,



(Ms.) Jane L. Necks  
Executive Director

/jw

Attachments

cc: John Rivers - Office of Legal Service - MOWA Choctaw  
Framon Weaver - Tribal Chairman  
Callasnead Weaver - AIAC Chairman

**§ 41-9-715. Perpetual appropriation.**

There is hereby appropriated out of funds in the state treasury, not otherwise appropriated, the sum of \$125,000.00 perpetually funded for the commission, which shall begin May 8, 1984, for the operation of the commission, which funds shall be disbursed in accordance with a financial management system approved by the legislative council (Acts 1984, No. 84-257, p. 423, § 8.)

**§ 41-9-716. Annual report.**

The commission shall prepare a written annual report giving an account of its proceedings, transactions, findings and recommendations. This report shall be submitted to the governor and the legislature. The report will become a matter of public record and will be maintained in the state department of archives and history (Acts 1984, No. 84-257, p. 423, § 9.)

**§ 41-9-717. Fiscal records; annual audit; bond of certain members, etc., required.**

(a) Fiscal records shall be kept by the executive director or his/her designee, and will be subject to annual audit by the state examiner of public accounts. The audit report will become a part of the annual report.

(b) Commission members or employees of the commission who are responsible for receiving and disbursing commission funds shall be bonded in an amount satisfactory to the commission, but not less than \$50,000.00 (Acts 1984, No. 84-257, p. 423, § 10.)

- § 41-9-709 **BOARDS AND COMMISSIONS.** § 41-9-710
- same requirements and privileges as specified in subsections (b) and (c) and in any other applicable sections. Said member shall be granted the same voting powers accorded other members.
- (c) The commission shall elect a chairman of the commission from among its members. Members serving by virtue of their office within state government shall serve so long as they hold that office. The terms of office for all other members shall be for four years each, except for the initial appointments which shall be as follows: Four members for two years; two members for three years; and two members for four years. The initial term of office for persons who are granted membership upon the recognition of their tribe, band or group by the commission shall be as provided in subsection (b). The initial term and all subsequent terms of office of the member representing the Mvskoke and the Lower Creek Indian Tribe shall be four years. Each member shall serve until his successor is appointed. Members shall be eligible for reappointment. Upon the death, disability, resignation, removal or refusal to serve of any member, the governor shall appoint a qualified member of that tribe, band or group to fill the unexpired term of office. (Acts 1984, No. 84-257, p. 423, § 1; Acts 1985, No. 85-738, p. 1188, § 1.)
- Code commissioner's note. — Act 1984, 84-257 shall be known as the "David-Shaw Act." No. 84-877, provides that Act 1984, No. Act.*
- § 41-9-709. **Purpose.**
- The purpose of this commission shall be to deal fairly and effectively with Indian affairs, to bring local, state, federal resources into focus for the implementation or continuation of meaningful programs for Indian citizens of the state of Alabama; to provide aid for Indians as needs demonstrate; to assist Indian communities in social and economic development; to promote recognition of the right of Indians to pursue cultural and religious traditions considered by them to be sacred and meaningful to the American Indian; and to establish appropriate procedures to provide for legal recognition of any future Indian organization who desires state recognition. (Acts 1984, No. 84-257, p. 423, § 2.)
- § 41-9-710. **Powers and duties.**
- It shall be the duty of the commission to study, consider, accumulate, compile, assemble and disseminate information on any aspect of Indian affairs; to investigate relief needs of Indians of Alabama and to provide technical assistance in the preparation of plans for the alleviation of such needs; to confer with appropriate officials of local, state and federal government and agencies of those concerned with Indian affairs to encourage and implement coordination of applicable resources to meet the needs of Indians in Alabama; to cooperate with and secure the assistance of the local, state and federal governments or any agencies thereof in formulating any such
- § 41-9-711 **STATE GOVERNMENT** § 41-9-712
- Indian affairs adopted or planned by the federal government to the end that the Alabama Indian affairs commission secure the full benefit of such programs; provided, however, that such commission is hereby authorized to directly seek and receive from the federal government any grants, funds or other benefits which may be available for Indians; to review all proposed or pending legislation and amendments to existing state legislation affecting Indians in Alabama; and to conduct public hearings on matters relating to Indian affairs. (Acts 1984, No. 84-257, p. 423, § 3.)
- § 41-9-711. **Compensation.**
- The members of the Alabama Indian affairs commission shall receive no compensation for their services, other than reimbursement for travel and other expenses actually incurred in the performance of their official duties (Acts 1984, No. 84-257, p. 423, § 4.)
- § 41-9-712. **Time of meeting; notice; quorum; proxy vote prohibited.**
- (a) The commission shall meet monthly, and at such times that it shall deem necessary. Special meetings may be called by the chairman or by a petition signed by a majority of the members of the commission. Ten-day notice shall be given in writing prior to the meeting date. Such notice shall describe the matters to be discussed at the meeting.
- (b) A simple majority of the members of the commission shall constitute a quorum for the transaction of business at every monthly meeting of the commission or any special called meetings for the purpose of transacting business.
- (c) Proxy vote shall not be permitted. (Acts 1984, No. 84-257, p. 423, § 5.)
- § 41-9-713. **Executive director.**
- The commission shall hire an executive director for the commission. Such director shall serve as secretary of the commission and as chief administrator and executive officer of the commission, having general charge of the work of the commission under its direction, and shall hire such other personnel as may be necessary in carrying out the provisions of this article with the approval of the commission. The executive director shall always serve at the discretion of the commission. (Acts 1984, No. 84-257, p. 423, § 6.)
- § 41-9-714. **Authority to receive gifts, etc.**
- The commission is authorized to receive, and hold, gifts, devises, bequests or money, real estate and other things of value to be used in the support and development of its work for the commission. (Acts 1984, No. 84-257, p. 423, § 7.)

## ARTICLE 26

## ALABAMA INDIAN AFFAIRS COMMISSION.

§§ 41-9-700 through 41-9-707. Repealed by Acts 1984, No. 84-257, p. 423  
 § 12, effective May 8, 1984

§ 41-9-708. Creation; administration; composition; qualifications  
 chairman; terms of office; recognition and representation  
 of additional Indian tribes, bands, and groups.

(a) There is hereby created and established the Alabama Indian affairs  
 commission, hereinafter called the commission, which shall be administered  
 under the direction and supervision of the joint committee on administrative  
 regulations, as provided by section 41-22-22.

(b) The commission shall be composed of at least 11 members. All members  
 of the commission must reside in Alabama. Members shall include a member  
 of the state senate, appointed by the lieutenant governor, and a member of the  
 house of representatives, appointed by the speaker of the house of representa-  
 tives, seven Indian representatives from the seven tribes, bands, or groups in  
 the state of Alabama, and one member at large. The governor shall appoint  
 seven Indian members from recommendations submitted by each of the seven  
 Indian tribes, bands or groups, principally geographically located as follows:  
 The Poarch Band of Creeks of Escambia county, one member; the Mowa Band  
 of Choctaws of southwest Alabama, one member; the Star Clan of Muscogee  
 Creeks of Pike county, one member; the Echota Cherokee of Alabama, one  
 member; the Cherokee of northeast Alabama, one member; the Cherokee of  
 southeast Alabama, one member; and the Ma-Chis Lower Creek Indian Tribe  
 one member. Each of the seven identified groups shall have one member. The  
 commission shall appoint one Alabama resident, who is a member of a  
 federally recognized Indian tribe, band or group, that is not a member of any  
 tribe represented on this commission. The governor shall appoint one member  
 at large, who may be Indian or non-Indian; provided, however, that the  
 majority of the members of the commission shall always be Indian. All above  
 stated tribes, bands, and groups shall be state recognized upon passage of this  
 article. The commission shall have the power to recognize additional Indian  
 tribes, bands or groups. The commission shall adopt appropriate procedure for  
 such recognition process. Any recognized Indian tribe, band, or group shall be  
 entitled to have one representative on the commission who shall be appointed  
 for an initial term of three years by the governor and subject thereafter to the

## Senate of Alabama



MONTGOMERY, ALABAMA

OFFICE OF THE SECRETARY

## Resolution

DECLARING THAT ALL FEDERAL AND STATE ACTS AND JUDICIAL DECISIONS PERTAINING TO CHOCTAW INDIANS ARE REAFFIRMED AND DECLARING THAT ALL STATE AND COUNTY AGENCIES SHALL BE BOUND BY THOSE FEDERAL AND STATE ACTS AND JUDICIAL DECISIONS.

By Senator Lindsey

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby declares that all federal and state acts and judicial decisions pertaining to the Choctaw Indians within the boundaries of the State of Alabama are reaffirmed.

BE IT FURTHER RESOLVED, That we further declare that all state and county agencies shall be bound and subject to all federal and state acts and judicial decisions pertaining to Choctaw Indians residing within the State of Alabama.

I hereby certify that the above is a true, correct and accurate copy of Senate Resolution No. 4, filed with the Senate of Alabama on January 11, 1994.

*McDowell Lee*  
 McDowell Lee  
 Secretary of Senate



103D CONGRESS  
2D SESSION

# S. 282

---

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1994

Referred to the Committee on Natural Resources

---

## AN ACT

To provide Federal recognition of the Mowa Band of  
Choctaw Indians of Alabama.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Mowa  
5 Band of Choctaw Indians Recognition Act".

## 1 FEDERAL RECOGNITION

2 SEC. 2. Federal recognition is hereby extended to the  
3 Mowa Band of Choctaw Indians of Alabama. All Federal  
4 laws of general application to Indians and Indian tribes  
5 shall apply with respect to the Mowa Band of Choctaw  
6 Indians of Alabama.

## 7 RESTORATION OF RIGHTS

8 SEC. 3. (a) All rights and privileges of the Mowa  
9 Band of Choctaw Indians which may have been abrogated  
10 or diminished before the date of enactment of this Act by  
11 reason of any provision of Federal law that terminated  
12 Federal recognition of the Mowa Band of Choctaw Indians  
13 of Alabama are hereby restored and such Federal law shall  
14 no longer apply with respect to the Band or the members  
15 of the Band.

16 (b) Under the treaties entered into by the ancestors  
17 of the Mowa Band of Choctaws, all historical tribal lands  
18 were ceded to the United States. Congress does hereby ap-  
19 prove and ratify such cession effective as of the date of  
20 the said cession and said cession shall be regarded as an  
21 extinguishment of all interest of the Mowa Band of Choctaws,  
22 if any, in said lands as of the date of the cession.  
23 By virtue of the approval and ratification of the cession  
24 of said lands, all claims against the United States, any  
25 State or subdivision thereof, or any other person or entity,  
26 by the Mowa Band of Choctaws, including but not limited

1 to, claims for trespass damages or claims for use and occu-  
2 pancy, arising subsequent to the cession and that are  
3 based upon any interest in or right involving such land,  
4 shall be regarded as extinguished as of the date of the  
5 cession.

6 (c) The Mowa Band of Choctaws has no historical  
7 land claim and cannot, and shall not utilize its Federal  
8 recognition as provided by this Act to assert any historical  
9 land claim. As used herein, "historical land claim" means  
10 a claim to land based upon a contention that the Mowa  
11 Band of Choctaws, or its ancestors, were the native inhab-  
12 itants of such land or based upon the Mowa Band of Choc-  
13 taws' status as native Americans or based upon the Mowa  
14 Band of Choctaws' Federal recognition as provided by this  
15 Act.

16 (d) Except as otherwise specifically provided in sec-  
17 tion 4 or any other provision of this Act, nothing in this  
18 Act may be construed as altering or affecting—

19 (1) any rights or obligations with respect to  
20 property,

21 (2) any rights or obligations under any con-  
22 tract, or

23 (3) any obligation to pay a tax levied before the  
24 date of enactment of this Act.

## LANDS

1

2       SEC. 4. (a) All legal rights, title, and interests in  
3 lands that are held by the Mowa Band of Choctaw Indians  
4 of Alabama on the date of enactment of this Act are here-  
5 by transferred to the United States in trust for the use  
6 and benefit of the Mowa Band of Choctaw Indians of  
7 Alabama.

8       (b)(1) Notwithstanding any other provision of law,  
9 the Mowa Band of Choctaw Indians of Alabama shall  
10 transfer to the Secretary of the Interior, and the Secretary  
11 of the Interior shall accept on behalf of the United States,  
12 any interest in lands acquired by such Band after the date  
13 of enactment of this Act. Such lands shall be held by the  
14 United States in trust for the benefit of the Mowa Band  
15 of Choctaw Indians of Alabama.

16       (2) Notwithstanding any other provision of law, the  
17 Attorney General of the United States shall approve any  
18 deed or other instrument used to make a conveyance  
19 under paragraph (1).

20       (c) Any lands held in trust by the United States for  
21 the benefit of the Mowa Band of Choctaw Indians of Ala-  
22 bama by reason of this section shall constitute the reserva-  
23 tion of such Band.

24       (d) The Congress finds that the provisions of this sec-  
25 tion are enacted at the request of the Mowa Band of Choc-

1 law Indians of Alabama and are in the best interests of  
2 such Band.

3 SERVICES

4 SEC. 5. The Mowa Band of Choctaw Indians of Ala-  
5 bama, and the members of such Band, shall be eligible  
6 for all services and benefits that are provided by the Fed-  
7 eral Government to Indians because of their status as fed-  
8 erally recognized Indians and, notwithstanding any other  
9 provision of law, such services and benefits shall be pro-  
10 vided after the date of enactment of this Act to the Band,  
11 and to the members of the Band, without regard to the  
12 existence of a reservation for the Band or the location of  
13 the residence of any member of the Band on or near any  
14 Indian reservation.

15 CONSTITUTION AND BYLAWS

16 SEC. 6. (a) The Mowa Band of Choctaw Indians of  
17 Alabama may organize for its common welfare and adopt  
18 a constitution and bylaws in accordance with regulations  
19 prescribed by the Secretary of the Interior. The Secretary  
20 of the Interior shall offer to assist the Band in drafting  
21 a constitution and bylaws for the Band.

22 (b) Any constitution, bylaws, or amendments to the  
23 constitution or bylaws that are adopted by the Mowa Band  
24 of Choctaw Indians of Alabama shall take effect only after  
25 such constitution, bylaws, or amendments are filed with  
26 the Secretary of the Interior.

## MEMBERSHIP

1  
2 SEC. 7. (a) Until a constitution for the Mowa Band  
3 of Choctaw Indians of Alabama is adopted, the member-  
4 ship of the Band shall consist of every individual who—

5 (1) is named in the tribal membership roll that  
6 is in effect on the date of enactment of this Act, or  
7 (2) is a descendant of any individual described  
8 in paragraph (1).

9 (b) After the adoption of a constitution by the Mowa  
10 Band of Choctaw Indians of Alabama, the membership of  
11 the Band shall be determined in accordance with the terms  
12 of such constitution or any bylaws adopted under such  
13 constitution.

## REGULATIONS

14  
15 SEC. 8. The Secretary of the Interior shall prescribe  
16 such regulations as may be necessary to carry out the pur-  
17 poses of this Act.

Passed the Senate March 10 (legislative day, Feb-  
ruary 22), 1994.

Attest:

WALTER J. STEWART,

*Secretary.*

TESTIMONY OF JACQUELINE A. MATTE, HISTORIAN<sup>1</sup>

## OVERVIEW OF THE HISTORY OF THE MOWA CHOCTAWS

Mr. Chairman, it is my privilege to appear before this committee in support of proposed legislation for the Choctaws of Mobile and Washington Counties, Alabama, hereinafter referred to as MOWA's, a name selected to represent their modern day geographic location.

The MOWA Choctaws seek congressional reaffirmation under the provisions of Dancing Rabbit Creek, Article 14. They have fulfilled the arbitrary and ever-expanding interpretations of requirements for Federal Acknowledgement by the Bureau of Indian Affairs.

The Bureau of Indian Affairs established seven criteria for tribal recognition as published at 25 CFR, Chapter 1, Section 83.7. The MOWA petition for Federal Acknowledgement was submitted in 1988. Three years later, the BIA reviewed it and sent an Obvious Deficiency Letter to MOWA Chairman Framon Weaver February 15, 1990. Many of the requests were unreasonable when one thinks in terms of a people without a written language, and who in the 20th century were denied an education because of their anomalous position in society. However, volunteers completed this work, because no funds were available. In October 1991, the MOWA submitted the additional documentation and analysis

requested by the BIA, which should more than fulfill the criteria. Furthermore, additional documented information has been submitted periodically as volunteers continue the research, the most recent submission being in December, 1993.

Notwithstanding the fact that the MOWA Choctaws have been victimized by the BIA's enormously expensive, unreasonable, and time consuming process, there are also historical reasons why congressional recognition is required for this tribe. Some progenitors of the MOWA were never allowed to register for their right to remain in their ancestral homeland, but were never removed; others were signatories on the Treaty of Dancing Rabbit Creek.

The Choctaws were one of the southern tribes of Muskogean stock located between the Tombigbee River and the Mississippi River. Choctaws inhabited this area west of the Tombigbee River at the time of first European contact. Although tribal lands were ceded by a series of treaties to European countries and the United States, Choctaws remained on the land even after the removal treaty of Dancing Rabbit Creek in 1830.<sup>2</sup> Article XIV of Dancing Rabbit Creek Treaty provides that: "Each Choctaw head of a family being desirous to remain . . . shall be permitted to do so . . . Persons who claim under this article shall not lose the privilege of a Choctaw citizen." Only 69 Choctaws were "permitted" to remain. Some agreed to go West; others refused to leave their homeland, but were never allowed to register for a

reserve. Also, Brashear v. Williams (10 Ala. 630) established that "The act of 1832 extending the jurisdiction of this State over the Indian territory does not . . . take his citizenship as a Choctaw--the treaty securing the right of resuming his status in the tribe at pleasure and the right to live under his own laws and customs."<sup>3</sup> Participants in this case are ancestors of MOWA Choctaws. The progenitors of today's MOWA Choctaws were defrauded of their rights under the Treaty of Dancing Rabbit Creek.

#### RESEARCH PROCESS

This brief overview, taken from the petition prepared for the BIA, describes how the contemporary MOWA Choctaw Band evolved in this locality and the duration and degree to which they have maintained communal autonomy. This required examining not only those tribes which occupied aboriginally the area along the Tombigbee River, but also records relating to Choctaws through the Removal Period to the present. A chronology of documentation is attached.

Historical references to Choctaws living along the Tombigbee are found in records of the earliest European explorers to this area dating back to the Spanish exploration in the 1540s.<sup>4</sup>

Federal, state, and local government correspondence, reports, and testimony, plus records of the Choctaw Trading House

at St. Stephens on the Tombigbee in Washington County, Alabama record the tribal interaction of both full-blood and mixed-blood Choctaws who lived in this vicinity. Further evidence of their continuing tribal presence is documented in historical, anthropological, legal, and religious reports, manuscripts, journals, newspapers, and books.

Genealogical research conducted in connection with the MOWA petition for tribal recognition positively establishes the continuity of the south Alabama Choctaw tribe that is today the MOWA's from the period of first European contact through the present day. Sixty-one pieces of correspondence with the federal government, plus census records, court records, applications made under the Dawes Act, newspaper accounts, and genealogy confirm the right of the MOWA Band of Choctaws to claim recognition under the provisions of Dancing Rabbit Creek Treaty.

#### GEOGRAPHIC LOCATION

The Tombigbee River was the traditional eastern boundary of the Choctaws (not the Mississippi state line). Although this land (where the MOWA Choctaws live now in Alabama) had been ceded to the United States in the treaties of 1802 and 1805, these events did not, however, result in a withdrawal of the Choctaw presence from the area. Government documents, plus other accounts continued to be generated year after year which described the Choctaw living and hunting in the environs of

Mobile and Washington Counties,<sup>5</sup> as did their aboriginal kinsmen.<sup>6</sup> The MOWA Band live today on land which was traditionally and aboriginally Choctaw. While their territory today does not cover as large an area as it did in earlier time periods, it is concentrated within the original boundaries.

Contemporary settlements cluster around two core areas, forming almost contiguous occupation along the roads and area west of Highway 43, from just south of Mt. Vernon, Alabama to about three miles north of McIntosh, Alabama. The area encompassed is approximately fifteen miles long and ten miles wide. A distance of less than a mile separates the northernmost settlement in Mobile County from the southernmost settlement in Washington County. SEE MAP

#### COMMUNITY ORIGIN

Though not named the MOWA Band in the earlier years, this group established a community on the west bank of the Tombigbee River in what is now southwestern Alabama in the late eighteenth century. Forced out by non-Indian settlers, they formed two clusters near the "forks" of the Tombigbee and Alabama rivers part of a general catchment area where Indians and mixed bloods from several tribes had resided since the late 1700s. The section of Alabama in which the MOWA community formed was the dividing line between Choctaw and Creek territories, and a

natural cross-roads for the entry of Cherokee refugees from Georgia and the Carolinas.

It was also where the first European contacts were made; Mobile was established by the French in 1702 for trade with Indians. The process by which the MOWA Choctaw tribe came into existence, comprised of refugees from several different bands, is highly consistent with the historical record of the area. The incorporation of other Native American families into the founding group reflects the complex and transient nature of tribal formations in the "forks" of the Alabama/Tombigbee River area; conditions that had existed previously for at least a hundred years, and perhaps much longer.

Contemporary tribal members are descendants of the founders of these earliest settlements formed during the period between the Choctaw treaty of 1805 and the removals of the 1830s. The founders were full and mixed-blood Choctaws and one Cherokee family, all of whom had been dislocated by Euro-American intrusion into their respective nations. The Cherokee family joined the Choctaws when one of their sons married a Choctaw woman.

#### SETTLEMENTS

The names attached to the original settlement areas were Kun-sly, which referred to the Mile 36 area, the mouth of Cedar

Creek, in Mobile County, and Kun-shak, designating the vicinity of Reeds Chapel Church in Washington County. Although the elders no longer know the specific derivation of these names they refer to the areas by these Choctaw names. Kunshak is a Choctaw word which translates as "reedbrake people." Kunsha is the name of one of the eight (or six) clans (iksas) in the Choctaw Nation.<sup>7</sup> It is our belief that the names of the early MOWA settlements are based on both of these meanings of the Choctaw word, kunsha and is further evidence of tribal continuity.

#### PROGENITORS

Choctaws had a democratic governmental system that divided the nation into three districts--the Northwestern, the Northeastern, and the Southern--each with a mingo (principal chief), elected by the men of the district, who served as the executive head.<sup>8</sup> From the late 1700s until his death in 1824, Pushmataha was the District Chief of the Southern district, where the ancestral families of the MOWA Choctaws lived.

In the Choctaw Treaty of 1802, "one of the Choctaw chiefs who signed this treaty on behalf of the Lower Towns was 'Poosha mattahaw' (Pushmataha) of the Six Towns District, who lived near St. Stephens.<sup>9</sup> Ancestral lines trace to Pushmataha, his chiefs and sub-chiefs. Sub-chiefs who lived along the Tombigbee at this time were Chief Hoshi Homma (Captain Red Bird) was near Fort Stoddert (now Mt. Vernon, AL), Pia Mingo Hometah, near St.

Stephens, and Elah Tubbee (Chief Tom Gibson) who lived in what is now Millry in Washington County, AL.

Pushmataha was a member of the kunsha clan. Phoebe Juzan, niece of Pushmataha and also a kunsha, is among the ancestors of the MOWA Band. She was a sister of Oklahoma, the nephew who succeeded Pushmataha as principal chief of the Southern District. Oklahoma was followed by Nittakechi. The Southern District was comprised of several sub-districts, one being the Six Towns led at the time of Removal by Chishehoma (Capt. Red Post-Oak). The Six Towns were further divided into six settlements, with Elah-tubbe (Capt. Tom Gibson) being the leading man for Killis tamaha, "English town." The historical importance of the kunsha clan within this particular area may further explain the names of these settlements.

The settlement of Kunsly was led by Hoshi Homma, (Captain Red Bird). Hoshi Homma's fame and popularity led to his becoming a folk hero and the name of "Captain Red Bird" was given to later tribal leaders including Peter Cole and Lemuel Byrd. They were joined by descendants of Elah Tubbee, (Chief Tom Gibson) and other Six Towns Choctaw who resettled in Kunsly in the late 1830s.<sup>10</sup> Also, joining them was the Byrd-Weaver extended family of Cherokees who had been driven out of Georgia and North Carolina.<sup>11</sup>

Kunshak, located in the vicinity of High Hill, was formed by the remnants of a small band of Choctaws led by Pia Mingo Hometah, Chief of Hobuckintoopa (St. Stephens). After ceding his land in 1803, Pia Mingo Hometah and his extended family lived on High Hill. They were joined by members of a family known by the surname Reed, descendants of Kalioka, also a kunsha, and Young Gaines.<sup>12</sup>

Land loss and white population growth,<sup>13</sup> forced them to become concentrated into the contemporary area described above as a separate Indian community, distinct from whites or blacks.

#### LAND FRAUD AND DISFRANCHISEMENT

The decades after Removal Act of 1830 were ones of geographic shifting and uncertainty for all Southeastern Indian tribes. Land cessions and fraudulent actions by public officials generated by the Choctaw Treaty of Dancing Rabbit Creek brought an influx of Six Town Choctaws into the Tombigbee River basin from other parts of the Nation.<sup>14</sup>

Uprooted Choctaw emigres found refuge with in the mixed-blood Indian settlements in the heavily forested, almost inaccessible terrain. Neighborly interaction, economic cooperation, and marriage ties among the residents of these localities engendered a strong sense of common identity, based on shared Indian ancestry, reinforced by kinship. Although, external pressures

strongly mitigated the overt expression of tribal, or even Indian, identity, the Choctaw emigres petitioned the federal government, with the aid of resident Choctaw mixed-bloods who, periodically, secured help from local influential citizens for over a quarter of a century.<sup>15</sup>

#### DOCUMENTED PRESENCE

Record Group 75 of the National Archives and Record Center, Letters Received and Letters Sent, contain correspondence between Six Towns Choctaws of Mobile, Alabama and the federal government from 1840 to 1860. Sixty-one letters, petitions, and/or reports firmly establish their presence and connections with resident mixed-blood Choctaws in Alabama; also, testimony taken in 1838 explains why the Six Towns Choctaw were not registered at the Treaty of Dancing Rabbit Creek.<sup>16</sup>

Six Towns Choctaw, leading chief Chishahomah, alias Red Post Oak, attempted to sign up the people of all the Six Towns under Article 14, of Dancing Rabbit Creek Treaty. In this treaty, Choctaws negotiated with the United States for the right to remain in their homeland. This right was denied because of actions of the U. S. Agent, Col. William Ward. Chishahomah and his people--including Elah-tubbee (Chief Tom Gibson), village chief of English Town--tried to get the United States government to fulfill its treaty obligations, but to no avail. They were never registered, nor were they ever removed West.

For the next 25 years, remnants of the Six Towns sought relief from government agents whose schemes to defraud them of their land (and later, land scrip--certificates in lieu of land) stripped them of all their possessions. They were landless in Mississippi and turned to their mixed-blood Choctaw kinsmen in Alabama for shelter and support.

Another fraudulent scheme perpetrated by agents who contracted with the U.S. government to emigrate the Choctaws west was to promise them that they would escort them for half of their "Indian money"; for the other half, they would bring them back, sign them up under different names and emigrate them again. This was in addition to money the government paid the contractor for "furnishing" the Indians, little of which they ever received.

Choctaw leaders, speaking for the group, asked leading citizens of Mobile, Alabama, including the mayor, to write to the U.S. Government asking that they receive the land or money due them, to allow them to select their own emigrator, specifically William Fisher of Mobile, AL<sup>17</sup> and not to assign any more fraudulent agents who were trying to cheat them out of their "Indian money." Finally in 1856, after two decades of swindles by self-serving government agents and unscrupulous lawyers, the Commissioner of Indian Affairs instructed Agent Douglas H. Cooper to take a census of Choctaws remaining east of the Mississippi River--514 members of the Six Towns Choctaws were living in

Mobile, Alabama and Jasper and Newton Counties, Mississippi. The last correspondence--prior to the Civil War--in September 1860, stated there was no agent and no more plans for removing Choctaws west. The Bureau of Indian Affairs abandoned its duty.

When the Civil War started the Choctaw men were recruited by the Confederate States of America. Government documents record their unit, officers, location, battles, and death.<sup>18</sup> While the majority of the men were killed, their women and children were left and the tribe survived. They were joined by the Choctaw family of Alexander Brashears who repeatedly petitioned the United States government under the provisions of the 14th and 19th Articles to register all members of his extended family; he was one of the 69 persons who managed to register to become a citizen under its provisions in Dancing Rabbit Creek Treaty.<sup>19</sup> Delilah (Juzan) Brashears Wall, who was also registered under Art. 14, brought suit to retain her citizenship as a Choctaw in the state of Alabama and won because the Treaty of Dancing Rabbit Creek provided that persons who claimed under it "shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not entitled to any portion of the Choctaw annuity."<sup>20</sup>

Some of the Choctaws went over the Alabama-Mississippi state line to find work and in the 20th century were rediscovered as "Mississippi Choctaws"; others stayed in Alabama because they had

joined the tribe of resident mixed-blood Choctaw families who lived on public land in the villages described above. Their families intermarried, had children, built cabins, and supported themselves by working on farms, hunting, and cutting wood in the forests for sale in Mobile. Indian names were lost as they took Anglo-Saxon names--Polly, Nancy, William, John, James--and added the last name of local landowners of French ancestry, e.g., Laurendine, Bru, Andre, Chastang.<sup>21</sup> In December 1993, additional government-generated documents were submitted to the Bureau of Indian Affairs with instructions to place them with other documents sent by MOWA Choctaws and to review this additional information conjunction with the "Letters Sent & Received" referred to below.

Dawes Enrollment Applications of ancestors of MOWA Choctaws show that some were identified and some were refused. Those who were identified were elderly and spoke the Choctaw language. The younger ones were refused because they had no documentation to prove who their Choctaw ancestors were and because they did not speak the Choctaw language, although they understood it. Also, it appears the younger ones were refused because they were not full-blood, but three-quarters or one-half.

Oral testimony given by the elders to the genealogist who prepared the ancestor charts included in the Obvious Deficiency Report, led to the attached applications which contain

information confirming the elders' testimony. Further, letters received from Choctaws in Mobile during the 1830s through 1850s substantiate the identity of the applicants.<sup>22</sup> (See complete reference in chronology submitted in earlier testimony.)

Unfortunately, the 1901 applicants had no copies of these letters because the Choctaws had to have local officials write the letters for them. Although identified Choctaw witnesses testified to having known the applicants and in some cases the applicants' parents, the applicants were rejected for not being able to show written proof of their Choctaw ancestry. We submit these letters as written documentation in support of these 1901 applications and also in support of their descendants, the MOWA Choctaws of Alabama. Genealogical charts of current MOWA Choctaw tracing back to these petitioning Choctaw in the 1850s and to the 1901 Dawes enrollment applicants were submitted to the BIA.<sup>23</sup>

Descendants of these Choctaws are on the current MOWA roll and have always been part of the MOWA community from the late 1830s when they joined their resident kinsmen, the mixed-blood Choctaw families in the Mobile-Washington County area.

#### TRIBAL ACTIVITY

During the two decades between 1840 and 1860, tribal cohesion based on kinship and Indian identity was further strengthened as these Six Town families formed alliances with the

progenitor families and their offspring. Their tribal community expanded during a period of intense prejudice against Indians and developed within an environment of increasing hostility against non-whites in general.

During this era, they established their own religious institutions in the Kunsly and Kunshak villages, specifically to the "mother" churches, Reeds Chapel and Byrd Church (now Aldersgate). The schools and churches of the MOWA Choctaw community are and have been historically closely connected. Before Indian removal and the subsequent closing of the Mission Board churches and schools east of the Mississippi, the American Board of Missionaries sent missionaries into Washington County, Alabama. For example, the Reverend Alfred Wright, a missionary at the Choctaw mission and school at Goshen operated by the American Board of Commissioners for Foreign Missions, visited the Choctaw settlement in Washington County in 1824.<sup>24</sup> His report confirms oral history which credit Rev. Wright with helping organize the church that became Reeds Chapel. Lack of further reports during this time reflect the disruption of Indian Removal and turmoil of the Civil War until the 1880s when mission work began again sporadically "among the scattering bands that still cling to the land of their forefathers."<sup>25</sup>

## PUBLIC LOSS OF INDIAN IDENTITY

During the period of the Civil War and Reconstruction, ancestors of the MOWA Choctaw are shown in military records of the Confederate States of America, U.S. Census records, court records, homestead applications, newspaper and journal writings, but not always as Indians. Given both the difficult conditions and total pre-occupation with the War in the South, this does not appear unusual. Designations as Indian reappear sporadically, however, towards the later decades of the nineteenth century, particularly in United States Censuses, religious periodicals and reports, and legal proceedings.<sup>26</sup> MOWA ancestors applied for enrollment as Choctaws under the Dawes Commission Act, but were rejected when the rules were changed to admit only full-bloods.<sup>27</sup>

At the beginning of the twentieth century, Choctaws of the MOWA Band are again designated as Indian in federal records: 1900-1920s Hearings before the Sub-Committee of the Committee on Indian Affairs, House of Representatives, on the Subject of the Enrollment of the Five Civilized Tribes;<sup>28</sup> 1903 List of Persons whose names appear on Identification Roll of Mississippi Choctaws;<sup>29</sup> in 1907, John D. Beck, Indian Agent on behalf of the Indians in South Alabama enrolled all Indians in South Alabama and West Florida (Creek, Cherokee and Choctaw) on the Eastern Cherokee Roll;<sup>30</sup> 1910 U.S. Census identified 172 Indians in Washington County and seven in Mobile County; 1920 U.S. Census

identified 10 in Washington County and 12 in Mobile County; and, in 1930 U.S. Census identified zero in Washington County and 50 in Mobile County.

#### INDIAN IDENTITY REDISCOVERED BY PUBLIC

In 1934, Mrs. Elvin Byrd, a teacher of the Choctaw children wrote to the Commissioner of Indian Affairs, U.S. Department of the Interior. In response to her letter, Samuel H. Thompson, Supervisor of Indian Education submitted a "Report on Remote Groups of Indians made during the month of October, 1934: Alabama."<sup>31</sup> In 1935, the United States Senate ordered a report on the claims of the Choctaw Indians of Mississippi, Alabama and Louisiana; similar reports followed in 1936 and 1938. Senate Report number 781 reported that "approximately 1800 individuals . . . live in small communities chiefly in Mississippi, Alabama and Louisiana, following to a large degree their primitive customs, and who had until recent years neither government nor state aid, education or otherwise."<sup>32</sup>

During World War II, several men from the MOWA community served in the military and were identified as "Indian."<sup>33</sup> In 1948, William Harlen Gilbert, Jr., in the Annual Report of the Board of Regents of the Smithsonian Institution, included the Indians of Mobile and Washington Counties.<sup>34</sup> In 1949, the Choctaw Indians of Alabama and Mississippi filed a claim with the Indian Claims Commission.<sup>35</sup> Although several contemporary MOWAs

signed up for these claims, federal records on this case have not been searched because of the enormous cost involved.<sup>36</sup>

In the 1950s, in an effort to receive some type of assistance and recognition for all Indians in south Alabama, the MOWA Choctaws worked with Creek Chief, Calvin McGhee, to improve the conditions for all Southern Indians and bring their plight to the attention of the Indian Affairs Commission in Washington.<sup>37</sup> This organization, "Kinsmen of Indians for Liberty, Reform, Opportunity, and Instruction in Civic Affairs" (KILROI) was formed as a "political union of redmen."<sup>38</sup> "A Washington County Chapter of KILROI, an organization of persons of Indian descent and their kinsmen, was chartered in McIntosh. Membership in the county and state organizations include descendants of Choctaw, Chickasaw, and Cherokee Tribes as well as Creeks."<sup>39</sup>

When the federal government settled these Indian Claims Commission cases, and the Mississippi Choctaws and the Poarch Creeks emerged as "recognized Indians," the MOWAs were promptly forgotten by their former friends and allies. However, this did not deter the MOWAs.

#### MOWA CHOCTAW TRIBAL ACTION

In the 1960s, leaders of the MOWA Choctaw community prevented an attempt to close all Indian schools in Mobile and Washington County because of the special nature of the

schools.<sup>40</sup> Prior to desegregation, there were seven schools (three in Mobile and four in Washington County) exclusively serving the MOWA Choctaw settlements. The schools located in the two larger settlement areas (Reeds Chapel and The Level) are still in operation. Their continuation was a compromise exception to a desegregation order related to southwest Alabama which closed the other MOWA schools in the early 1970s. After negotiations between tribal leaders and county school officials following this desegregation order, these two schools were permitted to remain in operation. The federal courts under Judge Virgil Pittman, specifically, ordered that one Indian school in each county remain in operation. The students, teachers, and administrators in these two schools are nearly all tribal members, and there is much parental involvement.<sup>41</sup>

Also during this same time period, tribal leaders contacted the Equal Opportunity Commission and started negotiations with industries in the area to hire Indians for the first time.<sup>42</sup> Their efforts coincided with a federally funded program headquartered in Mobile, (Off-Reservation Indian Manpower Program) designed to provide training and employment opportunities for American Indians who live in Alabama.<sup>43</sup>

By the 1970s, a formal tribal council had been in place for more than a decade. A report of the American Indian Policy Review Commission described the Choctaws in Mobile and Washington

counties as a "Non-recognized tribe" in 1976.<sup>44</sup> In 1979, the Governor of Alabama, Fob James, signed into law a bill recognizing the historical rights to sovereignty of Choctaws of Mobile and Washington County, Alabama, which rights were confirmed in 1980 by Attorney General of Alabama, Charles Graddick.<sup>45</sup>

The MOWA Band of Choctaws began receiving funds for Indian programs in 1980 from the United States Government, programs that continue today. In 1980 the U.S. Department of Education funded Indian Education under Title IV.<sup>46</sup> Among recent "tribal" actions of the MOWA Choctaws, in 1983 the tribe purchased back 160 acres of their tribal lands, an area known historically by the MOWA Choctaws as "The Level" (near location of Byrd Church). Since 1983, additional acreage has been procured, bringing the total of tribal lands to 299 acres. The lands acquired have strong historic significance and are strategically located on the boundary line between Washington and Mobile counties. Tribal economic development projects, including raising cattle, catfish, alligators, and ornamental shrubbery, are presently underway on this acreage; another portion has been developed as a permanent pow wow grounds. The MOWA Choctaws use their tribal property to continue and preserve their tribal customs and ceremonies. Practices in MOWA Choctaw ceremonies, as well as customs and practices used in the agricultural projects conducted on MOWA Choctaw land, reflect a distinct Choctaw heritage.

## HISTORIC TRIBAL COHESIVENESS

From the earliest times up to the present, the territorial and economic organization of the MOWA tribe has rested on a dense network of kin ties. Kinship greatly facilitates cooperative cohesion among the MOWAs, and settlement patterns strongly reflect genealogical relationships. Nearly ten generations ago, the MOWA progenitors and their immediate descendants established the basis for an enduring kin-based community organization -- a structure of relationships yielding a quality and density of social ties that are generically "tribal" in character. While most mixed-blood Indians who avoided removal chose the alternate course of "detrribalization," blending individually into the black and white frontier society that surrounded them, the MOWA progenitors did not choose to follow this path. That they opted instead to establish an ever expanding, ever more visible community -- forms a critical distinction. The MOWA Choctaws have never relinquished control of their churches and, indeed, during the 1930s established the "Indian Association of Churches." Perhaps more than any other facts, circumstances and events, the continuous existence of the MOWA Choctaw churches and schools, and the support and maintenance of these institutions by successive generations of the same Choctaw families, proves the existence and continuity of the MOWA Choctaw tribe.

Despite very substantial changes in the economy and political system in their surrounding area over time, the

development within the MOWA Choctaw communities has followed a highly consistent pattern. Land losses and adverse political and societal conditions had strong negative impacts on the economic well-being of the MOWAs, but did not precipitate the dissolution of their community structure. Presently, there are 23 named MOWA Choctaw "settlements" within the MOWA community and twenty MOWA churches located within those settlements. The size and distribution of contemporary Mowa Choctaw settlements strongly reflect historical patterns. Heavy concentrations of MOWA families surround the two original nuclei (Kunsly and Kunshak): 38% of present MOWA Choctaw tribal members live within two miles of Reeds Chapel and another 22% are within two miles of Byrd Church.

For more than 175 years the MOWA Choctaws have comprised a distinctive group. More than 70% of the 3,500 enrolled members reside within the triangle bounded on the north by McIntosh, south by Mt. Vernon, and west by Citronelle, an area that is only ten miles wide and 15 miles long. This total area contains few inhabitants who are not part of the MOWA tribe. Social, religious, and economic interaction occurs regularly among the residents of this territory. From the standpoint of territorial integrity and separateness of institutions, the MOWA Choctaw Band clearly constitutes a distinct community within the region of southwest Alabama.

## COST OF CONTINUING RESEARCH TO SATISFY BIA CRITERIA

The Administration of Native Americans provided a research grant, which funds were used to prepare the initial petition submitted to the BIA in 1987. Since that time, research to fulfill additional requirements of the BIA as specified in their Obvious Deficiency Letter, has been continued by volunteers.

Although the research has been done by volunteers, the time required and the expense of copying documents to fulfill BIA requests has been enormous. For example, in order to fill what they saw as a gap in "community cohesiveness" from Reconstruction to the turn of the 20th century, Homestead records were secured showing witnesses for applicants covering the period from 1870s-1900s. Previously in 1987, approximately 125 abstracted original entry land records were submitted. From these records, a researcher spent two days at the General Land Office, at Suitland, MD, securing "Homestead Proof--Witness Testimony" pages from 55 of these voluminous Homestead files in order to show that names recorded before the turn of the century as witnesses for each other are the same as their descendants on roll today. From 1800 forward, less than a five-year gap appears between documentation of existence of the MOWA Choctaw tribe as a distinct, cohesive community.

ENDNOTES

1. Mrs. Matte holds a Master's degree in History, as well as a Master's degree in Education. She is the author of the History of Washington County: First County in Alabama, which includes a chapter about the MOWA Band of Choctaws. She is a teacher of history in Mountain Brook School System in Birmingham, Alabama and is a 1990-91 Recipient of the National Endowment for the Humanities Teacher-Scholar Award.
2. NARC, RG 11, M668, Ratified Treaties (and correspondence), United States Treaties with the Choctaw Nation from 1786 through 1830; Choctaw Muster rolls, War of 1812; correspondence with General Jackson relative to the Choctaws supporting United States in War of 1812, NARC Military Records, Indian Affairs, located at Alabama Department of Archives & History.
3. 10 Ala. 630 Brashear v. Williams and 11 Ala. 826 Wall v. Williams, 1840s. Delilah Brashears was daughter of Charles Juzan and Phoebe, a Choctaw and wife of Jesse Brashears until his death prior to DCR Treaty. These cases have been quoted involving issues on Indian marriage and inheritance, acting as precedent in 32 cases through 1979.
4. Peter J. Hamilton. Colonial Mobile. Reprint of 1910 Revised Edition with Introduction and Bibliography by Charles G. Summersell, ed. University, AL: The University of Alabama Press, 1976, pp. 9-13; Angie Debo. A History of the Indians of the United States. Norman, OK: University of Oklahoma Press, 1970, 30; John R. Swanton. "The Indians of the southeastern United States," Smithsonian Institution, Bureau of American Ethnology, Bulletin 137. Washington: Government Printing Office, 1946; "Source material for the Social and Ceremonial Life of the Choctaw Indians," Smithsonian Institution, Bureau of American Ethnology, Bulletin 103. Washington: Government Printing Office, 1931; Dunbar Rowland, ed., Mississippi Provincial Archives: French Dominion. Vol. I. Jackson, MS: Press of the Mississippi Department of Archives and History, 1927:44, 143.
5. NARC, RG 75, M234, M21; James Stuart, Three Years in North America, Vol. II. New York: J & J Harper, 1833, pp. 122-123; Frederic Bremer, The Homes of the New World: Impressions of America (1847-1849), Vol. II. New York, 1853; Charles Lanman, Adventures in the Wilds: The U.S. and British America, Vol. 2, 1856, pp. 190-197; Harriet E. Amos, Cotton City: Urban Development in Antebellum Mobile, University of Alabama Press, 1985 (copy from dissertation, pp. 23-25); Prieur Jay Higginbotham, The Mobile Indians, Mobile, AL, 1966, p. 80; Caldwell Delaney, The Story of Mobile. Mobile, AL: Gill Printing Company, 1953, p. 77-78; Frances Beverly, "The Red Man in Mobile History," Federal Writer's Project, 1930s, copy in Mobile Public Library--Local History;

Papers of the American Board of Commissioners for Foreign Missions, Houghton Library of Harvard University. Microfilm, Unit 6, Reel 757, Frame 284; H. S. Halbert, Folder No. 11, Choctaw Baptist Mission, Alabama Dept. Archives and History, "Baptist Missions among the Choctaws of Mississippi and Alabama, 1882-1904"; Brandon Report, Hilary Herbert Holmes, "The So-Called Cajan Settlements in Southern Part of Washington County, Alabama: (Indians)," A Survey made for Governor William W. Brandon, Governor of the State of Alabama; James M. Glenn, Ph.D. "Indians Still Make Homes in South Alabama Counties: Familiar Figures in Small Towns." Dr. Glenn stated that he has "seen members of the Choctaw tribe in upper Mobile County." The Birmingham News, Sunday, May 15, 1927; Laura Frances Murphy, "How Scarritt Students use Vacations," The Trained Lay Worker, Vol. II, No. 5, December 1929; Murphy, "Byrd Settlements--a New Field of Service," Missionary Voice; Murphy, "Among the Cajans of Alabama," Missionary Voice, November, 1930; Murphy, "The Cajans at Home," Alabama Historical Quarterly, Winter, 1940, pp. 416-427; Indian Office File No. 55742-1934, File No. 150, Report to Commissioner of Indian Affairs by Dr. W. Carson Ryan, Jr., Director of Indian Education; Alyce Billings Walker, ed., Alabama: A Guide to the Deep South, 1941. Reprinted, New York: Hastings House, 1975, Tour 9, pp. 366-369; William Harlen Gilbert, Jr., "Surviving Indian Groups of the Eastern United States." Annual Report of the Board of Regents of the Smithsonian Institution for 1948 (1949): 407-428, See No. 18, Alabama; Report of American Indian Policy Review Commission, 1976, Chapter 11, "Nonrecognized," p. 468, Choctaws in Mobile and Washington Counties, 4,000; Letter from Edward B. Freeman, Department of Special Missions, Southern Baptist Convention, 1981.

6. Carol Carpenter, "Area's Oldest Indian Artifacts Discovered at Power Line Site." Mobile Press Register, August 29, 1991. "The oldest known Indian artifacts in the north central Gulf Coast Region have been found by local archaeologist in a remote wooded area between McIntosh and Citronelle in Washington County. . . Technically these people are the ancestors of our Indians."

7. John R. Swanton. "Source Material for the Social and Ceremonial Life of the Choctaw Indians." Bulletin 103, Bureau of American Ethnology, Smithsonian Institution, 1931, 79-83.

8. Arthur H. DeRosier, Jr. The Removal of the Choctaw Indians. Knoxville, TN: The University of Tennessee Press, 1970, 7; Jack D. L. Holmes, "The Choctaws in 1795," The Alabama Historical Quarterly, Spring, 1968, 30:1:33. Holmes describes district divisions of Choctaws and French and Spanish ranking of Choctaws, "they divided the chiefs by Great Medal, Small Medal, Captains or considerable warriors." Tisho-Mingo means sub-chief.

9. Angie Debo. The Rise and Fall of the Choctaw Republic. Norman: University of Oklahoma Press, 1961, second edition, pp. 40-41.

10. United States Court of Claims, No. 12742, The Choctaw Nation of Indians v The United States, Testimony of Eli-tubbee, alias Tom Gibson, p. 815; also, Chief Tom Gibson and his band lived in Millry, Washington County, AL in 1811, Washington County News, November 1, 1862. Chief Gibson was village chief of English Town, one of the villages of the Six Towns Choctaws, whose leading chief was Chishahoma, alias Capt. Red Post Oak. Oral history says that Chief Tom Gibson's daughter was Betsy Gibson and son was James Gibson, all of whom are ancestors of MOWAs.
11. The Byrd-Weaver family was fully documented in original petition; progenitor Dav Weaver is listed on 1835 Cherokee Roll. Lemuel Byrd fought in the Seminole or Florida Wars in 1819. See pension application for details of his military service, marriage to Anna Weaver, time and place.
12. Young Gaines was the uncle and father-in-law of George S. Gaines, Factor at Choctaw Trading House, St. Stephens; George S. Gaines. "Gaines Reminiscences," Alabama Historical Quarterly, vol. 26, Nos. 3 and 4, Fall and Winter, 1964, see p. 144 and 178 for references to Young Gaines, and pp. 139-229 for references of friendship and influence with Choctaws.
13. NARC, RG 49, General Land Office Records, Suitland, MD. Homestead applications; Secretary of State, Land Entry Records, State of Alabama; Deed Records and Tax Records Washington County Courthouse, Chatom, AL; U.S. Census Records, 1850 - 1910; Voting precinct records, Washington County.
14. See Chronology: NARC, RG 75 M234 "Letters Received" and M21 "Letters Sent" from 1844 to 1860 reporting the continuous presence of Choctaws in south Alabama.
15. See 83.7A, Criteria 1 Chronology from 1840s to 1860, Correspondence between Choctaws in Mobile and the U. S. Government.
16. NARC, RG 75, M234, Letters Received by the OIA, Choctaw Agency, and M21, Letters Sent by the OIA. See chronology from 1831-1856, articles, letters, government reports and petitions.
17. William Fisher was half-brother to Choctaw mixed-blood, Nancy Fisher; they had the same father.
18. H.S. Halbert, Folder No. 178, Alabama Dept. of Archives and History; Muster Roll of Choctaw Regiment (cover only), Mississippi Dept. of Archives and History; Confederate Veteran, Vol. 8, 1905, Nashville, TN.
19. NARC, RG 75, Entry No. 267. Records relating to Indian Removal, Records of the Bureau of Indian Affairs. "Register of Choctaw names, as entered by the Agent previous to the 24th 1831, who wish to remain and become citizens; also list of names with

residences." American State Papers, Public Land, p. 648, 23C:2, Doc. 1315 and p. 686, 24C:1, "Claims to Reservations under the 14th Article of the Treaty of Dancing Rabbit Creek with the Choctaw Indians." 1840 U. S. Census, Sumter County, AL; 1850 U. S. Census Mobile County, household No. 491, not identified as Indian, but living in neighborhood of other MOWA ancestors; 1851, Mobile County, AL Deed Record, D002, 312 Alexander Brashears purchased T1, R1W, W2/SE4, plus records of his children: Dennis Payne Brashears, William P. Brashears, Barbara Ellen B. Smith and Louisa Jane B. Smith. (See census records, land records, and genealogy.)

20. Brashear v. Williams, 10 Ala. 630 (1846) and Wall v. Williams, 11 Ala. 826, (1847). Delilah was daughter of Charles Juzan and Phoebe, a Choctaw and wife of Jesse Brashears until his death prior to DCR Treaty.

21. 1850 Mobile County, U.S. Census shows residence of William Fisher, a farmer; Mobile County Probate Records show that he owned a great deal of land; 1870 U. S. Census show "Polly" Indian wife of Simon Bru; they, and others, were further identified as Indian in 1903 in land dispute case (Chancery Court, 13th District, Southwestern Division, Mobile County, AL, No. 6590; William (cuts wood), William's wife, and Williams Girl, Indians; 1880 U.S. Census, James Rondine (the name is Laurendine, but spelled Lardine, Larendin, Londine) and Lucy, Indians, with 7 children--James was identified on Dawes Roll as full-blood. These 7 children stayed in the south Alabama Choctaw community and their descendants are on current MOWA roll. Mixed-blood descendants of Alabama Choctaws applied under the Dawes Enrollment Act, but were rejected because they were not full-bloods.

22. Letters Received and Letters Sent, 1844-1856, NARC, RG 75, M234, specifically Roll 171, Frame No. 755-765, 1851; Roll 172, 1852, not dated Report of F.S. Hunt of his investigation of charges made against James N. Bowman, late official agent for paying out Choctaw Scrip, with accompanying papers" mentions Felix Andre and his Indian wife; and February 25, 1853, "In Relation to a claim of a remnant of Choctaw Indians made by Mr. Felix S. Andry" -- "I am requested by Mr. Felix S. Andry, a respectable Creole of this city, who is married to a Choctaw Indian wife to address the Government in relation to the claims of a remnant of Choctaw Indians living in this neighborhood. These Indians number over four hundred. . ." The MOWA Choctaw are their descendants.

### 23. Dawes Enrollment Applications

Roll 111 and 116, M-1301, RG 75, NARC:

Roll 116, Application No. MCR 2556 - Julie and James Londine, ID  
 Roll 111 Application No. R2187 - Victoria Andre Chastang, et al  
                                   No. R2189 - Josephine Brue  
                                   No. R2190 - Henry Laurendine, et al  
                                   No. R3193 - Donise Laurendine  
                                   No. R2195 - Mary Andre

24. Ibid., Papers of the ABCFM.
25. Halbert, Folder No. 11, 1904 report, Alabama Dept. of Archives and History.
26. See footnotes 9, 10, & 11; also, NARC, U.S. Court of Claims, 1881, General Jurisdiction Case files, 1855-1939, Case No. 12742: The Choctaw Nation of Indians v. The United States, 1240 pages. Depositions of MOWA ancestors confirm oral history.
27. "Proposed Legislation for the Full-Blood and Identified Choctaws of Mississippi, Louisiana, and Alabama with Memorial evidence, and Brief," 1896-1911. Indian Archives, Oklahoma Historical Society.
28. "Enrollment in the Five Civilized Tribes." Hearings before the Subcommittee of the Committee on Indian Affairs, House of Representatives, on the Subject of Enrollment in the Five Civilized Tribes, having under consideration the following bills: 3389, 3390, 6537, 7926, 7974, 8007, 10066, 10140, 12586 "The Mississippi Choctaws." Library Oklahoma Historical Society. p. 426-429 refers to Choctaws in Mobile County, specifically, Mrs. Andre; other sample pages refer to Choctaws in Alabama.
29. NARC, RG 75, Entry No. 267, Box 4. "List of Persons whose names appear on Identification Roll of Mississippi Choctaws, approved by Act of June 28, 1898 (30 Stat. L., 495), but who were not enrolled on the final rolls of Mississippi Choctaws entitled to allotments in the Choctaw nation under the provisions of the Act of July 1, 1903 (32 Stat. L., 641). MOWA ancestors James and Julia Londine (Laurendine) are on this list, as are other names that appear in MOWA genealogy.
30. OIA, No. 10556, Letter received from John D. Beck, Creek Indian Agent, Cantonment, FL to Secretary of Interior, Office of Indian Affairs, January 25, 1907 "Relative to his final report on the enrollment of Eastern Cherokees and Choctaws."
31. Indian office file No. 55742-1934, File No. 150.
32. "Claims of Choctaw Indians of Mississippi," Senate Report No. 781, Calendar No. 825, 74C:1, May 13, 1935; "Choctaw Indians of Mississippi," House of Representatives, Report No. 2415, 74C:2, April 15, 1936; "Claims of Choctaw Indians of Mississippi," House of Representatives, Report 2233, 75C:3, April 26, 1848. All bills refer to Choctaws in Mississippi, Alabama, and Louisiana.
33. One example is: Registration Card No. 34802839, Leon Taylor.
34. William Harlen Gilbert, Jr., "Surviving Indian Groups of the Eastern United States." Annual Report of the Board of Regents of

the Smithsonian Institution for 1948 (1940): 407-408. See No. 18, Alabama.

35. Gordon Brown. "Alabama, Mississippi Choctaws Seek \$200 Million from U. S." Birmingham News, November 18, 1949.

36. NARC, RG 279, Indian Claims Commission, Docket #52 (Mississippi-Choctaw). Number of pages--4500; cost to copy --\$1125.00.

37. Docket 21, Indian Claims Commission, Bureau of Indian Affairs.

38. "2 nations map Indian Party: Choctaw, Creek Leaders meet at Atmore." Montgomery Advertiser, February 21, 1958.

39. "Indian Descendants Organize Chapter of 'KILROI America' in Washington County." Washington County News, January 11, 1962.

40. Letter from David Scott, Program Associate, Education for American Indians Unit, Department of Health, Education, and Welfare, to Mr. R. A. Boykin, Member of Washington County Board of Education, March 27, 1970 and reply from Mr. Boykin to Mr. Scott with copies to Mr. Gallasnead Weaver and Mr. Bennett Weaver, April 24, 1970.

41. Washington County School Board Minutes, 1917-1965; Mobile County School Board Minutes, 1854-1950; 1970, Letter from R.A. Boykin to David Scott, Program Associate Education for American Indians Unit regarding Indian school in Washington County, Alabama; letter from David Scott to Mr. R.A. Boykin regarding this issue.

42. Jacqueline A. Matte. The History of Washington County: The First County in Alabama. Chatom, AL: Washington County Historical Society, 1982, p. 124-129. Included here is history of this time period written by Bennett Weaver, MOWA Choctaw.

43. "Agency to get Jobs for Indians Opened," Mobile Register, June 11, 1975.

44. Report of American Indian Policy Review Commission. Chapter 11, "Nonrecognized Tribes", p. 468, Choctaws in Mobile and Washington Counties, 4000. Source: Gamage Rivers.

45. Letter from Charles A. Graddick, Attorney General, State of Alabama to Ms. Jennie Lee Dees, Executive Director, Alabama Indian Affairs Commission, Montgomery, AL, December 10, 1981.

46. "Indian Education Program said a Model for country," Call-News Dispatch, October 22, 1981.

PROOF OF THE MOWA CHOCTAW'S SATISFACTION  
OF THE SEVEN BIA CRITERIA FOR TRIBAL RECOGNITION

Based upon research, we have prepared a chronology listing documentary evidence which establishes the continuous existence of the MOWA Choctaw tribe and the continuous recognition of that tribe by the federal, as well as state and local governments, and by historians and non-Indian inhabitants of the south Alabama area of their homeland. What follows is an organization of that chronology according to the seven criteria for tribal recognition as published at 25 CFR, Chapter 1, Section 83.7. The documents referenced by this chronology establish the continuous Choctaw tribal existence and presence in the south Alabama area occupied by the modern MOWA Choctaws. While some of the documents are not necessarily accurate in a numerical sense (e.g. the U.S. Census reports are not a reliable count of Indians inasmuch as many Indians were influenced by societal pressures to conceal their Indian identity in responding to the census), these documents nonetheless clearly demonstrate that the MOWA Choctaws have had a continuous tribal existence as a community in south Alabama from the time of first European contact to the present.

**CRITERIA 1: REPEATED IDENTIFICATION BY FEDERAL AUTHORITIES**

Documentary evidence of recognition of the MOWA Choctaws by federal authorities developed by our research, chronologically listed, includes:

- 1786 Treaty With The Choctaw Hopewell, re-established boundaries of British cession and provided for trading posts. Ancestors of the MOWA Choctaws signed treaty.
- 1801 Treaty with the Choctaw. A wagon trail was ceded through Indian lands; British boundaries re-established again. the MOWA ancestral leader, Hoshi Homa, also known as Captain Red Bird, signed this treaty.
- 1802 A treaty was signed with the Choctaw at Fort Confederation on the Tombigbee River, releasing to the United States Choctaw lands including the ancestral lands of the MOWA Choctaws. This treaty was signed "In behalf of the Six Towns" including Yowani and was witnessed by Turner Brashears, who was a white countryman having a Choctaw family which is an ancestor of the modern day MOWA Band.
- 1803-1824 Records of Choctaw Trading Post, St. Stephens, Mississippi Territory 1803-1824. Abstracted T500, RG 75, NARC. United States Choctaw Trading House established at Fort St. Stephens on the Tombigbee River, Washington County, Mississippi Territory (Alabama). Names of MOWA Choctaw ancestors listed many times with description as to blood quantum, village, etc.
- 1803 NARC, RG 11, M688, Roll 3, Ratified Treaties, Dec. 27, 1801-1814 July 22. (AIAC)/ Extract from a letter from Brigadier Gen. Wilkinson in relation to the Choctaw Treaty. Dated at St. Stephens on the Tombigby, Aug. 31, 1803. Gen. Wilkinson describes his activities and problems in re-drawing the British boundary lines and states "the line . . . actually included an Indian \*settlement near the Tombigby. . . This settlement is now by stipulation to be immediately removed. \*Some say it will bring \$300,000, but I say \$50,000."
- 1803 Treaty with the Choctaw, Hoe-Buckin-toopa (St. Stephens). This treaty was signed by "Chiefs residing on the Tombigbee (river) near to St. Stephens," including Pia Mingo (Homatah), an ancestral leader of the MOWA Choctaws. This treaty was also witnessed by Young Gaines, an Indian countryman having a Choctaw family who is part of the ancestry of the modern day MOWA Choctaws.

- 1805 Hoshi Homa (Captain Red Bird), an ancestral leader of the MOWA Choctaws, was one of the signors of a Choctaw treaty with the United States at Mount Dexter. This treaty reconfirmed reserve to John McGrew by Pia Mingo Hometah (variously spelled Hesnitta, Himeta) and others of 1500 acres. In addition, this treaty was witnessed by William Colbert and Charles Juzan who had Choctaw families who are ancestors of the modern day MOWA Choctaw tribal members.
- 1814 October 12 - Letter from Capt. Jas. E. Dinkins, 3d Infty., Mt. Vernon, (AL) to Major Gen. A. Jackson, Comd 7th M. Dist. Source: LPP6 Peter Brannon's Scrapbook, "South Around to Cross Ellicott's Line," 1938, Alabama Archives & History. Capt. Dinkins reports on number of Choctaw warriors and that "Laflo (LaFlore) and the leaders McCurtin and Pai-a-mengo have petitioned to go to Mobile on business." Laflore, McCurtain and Pia Mingo are ancestral leaders of Choctaws in Alabama, whose descendants are among contemporary MOWA Band of Choctaws.
- 1814-1815 Choctaw Muster Rolls, Military Records, Indian Affairs, Alabama Department of Archives & History. Rolls of Capt. Pushmattahaw's Company of Choctaw Warriors who fought in the service of the United States reflect ancestors of the MOWA Choctaws including Pia Mingo Hometah (Ohpia,him,mit,tah), William Andrews (Andre), Charles Juzan, Iltanabbe, Elah-tubbee and Iou-a-cha. Pia Mingo Hometah (Himmittah, Hesnitta) was one of the ancestral leaders of MOWA.
- 1814 Military Records, War of 1812, Choctaws, Folder 208, Alabama Department of Archives and History. Correspondence with General Jackson relative to Six Towns Choctaws supporting United States in Creek War in Alabama, part of the War of 1812.  
 Aug. 9th - Agent John McKee reports to Gen. Jackson that he has sent Mr. Brashears, Mr. Pitchlynn to recruit Choctaws and that he will recruit from the Southern District as he proceeds to St. Stephens by way of Charles Juzan, the Nails on Chickasawhay, and the Six Towns; he predicts they can count on 800 warriors.  
 Sept. 9th - Agent John McKee reports to Gen. Jackson that he is anxious to "get out as many as possible from the Six Towns as their attachment to the U.S. has been sometimes questioned." Arms and

ammunition are being shipped to Fort Stoddert (Mount Vernon).

Sept. 18th - Report to General Jackson on Six Towns deployment to Mobile and he predicts that 2,000 will meet them in Mobile by October 7.

Oct. 3rd - Reply from Gen. Jackson's Aid de Camp with instructions that "the Indians assembling at Mount Vernon, are to be mustered into service on the same footing, in the same numbers and with the same proportion of officers and non-commissioned officers, as the regular troops of the U.S.

Dec. 15 - Gen. Jackson authorizes Pier Jusong (Pierre Juzan) to raise as many Choctaw Indians as will enter the Service of the U.S. The men named here are ancestors of the MOWAs and each of them had Choctaw Indian families.

- 1816 Treaty with the Choctaw at Fort St. Stephens confirming prior cession. MOWA ancestral leaders Bob Cole, Hoopoleemiko (Pia-mingo) signed this treaty and was witnessed by Turner Brashears.
- 1820 Treaty with the Choctaw at Doak's Stand provided for those who wished to remain and was signed by MOWA ancestral leaders Bob Cole, John Frazier, and Captain Red Bird.
- 1824 United States Government sent missionaries to the Choctaws under the direction of the American Board of Commissioners for Foreign Missions. Papers of the American Board of Commissioners for Foreign Missions, Houghton Library of Harvard University. Microfilm, Unit 6, Reel 757, frame 284. "Mr. Wright has spent more than two fifths of his sabbaths from home; nine at Mayhew and Emmaus, and nine in the settlements in Washington Co., Ala., in Wayne and Bainbridge Co., Missi. In the settlements, he found the congregations respectable for numbers and attention to the Word."
- 1825 MOWA ancestors Robert Cole and Nittuckachee signed a treaty, with provisions for those who wished to remain, on behalf of the Choctaws with the United States.
- 1825 NARC, RG 75, M234, Roll 1, p. 225. Letter from Silas Dinsmoor to Choctaw Agent Ward, March 26, 1825 requesting remuneration be paid to Maximilian Dubroca for his slave who was killed by a Choctaw named Manuel. Manuel was pardoned by the Governor

- of Alabama and set free. This document shows occupation in area by Choctaw.
- 1830 Treaty of Dancing Rabbit Creek ceding the remaining lands of the south Alabama and Mississippi Choctaws, including the remaining ancestral lands of the MOWA Choctaws, was signed in his year. MOWA Choctaw ancestors who were signors and witnesses of this treaty included Robert Cole, Pierre Juzan, Hoshi Homa (Captain Red Bird), and Zadoc Brashears. MOWA ancestors specifically provided for in this treaty included Charles Juzan, James Campbell, Turner Brashears, Oklahoma, William Juzan, Alexander McKee and Delilah Juzan Brashears.
- 1831 NARC, RG 75, Entry No. 267, Records Relating to Indian Removal. "Register of Choctaw names as entered by the agent previous to the 24th of August, 1831, who wish to become citizens, according to a provision of the late treaty in 1830." Mostly mixed-bloods were allowed to register by Col. Ward to stay and become citizens; ancestors listed of MOWA Choctaws are the Brashears.
- 1834 American State Papers, Public Lands. Doc. 1315, 23rd Cong., 2nd Sess. Claims to Choctaw Reservations, p. 648: Petition of Alexander Brashears, et al, for claims under Art. 14, Dancing Rabbit Creek Treaty. Alexander Brashears was living in Sumter County, Alabama at the time of Treaty, in is listed in 1840 U. S. Census of Sumter County, AL; in 1850 U.S. Census, he and his family are listed in Mobile County, AL and his descendants are on MOWA roll.
- Also, p. 641, No. 15: "List of names of those warriors who fought under General Wayne, and also the names of the orphans in the Northeastern district." Kachihoke is listed as parent with two boys, names unknown. Oral history says that Kachihoke and two boys, Jerry and Isaac Gaines went west; Jerry Gaines was eventually registered in Indian Territory as Choctaw. The similarity of names and circumstances confirm oral history.
- 1834 Document 512. 23rd Cong., 1st Sess. Correspondence of the emigration of Indians, Choctaws. Names of Mowa ancestors appear p. 362 with George S. Gaines, Superintendent. (Names abstracted are found in MOWA genealogy.)

- 1836 American State Papers, Public Lands. Doc. 1523, 24:1. "On Claims to Reservations under the Fourteenth Article of the Treaty of Dancing Rabbit Creek, with the Choctaw Indians. Communicated to the House of Representatives, May 11, 1836. Pages 672-696 relates to claims of Choctaws in Alabama, some of whom are ancestors of MOWA Choctaws.
- 1836-37 Muster Rolls of Choctaws who fought for the U.S. Government against the Creeks, requested from the National Archives and Records Service by Alabama Department of Archives History. Located in Public Information Subject File: Alabama at War, 2nd Creek War, SG 13379. Examples of ancestors of MOWA are Nittachache, Pierre Juzan, William Colbert, James Gibson.
- 1838 Testimony of Kish um us tubbee, Case No. 254, NARC, RG 75, Entry No. 270 Evidence, 1837-38. Kish um us tubbee gives an account of the French settling at the confluence of the Tombigbee and Alabama Rivers. He described trading with the French, who were followed by the British, then the Spaniards and finally the Americans. He was a member of Talla Town, one of the Six Towns; his leader was Chishahoma (Capt. Red Post Oak). This document shows contact with Europeans and continuity of time and place.
- Testimony of Tah pa none cheu, Case No. 223. This testimony tells the story of what happened when Chishahoma tried to register all the people of the Six Towns; each town is listed with head man and his people. Elah-Tubbee (Chief Tom Gibson) was leader of Killish: tumaha Town (English Town); he had heard of one of the Six Towns, who belonged to English Town, who went west of the river, and came back, and died at Mobile, the year before.
- 1840 U.S. Census, Sumter County, AL. Alexander Brashears with 11 persons; Delilah Brashears with 10 persons listed as "white." These MOWA ancestors are listed as mixed-blood Indians in Choctaw Records. Brashears listed in 1850 Mobile Co. census.
- 1844 NARC, RG 75, M234, Roll 185, Letters Received, Choctaws Emigration, Frame No. 903-908. From George S. Gaines, Commissioner, to T. Hartley Crawford, Commissioner of Indian Affairs report on number of Choctaws left in Southeast.

1844 NARC, RG 75, M234, Choctaws Emigration, Roll 185, Frame No. 903-908. From George S. Gaines, Commissioner, to T. Bartley Crawford, Commissioner of Indian Affairs report on number of Choctaws left in Southeast. Gaines reported "The south Eastern Indians known as the six Towns under the influence of Cpts. Oak-lah-bee and Post-Oak. . . number about 2000."

1844 U.S. Court of Claims files, NARC, RG 123, reflect the case of the Choctaw Nation of Indians v. the United States, case number 12742, p. 295 -- Excerpt from Letter from Wm. Wilkins, Secretary of War to the President of the U.S. "Fourteen years have passed since the ratification of the treaty, and many honest claimants are as far from having what was due them by the treaty as when Ward refused to register the names of some, and destroyed the register of names of others, although Congress has passed three remedial laws on the subject. My solicitude is to have the treaty executed, and to effect and emigration of the remaining Choctaws in Mississippi and Alabama, and to administer the laws with justice and humanity."

Page 815 -817 - General deposition of Eli tub-bee, alias Tom Gibson regarding Six Towns Choctaws "who wished to take the benefits of the five years' stay." Chief Tom Gibson is an ancestral leader of the MOWA Choctaws.

Also p. 818-821 "Allen Yates, of Washington County, State of Alabama, a witness on the part of Captain Red Post Oak, alias Chish-ah-ho-ma, and company, of the Six Town tribe of Choctaw Indians." Yates testified that Col. Ward would not register the Six Town Choctaws because "there were too many of them." The MOWA Choctaws descend from the Six Town Choctaws.

1845 NARC, RG 75, M234, Roll 185, Letters Received by the OIA, Choctaw Agency, Emigration, Frame No. 1088: Letter from Wm. Armstrong, Acting Superintendent to T. Hartly Crawford, Commissioner Indian Affairs, Nov. 9. Mr. Armstrong has problems getting Choctaws to emigrate because they "wander off, some to the swamps in pursuit of game, others to Mobile."

Frame No. 1094-1095: Letter from Wm. Armstrong, Acting Superintendent to W. Medill, Commissioner

- Indian Affairs, Nov. 26 reports that "those chiefs who are present say that their people are scattered over a wide extent of country some of them being 200 miles off." And "The white population generally are not interested in getting them off as the lands they occupy are comparatively worthless. On the other hand many are desirous of keeping them to labor in their cotton fields."
- 1847 NARC, RG 75, M234, Roll 188, fr. no. 226, Choctaw Agency, Emigration, April 27, 1847. The Six Towns of Intoomlaski party: "Since the time of 1830 the Choctaws who remained in Miss. has been left to follow their own inclination, the greater part of them leading vagrant lives wandering not only through the state but generally in Louisiana and the southern part of Alabama and deriving a precarious subsistence by hunting and fishing in swamps. They number according to the opinion of the best judge about 3,000 souls including between 2 and 300 who have wandered off to the seashore between Mobile and New Orleans. The result of my observation from intercourse with them is that they will be got off with great difficulty. This owing to various causes."
- 1849 NARC, RG 75, M234, Roll 171, Letters Received by OIA, Choctaw Agency, 1839-51, Frame No. 642-648. Petition of One Hundred Principal men from a remnant of the Choctaw Tribe of Indians, residing in Mississippi, but currently living in Mobile, Alabama, requesting an agent of their own choice, Mr. William Fisher of Mobile "who has been our friend, understands our language & wants." They request that Mr. George S. Gains intercede for them in Washington. Supporting letters from Mobile residents accompany petition.
- 1850 U.S. Census Mobile County: William Fisher, age 49 is listed in "the city of Mobile," household No. 12, as a farmer, born in Alabama; ancestors of MOWA are listed in "Mobile County," in households: 489, 491, 500, 501, 506, 509, 513, 535, 558, 559; in Washington County households: 40, 41, 42.
- 1850 NARC, RG 75, M234, Roll 187, fr. no. 58, Letters Received by the OIA, Choctaw Agency, Emigration, February 10, 1850. "Emigration of Six Towns Choctaws in Mobile and improper interference of Fisher and Lewis; also, states that 233 Indians have emigrated.--letter from H. L. Scott,

- Assistant Superintendent of Choctaws to Hon. Orlando Brown, Commissioner, Indian Affairs.
- 1851 NARC, RG 75, M234, Roll 187, fr. no. 99-101, Letters Received by the OIA, Choctaw Agency, Emigration. March 15, 1851. "Relative to Choctaw Emigrants, who upon arriving West & receiving their scrip, leave the country & return it is supposed to Mississippi. States causes influencing them in so doing, & suggests as the only remedy for the fraudulent procedure, is the closing of the emigration. Letter from John Drennen, Acting Supt., W.T.
- 1851 NARC, RG75, M234, Roll 187, fr. no. 46-49, Letters Received by the OIA, Choctaw Agency, Emigration. June 8, 1851, "States views in regard to Choctaw removal --says J.J. Smith & E. S. Mitchell desire to make a proposition. Letter from Thomson McKenney to Hon. Luke Lea, Commissioner of Indian Affairs.
- 1851 NARC, RG 75, M234, Roll 187, fr. no. 191-193. July 14, 1851, "Emigration of Choctaws delayed by appearance of cholera; citizens will use force if necessary to get rid of Choctaws. Letter from H. S. Scott, Ass't supt, Choc. Removal to Hon. L. Lea, Com. Ind. Affairs.
- 1851 NARC, RG 75, M234, Roll 171, Letters Received by OIA, Choctaw Agency, 1839-51, series of letters from James Y. Blocker to Hon. Luke Lea, Commissioner of Indian Affairs. Frame No. 738-740, Letter from Mobile, Nov. 6, 1851 requesting information to scrip to which Six Town Choctaws are entitled because he thinks they are being defrauded by unscrupulous agents. He reports that 100 to 150 Indians are in vicinity.
- Frame No. 741-743, Mobile, Nov. 11, 1851. Describes plight of remnant Six Town tribe of Choctaws being swindled out of their scrip through intimidation and threats. Blocker wrote to Hon. John Bragg, his congressman asking for help. The several hundred Indians were determined to remain in vicinity of Mobile until instructions were received from the congressman.
- Frame No. 747-750, Mobile, Nov. 27, 1851. "Reports that several hundred more Indians have come to vicinity and anxiously wait for

instructions from the government. Further complaints are issued against fraudulent agents.

Frame No. 755-765, House of Representatives, J. Bragg, Dec. 29, 1851. Letter from Bragg with several enclosures supporting the appointment of William Fisher of Mobile as agent. The mayor of Mobile, John Seawall, helped Six Town Choctaws prepare a petition which was signed by 60 men, 45 widows and 4 children by mark. Their marks were attested to by John Seawall and Felix Andry. In addition 17 citizens of Mobile testified in behalf of William Fisher.

1851 NARC, RG 75, M234, Roll 171, fr. no. 752-753, Letters Received, Choctaw Agency. December 15, 1851, "Blocker has had interviews with Choctaws in Mobile and made known to them contents of letter of Office of Indian Affairs about their scrip. About 500 are assembled and expect their scrip-- Suggests that it be paid immediately. Letter from James W. Blocker of Mobile to Hon. L. Lea, Com. Indian Affairs written on behalf of Choctaws in Mobile."

1851 NARC, RG 75, M234, Roll 171, fr. no. 726-737 and 745-746, Letters Received, Choctaw Agency. June, Aug. and Dec., 1851, "Series of letters regarding the appointment of special agent to pay out scrip. L. Lea, Com. of Indian Affairs appointed William H. Bowman when it should have been James H. Bowman. William went ahead and paid out scrip, James is trying to get it back and straighten out confusion of appointment and get scrip turned over to him. William sent 908 certificates or pieces of scrip to him; James wrote a receipt for it. He issued some scrip to the Indians and believed that they might be more willing to emigrate west of the Mississippi."

1851 NARC, RG 75, M21, Roll 45, page nos. 230-231, 309, Letters Sent from OIA. Nov. 20 & Dec. 24, 1851, "L. Lea, Com. Indian Affairs wrote to James H. Bowman enclosing letters from James Y. Blocker of Mobile charging Bowman with defrauding the Choctaw Indians in the vicinity of Mobile. Lea also wrote to Blocker informing him that he had instructed Bowman to stop paying out scrip and to make a report of his proceedings. Lea then wrote to F. S. Hunt, Agent to Choctaws re: the charges of fraud directing him to investigate the matter and report to the Department; also to recover any

- scrip still in possession of Bowman and hold it subject to order of Department."
- 1852 NARC, RG 75, M234, Roll 187, fr. no. 295-300, Letters Received by OIA, Choctaw Emigration. January 7, 1852, "F. S. Hunt reports to L. Lea, Com. Indian Affairs that he has received 11 pieces of Scrip from Mr. Bowman; will proceed to Mobile, a party of Indians there preparing to emigrate; will afford Mr. Blocker facilities in his investigation. Enc. copy of a letter of J.H. Bowman and statement of A.P. Hurst relative to alleged abuses in delivery of scrip."
- 1852 NARC, RG 75, M21, Roll 45, fr. no. 173-174, Letters Sent by the OIA. January 9, 1852, "Letters Sent from L. Lea, Com. Indian Affairs to Major F. S. Hunt instructing him to get Fisher to use his influence to get Choctaws to emigrate. Letter to Hon. John Bragg, House of Reps. in regard to Mayor Seawell's letter regarding Choctaws in Mobile and "suggests that Mr. Fisher, if so disposed, can turn his influence with those Indians still living in the southern portion of Alabama, to profitable account by undertaking to emigrate them to the country provided for their tribe west of Arkansas. Allowance for emigrating each Indian has increased from \$26 to \$35 per head."
- 1852 NARC, RG 75, M234, Roll 187, fr. no. 301-302, Letters Received by OIA, Choctaw Emigration. January 22, 1852, "F. S. Hunt reports to L. Lea that he will write to Mr. Fisher about the business mentioned by Messrs. Bragg and Seawell-- will visit Indians about Mobile --thinks they are not entitled to scrip."
- 1852 NARC, RG 75, M234, Roll 187, fr. no. 222-224, Letters Received by OIA, Choctaw Emigration. January 28, 1852, "At the request of a remnant of Choctaws East, communicates their dissatisfaction with the appt. of Mr. Hunt as Supt. of Removal-- They want Wm. Fisher for their agent. Letter from James Y. Blocker of Mobile to Hon. Luke Lea, Com. Indian Affairs. Note written on cover "give these Indians to understand that this office will not appoint Mr. Fisher agent. Major Hunt (remainder illegible)"
- 1852 NARC, RG 75, M21, Roll 45, fr. no. 207, Letters Sent by OIA. February 9, 1852, "Letter Sent by L.

- Lea to James Y. Blocker in Mobile informing him that Wm. Fisher can emigrate Choctaws if he wants to because "those Indians (who can never prosper while living east of the Mississippi)."
- 1852 NARC, RG 75, M234, Roll 172, fr. no. 62-66, Letters Received, Choctaw Agency. February 25, 1852, "F.S. Hunt reports on investigation of J. H. Bowman in paying out scrip. Mr. Bowman says the charges are false and that the Indians do not understand the whole business. He explains the procedure of paying attorneys for signing up the Indians and states that the Indians will get their share of money when they emigrate west. Report specifically relates to problems in Madisonville, but explains that he will go on to Mobile. Letters Received by Luke Lea, Com. Indian Affairs."
- 1852 NARC, RG 75, M234, Roll 187, fr. no. 225-226, Letters Received, Choctaw Emigration. March 29, 1852, "James Y. Blocker writes from Mobile stating that if the department will appoint J. Perrine, & W. Fisher or himself, or all three, agents--500 to 1000 Choctaws shall be removed to Ft. Smith by 1st of June."
- 1852 NARC, RG 75, M234, Roll 172, fr. no. 67-72, Letters Received, Choctaw Agency. April 7, 1852, "J. H. Bowman submitted list of Choctaw Scrip paid out, error was made, Hunt wrote back saying "allow me to remark as to the two pieces short, that, in my opinion, they were paid out but omitted to be entered as there was frequently a great press of business, as well as much noise & confusion during the payment. If there had been an omission of the kind the agents who claimed the scrip & who were always present, would have noticed it." Luke Lea wrote to Bowman regarding the missing scrip. Eleven pieces of scrip were paid out; names of Indians listed, with certificate number and number of acres."
- 1852 NARC, RG 75, M21, Roll 46, p. 26, Letters Sent by OIA. April 7, 1852, "Letters Sent by L. Lea, Com. Indian Affairs to James . Blocker in Mobile advising the amount of compensation paid for each Choctaw emigrated to the West, and that no "Emigrating Agent" will be appointed and that if he and others want to get into the business of emigrating Choctaws to please contact F.S. Hunt, Superintendent, Jackson, Mississippi."

- 1852 NARC, RG 75, M234, Roll 187, fr. no. 227-232, Letters Received, Choctaw Emigration. April 20, 1852, "Hon. John Bragg, U.S. Representative writes to Luke Lea regarding Choctaws in Alabama and encloses letter of John Sewell, Mayor of Mobile, who writes letter in behalf of Choctaws in Alabama stating their dissatisfaction with Mr. Hunt, want Mr. Fisher as their agent. Note on cover: ["Sent copies of both to Maj. F. S. Hunt, April 24, 1852, for his information.]"
- 1852 NARC, RG 75, M234, Roll 187, fr. no. 334-347, Letters Received, Choctaw Emigration. June 18, 1852, "F. S. Hunt writes to L. Lea sending letter Hunt wrote to J. Seawell, Mayor of Mobile, and the reply thereto relative to Scrip business, dissatisfaction of the Indians with Govt. Agents, emigration. A full (and heated) explanation is given from Hunt and Seawell."
- 1852 NARC, RG 75, M234, Roll 172, fr. no. 44-47, Letters Received, Choctaw Agency. August 17, 1852, "Petition in behalf of all the Indians of south Alabama of the Choctaw Nation who complain that Gov't agents & others want to defraud them of their Scrip & rights. From Mobile, Alabama."
- 1852 Letters Received by the Office of Indian Affairs, NARC Microfilm 234, Roll 172, Choctaw Agency West, 1852.
- Subject: "Petition in behalf of all the Indians in South Alabama of the Choctaw nation who complain that Government Agents (illegible) to defraud them of their script rights." Over 400 Choctaws residing in Southern Alabama and near Mobile. . . "who do not wish to emigrate but to remain where we are and become citizens." To Hon. Millard Fillmore, President of the U.S. from four Choctaws who "signed in behalf of all the Indians of South Alabama of the Choctaw Nation." Signers by Mark "x" were was Hollinautabbe, Houcha, Ilatambe', and Meha.
- Subject: "Report of F. S. Hunt of his investigation of charges made against James N. Bowman, late official agent for paying out Choctaw Scrip, with accompanying papers. To Hon. Luke Lea, Commissioner of Indian Affairs." Report on Sixtowns Choctaws in Mobile; mentions Felix (Andry) and Indian wife, Lewis and Indian wife and Gibson.

- 1853 Letters Received by the Office of Indian Affairs, NARC Microfilm 234, Roll 172, Choctaw Agency West, February 25, 1853. "In relation to a claim of a remnant of Choctaw Indians--made by Mr. Felix S. Andry"--Letter from D. McVoy, M.D. of Mobile to Hon. A. E. H. Stewart, Secretary of the Interior. "Over 400 Choctaws living in the neighborhood. . . are altogether unwilling to remove West and wish to become citizens of this region."
- 1853 NARC, RG 75, M21, Roll 147, fr. nos. 109, 191, 225 May 9, June 28, and Aug. 4, 1853, "Letters Sent by Geo. W. Manypenny, Commissioner of Indian Affairs to F. S. Hunt, Ass't Supt. Choctaw Removal, Jackson MS stating that the Dept. of Interior is "suspending any further public service in relation to the removal of the Choctaw Indians, and Hunt's services as removal agent will be dispensed with on receipt of letter." Next letter acknowledges receipt of final accounts from Hunt; next letter states that examination of Hunt's accounts have been suspended in consequence of the informal manner in which they have been presented -- emigration vouchers are incomplete and Hunt must file evidence of actual emigration of Choctaws west."
- 1853 NARC, RG 75, M234, Roll 172, fr. no. 176-179, Letters Received by OIA. May 24, 1853, "Douglas H. Cooper, newly appointed Choctaw Agent, has qualified and submitted his bond. Submits remarks about Choctaw emigration and fraud. Indians who have removed are returning East."
- 1853 NARC, RG75, M234, Roll 172, fr. nos. 183-188, Letters Received by OIA. June 10, 1853, "Douglas H. Cooper gives notice of his arrival at the "Choctaw Agency" West -- wants instruction relative to the payment of the Indians. Letter to Hon. Robt McClelland, OIA."
- 1853 NARC, RG 75, M234, Roll 172, fr. no. 191-196, Letters Received by OIA. June 18, 1853, "Douglas H. Cooper reports situation of affairs at the Choctaw Agency to Hon. Robt. McClelland. He explains in detail how fraud is perpetrated by emigrators and Indians; also, explains how Indians wind up with no money."
- 1853 NARC, RG 75, M234, Roll 187, fr. no. 402-404, Letters Received by OIA, Choctaw Emigration. July 30, 1853, "Douglas H. Coopers encloses notes made

- at the time of holding conversation with Col. Fletcher, ex-chief, a Choctaw in relation to Choctaw migration; refers to what happened under F. S. Hunt in Miss. and Mobile, AL."
- 1853 NARC, RG 75, M234, Roll 187, fr. no. 441-442, Letters Received by OIA, Choctaw Emigration. August 4, 1853, "Letter expressing frauds practiced by the white men and Indians in Choctaw Emigration."
- 1853 NARC, RG 75, M234, Roll 172, Frame No. 222-225, Letters Received by the OIA, Choctaw Agency. Letter from Douglas H. Cooper, Agent for Choctaws to Geo. W. Manypenny, Commissioner Indian Affairs, Sept. 8, 1853. "Cooper asks for instructions as to which law is applicable in payments to Choctaw claimants, Choctaw law or state law. He states "because the Choctaws who are wandering East of the Mississippi can hardly be considered residents of any particular state being sometimes in Mississippi, sometimes in Alabama and frequently in Louisiana."
- 1853 NARC, RG 75, M234, Roll 187, fr. 471-472, Letters Received by OIA, Choctaw Emigration. Nov. 25, 1853, "R. W. Lewis of Mobile writes to F. S. Hunt regarding emigration; says he has Indians ready to emigrate."
- 1853 NARC, RG 75, M234, Roll 187, fr. no. 385-387, Letters Received by OIA, Choctaw Emigration. December 6, 1853, "John E. Fisher writes to Hon. B. Fitzpatrick (U.S. Senator from Alabama) requesting information on whether the emigration of Choctaws will be revived as he has a friend in the business."
- 1854 NARC, RG 75, M234, Roll 187, fr. no. 605-606, Letters Received by OIA, Choctaw Emigration. January 20, 1854, "William Fisher wrote to Col. P. (Philip) Phillips of Alabama requesting appointment as agent to emigrate Indians around Mobile."
- 1854 NARC, RG 75, M234, Roll 173, fr. no. 276-278, Letters Received by OIA, Choctaw Agency. April 6, 1854, "P. P. Pitchlynn & others, Choctaw Delegation think it would be proper to charge he U.S. Agent for the Choctaws, with the general Superintendence & management of collecting wandering Choctaws in the different states and

- settling them in the Nation West of the Mississippi river, with authority to procure the aid of such suitable persons as be necessary."
- 1854 NARC, RG 75, M234, Roll 187, fr. no. 550, Letters Received by OIA, Choctaw Emigration. July 27, 1854, "**NOTICE** to submit sealed proposals for furnishing subsistence for the term of 12 months; must put up a \$10,000 performance bond; Agent Cooper retains the right to reject bids and terminate contracts not in best interests of U.S. Government."
- 1854 NARC RG 75, M21, Roll 50, fr. no. 72, Letters Sent by OIA. October 5, 1854, "Letter sent to D. H. Cooper from Charles E. Mix, Acting Commissioner, enclosing copy of letter of J.W. Zacharie of Arkansas who states "that large bands of Choctaws re passing through this place (Hot Springs, Arkansas) on their return to the States of Mississippi & Alabama--and further he is led to believe that there is some fraud going on against the Government." &C He reminds him that he has been told of similar situations before and to investigate the situation."
- 1854 NARC, RG 75, M234, Roll 187, fr. no. 609-610, Letters Received by OIA, Choctaw Emigration. September 8, 1854, "Letter from Mr. Zacharia in Arkansas stating that large numbers of the Choctaw Indians are returning via that point to the states of Mississippi and Alabama & that the contractors for their removal went out with them, suggests fraud, &c. said contractor's name was Fisher."
- 1855 NARC, RG 75, M234, Roll 174, fr. no. 111-112, Letters Received by OIA, Choctaw Agency. Aug. 16, 1855, "Douglas H. Cooper responds to letter from J. W. Zacharia, relative to the return of Fisher and a party of Choctaws to Miss."
- 1856 NARC, RG 75, M234, Roll 174, Letters Received, Choctaw Agency: Letters from D. H. Cooper reporting on his trip East to enroll Choctaws. Letter topics and citation follow:  
fr. no. 329: February 20, 1856 -- Cooper reports from Monclava, MS, his arrival in Mississippi to take the census of Eastern Choctaws -- desires to report the result in person to this office &c

fr. no. 331: March 31, 1856 -- Cooper reports from Okahatta, MS, that he has been encamped at this place for the last week, headquarters of the Chunka Clan engaged in making payments to the Choctaws of money due them on a/c of awards under the 14th Art. Treaty of 1830. -- thinks he will be in New Orleans by the 1st of May, where an official letter will reach him directed to John Heald or Heald Massie & Co.

fr. no. 333: May 3, 1856 -- Cooper reports from New Orleans, ackn. letter of Commr. rel. to his assignment to Chickasaw Agency -- makes statement rel. to location of the agency at Miss, it or some other point convenient & for the two tribes, his new bound journey west &c. Last paragraph: "After remaining here a few days to see a party of Choctaws, who ran off from me when here before, (under the false idea that I had come to tie them & put them on boat & take them to Arkansas")

fr. no. 339: May 25, 1856 -- Cooper reports from Hillsboro, Scott Co., MS, on completion of the Census of Eastern Choctaws and the payment of awards under the 14th art. of the Treaty of 1830, due such of them as could be fully identified. He was on his way to his residence near Natchez and then to Choctaw agency. Signed as Agent for Choctaws and Chickasaws.

1856 NARC, RG 49, General Land Office Records, Claims, Choctaw Treaty, 1830, Report Book, Vol. 9, p. 330. Report on the aggregate number of Choctaws from Chas. E. Mix, Acting Commissioner, Department of the Interior, Office of Indian Affairs to Hon. Wm. R. Sebastian, Chairman Committee on Indian Affairs, U. S. Senate, June 7, 1856. Excerpt from page 2: "Agent Cooper was instructed on the 4th of April 1855 to ascertain the number still left in Alabama, Mississippi and Louisiana. When last heard from he was engaged in the discharge of that duty, but has not so far reported the result.

1856 "Census Roll of Choctaw Families, residing East of the Mississippi River and in the States of Mississippi, Louisiana and Alabama made by Douglas H. Cooper, U.S. Agent for Choctaws, in conformity with Order of Commissioner of Indian Affairs dated May the 23rd, 1855: (Commonly known as the Cooper roll). Entry No. 260, RG 75, NARC. Dated July 26, 1856. Signed by Douglas H. Cooper, U. S. Indian Agent.

- 1856 Copy of Original: "Census Roll of Choctaw Families, Residing East of the Mississippi River and in the States of Mississippi, Louisiana and Alabama made by Douglas H. Cooper, U.S. Agent for Choctaws, in conformity with Order of Commissioner of Indian Affairs dated May the 23rd, 1855" (commonly known as the Cooper Roll). Entry No. 260, RG 75, NARC. Page one and two list the Six Town Clan located in Jasper and Newton Counties Mississippi and Mobile, Alabama. Last page of report: "Recapitulation, showing No. of Men, Women and Children, No. of families and places of abode." The Six Town Clan was comprised of 129 men, 191 women, 194 children for a total of 514 or 96 families living in Jasper & Newton Counties, Mississippi and Mobile, Alabama. Dated July 26, 1856. Signed by Douglas H. Cooper.
- 1856 Census of Eastern Choctaws Prepared by Douglas H. Cooper, U.S. Indian Agent, 1856. Most names are phonetically spelled in typed abstract; includes Elah-tubbe (Chief Tom Gibson).
- 1859 NARC, RG 75, M234, Roll 175, Letter Received by OIA, Choctaw Agency, Frame No. 409-417. Series of letters and a petition "Hon. A. G. Brown, U. s. Senate, refers letter to him from E. Rush Buckner of Mississippi on the subject of the removal of the Choctaws West, that remain in that stat, and asks if the Department needs such an agent as Mr. Buckner Speaks of." Reply on Letter from Hon. Jon J. McRae to the Commissioner of Indian Affairs, March 11, 1859: "I send this paper to be filed in the Indian Office. We have conferred fully upon the subject and you have informed me that the Gov't has no intention to make any further removal of Choctaws. . . ."
- 1860 NARC, RG 75, M234, Roll 176, Letters Received by OIA, Choctaw Agency, Frame No. 13-17 and 165-166. June 4, through September 3, 1860. Series of letters requesting information on name and residence of Choctaw Agent. Reply from Charles E. Mix, Acting Commissioner, Office of Indian Affairs, Sept. 3, 1860 to Hon. Wm. Barksdale of Columbus, Mississippi, responded "that no such agent has been appointed by the Department."
- The Choctaw ancestors of the MOWA Band remained in Alabama and were recruited for the Confederacy. The majority of the men were killed, leaving the women and children in south Alabama.

- 1860 U.S. Census, Mobile County, northern District, households: 56, 57, 58, 59, 95, 96, 99, 100, 101, 103, 104, 106, 107; Washington County (illegible)
- 1862 Confederate States of America, Muster Roll of Choctaw Regiment, Mississippi Department of Archives & History. The roll is missing, only the folder cover remains with a note that most Choctaws were killed.
- 1870 U.S. Census (statistical): Indians identified in Mobile County - 9; manuscript census: MOWA ancestral households, P.O. Box 504: Beat 2, 123; Beat 4, 277, 280, 379, 380, 381, 382, 383, 385, 386, 387. Washington County, Beat 1, P.O. State Line, Mississippi, households: 23, 24, 36, 98, 99, 107, 108, 109, 110, 111, 112, 113, 114, 115, 117, 118, 137, 138, 141.
- 1880 U.S. Census (statistical): Indians identified in Mobile County - 19: Mount Vernon District, households not numbered, but MOWA ancestors are "checked;" in Precinct 1, households: 144, 145, 146, 148, 178,; Seals Precinct: 20, 45, 48; in Washington County - 2; households: 1, 2, 3, and 8 others not numbered.
- 1881 NARC, RG 123, U.S. Court of Claims, General Jurisdiction Case Files, 1855-1939, Case No. 12742 (GLO, Suitland, MD): The Choctaw Nation of Indians v. The United States. All bound in one volume, totaling 1240 pages. MOWA Choctaw oral history is confirmed by the depositions of MOWA ancestral leaders: James Campbell, Alexander Brashears, Charles Frazier, Robert Cole, Eli Tubbee alias Tom Gibson, Pierre Juzan, Chishehoma alias Capt. Red Post-Oak.
- 1890 U.S. Census (manuscript burned) population totals only available. Indians identified in Washington County - 0; in Mobile County - 402 (plus 384 Apaches).
- 1896-1911 Proposed Legislation for the Full-Blood and Identified Choctaws of Mississippi, Louisiana, and Alabama with Memorial Evidence, and Brief. Source: Indian Archives, Oklahoma Historical Society.
- 1899 NARC, RG 75, Central Classified Files, 1907-39, 93927-1911-0 53 Choctaw. Supplement to McKennon Roll. Letter reporting names of Choctaws who were

left off approved roll of Mississippi Choctaw Indians.

- 1900 U.S. Census, Indians identified in Washington County - 0; in Mobile County - 5. Households in Mobile County, Precinct 5, Creola: 85, 89, 91; Township 2, Chastangs Precinct: 2; Mt. Vernon Precinct: 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 203, 226, 227, 228, 234, 235, 236, 237, 239, 240, 242, 243, 245; Precinct 1: 253, 254. Greene County, Mississippi, State Line Precinct: household 52 and 64.
- 1900-1920s Enrollment in the five Civilized Tribes. Hearings before the Subcommittee of the Committee on Indian Affairs, House of Representatives, on the Subject of Enrollment in the Five Civilized Tribes, having under consideration the following bills: 3389, 3390 6537, 7926, 7974, 8007, 10066, 10140, 12586 "The Mississippi Choctaws." Source: Library Oklahoma Historical Society. Contains List of Mississippi Choctaw Indians to whom patents were issued for land under the provisions of article 14 of the Treaty of Sept. 27, 1830 (7 Stat. L., 333-335); List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of August 23, 1842 (5 Stat. L., 513) in lieu of land to which they were entitled under Article 14 of the Treaty of September 27, 1830. List of names and testimony of MOWA Ancestors.
- 1902 NARC, Entry 267, Box 4. "List of Persons whose names appear on Identification Roll of Mississippi Choctaws, approved by Act of June 28, 1898 (30 Stat. L., 495), but who were not enrolled on the final rolls of Mississippi Choctaws entitled to allotments in the Choctaw nation under the provisions of the Act of July 1, 1903 (32 Stat. L., 641). Dawes Enrollment, they were identified as Mississippi Choctaws, but did not remove. For example: MOWA ancestors, James Londine and Julia Londine (spelled Laurendine, Rondine in other records), Dawes Roll No. 928 and 929, plus other family names. Those "identified" were full-bloods, their three-quarter and one-half blood relatives were rejected, but their applications show their kinship.
- 1906-1909 Eastern Cherokee Applications of the U.S. Court of Claims. Microcopy 1104: Roll 333 - Application Nos. 43551-43700; Roll 320 - Application Nos.

- 41601-41750; Also Appl Nos. 17390-17395 Abstract of names of ancestors of petitioners. Indians throughout the United States signed up "for the Indian money" regardless of tribe. Four MOWA ancestors wrote to United States government in regard to their applications: Emeline Jane Brashears Smith of Mt. Vernon, AL, application No. 9576; Thomas Reed of Fairford, application No. 41715 had someone write for him, as did Seaborn Reed, application No. 41718; and R. P. Reed of McIntosh, application No. 41719 wrote the letter himself. (Reuben P. Reed's race was listed as "Indian" on his death certificate in 1933). They were rejected as they were not Cherokee, but their applications show kinship, location, group activity as witnesses for each other, and identification by outsiders because someone outside the Indian community had to notify the MOWA ancestors about the enrollment because they lived so far back in the swamps.
- 1910 U.S. Census of this year identified 172 Indians in Washington County and 7 in Mobile County. The original identification as Indian was written over with the word "mixed," evidently by an official census taker of the United States. Also, marginal notes identified clusters of families in Fairford and Malcolm precincts in Washington County as "These people entered as mixed, are composed of Indian, of Spanish, some of them with French, some with white, and some with negro. The prevailing habits are Indian. Called Cajan."
- 1920 U.S. Census, Indians identified in Washington County - 10; in Mobile County - 12.
- 1930 U.S. Census, Indians identified in Washington County - 0; in Mobile County - 50.
- 1934 Indian office file No. 55742-1934; file no. 150. Letter from Mrs. Elvin Byrd requesting information on Indian Service Work. Report on findings was submitted to the Commissioner of Indian Affairs by Dr. W. Carson Ryan, Jr., Director of Indian Education.
- 1935 "Claims of Choctaw Indians of Mississippi," Senate Report No. 781, Calendar No. 825, 74th Congress, 1st Sess., May 13, 1935. "The claimants number approximately 1,800 individuals who live in small communities chiefly in Mississippi, ALABAMA, and Louisiana, following to a large degree their

- primitive customs, and who had until recent years neither Government nor State aid, educational or otherwise." Also, defines the term "Choctaws of the Mississippi" to include--"...only those persons who on July 1, 1902, were residents in the States of Mississippi, Alabama, and Louisiana having not less than one-eighth Choctaw Indian blood, and their descendants, . . ."
- 1936 "Choctaw Indians of Mississippi," House of Representatives, Report No. 2415, 74th Congress, 2nd Sess., April 15, 1936. Language similar to document 781 above.
- 1938 "Claims of Choctaw Indians of Mississippi," House of Representatives, Report 2233, 75th Congress 3rd Sess., April 26, 1948. Language similar to document 781 and 2415 above.
- 1940 U.S. Census - No statistics on Indians
- 1940s World War II - Example: Registration Card No. 34802839, Leon Taylor identified as Indian.
- 1948 William Harlen Gilbert, Jr., "Surviving Indian Groups of the Eastern United States." Annual Report of the Board of Regents of the Smithsonian Institution for 1948 (1949): 407-438. See No. 18, Alabama.
- 1950s Docket 21, Indian Claims Commission, Bureau of Indian Affairs.
- 1970 Letter from R. A. Boykin to Mr. David Scott, Program Associate Education for American Indians Unit regarding Indian school in Washington County, Alabama; letter from David Scott to Mr. R. A. Boykin regarding this issue.
- 1975 "Agency to get Jobs for Indians Opened," Mobile Register, June 11, 1975. Office established in Mobile to serve as headquarters for a federally funded program designed to provide training and employment opportunities for American Indians who live in Alabama.
- 1976 Report of American Indian Policy Review Commission. Chapter 11, Nonrecognized Tribes," p. 468, Choctaws in Mobile and Washington Counties, 4,000. Source: Gamae Rivers.

- 1980 U.S. Department of Education, Title IV, Indian Education. Funds provided and program implemented on continuous basis since that time. Mrs. Laretta Weaver is coordinator of Indian education Program. Funds for a temporary assistant was awarded under Title V.
- 1980 U.S. Department of Health and Human Services awarded funds for Low Income Home Energy Assistance Program (LIHEAP).
- 1981 "Indian Education Program said a Model for Country," Call-News Dispatch, October 22, 1981.
- 1981 U.S. Department of Health and Human Services awarded funds for a Community Services Block Grant (CSBG); Administration for Native Americans research grant.
- 1987 MOWA Band of Choctaws submitted Report to Bureau of Indian Affairs to satisfy 25 CFR. 83.7, federal recognition requirements.
- 1990 Letter to Framon Weaver, Chairman MOWA Band of Choctaws from Hazel E. Elbert, Deputy to the Assistant Secretary Indian Affairs (Tribal Services), signed by Garry Stein, dated February 15, 1990.
- 1990 U.S. Department of Housing and Urban Development awarded funds for housing under Title III.
- 1990 United States Senate Hearing on S.381, Legislation for Federal Recognition of MOWA Band of Choctaw Indians of Alabama," March 28, 1990. This bill was introduced by Senator Richard Shelby; Congressman Sonny Callahan introduced this same legislation in the House of Representatives as H.R.1562, The MOWA Band of Choctaw Indians Recognition Act.
- 1991 United States Senate Hearing on S.362 "Legislation for Federal Recognition of MOWA Choctaws of Alabama," June 26, 1991. This bill was voted out of committee.

**CRITERIA 2-4: LONGSTANDING RELATIONSHIP WITH STATE  
GOVERNMENTS AND LOCAL GOVERNMENTS BASED ON RECOGNITION  
OF INDIAN IDENTITY AND IDENTIFICATION AS AN  
INDIAN IDENTITY BY RECORDS IN COURT HOUSES,  
CHURCHES OR SCHOOLS**

Combining the second through fourth criteria of 25 CFR Chapter 1, Section 83.7, the MOWA Choctaws have also had a longstanding relationship with the State of Alabama, the local governments of Mobile and Washington Counties, and these contacts and relationships are reflected in the records of the courts, churches and schools of the state and these counties:

- 1698-1702 Richebourg G. McWilliams, translator and editor. Iberville's Gulf Journals. University, AL; The University of Alabama Press, 1981. Describes villages, locations and culture of Indians in the Alabama-Tombigbee River basin.
- 1729-1740 Dunbar Rowland, ed., Mississippi Provincial Archives: French Dominion. Vol. I. Jackson, MS: Press of the Mississippi Department of Archives and History, 1927. Describes villages, gives name of chiefs and number of warriors occupying each. Yowani--60 warriors. A post was established in 1729 by Bienville's brother, p. 44 and 143.
- 1732 H. S. Halbert, "Danville's Map of East Mississippi," Mississippi Historical Society Publications, Vol. 3, p. 367-371. The Rivers Basin, about 1732 depicts rivers and Indian villages; discusses Six Towns and Yowanis.
- 1764 H. S. Halbert, "Choctaw Trials" folder no. 33 Alabama Department of Archives and History. Rowen's map of 1764 in Peter J. Hamilton's colonial Mobile "The Haiowanne (Yowani) trading path to Mobile was located about a mile West of Citronelle, where it united with the Big Trading Path near the 31st parallel about the center of Township 6, Range 4 West, Washington County, Alabama.
- 1772 H. S. Halbert, "Bernard Romans' Map of 1772," MHSP, Vol. 6; 1902, p. 415 - 439. Describes

- Romans' list of Choctaw towns and settlements, relative to contemporary boundaries. Clan relations, stories, meaning of words and occupants of some villages are given, including ancestors of petitioner. 1780 Washington County Deed Book "A", p. 66-67/Old Deed Bk., p. 70 ". . . Piamingo Hometah deeded land on Tombigbee River. . .
- 1799 Deed of Pia mingo Hometah or the Young Whooping King, Principal Choctaw Chief of Hobuck an Toopah and Poosha ma Stubbe, or the Chief of the Oka Coppasa Towns on Tombigby to John McGrew, 7 March 1799. Washington County Probate Records, Deed Book A, p. 66-67. Oral history says that Pia Mingo Hometah gave his land away and moved with his family to High Hill. This deed confirms oral history.
- 1800 Byrd Church. Meeting grounds at Indian Graves Branch dates back to earliest European contact. Organized by the Bob Cole family with the Brashears. Building moved up hill from branch and renamed Byrd Church until the Methodists came in the 1930s and renamed it Aldersgate. See 1930s Methodist Mission Records.
- 1804 Sale of Slaves, Samuel Mitchell of the Chickasaw Nation to John Pitchlynn of the Choctaw Nation, 19 April 1804. Washington County Probate Records, Deed Book A, p. 262-263.
- 1807 Will of Cornelius McCurten, 24 April 1807. Will Book I, Mobile County Probate Records. Cornelius McCurten was the son of Cornelius McCurten and Onore Hecha; first wife was Margaret Leflou.
- 1811 Washington County News, November 1, 1962. "first settlers of Millry were members of Chief Tom Gibson's ("Elitubbee") Indian band, who started a village in 1811. The redskins remained some years, finally being driven away after a dispute with white settlers over a dam on the mill stream." Eli-tubbee was chief of a Six Towns village and ancestor of petitioners.
- 1813-1907 Deed Records in Mobile County Probate Office and Circuit Court Records pertaining to ancestors of petitioners. Although not identified as "Indian", neither are deeds of whites or blacks identified by race.

- 1813 Will of Louise LeFleu, Will Book I, Mobile County Probate Court, dated 28 November 1813. Louise LeFleu was the sister of Louis Lefleu (father of Greenwood LeFlore). She was married to Hugues Krebs; their son Placide Krebs married Choctaw woman and self-emigrated West in 1850. (NARC, RG 75, M234, Roll 187, fr. no. 9-15)
- 1815-present Cemetery lists of Mobile and Washington Counties, together with MOWA Choctaw ancestry charts, establish the continuous and proximate existence of the MOWA Choctaws in the same area that they occupy today.
- 1818-1830 H. S. Halbert Papers. Folder No. 178. Alabama Dept. of Archives and History. Choctaw Schools sponsored by the in. S. Government. Lists schools and number of scholars. George Reed attended Juzan's school located near Mississippi-Alabama state line, under Rev. Alfred Wright.
- See also: H. B. Cushman. History of the Choctaw, Chickasaw and Natchez Indians, Greenville, Texas: Headlight Printing House, 1899, p. 70 - 91. American Baptist Magazine, Vol. 8, 275. Boston: Lincoln & Edmonds, 1828.
- 1824 Papers of the American Board of Commissioners for Foreign Missions, Houghton Library of Harvard University. Microfilm, Unit 6, Reel 757, frame 284. "Mr. Wright has spent more than two fifths of his sabbaths from home; nine at Mayhew and Emmaus, and nine in the settlements in Washington Co., Ala., in Wayne and Bainbridge Co., Missi. In the settlements, he found the congregations respectable for numbers and attention to the word."
- 1825 Governors papers - Israel Pickens, SG 4162, Folder 8, Alabama Archives & History. February 12, State V. Manual a Choctaw, Indictment for Murder, application for a pardon, and accompanying letter. February 17, Letter from Judge Abner Lipscomb to Governor Israel Pickens--"At the late special term of the Court for Mobile county, Manual a Choctaw Indian was convicted of the murder of a slave belonging to Wm. Dubroca. The jury recommended him to mercy. It is not clear from the testimony, that he ought to have been found guilty; the deceased was considered as a convalescent out of danger from the wound, when he ventured to walk

- before he had sufficiently recovered from the disability consequent on the wound, he received a fall which produced a tetynus(?) that proved fatal. Such as the state of his case, as testified by an eminent surgeon. P.S. He was sentenced to be executed on the 1st Monday in March."
- 1836-1977 Land records of Mobile and Washington County. Original entry of petitioners ancestors, with sample sections traced to current owner. Also, witness testimony from 55 Homestead Applications, attesting to applicant's identity and land occupancy.
- 1837 Choctaw Muster Rolls - Military Records Indian Affairs 1830-1840 Alabama Department of Archives and History. Chief Robert M. Jones, Band Choctaw warriors including Pierre Juzan, William Colbert, James Gibson, John Juzert. (Juzan)
- 1839 Minute Book A, Washington County, Alabama, Orphans Court Record. Petition for dower Rights by Pheba Juzan, widow of Charles Juzan. Deed Book I, Washington County, Alabama, p. 168. Pierre Juzan deed subject to relinquishment of dower Rights by his wife, Eliza
- 1840s 10 Ala. 630. Brashear v. Williams, 11 Ala. 826 Wall v. Williams, "The act of 1832 extending the jurisdiction of this State over the Indian territory does not". . . take from a reservee, his citizenship as a Choctaw--the treat securing the right of resuming his status in the tribe at pleasure and the right to live under his own laws and customs." (Sovereignty) This case has been quoted involving issues on Indian marriage and inheritance, acting as precedent in 32 cases through 1979.
- 1850-1991 Reed's Chapel Church. First Church built in 1850; first record of Baptist work among South Alabama Indians began in 1880; Records of Southern Baptists, Samford University Special Collections begin in 1918 and refer to petitioners as "South Alabama Indians." Oral histories about each church support annual reports of Baptists.
- 1854-1943 Records in Washington County Probate Office relating to ancestors of petitioners. Abstracted. Although, deed records do not identify all MOWAs

as "Indian" neither do deed records specify race of whites or blacks.

- 1854-1950 Mobile County School Records. Before Civil War, ancestors of petitioners were trustees in local schools; after Civil War their schools were classified as nonwhite. Records are abstracted from Mobile County School Board Minutes, Mobile, Al.
- 1862 S. G. Spann, Commander of Choctaw Forces, Mobile, Alabama, authorized by the Secretary of War to enlist all the Indians east of the Mississippi River into the service of the Confederate States as Scouts. The camp was located at the foot of Stone Street in Mobile. Sources from; -Halbert, Folder No. 178, Alabama Department of Archives & History; Confederate Veteran, Vol. 8, 1905, Nashville, TN; Muster Roll of Choctaw Regiment, Mississippi Department of Archives & History.
- 1863 Captain Toomer's Company, Muster Roll, Chunchula, Alabama. An ethnic regiment of Choctaws and mixed-blood Indians. Captain Toomer's Company Local Defense and Special Service Alabama (Chunchula Guards) subsequently became Co. G, 4 Alabama Reserves, Confederate.
- 1882 H. S. Halbert, Folder No. 11, Choctaw Baptist Mission. Al. A & H. With the removal west, the Indian missions practically ceased. But, a Baptist Mission among the Choctaws of Mississippi and Alabama began in 1882. Report of Rev. N. L. Clarke p. 41, "The Association in the session at Fellowship in 1891, appointed Brother Isham Johnston at labor at State Line. . .these brethren, all Choctaws, accepted these appointments."; Antiock Association in 1895 appointed Charly Thomas to preach to the indians living on the Gulf Coast."; In 1904 the General Association resumed its work among the scattering bands that still cling to the land of their forefathers."
- 1870-1910 Alabama Board of Education, County Reports, Alabama Department of Archives and History, RC 1-6-25. Mobile and Washington Counties Consolidated Monthly Report. These records reveal location of school by township and range, or by name of family furnishing building. Few schools listed for entire area, mostly statistics regarding financing.

- 1917-1965 Washington County School Records. Minutes of Washington County Board of Education, abstracted. These records reflect accommodations made by the school board for a third school system in the county for "Cajan" (Indian) children.
- 1921-1935 Birth and Death Certificates of MOWA, district No. 14 - Registered No. 650014, Washington County, AL. Records of Washington County, Vital Statistics, Alabama Department of Archives and History. (abstracted) Racial designation varies: mixed, Cajan, Indian. Of the 110 births, only 3 were delivered by physicians; most were delivered by MOWA midwives: Clara Echols, Creasey Reed, Jane Reed, Mary Davis. Of the 41 deaths, 18 were buried in Reed's Chapel, 14 in McIntosh.
- 1922 Reed v. State, Alabama Appellate Reports, Vol. 18:353, 371. Reed testified that his ancestors were of Indian descent; witnesses--MOWA leaders--also testified that an earlier case --30 years earlier--had proven Indian ancestry of defendant. (1880s records of Washington County were destroyed by fire.)
- 1923 Letter to Mrs. Kate C. Hagan, Mobile, Alabama, April 19, 1923 from Governor William W. Brandon re: Dossy Rivers case. Governors Papers (1923-1927: Brandon), RC2:G156, Administrative files, Miscellaneous Correspondence, Alabama Department of Archives and History. Her letter was evidently sent to Hilary Herbert Holmes as it is not in the file. Members of the Rivers family say that Mrs. Hagan was "a social worker who wrote to Governor Brandon at the request of ancestral leaders of the MOWA community: Tom Byrd, Early Reed, Luke Rivers, George Lofton, Henry Eaton, Richard Rivers, George Weaver, and Henry Davis. They said if he was killed that they were going to kill a hundred white people." (Peter Rivers interview with Clasby Rivers, Mt. Vernon, Alabama, September 20, 1991.)
- 1924 Brandon Report. Hilary Herbert Holmes, "The so-called Cajan Settlements in Southern part of Washington County, Alabama: (Indians)" A survey made for Governor William W. Brandon, Governor of the State of Alabama. Report was triggered by events leading to the murder of local deputy sheriff; refers to "descendants of Choctaws."

- 1925 Reed v. State, Alabama Appellate Reports, Vol. 20:496. Case brought against defendant is same as 1922 case above.
- 1928 Weaver v. State, Alabama Appellate Reports, Vol. 22:469. Case brought against defendant is same as 1922 and 1925.
- 1928 Lazenby, Marion Elias. History of Methodism in Alabama and West Florida, 1960, p. 736 and p. 1105-6. "The work among the Cajans was first reported to the Annual Conference in 1928 by S. M. Baker, Extension Secretary of the Sunday School Board, who had begun the work there, after having the conditions of the Cajans called to his attention by the women of the Mobile District.
- 1929 Report of the Survey of Washington County Schools, School Year 1928-1929, Research and Survey Series Number 8, State of Alabama, Department of Education, Issued by Authority of the State Board of Education. Located in Library, University of Montevallo, Vertical file, Washington County, AL. Pages 6 and 7 define the problem of establishing a third school system in an already Constitutionally mandated dual school system. "It does not appear by what authority a superintendent of Education can pass judgment in cases where race is in question." Report concludes that the courts must decide.
- 1930 Letter to Mrs. Marie Bankhead Owens from M. Sollie, April 15, 1930, Folder No. 324, "Cajuns", Container SG 6946, PIF-Gen., Alabama Dept. Archives and History. Sollie is requesting information on history of Cajuns to prepare a memorial for presentation to the Legislature on the "educational cause and rights of the Cajuns, occupying Mobile, Choctaw and one other Alabama County." In 1919 he was instrumental in securing \$100,000 for their relief; modification of that revolving fund was made in the Acts of 1927, Section 11, \$500,000 and Section 64, \$100,000, Alabama School Code. Women of the Methodist Church advocate this legislation.

Note: This documentation of Methodist missionary interest predates by nine years that sent in original petition. Further search of archival records at the State Archives and at the Methodist Depository at Huntingdon College uncovered no records dating back to 1919. The firm of Sollie &

- Sollie no longer exists. Alabama House and Senate Journals were searched for Methodist Memorial to legislature, with no success. In early Annual Reports to Woman's Missionary Council, Deaconess Obra Rogers refers to "Indian Cajans" in Mount Vernon, Alabama. Annual Reports to Women's Missionary Society (submitted with original petition in 1987), written also by Miss Rogers (but after Miss Laura Frances Murphy arrived) did not include "Indian" when referring to Cajans. Reports in both publications refer to problems of making changes due to "tribal devotion and tribal barriers." Obviously, the missionaries intent was to abolish "tribal" and "Indian" characteristics which they saw as hindering their efforts to make "progress."
- 1930-35 Annual Reports of the Woman's Missionary Council of the Methodist Episcopal Church South. 21st AP, p. 386; 22nd AP, 348; 25th AP, p. 240.
- 1930 Letter from Dr. Robert C. Macy to Mrs. Marie B. Owen, Director of Archives & History, June 6, 1930. Dr. Macy writes from Atmore in answer to Mrs. Owen's request for information on Cajans in Escambia County. He states that he is working with Indians. From his letter and that of Mr. Sollie, apparently all Indians in Alabama were identified by the public as "Cajans."
- 1930 Taylor v. Washington County Board of Education, et als., Circuit Court, Washington County, Alabama, T. J. Bedsole, Judge of the Circuit Court, First Judicial Circuit. (Published in The Washington County News, Chatom, AL, April 3, 1930) Students denied admission because of race. "The evidence in this case shows that the County Board adopted a resolution that the children known as the "Cajan" children should not be admitted to the white schools."
- 1934 The State of Alabama, Ex Rel Alice Everett v. The Board of School Commissioners of Mobile Count et als. Docket No. 7,750, Circuit Court of Mobile County, Alabama. Petitioned court for her children to be able to attend "white" school who were denied admission because they were descended from Rose Gaines Reed.
- 1941 Same case as above, Docket No. 1640, Circuit Court of Mobile County, Al.

- 1942 Same case as above, Alabama Supreme Court Records, No. 8846, October Term, 1942-43. Relator has no money to pay court costs and her children are being denied an education.
- 1943 State v. Board of School Com'rs of Mobile County, 244 Ala. 467. Continuation of above case.
- 1944 State v. Board of School Com'rs of Mobile County, 246 Ala. 133. Continuation of above case.
- 1950s Birmingham News, November 6, 1967. "A thorny ruling by the Alabama Supreme Court in the early 1950s, dashed hopes for a better break for Cajun children. A Cajun boy whose grandfather was a Confederate veteran enrolled in a Mobile County white school. Nine days later, he was ousted by school authorities on grounds that he was a Cajun. The high court upheld the low court's ruling that the burden of proof was not on school authorities to prove that a Cajun was non-white, but on the pupil to prove that he was white."
- 1952 V. L. Wyatt, Director. "Evangelistic Crusade Among South Alabama Indians," The Alabama Baptist, July 17, 1952. Describes churches of South Alabama Indians.
- 1961 Bennett Weaver, "McIntosh Rural News," Washington County News, November 16, 1961. Report on P.T.A. meeting at Reed's Chapel School with names of leaders and those contributing to fund are listed. Many of these MOWA Choctaws continue to serve the school and community in leadership roles.
- 1962 Bennett Weaver, "McIntosh Rural News," Washington County News, March 22, 1962. Announcement of simultaneous revivals to be conducted in the South Alabama Indian Mission field by the Washington County Association of Baptist Churches.
- 1962 "Simultaneous Revivals Set for South Alabama Indians," Washington County News, April 26, 1962. Churches and pastors are listed: Bethel, Cedar Creek, Liberty Memorial, Mt. Moriah, Mt. Pleasant, Oak Hill, Reeds Chapel, and Rivers churches.
- 1962 Reed v. Pearson, as Superintendent of Education of Washington County, AL, et al. United States Court of Appeals for the Fifth Circuit. Appeal from the district Court of the United States, Southern District of Alabama - Southern Division. Reed's

Chapel School, an Indian school, denied admission to a student whose grandmothers were not of the mixed blood group of the community of Reeds Chapel.

Interview with Theodore B. Pearson, former Superintendent of Education, Washington County, AL from 1932-1965, June 17, 1985.

"Mix Appeal Dismissed," Mobile Press, August 5, 1962, "The 5th U.S. Circuit Court of Appeals upheld an Alabama federal court's dismissal of a suit in which a Washington County, Alabama, Negro sought readmission to Reeds Chapel School. . . . The Reeds Chapel School is operated in a community of mixed blood. The plaintiff, contended he had been excluded because his 'maternal and paternal grandmothers were not of the mixed blood group of the community of Reeds Chapel.' He was excluded from the school in January 1961, after his admission caused a disturbance at the school and brought about its closing for 10 days." The case again shows the cohesiveness of the community.

1970

April 24, Letter from R. A. Boykin to Mr. David Scott, Program Associate Education for American Indians Unit, Office of Education, Department of Health, Education and Welfare, Washington, D.C., regarding Indian school in Washington County, Alabama; June 12, letter from David Scott to Mr. R. A. Boykin regarding this issue; June 17, letter from Carl Albert, House of Representatives, Congress of the United States, Office of the Majority Leader, to R. A. Boykin stating that he "has received letter from Office for Education for American Indians and that he is referring it to the Office of Civil Rights of the Office of Education to take action responsive to your request. cc: Bennett Weaver and Gallasnead Weaver, McIntosh, AL.

1976

Letters from Joe L. Reed, Associate Executive Secretary, Alabama Education Association, Inc. to Mr. Gallasnead Weaver, September 22, responding to his request to be added to the present litigation that is pending against the Washington County Board of Education re: desegregation; copy of letter to Mr. Solomon Seay, Attorney, Montgomery, September 23, advising that Mr. Gallasnead Weaver is a principal at one of the schools in Washington County that may be closed. "You may take special

note that Mr. Weaver is of French-Indian descent, and they have special schools in Washington County for those citizens who are descended from the French and the Indians."

1977

Letter from Gallasneed Weaver, Principal, Reeds Chapel School to Dr. Wayne Teague, State Superintendent of Education requesting that Reeds Chapel remain open because it is "one of the last of what was once five Cajun-Indian schools in Washington County. . .The Reeds chapel school is a place for perpetuating our culture."

1977

Letter from John S. Wood, Superintendent, Board of Education, Washington County, Al, September 30, to Dr. Wayne Teague, State Superintendent of Education enclosing letter from Gallasneed Weaver above. Superintendent Wood requested that Reeds Chapel be made a permanent school cite. He stated "The problem at Reeds Chapel is not new to my administration. What to do with this school which was at this time a twelve-grade school, was of major concern in the 1969 court-ordered desegregation of the eastern half of Washington County. When we met in Montgomery with lawyers from H.E.W. and the Justice Department to discuss these plans, one of the lawyers had fortunately for us had previous experience in dealing with a situation relating to a group of American Indians in North Carolina. He was, therefore, much more understanding concerning our proposal to leave the Reeds Chapel School as a school for 'South Alabama Indians' the term used for these people in the final desegregation plans of that year. Later the school was made an over-flow school for grades one through six; however the student body is at the present as it has been in the past almost entirely Cajun-Indians."

1977

Letter from Wayne Teague, State Superintendent of Education to Mr. John S. Wood, Superintendent, Washington County Board of Education, October 14, with cc: Mr. Brian Landsberg, U.S. Department of Justice, Civil Rights Division, Washington, D.C. Dr. Teague responded positively to Mr. Wood's request that Reeds Chapel be approved as a permanent elementary school center by stating that "the laws of Alabama give local superintendents and boards of education full and complete control over the operation of the school system."

- 1979 Alabama House and Senate recognized sovereign rights of Choctaws of Mobile and Washington County, Alabama and create Mobile-Washington Counties Indian Commissions.
- 1980 Alabama Attorney General, Charles Graddick gives opinion confirming that Choctaws of Mobile and Washington County still have their rights as a sovereign tribe.
- 1981 November. Minutes of Mobile County Board of Education. "Delegation No. 3: Mr. John Byrd, president of Calcedeaver Action Committee, expressed concern with the moving and closing of Calcedeaver School. Pointing out that members of the community have not been involved in the planning and the decision making which affect the school and the children and that Calcedeaver School is the community's main resource for maintaining community identity and togetherness, Mr. Byrd said the students in the community are receiving an education as good as could be received in another school. His request is not for a new school, or a new wing, all he is asking is that the School Board maintain Calcedeaver School in the community, he added." The Board agreed not to close Calcedeaver School. Members of the delegation who accompanied Mr. Byrd were: Polly Rivers, Gallasneed Weaver, Lem Byrd, Buffalo Taylor, Delia Lofton, and Erby Reed.
- 1981 Letter from Eddie L. Tullis, Chairman, Poarch Band of Creek Indians to Framon Weaver, Chairman, MOWA Band of Choctaw Indians, requesting support for their efforts for Federal Recognition in the "spirit of Indian brotherhood." This letter shows that MOWAs are recognized as Native Americans by other Native Americans.
- Letter from Framon Weaver, Chairman, MOWA Band of Choctaw Indians written in support of Poarch Band of Creeks, dated 4 August, 1981.
- 1981 Letter from Edward B. Freeman, Department of Special Missions, Southern Baptist Convention to Rev. and Mrs. Elbert R. Isbell missionaries assuring them that "the ministry which you direct to be a mission ministry among American Indians of Choctaw heritage since the work was begun with a survey of the field in 1921. These ministries have been conducted by Southern Baptists under the

- overall program of missions to American Indians throughout this entire sixty year period.
- 1985 Report to the MOWA Band of Choctaw Indians Concerning their Federal Petition to the United States for Federal Recognition submitted by Dr. Kenneth York, Mississippi Choctaw, March 30, 1985.
- 1991 Letter to Bureau of Indian Affairs from Dr. Kenneth H. York, Mississippi Choctaw, written in support of the MOWA Band of Choctaws, September 4, 1991.

**CRITERIA 5-6: IDENTIFICATION AS AN INDIAN ENTITY BY ANTHROPOLOGISTS, HISTORIANS OR SCHOLARS AND REPEATED IDENTIFICATION AS AN INDIAN ENTITY IN NEWSPAPERS AND BOOKS**

Combining criteria 5 and 6 of CFR Chapter 1, Section 83.7, MOWA Choctaws have been repeatedly recognized as an Indian tribe by historians and scholars, and in writings of their non-Indian contemporaries from first European contact until the present.

Colonial Period through Removal

Early writers provide accounts of small tribes located along the Tombigbee River;<sup>1</sup> contemporary studies provide additional information and analysis.<sup>2</sup> During the formative period in Alabama, while it was part of the Mississippi Territory from 1798, then Alabama Territory (1817-1819), and early statehood, writers described the Choctaws in relation to treaties, trade relations, locations, military alliance, and efforts to "civilize" by the United States Government.<sup>3</sup> Detailed accounts

of the Six Towns Choctaws' actions and opposition to the Treaty of Dancing Rabbit Creek are found in journal articles.<sup>4</sup>

#### After Removal to Civil War

Following the removal treaties, journalists and travelers wrote accounts of their impressions of the Choctaws they encountered in south Alabama, especially around Mobile. One commented, "the number of Indians who spend much of their time in Mobile, but who live in the neighboring pine woods, is estimated at 1,000."<sup>5</sup> Later writers, referred to this time period descriptively, and at times rather romantically. For example, Higginbotham stated that "Choctaws lived around Mount Vernon until about 1830;" also ". . .just before and after the Civil War there was a small Indian settlement on Springhill Avenue just east of the present Springhill College."<sup>6</sup> This is the location of the home of William Fisher, where the Six Towns congregated, to seek help and when visited by government agents. Delaney describes the "picturesque" Indian camp at Choctaw Point in the days before the Civil War, "Choctaws had camped there since the time of Bienville, and when the nation moved west those who occupied the old camp site chose to remain even though they knew that they must soon die out. The squaws raised vegetables which they sold on the streets of Mobile but the braves remained proud and haughty and would not do any manual labor. They hunted along the shores of the bay, and the game they killed was also sold by the squaws in the markets. The girls of the tribe gathered

lightwood knots and sold them in bundles. They called these bundles "chumpa" for "chumps," and they were very successful in selling, since everybody used lightwood for kindling. They walked very quietly and never spoke unless they were selling, so people often did not know the girls were near until they heard the soft question, "Chumpa?" whispered in their ears. Stories are told of Chumpa Girls who would even go upstairs and wake up people who were in bed, to try to sell them chumpa. Visitors were always interested in them, and many artists passing through Mobile painted them, saying they were the most beautiful Indian girls to be found in the South at that time. All the Choctaws dressed in their best finery when they came into town, and they gave Mobile a romantic frontier appearance even at the height of the cotton boom when it had become an elegant and sophisticated city. They remained at their old camp until fortifications were run through it and forts built there to protect the city from attack during the Civil War.<sup>7</sup> Although it has been almost a hundred years since they were forced to leave, Choctaw Point still bears their name." This account confirms oral history as told by Josephine Rivers, who remembers her grandmother telling her about being called a "chumpa" girl.<sup>8</sup> Also, newspapers reported the departure of groups of Choctaws on their removal to their new homes in the west, commenting on their friends who remained on shore waving goodby.<sup>9</sup>

After Civil War to 1900

During these years, a few articles appeared in newspapers reporting that Choctaws were frequently seen on the streets of Mobile and small numbers continued to make their homes in south Alabama counties. One writer stated that he had "seen members of the Choctaw tribes in upper Mobile county."<sup>10</sup> Most writers of this era, wrote rather romanticized accounts of the "children of the forest." However this changed dramatically in the 20th century, after they were "discovered" by the missionaries, after the Dossie Rivers murder case was publicized and investigated by Governor William W. Brandon.<sup>11</sup>

Missionaries to Civil Rights: 1930s -1970s

In 1929, Scaritt College for Christian Workers assigned two of its students, Laura Frances Murphy and Obra Rogers to work "in a Cajun community forty miles north of Mobile, Alabama." Miss Rogers described the Cajuns as "a people of French with an admixture of Spanish and Indian Blood."<sup>12</sup> From this first summer's work and for the next 10 years, Miss Murphy wrote several articles for missionary magazines, state historical journals and completed her master's thesis based on her impressions from having lived in the community as a missionary teacher. Her writing reflects her Christian-religious training bias as she strives to change the tribal, clannish nature of the Indian Cajans, "The temperament of the Indian Cajan is too little

understood at present to be dealt with by an outsider. By living in Cajan homes one finds the native to be a combination of Indian and Latin characteristics. . . .to be accepted as a friend of the Cajan one must first prove himself friendly, for this mixed race has been deceived too much by exploiting whites to permit anything but doubt at the outset of an acquaintance."<sup>11</sup> They had reason to be suspicious of outsiders; for the next 30 years their privacy was invaded, their culture exploited and distorted, as one "student" after another obtained a higher education degree at their expense. In 1941, Clatis Greene wrote about the triple school system, using information gathered from influential local white townspeople who wanted to keep their school systems (and their society) "pure white" for economic reasons. It was to their advantage to keep the Cajun-Indians impoverished, uneducated and working as a labor force in the turpentine forests owned by these white landowners/lawyers/bankers. The state laws--as interpreted by these same landowners/lawyers/bankers, worked to the detriment of the Cajun-Indians--were used to try to prove that one of their ancestors was a former slave. And, as a slave could only have been a Negro, notwithstanding the fact that Indians were also enslaved and identified in records as slaves. Grant Foreman<sup>14</sup> specifically pointed this out as have other writers.<sup>15</sup> Gary B. Mills, Ph.D., C.G. sheds light on this problem of nomenclature, "Indians and part-Indians who left the tribal environment to live in Euro-American society . . . who appeared brown to Anglo-American census takers . . . are being

erroneously identified by researchers as African-American."<sup>15</sup>  
We believe our research has sufficiently established that Rose  
Gaines Reed was the daughter of Young Gaines and Kalioka, a  
Choctaw.

Greene was followed by seven other "students" relative to  
the Cajun-Indians in southwest Alabama, each presenting a brief  
discussion of origins, which included Indian heritage. These  
accounts are all very similar, with each author echoing the  
previous ones.<sup>17</sup> Altogether, very little historical research  
was ever done -- no research was done to prove or disprove Indian  
heritage.<sup>18</sup>

These so-called scholarly writings were picked up by  
newspaper journalists and published periodically through 1970,  
causing division among the members of the Indian community as  
they struggled to get their children educated. They were  
defenseless and powerless against local outsiders as long as they  
identified with the Cajun-Indian community. However, several who  
were able with the help of the missionaries to attend Indian  
highschools and colleges in Oklahoma returned to their homes and  
brought the community together again. Although, several scholars  
predicted that the Cajun-Indians would disappear altogether as a  
separate, distinct community with the Civil Rights legislation,  
this legislation had the opposite effect. With the law on their  
side, MOWA Choctaw Indians took charge of their lives: they kept

their schools open--Reeds Chapel and Calcedeaver--as Indian schools during desegregation proceedings in the 1960s and early 1970s;" they organized a formal tribal council; adopted the name "Mobile-Washington County Band of Choctaw Indians"; were recognized by the state of Alabama in 1979 as an Indian tribe; since 1981, the tribe has conducted research to meet Bureau of Indian Affairs requirements for federal recognition; and, they submitted their petition to the BIA in 1987.

Documentation establishing the MOWA Choctaws satisfaction of criteria 5 and 6 of the seven criteria for tribal recognition as published at 25 CFR, chapter 1, section 83.7, which criteria relate to identification of the Tribe by anthropologists, historians and scholars, as well as recognition of the Tribe by newspapers and other contemporary writings, is as follows:

- 1700            H. B. Cushman, History of the Choctaw, Chickasaw, and Natchez Indians. Greenville, TX: Headlight Printing House, 1899.
- 1700            John R. Swanton, "The Indians of the Southeastern United States," Smithsonian Institution, Bureau of American Ethnology, Bulletin 137. Washington: Government Printing Office, 1946. Small Indian tribes described living on Tombigbee and Mobile Rivers encountered by first European explorers.
- 1700s           George E. Lankford, "A Documentary Study of Native American Life in the Lower Tombigbee Valley," Vol. II. Ethnohistory Cultural Resources Reconnaissance Study of the Black Warrior-Tombigbee System Corridor, Alabama. Prepared for the U.S. Army Corps of Engineers, Mobile District, Department of Geology and Geography. Mobile, AL: University of South Alabama, 1983.

- 1700s H. S. Halbert, "District Divisions of the Choctaw Nation." Publications of the Alabama Historical Society, Miscellaneous Collections, Vol. I; report of the Alabama Historical Commission to the Governor of Alabama, Dec. 1, 1900. Montgomery, AL: Brown Printing Company, 379-381, 1901.
- Also, "The Small Indian Tribes of Mississippi." Publications of the Mississippi Historical Society, Vol. 5, 302-308, 1902.
- 1700s Peter J. Hamilton, "The Yowanne, or Hiowanni, Indians." Publications of the Mississippi Historical Society, Vol. 6, 403-410, 1902.
- 1702 John R. Swanton, "Source material for the Social and Ceremonial Life of the Choctaw Indians," Smithsonian Institution, Bureau of American Ethnology, Bulletin 103. Washington: Government Printing Office, 1931. Described political structure and social organization of Choctaws, including the Sixtowns Choctaws, the Southeastern division with the Yowani occupying the southernmost village. Eight authorities for the names of Choctaw towns are cited.
- 1732 H. S. Halbert, "Danville's Map of East Mississippi." Publications of the Mississippi Historical Society, Vol. 3, 367-371, 1900.
- 1755 John R. Swanton, "An Early Account of the Choctaw Indians," American Anthropological Association, Vol. V, No. 2, April-June, 1918. New York: Kraus Reprint Corporation, 1964, printed by permission of the Smithsonian Institution, p. 53-72. A French narrative entitled "Relation de La Louisianne" describes Choctaws customs and political division. "Yowani - 30 men."
- 1775 James Adair, The History of the American Indians: Particularly Those Adjoining to the Mississippi, East and West Florida, Georgia, South and North Carolina and Virginia. London: E.D. Dilly. Reprinted, Johnson City, TN: Watauga Press, 1930.
- 1795 Jack D. L. Holmes, "The Choctaws in 1795." Alabama Historical Quarterly, Vol. 30, No. 1, Spring. Census lists names of villages and number of occupants.

- 1799 Jack D. L. Holmes, "1799 Alabama Census According to Spanish Records." The Alabama Genealogical Register, Vol. 8, September.
- 1799 Jack D. L. Holmes, "Fort Stoddard in 1799: Seven Letters of Captain Bartholomew Schaumburgh." Alabama Historical Quarterly, Vol. 26, Nos. 3 and 4, Fall and Winter, 1964.
- 1805-1830 George S. Gaines, "Gaines Reminiscences." Alabama Historical Quarterly, Vol. 26, Nos. 3 and 4, Fall and Winter.
- 1811 Washington County News, November 1, 1962. "first settlers of Millry were members of Chief Tom Gibson's ("Eli-tubbee") Indian band, who started a village in 1811. The redskins remained some years, finally being driven away after a dispute with white settlers over a dam on the mill stream." Eli-tubbee was chief of a Six Towns village and ancestor of petitioners.
- 1813-1814 H. S. Halbert and T. H. Ball, The Creek War of 1813-1814, 1894. Reprint Edition, Frank L. Owsley, Jr., ed. Tuscaloosa: University of Alabama Press, 1969.
- 1815-1828 Thomas P. Abernathy, The Formative Period in Alabama. Tuscaloosa: University of Alabama Press, 1965.
- 1831 H. S. Halbert, "The Last Indian Council on Noxubee Rivers." Mississippi Historical Society Publications, Vol. 4, 1901, p. 271-280. Describes the feelings of the Choctaws who opposed moving West, specifically the "Six Towns who were opposed to the treaty and declared that they would not go west." Elatubbee (Tom Gibson) was present.
- Franklin L. Riley. "Choctaw Land Claims," MHSP, Vol. 8, 1904, p. 345 - 395. Discusses origin of the Choctaw claim: Article 14 of Dancing Rabbit Creek Treaty.
- John Williams. "The Removal of the Mississippi Choctaws." MHSP, Vol. 8, 1904, p. 397 - 426.
- 1833 James Stuart, Three Years in North America, Vol. II, New York: J & J Harper, 1833, p. 122-123.
- 1840-1850 Gordon Taylor Cleveland, "Social Conditions in Alabama as Seen by Travelers, 1840-1850, Part I."

- Alabama Review, Vol. II, No., 1, January 1949, 3-23.
- 1851 Albert J. Pickett, History of Alabama and Incidentally of Georgia and Mississippi, from the Earliest Period. Reprinted, Birmingham, AL: Birmingham Book and Magazine Co., 1962.
- 1853 Frederic Bremer, The Homes of the New World: Impressions of America (1847-1849), Vol II, New York, 1853; Her sketch (drawing) of Choctaws in 1851 in Mobile Public Library-Local Division. Painting of Julia Laurendine, Choctaw "chumpa girl" is in Mobile City Museum in Indian room.
- 1854 "Indians Immigrating," February 24; "Off for the Great West," July 1, Mobile Advertiser, 1854.
- 1855 Prieur Jay Higginbotham. The Mobile Indians, Mobile, Alabama, 1966. p. 80 ". . . just before and after the Civil War, there was a small Indian settlement on Spring Hill Avenue just east of the present Spring Hill College." Also, Choctaws . . . lived around Mount Vernon until about 1830." Higginbotham is describing the location where William Fisher lived "about one mile west of the city." (NARC, RG 75, M234, Roll 187, fr. No.222-224, Letters Received, Choctaw Emigration.)
- 1856 Charles Lanman, Adventures in the Wilds: The U. S. and British America, Vol. 2, 1856. p. 190-197, "The number of Indians who spend much of their time in Mobile, but who live in the neighboring pine woods, is estimated at 1,000."
- 1850s-60s Harriet E. Amos, Cotton City: Urban Development in Antebellum Mobile. University of Alabama Press. 1985. (Copy from dissertation, p. 23-25.)
- 1860 Caldwell Delaney, The Story of Mobile. Mobile, AL: Gill Printing Company 1953, p. 77-78. Describes Choctaws who lived at Choctaw Point in Mobile before the Civil War.
- 1879 Rev. T. H. Ball, Clarke County, Alabama and its Surroundings, 1540-1877. Reprinted, Clarke County Historical Society, 1973, p. 95-98. Ball states that Choctaws continued to visit Mobile and sell firewood.
- 1882 Frances Beverly, "The Red Man in Mobile History," Federal Writer's Project, 1930s, copy in Mobile

- Public Library-Local History, "As late as 1882, there were remnants of a tribe that spent every winter in Mobile.
- 1884 Papers of Edward Palmer. Note made April 6, 1884, in Mobile, "These Indians have a few of these mortars among them. (I) met a party in Mobile who informed me (that) they made them." Palmer was a scientist in the employ of the Bureau of American Ethnology, who made several trips through Alabama in the period 1883-88, principally looking for mounds and archaeological finds. Collection located at Alabama Dept. of Archives and History. (AA&H)
- 1889-1897 H. Austill, "White Man's Friend: Choctaw Chief, Pushmataha, A Native Great Man." The Daily Register, Mobile, Aug. 21, 1897. Choctaws seen on streets of Mobile.
- James M. Glenn, PH.D. "Indians Still Make Homes in South Alabama Counties: Familiar Figures in Small Towns." "The writer has seen members of the Choctaw tribes in upper Mobile County." The Birmingham News, Sunday, May 15, 1927. From Glenn Scrapbook in Alabama Dept. of Archives and History, entitled "Sketches of Alabama."; also, Montgomery Advertiser, Wednesday, February 14, 15, 1951.
- 1927 James M. Glenn. "Choctaw Indians: Familiar figures in small towns," Birmingham News, May 15, 1927. "The writer has seen members of the Choctaw tribes in upper Mobile County."
- 1929 Laura Frances Murphy, "Indian Cajans in the Byrd settlement." The Trained Lay Worker, December, Vol. 2, No. 5, 3-4, 1929.
- 1930 Laura Frances Murphy, "Byrd Settlement--A New Field of Service" n.d. and "Among the Cajans of Alabama." Missionary Voice, November, 1930; "Mobile County Cajans." Alabama Historical Quarterly, Spring, 76-86, 1930.
- 1931 R. Clay Bailey, "The Strange Case of the Cajans," Alabama School Journal, April, 1931. Article refers to formation of triple school system in Washington County.
- 1931 Horace Mann Bond, "Two Racial Islands in Alabama," American Journal of Sociology, Vol. 36, No. 4,

- 552-567, 1931. Although this report is obviously biased and extremely negative, regarding the Cajuns of Mobile and Washington Counties, it does state that "They admit readily the racial heritage from the Indian. . ." They self-identified as Indians.
- 1934 Carl Carmer, Stars Fell on Alabama. New York: Farrar & Rinehart, Inc., 1934, p. 255-269. Carmer reports what his host tells him about the Cajans, describing folkways, frolics, heritage, appearance, etc. When the teacher asked one little boy to tell him about the Cajan people, he replied "From French people that married Indians."
- 1935 Laura Frances Murphy, The Cajans of Mobile County, Alabama. Submitted in partial fulfillment of the requirements for the degree of Master of Arts in the Department of Sociology, Scarritt College for Christian Workers, June, 1935. (Xeroxed copy located in Mobile Public Library, 6929.376122M.)
- 1940 Laura Frances Murphy, "The Cajans at Home." Alabama Historical Quarterly, Winter, 416-427, 1940.
- 1941 Clatis Green, "Some Factors Influencing Cajun Education in Washington County, Alabama." Submitted in partial fulfillment of the requirements for the degree of Master of Arts in the College of Education in the University of Alabama, 1941. Green based his paper on letters from white business leaders in the county, census records, court records, and Carmer's Stars Fell on Alabama. He also secured the help of A. D. Price, a shop foreman for the L & N Railroad, who had been hired by the Mobile County School system to keep a list of "Cajun" students who were to be barred from attending white schools. (Price's list was sent in with original petition.)
- 1941 Alyce Billings Walker, ed. Alabama: A Guide to the Deep South. Reprinted, New York: Hastings House, 1975. Tour 9 describes Alabama Cajun Indians and refutes "Cajun" designation. p. 366-369.
- 1946 William Harlen Gilbert, Jr. "Memorandum Concerning the Characteristics of the Larger Mixed-Blood Racial Islands of the Eastern United States." Social Forces, Vol. 24, No. 4, May, 1946, pp. 438-477. Family names of Cajans and Creoles of

- Alabama and Mississippi are listed together, but states that the relationships are not clear; Indian is included in physical description of Cajans and states under heading "Cultural Peculiarities:" Cajans have individual patois and magical art."
- 1948 William Harlen Gilbert, Jr., "Surviving Indian Groups of the Eastern United States." Annual Report of the Board of Regents of the Smithsonian Institution for 1948 (1949): 407-438. See No. 18, Alabama.
- 1949 Gordon Brown. "Alabama, Mississippi Choctaws Seek \$200 Million from U.S." Birmingham News, November 18, 1949.
- 1950s Docket 21, Indian Claims Commission, Bureau of Indian Affairs.
- 1950 Edward Thomas Price, Jr., B.S. (California Institute of Technology) 1937, "Mixed-Blood Populations of Eastern United States as to Origins, Localizations, and Persistence." Dissertation submitted in partial satisfaction of the requirements for the degree of doctor of Philosophy in Geography in the Graduate Division of the University of California, January 1950. Chapter IV, "The Cajans of Southwest Alabama." Describes physical characteristics, which includes Indian, describes economic and social milieu of time and place. Quotes extensively from Green and Murphy above. He did no research in records of the Office of Indian Affairs.
- 1953 Edward T. Price, "A Geographic Analysis of White-Negro-Indian Racial Mixtures in Eastern United States," in Annals of the Association of American Geographers, Vol. XLIII, June 1953, p. 144, "The Cajans of Alabama." Article based on above dissertation.
- 1953 William H. Burson. "500 Surviving Choctaws Ready for Court to Demand Cash for Mississippi, Alabama Lands," Montgomery Advertiser, March 15, 1953.
- "Choctaw Indians to Press Demand for Pay by U.S.," Mobile Register, March 15, 1953.
- "Hearing of Choctaw Indian suit for \$209 million abruptly ends," Birmingham News, March 19, 1953.

- "Choctaw Indians Claim Lands in Alabama in Federal Lawsuit," Montgomery Advertiser, October 7, 1953.
- "U.S. Fights Claim made by Choctaws," Mobile Register, October 7, 1953.
- 1954 "Choctaws are Jubilant as First Claims Paid," Mobile Register, August 18, 1954.
- 1955 "Choctaw Claim Hearing is Set," Mobile Press, August 30, 1955.
- 1958 "2 nations Map Indian Party: Choctaw, Creek Leaders meet at Atmore." Montgomery Advertiser, February 21, 1958. KILROI "Kinsmen of Indians for Liberty, Reform, Opportunity, and Instruction in Civic Affairs" was formed as a "nationwide political union of redmen." They planned to solicit the support of full-blood Indians and descendants in Alabama, Georgia, Florida, North and South Carolina.
- "Inter-tribal relations linked by KILROI: Indians Set Precedent in Political Union Formation." Montgomery Advertiser, February 24, 1958. KILROI formed because they "realized that progress for the benefit of all Indians could be enhanced through free citizens operating under an organization which might bring matters of importance to the attention of local public officers and national Congressional representatives."
- 1962 "Indian Descendants Organize Chapter of 'KILROI America' in Washington County." Washington County News, January 11, 1962. A Washington County Chapter of KILROI, an organization of persons of Indian descent and their kinsmen, was chartered this week according to Chief Calvin W. McGhee, Atmore, president of the state organization. Chief McGhee said that R. (Reuben "Red") A. Reed of McIntosh will be president of the Washington County group. Camellia Reed of McIntosh is vice president and Mrs. Thelma Smith, also of McIntosh, is secretary. . . . "Membership in the county and state organizations include descendants of Choctaw, Chickasaw, and Cherokee Tribes as well as Creeks."
- 1962 "Wallace endorsed by Indian Group, KILROI America." Washington County News, May 10, 1962. KILROI America endorsed Wallace for Governor. It

- has "county chapters in 35 of Alabama's 67 counties, with a membership of better than 60,000."
- 1967 Hugh Sparrow, "Southwestern Counties: White Schools Open to Alabama Cajuns." Birmingham News, November 6, 1967.
- 1970 Richard Severo, "The Lost Tribe of Alabama," Scanlan's I, March 1970, p. 81-88. Article based almost exclusively on Greene's 1941 thesis.
- 1971 George Harry Stopp, Jr., "The Impact of the 1964 Civil Rights Act on an Isolated "Tri-Racial" Group." A Thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts in the Department of Anthropology in the Graduate School of the University of Alabama. He states that most of his material came from work of Greene, Murphy, and Price and says that he was only able to get into the community "under the pretense of being a prospective school teacher at Calcedeaver." He does mention that in an interview with a member of the community, Mr. Calvin Byrd said that Choctaw Indians from Mississippi escaped forced movement and were integrated into the community. Stopp states "The presence of a bit of Indian blood has little effect, as there are not enough Indians in Alabama to merit a real place in the status hierarchy." But, he gives no indication for this conclusion and he did no research into records on Indians.
- 1973 Edward Boykin, Everything's Made for Love in this Man's World. Mobile, AL: Interstate, 1973. U. S. Congressman Frank Boykin was in office for over 30 years. His son tells his father's story of acquiring land and wealth in Mobile-Washington County area. He owned Tensaw Land and Timber Company and took a "paternalistic" interest in the MOWAs who lived on his land and worked for him.
- 1974 Eugene B. Griessman and Gary Minton, "The Formation and Development of an Ethnic Group: The "Cajuns" of Alabama." Paper presented at the Annual Meeting of the American Anthropological Association (73rd, Mexico City, November 19-24, 1974; Eugene Br. Griessman and Curtis T. Henson, Jr., "The History and Social Topography of an Ethnic Island in Alabama." Presented at the annual meeting of the Southern Sociological Society, Atlanta, 1974. Papers based on foregoing

papers of Greene, Murphy, Price, Stopp, etc., but does refer to them as Indians in an interview with Mr. Gallasneed Weaver, the principal of Reed's Chapel School.

- 1977(?) David Mercer, "A Proposal to Conduct a Demographic Survey of the South Alabama "Cajuns." This proposal describes all the foregoing papers and proposes a genetic study of these "isolates" based on demographic information. Work was never completed because leaders of the community told him that they did not want any more outsiders writing about them without their knowledge.
- 1976 Addie F. St. Laurent. People Along Bayou Sara. Saraland, AL: Women's Club of Saraland, 1976. Page 7 in chapter entitled, "Dickens Pasture, 1711-1917." Local history of people including John Everett (Reed) and Frank Boykin. Describes business relationship between Everett and Boykin, "In 1916, the late Frank Boykin, former U.S. Congressman, and his partner, John Everett bought 8600 acres extending from Chickasabogue to Mobile River, and west and south of Bayou Sara. They had a sawmill and a very, very large turpentine still. . . . Boykin and Everett sold their holdings to Tennessee Land Company, a subsidiary of United States Steel Corporation in 1917."
- 1976 Report of American Indian Policy Review Commission. Chapter 11, Nonrecognized Tribes," p. 468, Choctaws in Mobile and Washington Counties, 4,000. Source: Gamage Rivers.
- 1978 Bennett Weaver, MOWA leader, minister, and teacher at Reeds Chapel School. A series of articles on progress of formation of MOWA Band of Choctaw Indians, Call-News Dispatch, Chatom, AL, 1978-79.
- 1979 Frank Sikora, "Mowa tribe in South Alabama: After 150 years of isolation, new nation emerges within nation," November 18, 1979, p. 2-A; "Mowas file suit asking for land, town, business," Birmingham News, December 2, 1979, p 42-A. "Alabama's Newest Tribe: The 'Mowa' Indians," EnviroSouth, 14-15, 1979.
- 1980 Mike Gibson, "Alabama's Indians--the Forgotten Minority," Alabama Social Welfare, September-October 8-10, 1980.

- 1981 Alvin Benn, State Pow Wow to demonstrate Choctaw Identity," Montgomery Advertiser-Journal, June 19.
- 1982 "Choctaw Indians Purchase Large Site Near Calvert; To develop It," September 16, Call-News Dispatch, Chatom, AL, Vol. 20, No. 37.
- 1982 Jacqueline A. Matte, The History of Washington County: First County in Alabama. Chatom, AL: Washington County Historical Society, 1982, Chapter 14.
- 1983 "Leaders of Choctaw Indians Recognized," April 14, Call-News Dispatch Chatom, AL, p. 9.
- 1983 Carolyn Ashburn, "Mowa Choctaws have own industrial land," Mobile Press Register, August 18-19:4.
- 1984 Kathy Dean, "Truth About Indians Being Taught," Mobile Press Register, April 23, 1984.
- 1987 Arthur Drago Jr., "MOWA Indians expect federal recognition," Mobile Press Register, Metro Region, Sec. B, Sunday, February 9, 1987.

**CRITERIA 7: REPEATED IDENTIFICATION AND DEALINGS  
AS AN INDIAN ENTITY WITH RECOGNIZED INDIAN TRIBES  
OR NATIONAL INDIAN ORGANIZATIONS**

Gallasneed Weaver of the MOWA Choctaw Tribe represents the tribe on the Alabama Indian Affairs Commission. He has served three terms as chairman of that commission. Mr. Weaver was chosen by Alabama's Governor George Wallace, and later by Governor Guy Hunt, to represent Alabama's Indians to the Interstate Indian Conference during two different terms. Mr. Weaver has also represented the MOWA Choctaws to both the National Congress of American Indians and the National Indian

Education Conferences for the last twelve years. He was granted a lifetime membership in the National Congress of American Indians in 1985 and as delegate for the MOWA Choctaws, has 120 votes.

Mr. Gallasneed Weaver, with Chairman Framon Weaver, and members of the Mobile-Washington County Tribal Council sought the help of the Bureau of Indian Affairs in 1981 to provide assistance to be federally recognized. They hired an Executive Director, Russell Baker, in 1983 as a grants writer to help with the federal acknowledgement process. He was instrumental in securing a research grant from the Administration of Native Americans and helped organize the research project. When Mr. Baker accepted a position with the Alabama Indian Affairs Commission in 1989, Mr. Carl Snow, MOWA Choctaw, became Executive Director.

The MOWAs receive recognition as Indians by state, national, and international service programs: Alabama Indian Affairs Legal Services, Heifer Project International, National Lutheran, and United Way.

The MOWA Choctaws are also active in numerous other local and national Indian conferences and are, accordingly, widely known and recognized by other Indian tribes. Locally, the McIntosh Area Better Association has helped sponsor the annual

MOWA Pow Wow since 1980, contributing, through 1991 for both junior and senior pow wows, \$34,650. They have received letters of support from other Alabama Indian tribes, but are painfully aware, however, that opposition to their federal recognition is being spearheaded by Eddie Tullis, Chief of the Alabama Poarch Creek Tribe. In this regard it is important for the BIA to know that Mr. Tullis and his tribe unqualifiedly recognized the MOWA Choctaw Tribe until Mr. Tullis decided that it would be economically disadvantageous to continue doing so. In the 1950s, under Docket 21, Indian Claims Commission, the Creeks "signed up" MOWA Choctaws in an effort to increase their numbers to secure recognition and to gain more benefits.<sup>20</sup> Further, when the Poarch Creek Tribe was, itself, petitioning for federal recognition, Mr. Tullis sought MOWA Choctaw support stating:

"This letter is to formally ask your tribe in the spirit of Indian brotherhood, support our effort for Federal Recognition . . . . We as Native Americans Must work together to protect our rights."<sup>21</sup>

Notwithstanding Mr. Tullis' scurrilous efforts to imply otherwise, the MOWA Choctaws are well-recognized and respected by other Native Americans and within Native American organizations, as indicated by the following documentation:

1950s	Register of the descendants of the Creek Indians, East of the Mississippi River, Vol. I., "The Head of Perdido Friendly Creek Indian Band, signed up by Mrs. Roberta Sells, Recording Secretary. Copy
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of "Calvin McGhee" Roll in Mobile Library-Local History. Calvin McGhee came to Mobile and Washington County churches to get support for the Indian People of Alabama. He charged each person who signed up a fee. Names of MOWA Choctaws appear throughout. (Sample pages attached).

- 1981 Letter from Eddie L. Tullis, Chairman, Poarch Band of Creek Indians to Framon Weaver, Chairman, MOWA Band of Choctaw Indians, requesting support for their efforts for Federal Recognition in the "spirit of Indian brotherhood." This letter shows that MOWAs are recognized as Native Americans by other Native Americans.
- Letter from Framon Weaver, Chairman, MOWA Band of Choctaw Indians written in support of Poarch Band of Creeks, dated 4 August, 1981.
- 1985 Report to the MOWA Band of Choctaw Indians Concerning their Federal Petition to the United States for Federal Recognition submitted by Dr. Kenneth H. York, Mississippi Choctaw, March 30, 1985.
- 1991 Letter to Bureau of Indian Affairs from Dr. Kenneth H. York, Mississippi Choctaw, written in support of the MOWA Band of Choctaws, September 4, 1991. Dr. York spent two days reviewing original petition, obvious deficiency report, and documents. He stated there could be no doubt that the MOWA Band descended from Choctaws.
- 1991 Letter from Dr. B. Frank Belvin, Oklahoma Choctaw written in support of MOWA Band of Choctaws being recognized by the federal government. His brother, Harry J. W. Belvin, was Chief of the Oklahoma Choctaws for 27 years. Dr. Frank Belvin was Secretary for the Indian Division of the Baptist Home Mission Board in the 1950s. He visited in the MOWA community and ministered to the Baptist congregation. (See Annual of the Southern Baptist Convention, 1952, p. 213 with original petition.)

## CONCLUSION

I respectfully submit that the research which I and others have performed related to the MOWA Choctaw Tribe clearly and unequivocally supports the legislation which is before you requesting federal recognition or reaffirmation of the tribal status of these Native Americans. This conclusion is not mine only. Mr. Bud Shepherd, who wrote the BIA Regulations by which tribal status is to be determined, expressed his opinion that the MOWA Choctaws satisfy any reasonable criteria for federal tribal recognition. The State of Alabama, of course, agrees that the MOWA Choctaws are a legitimate Indian tribe. The effort and struggle of the MOWA Choctaw people to provide you with the information presented today has been monumental in terms of their resources and abilities. Their effort will be worthwhile, however, if it is reviewed by this Committee and entertained with the respect and compassion owed Native Americans by the United States government. I respectfully submit that such review will leave you no doubt that the MOWA Choctaws are and have continuously been a legitimate American Indian tribe since historical times and should be so recognized by the United States Congress.

ENDNOTES

1. Samuel Cole Williams, ed., Adair's History of the American Indians. Johnson City, TN: The Watauga Press, 1930; John R. Swanton, "The Indians of the Southeastern United States," Bulletin 137, 1946; "Source Material for the Social and Ceremonial Life of the Choctaw Indians," Bulletin 103, 1931, Washington: Government Printing Office; "An Early Account of the Choctaw Indians," American Anthropological Association, Vol. V, No. 2, April-June, 1918. New York: Kraus Reprint Corporation, 1964, printed by permission of the Smithsonian Institution, p. 53-72, a French narrative entitled "Relation de La Louisianne."
2. George E. Lankford. "A Documentary Study of Native American Life in the Lower Tombigbee Valley," Vol. II, with Gazetteer. Ethnohistory Cultural Resources Reconnaissance Study of the Black Warrior-Tombigbee System Corridor, Alabama. Prepared for the U.S. Army Corps of Engineers, Mobile District, Department of Geology and Geography. Mobile, AL: University of South Alabama.
3. Albert J. Pickett, History of Alabama and Incidentally of Georgia and Mississippi, from the Earliest Period. Reprinted, Birmingham, AL: Birmingham Book and Magazine Co., 1962; Rev. T. H. Ball, Clarke County, Alabama and its Surroundings, 1540-1877. Reprinted, Clarke County Historical Society, 1973; Thomas P. Abernathy, The Formative Period in Alabama: 1815-1828. Tuscaloosa: University of Alabama Press, 1965; Willis Brewer, Alabama: Her History, Resources, War Record, and Public Men from 1540 to 1872. Montgomery, AL: Barrett & Brown; George S. Gaines, "Gaines Reminiscences." Alabama Historical Quarterly, Vol. 26, Nos. 3 & 4, Fall and Winter, 1964.
4. H. S. Halbert, "The Last Indian Council on Noxubee Rivers," The Mississippi Historical Society Publications. Vol. 4, 1901, p. 171-280, (MHSP); Franklin L. Riley, "Choctaw Land Claims," MHSP, Vol. 8, 1904, p. 345-395.
5. James Stuart, Three Years in North America, Vol. II, New York: J & J Harper, 1933, pp. 122-123; Frederick Bremer, The Homes of the New World: Impressions of America (1847-1851), Vol. XI, New York, 1853; Charles Lanman, Adventures in the Wilds: the U.S. and British America, Vol. II, 1856, pps. 190-197.
6. Prieur Jay Higginbotham, The Mobile Indians, Mobile, AL, 1966, p. 80.
7. Caldwell Delaney, The Story of Mobile, Mobile, AL: Gill Printing company, 1953, pp. 77-78.
8. Interview with Josephine Rivers, McIntosh, AL, June, 1985. Taped interview.

9. "Indians Immigrating," February 24, 1854; "Off for the Great West," July 1, 1854, Mobile Advertiser.
10. Frances Beverly, "The Red Man in Mobile History," Federal Writers Project, 1930s, remembers the Choctaws coming into Mobile from the northern part of the county to sell firewood; James M. Glenn, Ph.D., "Indians Still Make Homes in South Alabama Counties: Familiar Figures in Small Towns," 1889, reprinted in Birmingham News, May 15, 1927; H. Austill, "White Man's Friend: Choctaw Chief Pushmataha, a Native Great Man," Daily Register, Mobile, AL, August 21, 1897.
11. See Criteria 2, 1924.
12. "How Scarritt Students Use Vacations," The Trained Lay Worker, December, 1929, Vol. II., No. 5.
13. Laura Frances Murphy, "Among the Cajans of Alabama," Missionary Voice, November 1930, p. 18-20; "Byrd Settlement--A New Field of Service," Missionary Voice, n.d., p. 32+; "Mobile County Cajans," Alabama Historical Quarterly, Vol. 1, No. 1, pp. 76-86, November 1930; "The Cajans of Mobile County, Alabama," Submitted in partial fulfillment of the requirements for the degree of Master of Arts in the Department of Sociology, Scarritt College for Christian Workers, June, 1935; "the Cajans at Home," Alabama Historical Quarterly, Winter Issue, 1940, pp. 416-427.
14. Grant Foreman. Indian Removal, Norman: University of Oklahoma Press, 1972, p. 190, fn. 35.
15. Charles Hudson. The Southeastern Indians. Knoxville: The University of Tennessee Press, 1978, pp. 436-438, 460-461; Grayson Noley, "The Early 1700s: Education, Economics, and Politics," in The Choctaw Before Removal, edited by Carolyn Keller Reeves. Jackson: University Press of Mississippi, 1985, pp. 104-107; Angie Debo, A History of the Indians of the United States. Norman: University of Oklahoma Press, 1970, pp. 118-119; Charles Crowe, "Indians and Blacks in White America," in Four Centuries of Southern Indians, edited by Charles Hudson. Athens: The University of Georgia Press, 1975, pp. 161-164.
16. Gary B. Mills, "Tracing Free People of Color in the Antebellum South: Methods, Sources, and Perspectives," National Genealogical Society Quarterly, Vol. 78, No. 4, December 1990, pp. 262-278.
17. See citations under Criteria 5.
18. See chronology below beginning with Horace Mann Bond in 1931 through David Mercer 1977.
19. See correspondence and court cases under Criteria 2 beginning in 1962 through 1986.

20. "Register of the descendants of the Creek Indians, East of the Mississippi River, vol. I., "The Head of Perdido Friendly Creek Indian Band."

21. Letter of Eddie L. Tullis to Mr. Framon Weaver, June 20, 1981, and reply.

DOCUMENTATION OF CONTINUOUS GOVERNMENT, RELIGIOUS,  
AND EDUCATIONAL INTERACTION BY CHOCTAWS  
OF MOBILE & WASHINGTON COUNTIES, ALABAMA

- 1700 John R. Swanton, "The Indians of the Southeastern United States," Smithsonian Institution, Bureau of American Ethnology, Bulletin 137. Washington: Government Printing Office, 1946. Small Indian tribes described living on Tombigbee and Mobile Rivers encountered by first European explorers.
- 1700s George E. Lankford, "A Documentary Study of Native American Life in the Lower Tombigbee Valley," Vol. II. Ethnohistory Cultural Resources Reconnaissance Study of the Black Warrior-Tombigbee System Corridor, Alabama. Prepared for the U.S. Army Corps of Engineers, Mobile District, Department of Geology and Geography. Mobile, AL: University of South Alabama, 1983.
- 1700s H. S. Halbert, "District Divisions of the Choctaw Nation." Publications of the Alabama Historical Society, Miscellaneous Collections, Vol. I; report of the Alabama Historical Commission to the Governor of Alabama, Dec. 1, 1900. Montgomery, AL: Brown Printing Company, 379-381, 1901.
- Also, "The Small Indian Tribes of Mississippi." Publications of the Mississippi Historical Society, Vol. 5, 302-308, 1902.
- 1700s Peter J. Hamilton, "The Yowanne, or Hiowanni, Indians." Publications of the Mississippi Historical Society, Vol. 6, 403-410, 1902.
- 1702 John R. Swanton, "Source material for the Social and Ceremonial Life of the Choctaw Indians," Smithsonian Institution, Bureau of American Ethnology, Bulletin 103.
- Washington: Government Printing Office, 1931. Described political structure and social organization of Choctaws, including the Sixtowns Choctaws, the Southeastern division with the Yowani occupying the southernmost village. Eight authorities for the names of Choctaw towns are cited.
- 1729-1740 Dunbar Rowland, ed., Mississippi Provincial Archives: French Dominion. Vol. I. Jackson, MS: Press of the Mississippi Department of Archives and History, 1927. Describes villages, gives name of chiefs and number of warriors occupying each.

- Yowani - 60 warriors. A post was established in 1729 by Bienville's brother. (p. 44 and 143)
- 1732 H. S. Halbert, "Danville's Map of East Mississippi," Mississippi Historical Society Publications, Vol. 3, p. 367-371. The Rivers Basin, about 1732 depicts rivers and Indian villages; discusses Six Towns and Yowanis.
- 1755 John R. Swanton, "An Early Account of the Choctaw Indians," American Anthropological Association, Vol. V, No. 2, April-June, 1918. New York: Kraus Reprint Corporation, 1964, printed by permission of the Smithsonian Institution, p. 53-72. A French narrative entitled "Relation de La Louisianne" describes Choctaws customs and political division. "Yowani - 30 men."
- 1764 H. S. Halbert, "Choctaw Trials" folder no. 33 Alabama Department of Archives and History. Rowen's map of 1764 in Peter J. Hamilton's colonial Mobile "The Haiowanne (Yowani) trading path to Mobile was located about a mile West of Citronelle, where it united with the Big Trading Path near the 31st parallel about the center of Township 6, Range 4 West, Washington County, Alabama.
- 1772 H. S. Halbert, "Bernard Romans' Map of 1772," MHSB, Vol. 6; 1902, p. 415 - 439. Describes Romans' list of Choctaw towns and settlements, relative to contemporary boundaries. Clan relations, stories, meaning of words and occupants of some villages are given, including ancestors of petitioner. 1780 Washington County Deed Book "A", p. 66-67/Old Deed Bk. p. 70 ". . . Piamingo Hometac deeded land on Tombigbee River. .
- 1775 James Adair, The History of the American Indians: Particularly Those Adjoining to the Mississippi, East and West Florida, Georgia, South and North Carolina and Virginia. London: E.D. Dilly. Reprinted, Johnson City, TN: Watauga Press, 1930.
- 1786 Treaty With The Choctaw<sup>o</sup> Hopewell, re-established boundaries of British cession and provided for trading posts. Ancestors of petitioners signed treaty.
- 1795 Jack D. L. Holmes, "The Choctaws in 1795." Alabama Historical Quarterly, Vol. 30, No. 1, Spring. Census lists names of villages and number of occupants.

- 1799 Jack D. L. Holmes, "1799 Alabama Census According to Spanish Records." The Alabama Genealogical Register, Vol. 8, September.
- 1799 Jack D. L. Holmes, "Fort Stoddard in 1799: Seven Letters of Captain Bartholomew Schaumburgh." Alabama Historical Quarterly, Vol. 26, Nos. 3 and 4, Fall and Winter, 1964.
- 1799 Deed of Pia mingo Hometak or the Young Whooping King, Principal Choctaw Chief of Hobuck an Toopah and Poosha ma Stubbe, or the Chif of the Oka Coppasa Towns on Tombigby to John McGrew, 7 March 1799. Washington County Probate Records, Deed Book A, p. 66-67. Oral history says that Pia Mingo Hometak gave his land away and moved with his family to High Hill. This deed confirms oral history.
- 1800 Byrd Church. Meeting grounds at Indian Graves Branch dates back to earliest European contact. Organized by the Bob Cole family with the Brashears. Building moved up hill from branch and renamed Byrd Church until the Methodists came in the 1930s and renamed it Aldersgate. See 1930s Methodist Mission Records.
- 1801 Treaty with the Choctaw. A wagon trail was ceded through Indian lands; British boundaries re-established again. Petitioners ancestral leader, Hoche Homo (Hoshi Homa, "Red Bird") signed treaty; 2,641,920 acres ceded.
- 1802 Treaty with the Choctaw, Fort Confederation. British boundary line remarked by United States; title of lands released to U.S. including ancestral lands of petitioners who continued to live on said lands continuously and still do today. Signed by "In behalf of the Six Towns and lower town (Yowani); witnessed by Turner Brashears, who had a Choctaw family.
- 1803 Records of Choctaw Trading Post, St. Stephens, M.T., 1803-1810. Abstracted from NARC Microcopy T500, Rolls 1 and 2. Choctaw Trading House established at Fort St. Stephens on the Tombigbee Rivers, by the U. S. Government. Fr. Aloysius, "The Choctaw Trading House, 1803-1822." Alabama Historical Quarterly, Vol. 16, 1954; George S. Gaines, "Gaines Reminiscences." AHQ, Vol. 26, Nos. 3 and 4, Fall and Winter, 1964.

- 1803 Treaty with the Choctaw, Hoe-Buckin-too#pa (St. Stephens) Signed by "Chiefs residing on the Tombigbee near to St. Stephens," including Pio Mingo (Homatak) and witnessed by Young Gaines, who had a Choctaw family; 853,760 acres ceded.
- 1804 Sale of Slaves, Samuel Mitchell of the Chickasaw Nation to John Pitchlynn of the Choctaw Nation, 19 April 1804. Washington County Probate Records, Deed Book A, p. 262-263.
- 1805 Treaty with the Choctaw, Mount Dexter Reconfirmed reserve to John McGrew by Opi-a-mingo Hesnitta (Himeta/Hometak) and others of 1500 acres. Ancestor of petitioners who signed is Hoosheehooma (Hoshi-homa, Red Bird), witnesses who had Choctaw families are William Colbert and Charles Juzan.
- 1805-1830 George S. Gaines, "Gaines Reminiscences." Alabama Historical Quarterly, Vol. 26, Nos. 3 and 4, Fall and Winter.
- 1807 Will of Cornelius McCurten, 24 April 1807. Will Book I, Mobile County Probate Records. Cornelius McCurten was the son of Cornelius McCurten and Onore Hecha; first wife was Margaret Leflou.
- 1808-1813 NARC, T500, United States Choctaw Trading House Records: Daybooks. Names of ancestors of MOWAs listed in records, many times with description as to blood quantum, village, countryman, etc.
- 1811 Washington County News, November 1, 1962. "First settlers of Millry were members of Chief Tom Gibson's ("Elitubbee") Indian band, who started a village in 1811. The redskins remained some years, finally being driven away after a dispute with white settlers over a dam on the mill stream." Eli-tubbee was chief of a Six Towns village and ancestor of petitioners.
- 1813-1907 Deed Records in Mobile County Probate Office and Circuit Court Records pertaining to ancestors of petitioners.
- 1813 Will of Louise LeFleu, Will Book I, Mobile County Probate Court, dated 28 November 1813. Louise LeFleu was the sister of Louis Lefleu (father of Greenwood LeFlore, Choctaw Chief); wife of Hugues Krep(b)s. One of her sons, Placide Krebs, married a Choctaw and went west in 1850. He wrote letter requesting reimbursement for self-immigrating.

Source: NARC, RG 75, M234, Roll 187, fr. no. 9-15.

1813-1814

H. S. Halbert and T. H. Ball, The Creek War of 1813-1814, 1894. Reprint Edition, Frank L. Owsley, Jr., ed. Tuscaloosa: University of Alabama Press, 1969.

1814

Military Records, War of 1812, Choctaws, Folder 208, Alabama Department of Archives and History. Correspondence with General Jackson relative to Six Towns Choctaws supporting United States in Creek War in Alabama, part of the War of 1812.  
 Aug. 9th - Agent John McKee reports to Gen. Jackson that he has sent Mr. Brashears, Mr. Fitchlynn to recruit Choctaws and that he will recruit from the Southern District as he proceedsto St. Stephens by way of Charles Juzan, the Nails on Chickasawhay, and the Six Towns; he predicts they can count on 800 warriors.  
 Sept. 9th - Agent John McKee reports to Gen. Jackson that he is anxious to "get out as many as possible from the Six Towns as their attachment to the U.S. has been sometimes questioned." Arms and ammunition are being shipped to Fort Stoddert (Mount Vernon).  
 Sept. 18th - Report to General Jackson on Six Towns deployment to Mobile and he predicts that 2,000 will meet them in Mobile by October 7.  
 Oct. 3rd - Reply from Gen. Jackson's Aid de Camp with instructions that "the Indians assembling at Mount Vernon, are to be mustered into service on the same footing, in the same numbers and with the same proportion of officers and non-commissioned officers, as the regular troops of the U.S.  
 Dec. 15 - Gen. Jackson authorizes Pier Jusong (Pierre Juzan) to raise as many Choctaw Indians as will enter the Service of the U.S.

1814

October 12 - Letter from Capt. Jas. E. Dinkins, 3d Infty., Mt. Vernon, (AL) to Major Gen. A. Jackson, Comd 7th M. Dist. Record LPP6 Peter Brannon's Scrapbook, "South Around to Cross Ellicott's Line," 1938, Alabama Archives & History. Capt. Dinkins reports on number of Choctaw warriors and that "Laflo (LaFlore) and the leaders McCurtin and Pai-a-mengo have petitioned to go to Mobile on business." Laflore, McCurtain and Pia Mingo are ancestral leaders of Choctaws in Alabama, whose descendants are among contemporary MOWA Band of Choctaws.

- 1814-1815      Rolls of Capt. Pushmattahaw's Company of Choctaw Warriors in the service of the United States. Choctaw who fought in War of 1812 petitioned for payment of pension. Ancestors of petitioners: Pia-mingo, William Andrews (Andre), Charles Juzan, Iltanabbe, Elahotubbee (Elitubbee), Iou-a-cha (Hou-cha), Alabama Dept. of Archives and History.
- 1815-1828      Thomas P. Abernathy, The Formative Period in Alabama. Tuscaloosa: University of Alabama Press, 1965.
- 1816            Treaty with the Choctaw, Fort St. Stephens. Confirming prior cession. Ancestors of petitioners who signed are Bob Cole, Hoopioemiko (Opi-o-mingo); witness, Turner Brashear.
- 1818-1830      H. S. Halbert Papers. Folder No. 178. Alabama Dept. of Archives and History. Choctaw Schools sponsored by the in. S. Government. Lists schools and number of scholars. George Reed attended Juzan's school located near Mississippi-Alabama state line, under Rev. Alfred Wright. See also: H. B. Cushman. History of the Choctaw, Chickasaw and Natchez Indians, Greenville, Texas: Headlight Printing House, 1899, p. 70-91. American Baptist Magazine, Vol. 8, 275. Boston: Lincoln & Edmonds, 1828.
- 1820            Treaty with the Choctaw, Doak's Stand. Provisions made for those who wish to remain. Ancestors of petitioners who signed; Bob Cole, John Frazier, Capt. Red Bird; 5,169,788 acres ceded to U.S. 1825 Treaty with the Choctaw. Provisions made for Choctaws who desired to remain. Signed by Robert Cole, Nittuckachee.
- 1824            Papers of the American Board of Commissioners for Foreign Missions, Houghton Library of Harvard University. Microfilm, Unit 6, Reel 757, frame 284. "Mr. Wright has spent more than two fifths of his sabbaths from home; nine at Mayhew and Emmaus, and nine in the settlements in Washington Co., Ala., in Wayne and Bainbridge Co., Missi. In the settlements, he found the congregations respectable for numbers and attention to the Word."
- 1825            Governors papers - Israel Pickens, SG 4162, Folder 8, Alabama Archives & History.

- February 12, State V. Manual a Choctaw, Indictment for Murder, application for a pardon, and accompanying letter.
- February 17, Letter from Judge Abner Lipscomb to Governor Israel Pickens--"At the late special term of the Court for Mobile county, Manual a Choctaw Indian was convicted of the murder of a slave belonging to Wm. Dubroca. The jury recommended him to mercy. It is not clear from the testimony, that he ought to have been found guilty; the deceased was considered as a convalescent out of danger from the wound, when he ventured to walk before he had sufficiently recovered from the disability consequent on the wound, he received a fall which produced a tetynus(?) that proved fatal. Such as the state of his case, as testified by an eminent surgeon. P.S. He was sentenced to be executed on the 1st Monday in March."
- 1830 Treaty of Dancing Rabbit Creek, 1830. This was the final removal treaty. All Choctaws were to be removed West except those who signed up for reserves under Article 14.
- 1830 H. S. Halbert. "Story of the Treaty of Dancing Rabbit," Publications of the Mississippi Historical Society, vol. 6, 1902, p. 373-401. Halbert describes each day at treaty grounds, the speakers and actions.
- 1830 American State Papers, Public Lands. Doc. No. 1230, 23:1 "In Relation to the Location of Reservations under the Choctaw Treaty of the 27th of September, 1830. p. 1-139. This document is commonly known as the "Armstrong Roll."
- 1830 (approved 1836) List of Approved Locations under Choctaw Treaty, 1830. NARC RG75 Dept. of Interior. See list at year 1881.
- 1831 "Register of Choctaw Names, as entered by the Agent previous to the 24th 1831, who wish to become citizens according to a provision of the treaty of 1830"; plus list, "Registered for five years" giving residence of reservee. NARC, RG 75, Entry No. 267, Records Relating to Indian Removal, Records of the Bureau of Indian Affairs, Miscellaneous Collection, 1825-58. The Brashears listed here are ancestors of MOWAs.

- 1831 Document No. 1315, American State Papers, Public Lands, p. 641, No. 15, "List of names of those warriors who fought under General Wayne, and also the names of the orphans in the Northeastern district. Kachiloke, parent with two brothers. Kachiloke (Kalioka) mother of Rose Gaines, left Alabama with two sons, and apparently died before this list was taken in 1831.
- 1831 H. S. Halbert, "The Last Indian Council on Noxubee Rivers." Mississippi Historical Society Publications, Vol. 4, 1901, p. 271-280. Describes the feelings of the Choctaws who opposed moving West, specifically the "Six Towns who were opposed to the treaty and declared that they would not go west." Elatubbee (Tom Gibson) was present. Franklin L. Riley. "Choctaw Land Claims," MHSP, Vol. 8, 1904, p. 345 - 395. Discusses origin of the Choctaw claim: Article 14 of Dancing Rabbit Creek Treaty. John Williams. "The Removal of the Mississippi Choctaws." MHSP, Vol. 8, 1904, p. 397 - 426.
- 1831-1834 Document 512. 23rd Cong., 1st Sess. Correspondence of the emigration of Indians, Choctaws. Names of MOWA ancestors begin on p. 362 with George S. Gaines, Superintendent. Abstracted names typed sent with original petition.
- 1833 H. S. Halbert Collection, Folder No. 90, Alabama Department of Archives & History, p. 45-47. Describes council meeting in "Nittakechi's District, whose leading chief was Red Post Oak. A full council was held in this district on September 18, (1833) in which the Indians announced through their headmen their unalterable determination to remain in Mississippi. Wishing to have nothing more to do with the government agents the Indians of this district then left their homes, some going to Mobile, and others to different parts of Mississippi, where they hired themselves to pick cotton for the planters."
- 1833 James Stuart, Three Years in North America, Vol. II, New York: J & J Harper, 1833, p. 122-123.
- 1834 American State Papers, Public Lands. Doc. 1315, 23rd Cong., 2nd Sess. Claims to Choctaw Reservations, p. 648: Petition of Alexander Brashears, et al, for claims under Art. 14, Dancing Rabbit Creek Treaty. Alexander Brashears was living in Sumter County, Alabama at the time

of Treaty, in is listed in 1840 U.S. Census of Sumter County, AL; in 1850 U.S. Census, he and his family are listed in Mobile County, AL and his descendants are on MOWA roll.

Also, p. 641, No. 15: "List of names of those warriors who fought under General Wayne, and also the names of the orphans in the Northeastern district." Kachihoke is listed as parent with two boys, names unknown. Oral history says that Kalioka and two boys, Jerry and Isaac Gaines went west; Jerry Gaines was eventually registered in Indian Territory as Choctaw. The similarity of names and circumstances confirm oral history.

- 1835 Treaty with the Choctaw for safe passage through Indian Country.
- 1836-1977 Land records of Mobile and Washington County. Original entry of petitioners ancestors, with sample sections traced to current owner.
- 1836 American State Papers, Public Lands. Doc. 1523, 24:1. "On Claims to Reservations under the Fourteenth Article of the Treaty of Dancing Rabbit Creek, with the Choctaw Indians. Communicated to the House of Representatives, May 11, 1836. Pages 672-696 relates to claims of Choctaws in Alabama, some of whom are ancestors of MOWA Choctaws.
- 1836-37 Muster Rolls of Choctaws who fought for the U.S. Government against the Creeks, requested from the National Archives and Records Service by Alabama Department of Archives & History. Located in Public Information Subject File: Alabama at War, 2nd Creek War, SG 13379. Examples of ancestors of MOWA are Nittachache, Pierre Juzan, William Colbert, James Gibson.
- 1838 Testimony of Kish um us tubbee, Case No. 254, NARC, RG 75, Entry No. 270 Evidence, 1837-38. Kish um us tubbee gives an account of the French settling at the confluence of the Tombigbee and Alabama Rivers. He described trading with the French, who were followed by the British, then the Spaniards and finally the Americans. He was a member of Talla Town, one of the Six Towns; his leader was Chishehoma (Capt. Red Post Oak). This document shows contact with Europeans and continuity of time and place.

- Testimony of Tah pa none cheu, Case No. 223. This testimony tells the story of what happened when Chishahoma tried to register all the people of the Six Towns; each town is listed with head man and his people. Elah-Tubbee (Chief Tom Gibson) was leader of Killish: tumaha Town (English Town); he had heard of one of the Six Towns, who belonged to English Town, who went west of the river, and came back, and died at Mobile, the year before.
- 1839 Minute Book A, Washington County, Alabama, Orphans Court Record. Petition for dower Rights by Pheba Juzan, widow of Charles Juzan. Deed Book I, Washington County, Alabama, p. 168. Pierre Juzan deed subject to relinquishment of dower Rights by his wife, Eliza
- 1840s 10 Ala. 630. Brashear v. Williams, 11 Ala. 826 Wall v. Williams, "The act of 1832 extending the jurisdiction of this State over the Indian territory does not". . .take from a reservee, his citizenship as a Choctaw--the treaty securing the right of resuming his status in the tribe at pleasure and the right to live under his own laws and customs." (Sovereignty) This case has been quoted involving issues on Indian marriage and inheritance, acting as precedent in 32 cases through 1979.
- 1840-1850 Gordon Taylor Cleveland, "Social Conditions in Alabama as Seen by Travelers, 1840-1850, Part I." Alabama Review, Vol. II, No., 1, January 1949, 3-23.
- 1843 John Francis Hamtramck Claiborne Papers, No. 151 in the Southern Historical Collection at the University of North Carolina Library, Chapel Hill, North Carolina. "Testimony of Greenwood LeFlore, a witness summoned on the part of the in. S. Board of Choctaw Commissioners. Defines Choctaw customs of marriage, adoption of orphans, counting by sticks, and 14th Article claims.
- 1844 NARC, RG 75, M234, Roll 185, Letters Received, Choctaws Emigration, Frame No. 903-908. From George S. Gaines, Commissioner, to T. Hartley Crawford, Commissioner of Indian Affairs report on number of Choctaws left in Southeast.
- 1844 NARC, RG 75, M234, Choctaws Emigration, Roll 185, Frame No. 903-908. From George S. Gaines, Commissioner, to T. Hartley Crawford, Commissioner

of Indian Affairs report on number of Choctaws left in Southeast. Gaines reported "The south Eastern Indians known as the six Towns under the influence of Capts. Oak-lah-bee and Post-Oak. . . number about 2000."

1844

U.S. Court of Claims files, NARC, RG 123, reflect the case of the Choctaw Nation of Indians v. the United States, case number 12742, p. 295 -- Excerpt from Letter from Wm. Wilkins, Secretary of War to the President of the U.S. "Fourteen years have passed since the ratification of the treaty, and many honest claimants are as far from having what was due them by the treaty as when Ward refused to register the names of some, and destroyed the register of names of others, although Congress has passed three remedial laws on the subject. My solicitude is to have the treaty executed, and to effect and emigration of the remaining Choctaws in Mississippi and Alabama, and to administer the laws with justice and humanity."

Page 815 -817 - General deposition of Eli tub-bee, alias Tom Gibson regarding Six Towns Choctaws "who wished to take the benefits of the five years' stay." Chief Tom Gibson is an ancestral leader of the MOWA Choctaws.

Also p. 818-821 "Allen Yates, of Washington County, State of Alabama, a witness on the part of Captain Red Post Oak, alias Chish-ah-ho-ma, and company, of the Six Town tribe of Choctaw Indians." Yates testified that Col. Ward would not register the Six Town Choctaws because "there were too many of them." The MOWA Choctaws descend from the Six Town Choctaws.

1845

NARC, RG 75, M234, Roll 185, Letters Received by the OIA, Choctaw Agency, Emigration, Frame No. 1088: Letter from Wm. Armstrong, Acting Superintendent to T. Hartly Crawford, Commissioner Indian Affairs, Nov. 9. Mr. Armstrong has problems getting Choctaws to emigrate because they "wander off, some to the swamps in pursuit of game, others to Mobile...."

Frame No. 1094-1095: Letter from Wm. Armstrong, Acting Superintendent to W. Medill, Commissioner Indian Affairs, Nov. 26 reports that "those chiefs who are present say that their people are scattered over a wide extent of country some of

- them being 200 miles off." And "The white population generally are not interested in getting them off as the lands they occupy are comparatively worthless. On the other hand many are desirous of keeping them to labor in their cotton fields."
- 1847 NARC, RG 75, M234, Roll 188, fr. no. 226, Choctaw Agency, Emigration, April 27, 1847. The Six Towns of Intoomlaski party: "Since the time of 1830 the Choctaws who remained in Miss. has been left to follow there own inclination, the greater part of them leading vagrant lives wandering not only through the state but generally in Louisiana and the southern part of Alabama and deriving a precarious subsistence by hunting and fishing in swamps. They number according to the opinion of the best judge about 3,000 souls including between 2 and 300 who have wandered off to the seashore between Mobile and New Orleans. The result of my observation from intercourse with them is that they will be got off with great difficulty. This owing to various causes."
- 1849 NARC, RG 75, M234, Roll 171, Letters Received by OIA, Choctaw Agency, 1839-51, Frame No. 642-648. Petition of One Hundred Principal men from a remnant of the Choctaw Tribe of Indians, residing in Mississippi, but currently living in Mobile, Alabama, requesting an agent of their own choice, Mr. William Fisher of Mobile "who has been our friend, understands our language & wants." They request that Mr. George S. Gains intercede for them in Washington. Supporting letters from Mobile residents accompany petition.
- 1850 NARC, RG 75, M234, Roll 187, fr. no. 58, Letters Received by the OIA, Choctaw Agency, Emigration, February 10, 1850. "Emigration of Six Towns Choctaws in Mobile and improper interference of Fisher and Lewis; also, states that 233 Indians have emigrated. Letter from H. L. Scott, Assistant Superintendent of Choctaws to Hon. Orlando Brown, Commissioner, Indian Affairs.
- 1850-1990 Reed's Chapel Church. First Church built in 1850; first record of Baptist work among South Alabama Indians began in 1880; Records of Southern Baptists, Samford University Special Collections begin in 1918 and refer to petitioners as "South Alabama Indians." Oral histories about each church support annual reports of Baptists.

- 1850s-60s Harriet E. Amos, *Cotton City: Urban Development in Antebellum Mobile*. University of Alabama Press. 1985. (Copy from dissertation, p. 23-25.)
- 1851 Albert J. Pickett, *History of Alabama and Incidentally of Georgia and Mississippi, from the Earliest Period*. Reprinted, Birmingham, AL: Birmingham Book and Magazine Co., 1962.
- 1851 NARC, RG 75, M234, Roll 187, fr. no. 99-101, Letters Received by the OIA, Choctaw Agency, Emigration. March 15, 1851. "Relative to Choctaw Emigrants, who upon arriving West & receiving their scrip, leave the country & return it is supposed to Mississippi. States causes influencing them in so doing, & suggests as the only remedy for the fraudulent procedure, is the closing of the emigration. Letter from John Drennen, Acting Supt., W.T.
- 1851 NARC, RG75, M234, Roll 187, fr. no. 46-49, Letters Received by the OIA, Choctaw Agency, Emigration. June 8, 1851, "States views in regard to Choctaw removal--says J.J. Smith & E. S. Mitchell desire to make a proposition. Letter from Thomson McKenney to Hon. Luke Lea, Commissioner of Indian Affairs.
- 1851 NARC, RG 75, M234, Roll 187, fr. no. 191-193. July 14, 1851, "Emigration of Choctaws delayed by appearance of cholera; citizens will use force if necessary to get rid of Choctaws. Letter from H. S. Scott, Ass't supt, Choc. Removal to Hon.L. Lea, Com. Ind. Affairs.
- 1851 NARC, RG 75, M234, Roll 171, Letters Received by OIA, Choctaw Agency, 1839-51, series of letters from James Y. Blocker to Hon. Luke Lea, Commissioner of Indian Affairs. Frame No. 738-740, Letter from Mobile, Nov. 6, 1851 requesting information to scrip to which Six Town Choctaws are entitled because he thinks they are being defrauded by unscrupulous agents. He reports that 100 to 150 Indians are in vicinity.
- Frame No. 741-743, Mobile, Nov. 11, 1851. Describes plight of remnant Six Town tribe of Choctaws being swindled out of their scrip through intimidation and threats. Blocker wrote to Hon. John Bragg, his congressman asking for help. The several hundred Indians were determined to remain

in vicinity of Mobile until instructions were received from the congressman.

Frame No. 747-750, Mobile, Nov. 27, 1851.  
 "Reports that several hundred more Indians have come to vicinity and anxiously wait for instructions from the government. Further complaints are issued against fraudulent agents.

Frame No. 755-765, House of Representatives, J. Bragg, Dec. 29, 1851. Letter from Bragg with several enclosures supporting the appointment of William Fisher of Mobile as agent. The mayor of Mobile, John Seawall, helped Six Town Choctaws prepare a petition which was signed by 60 men, 45 widows and 4 children by mark. Their marks were attested to by John Seawall and Felix Andry. In addition 17 citizens of Mobile testified in behalf of William Fisher.

1851 NARC, RG 75, M234, Roll 171, fr. no. 752-753, Letters Received, Choctaw Agency. December 15, 1851, "Blocker has had interviews with Choctaws in Mobile and made known to them contents of letter of Office of Indian Affairs about their Scrip. About 500 are assembled and expect their scrip-- Suggests that it be paid immediately. Letter from James W. Blocker of Mobile to Hon. L. Lea, Com. Indian Affairs written on behalf of Choctaws in Mobile."

1851 NARC, RG 75, M234, Roll 171, fr. no. 726-737 and 745-746, Letters Received, Choctaw Agency. June, Aug. and Dec., 1851, "Series of letters regarding the appointment of special agent to pay out scrip. L. Lea, Com. of Indian Affairs appointed William H. Bowman when it should have been James H. Bowman. William went ahead and paid out scrip, James is trying to get it back and straighten out confusion of appointment and get scrip turned over to him. William sent 908 certificates or pieces of scrip to him; James wrote a receipt for it. He issued some scrip to the Indians and believed that they might be more willing to emigrate west of the Mississippi."

1851 NARC, RG 75, M21, Roll 45, page nos. 230-231, 309, Letters Sent from OIA. Nov. 20 & Dec. 24, 1851, "L. Lea, Com. Indian Affairs wrote to James H. Bowman enclosing letters from James Y. Blocker of Mobile charging Bowman with defrauding the Choctaw Indians in the vicinity of Mobile. Lea

- also wrote to Blocker informing him that he had instructed Bowman to stop paying out scrip and to make a report of his proceedings. Lea then wrote to F. S. Hunt, Agent to Choctaws re: the charges of fraud directing him to investigate the matter and report to the Department; also to recover any scrip still in possession of Bowman and hold it subject to order of Department."
- 1852 NARC, RG 75, M234, Roll 187, fr. no. 295-300, Letters Received by OIA, Choctaw Emigration. January 7, 1852, "F.S. Hunt reports to L. Lea, Com. Indian Affairs that he has received 11 pieces of Scrip from Mr. Bowman; will proceed to Mobile, a party of Indians there preparing to emigrate; will afford Mr. Blocker facilities in his investigation. Enc. copy of a letter of J.H. Bowman and statement of A.P. Hurst relative to alleged abuses in delivery of scrip."
- 1852 NARC, RG 75, M21, Roll 45, fr. no. 173-174, Letters Sent by the OIA. January 9, 1852, "Letters Sent from L. Lea, Com. Indian Affairs to Major F. S. Hunt instructing him to get Fisher to use his influence to get Choctaws to emigrate. Letter to Hon. John Bragg, House of Reps. in regard to Mayor Seawell's letter regarding Choctaws in Mobile and "suggests that Mr. Fisher, if so disposed, can turn his influence with those Indians still living in the southern portion of Alabama, to profitable account by undertaking to emigrate them to the country provided for their tribe west of Arkansas. Allowance for emigrating each Indian has increased from \$26 to \$35 per head."
- 1852 NARC, RG 75, M234, Roll 187, fr. no. 301-302, Letters Received by OIA, Choctaw Emigration. January 22, 1852, "F.S. Hunt reports to L. Lea that he will write to Mr. Fisher about the business mentioned by Messrs. Bragg and Seawell-- will visit Indians about Mobile--thinks they are not entitled to scrip."
- 1852 NARC, RG 75, M234, Roll 187, fr. no. 222-224, Letters Received by OIA, Choctaw Emigration. January 28, 1852, "At the request of a remnant of Choctaws East, communicates their dissatisfaction with the appt. of Mr. Hunt as Supt. of Removal-- They want Wm. Fisher for their agent. Letter from James Y. Blocker of Mobile to Hon. Luke Lea, Com. Indian Affairs. Note written on cover "give these

- Indians to understand that this office will not appoint Mr. Fisher agent. Major Hunt (remainder illegible)"
- 1852 NARC, RG 75, M21, Roll 45, fr. no. 207, Letters Sent by OIA. February 9, 1852, "Letter Sent by L. Lea to James Y. Blocker in Mobile informing him that Wm. Fisher can emigrate Choctaws if he wants to because "those Indians (who can never prosper while living east of the Mississippi)."
- 1852 NARC, RG 75, M234, Roll 172, fr. no. 62-66, Letters Received, Choctaw Agency. February 25, 1852, "F. S. Hunt reports on investigation of J. H. Bowman in paying out scrip. Mr. Bowman says the charges are false and that the Indians do not understand the whole business. He explains the procedure of paying attorneys for signing up the Indians and states that the Indians will get their share of money when they emigrate west. Report specifically relates to problems in Madisonville, MS, but explains that he will go on to Mobile. Letters Received by Luke Lea, Com. Indian Affairs."
- 1852 NARC, RG 75, M234, Roll 187, fr. no. 225-226, Letters Received, Choctaw Emigration. March 29, 1852, "James Y. Blocker writes from Mobile stating that if the department will appoint J. Perrine, & W. Fisher or himself, or all three, agents--500 to 1000 Choctaws shall be removed to Ft. Smith by 1st of June."
- 1852 NARC, RG 75, M234, Roll 172, fr. no. 67-72, Letters Received, Choctaw Agency. April 7, 1852, "J. H. Bowman submitted list of Choctaw Scrip paid out, error was made, Hunt wrote back saying "allow me to remark as to the two pieces short, that, in my opinion, they were paid out but omitted to be entered as there was frequently a great press of business, as well as much noise & confusion during the payment. If there had been an omission of the kind the agents who claimed the scrip & who were always present, would have noticed it." Luke Lea wrote to Bowman regarding the missing scrip. Eleven pieces of scrip were paid out; names of Indians listed, with certificate number and number of acres."
- 1852 NARC, RG 75, M21, Roll 46, p. 26, Letters Sent by OIA. April 7, 1852, "Letters Sent by L. Lea, Com. Indian Affairs to James Y. Blocker in Mobile

advising the amount of compensation paid for each Choctaw emigrated to the West, and that no "Emigrating Agent" will be appointed and that if he and others want to get into the business of emigrating Choctaws to please contact F. S. Hunt, Superintendent, Jackson, Mississippi."

- 1852 NARC, RG 75, M234, Roll 187, fr. no. 227-232, Letters Received, Choctaw Emigration. April 20, 1852, "Hon. John Bragg, U.S. Representative writes to Luke Lea regarding Choctaws in Alabama and encloses letter of John Sewell, Mayor of Mobile, who writes letter in behalf of Choctaws in Alabama stating their dissatisfaction with Mr. Hunt, want Mr. Fisher as their agent. Note on cover: ["Sent copies of both to Maj. F. S. Hunt, April 24, 1852, for his information."]
- 1852 NARC, RG 75, M234, Roll 187, fr. no. 334-347, Letters Received, Choctaw Emigration. June 18, 1852, "F. S. Hunt writes to L. Lea sending letter Hunt wrote to J. Seawell, Mayor of Mobile, and the reply thereto relative to scrip business dissatisfaction of the Indians with Govt. Agents, emigration. A full (and heated) explanation is given from Hunt and Seawell."
- 1852 NARC, RG 75, M234, Roll 172, fr. no. 44-47, Letters Received, Choctaw Agency. August 17, 1852, "Petition in behalf of all the Indians of south Alabama of the Choctaw Nation who complain that Gov't agents & others want to defraud them of their Scrip & rights. From Mobile, Alabama."
- 1852 Letters Received by the Office of Indian Affairs, NARC Microfilm 234, Roll 172, Choctaw Agency West, 1852.

Subject: "Petition in behalf of all the Indians in South Alabama of the Choctaw nation who complain that Government Agents (illegible) to defraud them of their script rights." Over 400 Choctaws residing in Southern Alabama and near Mobile. . . "who do not wish to emigrate but to remain where we are and become citizens." To Hon. Millard Fillmore, President of the U.S. from four Choctaws who "signed in behalf of all the Indians of South Alabama of the Choctaw Nation." Signers by Mark "x" were was Hollinautabbe, Houcha, Ilatambe', and Meha.

- Subject: "Report of F. S. Hunt of his investigation of charges made against James N. Bowman, late official agent for paying out Choctaw Scrip, with accompanying papers. To Hon. Luke Lea, Commissioner of Indian Affairs." Report on Sixtowns Choctaws in Mobile; mentions Felix (Andry) and Indian wife, Lewis and Indian wife and Gibson.
- 1853 Letters Received by the Office of Indian Affairs, NARC Microfilm 234, Roll 172, Choctaw Agency West, February 25, 1853. "In relation to a claim of a remnant of Choctaw Indians--made by Mr. Felix S. Andry"--Letter from D. McVoy, M.D. of Mobile to Hon. A. H. H. Stewart, Secretary of the Interior. "Over 400 Choctaws living in the neighborhood . . . are altogether unwilling to remove West and wish to become citizens of this region."
- 1853 NARC, RG 75, M21, Roll 147, fr. nos. 109, 191, 225 May 9, June 28, and Aug. 4, 1853, "Letters Sent by Geo. W. Manypenny, Commissioner of Indian Affairs to F. S. Hunt, Ass't Supt. Choctaw Removal, Jackson MS stating that the Dept. of Interior is "suspending any further public service in relation to the removal of the Choctaw Indians, and Hunt's services as removal agent will be dispensed with on receipt of letter." Next letter acknowledges receipt of final accounts from Hunt; next letter states that examination of Hunt's accounts have been suspended in consequence of the informal manner in which they have been presented -- emigration vouchers are incomplete and Hunt must file evidence of actual emigration of Choctaws West."
- 1853 NARC, RG 75, M234, Roll 172, fr. no. 176-179, Letters Received by OIA. May 24, 1853, "Douglas H. Cooper, newly appointed Choctaw Agent, has qualified and submitted his bond. Submits remarks about Choctaw emigration and fraud. Indians who have removed are returning East."
- 1853 NARC, RG75, M234, Roll 172, fr. nos. 183-188, Letters Received by OIA. June 10, 1853, "Douglas H. Cooper gives notice of his arrival at the "Choctaw Agency" West--wants instruction relative to the payment of the Indians. Letter to Hon. Robt. McClelland, OIA."
- 1853 NARC, RG 75, M234, Roll 172, fr. no. 191-196, Letters Received by OIA. June 18, 1853, "Douglas

- H. Cooper reports situation of affairs at the Choctaw Agency to Hon. Robt. McClelland. He explains in detail how fraud is perpetrated by emigrators and Indians; also, explains how Indians wind up with no money."
- 1853 NARC, RG 75, M234, Roll 187, fr. no. 402-404, Letters Received by OIA, Choctaw Emigration. July 30, 1853, "Douglas H. Coopers encloses notes made at the time of holding conversation with Col. Fletcher, ex-chief, a Choctaw in relation to Choctaw Emigration; refers to what happened under F. S. Hunt in Miss. and Mobile, AL."
- 1853 NARC, RG 75, M234, Roll 187, fr. no. 441-442, Letters Received by OIA, Choctaw Emigration. August 4, 1853, "Letter expressing frauds practiced by the white men and Indians in Choctaw Emigration."
- 1853 NARC, RG 75, M234, Roll 172, Frame No. 222-225, Letters Received by the OIA, Choctaw Agency. Letter from Douglas H. Cooper, Agent for Choctaws to Geo. W. Manypenny, Commissioner Indian Affairs, Sept. 8, 1853. "Cooper asks for instructions as to which law is applicable in payments to Choctaw claimants, Choctaw law or state law. He states "because the Choctaws who are wandering East of the Mississippi can hardly be considered residents of any particular state being sometimes in Mississippi, sometimes in Alabama and frequently in Louisiana."
- 1853 NARC, RG 75, M234, Roll 187, fr. no. 471-472, Letters Received by OIA, Choctaw Emigration. Nov. 25, 1853, "R. W. Lewis of Mobile writes to F. S. Hunt regarding emigration; says he has Indians ready to emigrate."
- 1853 NARC, RG 75, M234, Roll 187, fr. no. 385-387, Letters Received by OIA, Choctaw Emigration. December 6, 1853, "John E. Fisher writes to Hon. B. Fitzpatrick (U.S. Senator from Alabama) requesting information on whether the emigration of Choctaws will be revived as he has a friend in the business."
- 1853 Frederic Bremer, The Homes of the New World: Impressions of America (1847-1849), Vol II, New York, 1853; Her sketch (drawing) of Choctaws in 1851 in Mobile Public Library-Local Division.

- Painting of Julia Laurendine, Choctaw "chumpa girl" is in Mobile City Museum in Indian room.
- 1854-1943 Records in Washington County Probate Office relating to ancestors of petitioners. Asbtracted.
- 1854-1950 Mobile County School Records. Before Civil War, ancestors of petitioners were trustees in local schools; after Civil War their schools were classified as nonwhite. Records are abstracted from Mobile County School Board Minutes, Mobile, Al.
- 1854 "Indians Immigrating," February 24; "Off for the Great West," July 1, Mobile Advertiser, 1854.
- 1854 NARC, RG 75, M234, Roll 187, fr. no. 605-606, Letters Received by OIA, Choctaw Emigration. January 20, 1854, "William Fisher wrote to Col. P. (Philip) Phillips of Alabama requesting appointment as agent to emigrate Indians around Mobile."
- 1854 NARC, RG 75, M234, Roll 173, fr. no. 276-278, Letters Received by OIA, Choctaw Agency. April 6, 1854, "P. P. Pitchlynn & others, Choctaw Delegation think it would be proper to charge the U.S. Agent for the Choctaws, with the general Superintendence & management of collecting wandering Choctaws in the different states and settling them in the Nation West of the Mississi. river, with authority to procure the aid of such suitable persons as be necessary."
- 1854 NARC, RG 75, M234, Roll 187, fr. no. 550, Letters Received by OIA, Choctaw Emigration. July 27, 1854, "NOTICE to submit sealed proposals for furnishing subsistence for the term of 12 months; must put up a \$10,000 performance bond; Agent Cooper retains the right to reject bids and terminate contracts not in best interests of U.S. Government."
- 1854 NARC RG 75, M21, Roll 50, fr. no. 72, Letters Sent by OIA. October 5, 1854, "Letter sent to D. H. Cooper from Charles E. Mix, Acting Commissioner, enclosing copy of letter of J.W. Zacharie of Arkansas who states "that large bands of Choctaws are passing through this place (Hot Springs, Arkansas) on their return to the States of Mississippi & Alabama--and further he is led to believe that there is some fraud going on against

- the Government." He reminds him that he has been told of similar situations before and to investigate the situation.
- 1854 NARC, RG 75, M234, Roll 187, fr. no. 609-610, Letters Received by OIA, Choctaw Emigration. September 8, 1854. "Letter from Mr. Zacharia in Arkansas stating that large numbers of the Choctaw Indians are returning via that point to the states of Mississippi and Alabama & that the contractors for their removal went out with them, suggests fraud, &c. said contractor's name was Fisher."
- 1855 Prieur Jay Higginbotham. The Mobile Indians, Mobile, Alabama, 1966. p. 80 ". . . just before and after the Civil War, there was a small Indian settlement on Spring Hill Avenue just east of the present Spring Hill College." Also, Choctaws. . . lived around Mount Vernon until about 1830." Higginbotham is describing the location where William Fisher lived "about one mile west of the city." (NARC, RG 75, M234, Roll 187, fr. No. 222-224, Letters Received, Choctaw Emigration.)
- 1855 NARC, RG 75, M234, Roll 174, fr. no. 111-112, Letters Received by OIA, Choctaw Agency. Aug. 16, 1855, "Douglas H. Cooper responds to letter from J. W. Zacharia, relative to the return of Fisher and a party of Choctaws to Miss."
- 1856 Charles Lanman, Adventures in the Wilds: The U. S. and British America, Vol. 2, 1856. p. 190-197, "The number of Indians who spend much of their time in Mobile, but who live in the neighboring pine woods, is estimated at 1,000."
- 1856 NARC, RG75, M234, Roll 174, Letters Received, Choctaw Agency: Letters from D. H. Cooper reporting on his trip East to enroll Choctaws. Letter topics and citation follow:
- fr. no. 329: February 20, 1856 -- Cooper reports from Monclava, MS, his arrival in Missi. to take the census of Eastern Choctaws--desires to report the result in person to this office &c
- fr. no. 331: March 31, 1856 -- Cooper reports from Okahatta, MS, that he has been encamped at this place for the last week, headquarters of the Chunka Clan engaged in making payments to the Choctaws of money due them on a/c of awards under the 14th Art. Treaty of 1830. --thinks he will be

in New Orleans by the 1st of May, where an official letter will reach him directed to John Heald or Heald Massie & Co.

fr. no. 333: May 3, 1856 -- Cooper reports from New Orleans, ackn. letter of Commr. rel. to his assignment to Chickasaw Agency --makes statement rel. to location of the agency at Miss, it or some other point convenient & for the two tribes, his new bound journey west &c. Last paragraph: "After remaining here a few days to see a party of Choctaws, who ran off from me when here before, (under the false idea that I had come to tie them & put them on boat & take them to Arkansas)".

fr. no. 339: May 25, 1856 -- Cooper reports from Hillsboro, Scott Co., MS, on completion of the Census of Eastern Choctaws and the payment of awards under the 14th art. of the Treaty of 1830, due such of them as could be fully identified. He was on his way to his residence near Natchez and then to Choctaw Agency. Signed as Agent for Choctaws and Chickasaws.

1856 NARC, RG 49, General Land Office Records, Claims, Choctaw Treaty, 1830, Report Book, Vol. 9, p. 330. Report on the aggregate number of Choctaws from Chas. E. Mix, Acting Commissioner, Department of the Interior, Office of Indian Affairs to Hon. Wm. R. Sebastian, Chairman Committee on Indian Affairs, U. S. Senate, June 7, 1856. Excerpt from page 2: "Agent Cooper was instructed on the 4th of April 1855 to ascertain the number still left in Alabama, Mississippi and Louisiana. When last heard from he was engaged in the discharge of that duty, but has not so far reported the result.

1856 "Census Roll of Choctaw Families, residing East of the Mississippi River and in the States of Mississippi, Louisiana and Alabama made by Douglas H. Cooper, U.S. Agent for Choctaws, in conformity with Order of Commissioner of Indian Affairs dated May the 23rd, 1855: (Commonly known as the Cooper roll). Entry No. 260, RG 75, NARC. Dated July 26, 1856. Signed by Douglas H. Cooper, U. S. Indian Agent.

1856 Copy of Original: "Census Roll of Choctaw Families, Residing East of the Mississippi River and in the States of Mississippi, Louisiana and Alabama made by Douglas H. Cooper, U.S. Agent for

- Choctaws, in conformity with Order of Commissioner of Indian Affairs dated May the 23rd, 1855" (commonly known as the Cooper Roll). Entry No. 260, RG 75, NARC. Page one and two list the Six Town Clan located in Jasper and Newton Counties Mississippi and Mobile, Alabama. Last page of report: "Recapitulation, showing No. of Men, Women and Children, No. of families and places of abode." The Six Town Clan was comprised of 129 men, 191 women, 194 children for a total of 514 or 96 families living in Jasper & Newton Counties, Mississippi and Mobile, Alabama. Dated July 26, 1856. Signed by Douglas H. Cooper.
- 1856      Census of Eastern Choctaws Prepared by Douglas H. Cooper, U.S. Indian Agent, 1856. Most names are phonetically spelled in typed abstract; includes Elah-tubbe or Eli-Tubbee (Chief Tom Gibson).
- 1859      NARC, RG 75, M234, Roll 175, Letter Received by OIA, Choctaw Agency, Frame No. 409-417. Series of letters and a petition "Hon. A. G. Brown, U. s. Senate, refers letter to him from E. Rush Buckner of Mississippi on the subject of the removal of the Choctaws West, that remain in that stat, and asks if the Department needs such an agent as Mr. Buckner Speaks of." Reply on Letter from Hon. Jon J. McRae to the Commissioner of Indian Affairs, March 11, 1859: "I send this paper to be filed in the Indian Office. We have conferred fully upon the subject and you have informed me that the Gov't has no intention to make any further removal of Choctaws. . . ."
- 1860      NARC, RG 75, M234, Roll 176, Letters Received by OIA, Choctaw Agency, Frame No. 13-17 and 165-166. June 4, through September 3, 1860. Series of letters requesting information on name and residence of Choctaw Agent. Reply from Charles E. Mix, Acting Commissioner, Office of Indian Affairs, Sept. 3, 1860 to Hon. Wm. Barksdale of Columbus, Mississippi, responded "that no such agent has been appointed by the Department." The Choctaw ancestors of the MOWA Band remained in Alabama and were recruited for the Confederacy. The majority of the men were killed, leaving the women and children in south Alabama.
- 1860      Caldwell Delaney, The Story of Mobile. Mobile, AL: Gill Printing Company 1953, p. 77-78. Describes Choctaws who lived at Choctaw Point in Mobile before the Civil War.

- 1862 S. G. Spann, Commander of Choctaw Forces, Mobile, Alabama, authorized by the Secretary of War to enlist all the Indians east of the Mississippi River into the service of the Confederate States as Scouts. The camp was located at the foot of Stone Street in Mobile. Sources from: -Halbert, Folder No. 178, Alabama Department of Archives & History; Confederate Veteran, Vol. 8, 1905, Nashville, TN; Muster Roll of Choctaw Regiment, Mississippi Department of Archives & History.
- 1863 Captain Toomer's Company, Muster Roll, Chunchula, Alabama. An ethnic regiment of Choctaws and mixed-blood Indians. Captain Toomer's Company Local Defense and Special Service Alabama (Chunchula Guards) subsequently became Co. G, 4 Alabama Reserves, Confederate.
- 1870 U.S. Census: Indians identified in Mobile County - 9.
- 1879 Rev. T. H. Ball, Clarke County, Alabama and its Surroundings, 1540-1877. Reprinted, Clarke County Historical Society, 1973, p. 95-98. Ball states that Choctaws continued to visit Mobile and sell firewood.
- 1880 U.S. Census: Indians identified in Mobile County-19: in Washington County - 2.
- 1881 NARC, RG 123, U.S. Court of Claims, General Jurisdiction Case Files, 1855-1939, Case No. 12742: The Choctaw Nation of Indians v. The United States. All bound in one volume, totaling 1240 pages. Depositions of Mowa ancestors confirm oral history. James Campbell, Alexander Brashears, Charles Frazier, Robert Cole, Peter Cole, EliTubbee, alias Tom Gibson, Pierre Juzan; also described the "Bay" Indians (name given to Choctaws who lived near Mobile Bay).
- 1882 H. S. Halbert, Folder No. 11, Choctaw Baptist Mission. Al. A & H. With the removal west, the Indian missions practically ceased. But, Baptist Mission among the Choctaws of Mississippi and Alabama began in 1882. Report of Rev. N. L. Clarke p. 41, "The Association in the session at Fellowship in 1891, appointed Brother Isham Johnston at labor at State Line. . .these brethern, all Choctaws, accepted these appointments."; Antiock Association in 1895 appointed Charly Thomas to preach to the Indians

- living on the Gulf Coast."; In 1904 the General Association resumed its work among the scattering bands that still cling to the land of their forefathers."
- 1882 Frances Beverly, "The Red Man in Mobile History," Federal Writer's Project, 1930s, copy in Mobile Public Library-Local History, "As late as 1882, there were remnants of a tribe that spent every winter in Mobile.
- 1884 Papers of Edward Palmer. Note made April 6, 1884, in Mobile, "These Indians have a few of these mortars among them. (I) met a party in Mobile who informed me (that) they made them." Palmer was a scientist in the employ of the Bureau of American Ethnology, who made several trips through Alabama in the period 1883-88, principally looking for mounds and archaeological finds. Collection located at Alabama Dept. of Archives and History. (AAS&H)
- 1889-1897 H. Austill, "White Man's Friend: Choctaw Chief, Pushmataha, A Native Great Man." The Daily Register, Mobile, Aug. 21, 1897. Choctaws seen on streets of Mobile. James M. Glenn, PH.D. "Indians Still Make Homes in South Alabama Counties: Familiar Figures in Small Towns." "The writer has seen members of the Choctaw tribes in upper Mobile County." The Birmingham News, Sunday, May 15, 1927. From Glenn Scrapbook in Alabama Dept. of Archives and History, entitled "Sketches of Alabama."; also, Montgomery Advertiser, Wednesday, February 14, 15, 1951.
- 1890 U.S. Census (manuscript burned) population totals only available. Indians identified in Washington County - 0; in Mobile County - 402 (plus 384 Apaches).
- 1896-1911 Proposed Legislation for the Full-Blood and Identified Choctaws of Mississippi, Louisiana, and Alabama with Memorial Evidence, and Brief. Source: Indian Archives, Oklahoma Historical Society.
- 1899 NARC, RG 75, Central Classified Files, 1907-39, 93927-1911-0 53 Choctaw. Supplement to McKennon Roll. Letter reporting names of Choctaws who were left off approved roll of Mississippi Choctaw Indians.

- 1900 U.S. Census, Indians identified in Washington County - 0; in Mobile County - 5.
- 1900-1920s Enrollment in the five Civilized Tribes. Hearings before the Subcommittee of the Committee on Indian Affairs, House of Representatives, on the Subject of Enrollment in the Five Civilized Tribes, having under consideration the following bills: 3389, 3390 6537, 7926, 7974, 8007, 10066, 10140, 12586 "The Mississippi Choctaws." Source: Library Oklahoma Historical Society. Contains List of Mississippi Choctaw Indians to whom patents were issued for land under the provisions of article 14 of the Treaty of Sept. 27, 1830 (7 Stat. L, 333-335); List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of August 23, 1842 (5 Stat. L., 513) in lieu of land to which they were entitled under Article 14 of the Treaty of September 27, 1830. List of names and testimony of Mowa Ancestors.
- 1902 NARC, Entry 267, Box 4. "List of Persons whose names appear on Identification Roll of Mississippi Choctaws, approved by Act of June 28, 1898 (30 Stat. L., 495), but who were not enrolled on the final rolls of Mississippi Choctaws entitled to allotments in the Choctaw nation under the provisions of the Act of July 1, 1903 (32 Stat. L., 641). Dawes Enrollment, they were identified as Mississippi Choctaws, but did not remove.
- 1906-1909 Eastern Cherokee Applications of the U.S. Court of Claims. Microcopy 1104: Roll 333 - Application Nos. 43551-43700; Roll 320 - Application Nos. 41601-41750; Also Appl Nos. 17390-17395 Abstract of names of ancestors of petitioners.
- 1910 U.S. Census, Indians identified in Washington County -172; in Mobile County - 7. The original identification as "Indian" was written over with the word "mixed." evidently by an official census taker of the United States. Also, marginal notes identified clusters of families in Fairford and Malcolm precincts in Washington County as "These people entered as mixed, are composed of Indian, of Spanish, some of them with French, some with white, and some with negro. The prevailing habits are Indian. Called Cajan."
- 1910 John R. Swanton. "Early History of the Creek Indians and their Neighbors." Smithsonian

- Institution, Bureau of American Ethnology. Bulletin No. 73, Washington: Government Printing Office. 1922. "Census returns of 1910 lists 57 Indians in Alabama." Also, "Choctaw Population Subsequent to 1834."
- 1917-1965 Washington County School Records. Minutes of Washington County Board of Education, abstracted. These records reflect accommodations made by the school board for a third school system in the county for "Cajan" (Indian) children.
- 1920 U.S. Census, Indians identified in Washington County-10; in Mobile County-12.
- 1921-1935 Birth and Death Certificates of MOWA, district No. 14 - Registered No. 650014, Washington County, AL. Records of Washington County, Vital Statistics, Alabama Department of Archives and History. (abstracted) Racial designation varies: mixed, Cajan, Indian. Of the 110 births, only 3 were delivered by physicians; most were delivered by MOWA midwives: Clara Echols, Creasey Reed, Jane Reed, Mary Davis. Of the 41 deaths, 18 were buried in Reed's Chapel, 14 in McIntosh.
- 1922 Reed v. State, Alabama Appellate Reports, Vol. 18:353, 371. Reed testified that his ancestors were of Indian descent; witnesses--MOWA leaders--also testified that an earlier case --30 years earlier--had proven Indian ancestry of defendant. (1880s records of Washington County were destroyed by fire.)
- 1923 Letter to Mrs. Kate C. Hagan, Mobile, Alabama, April 19, 1923 from Governor William W. Brandon re: Dossy Rivers case. Governors Papers (1923-1927: Brandon), RC2:G156, Administrative files, Miscellaneous Correspondence, Alabama Department of Archives and History. Her letter was evidently sent to Hilary Herbert Holmes as it is not in the file. Members of the Rivers family say that Mrs. Hagan was "a social worker who wrote to Governor Brandon at the request of ancestral leaders of the MOWA community: Tom Byrd, Early Reed, Luke Rivers, George Lofton, Henry Eaton, Richard Rivers, George Weaver, and Henry Davis. They said if he was killed that they were going to kill a hundred white people." (Peter Rivers interview with Clasby Rivers, Mt. Vernon, Alabama, September 20, 1991.)

- 1924 Brandon Report. Hilary Herbert Holmes, "The so-called Cajan Settlements in Southern part of Washington County, Alabama: (Indians)" A survey made for Governor William W. Brandon, Governor of the State of Alabama. Report was triggered by events leading to the murder of local deputy sheriff; refers to "descendants of Choctaws."
- 1925 Reed v. State, Alabama Appellate Reports, Vol. 20:496. Case brought against defendant is same as 1922 case above.
- 1928 Weaver v. State, Alabama Appellate Reports, Vol. 22:469. Case brought against defendant is same as 1922 and 1925.
- 1929 Report of the Survey of Washington County Schools, School Year 1928-1929, Research and Survey Series Number 8, State of Alabama, Department of Education, Issued by Authority of the State Board of Education. Located in Library, University of Montevallo, vertical file, Washington County, AL. Pages 6 and 7 define the problem of establishing a third school system in an already Constitutionally mandated dual school system. "It does not appear by what authority a superintendent of Education can pass judgment in cases where race is in question." Report concludes that the courts must decide.
- 1927 James M. Glenn, Ph.D. "Choctaw Indians: Familiar figures in small towns," Birmingham News, May 15, 1927. "The writer has seen members of the Choctaw tribes in upper Mobile County."
- 1928 Lazenby, Marion Elias. History of Methodism in Alabama and West Florida, 1960, p. 736 and p. 1105-6. "The work among the Cajans was first reported to the Annual Conference in 1928 by S. M. Baker, Extension Secretary of the Sunday School Board, who had begun the work there, after having the conditions of the Cajans called to his attention by the women of the Mobile District.
- 1929 Laura Frances Murphy, "How Scarritt Students Spend Vacations," The Trained Lay Worker, Vol. II, No. 5, December, 1929.
- 1930 Letter to Mrs. Marie Bankhead Owens from M. Sollie, April 15, 1930, Folder No. 324, "Cajuns", Container SG 6946, PIF-Gen., AA&H. Sollie is requesting information on history of Cajuns to

- prepare a memorial for presentation to the Legislature on the "educational cause and rights of the Cajuns, occupying Mobile, Choctaw and one other Alabama County." In 1919 he was instrumental in securing \$100,000 for their relief; modification of that revolving fund was made in the Acts of 1927, Section 11, \$500,000 and Section 64, \$100,000, Alabama School Code. Women of the Methodist Church advocate this legislation.
- 1930-35 Annual Reports of the Woman's Missionary Council of the Methodist Episcopal Church South. 21st AP, p. 386; 22nd AP, 348; 25th AP, p. 240.
- 1930 Letter from Dr. Robert C. Macy to Mrs. Marie B. Owen, Director of Archives & History, June 6, 1930. Dr. Macy writes from Atmore in answer to Mrs. Owen's request for information on Cajans in Escambia County. He states that he is working with Indians. From his letter and that of Mr. Sallie, apparently all Indians in Alabama were identified by the public as Cajans.
- 1930 Taylor v. Washington County Board of Education, et als. Circuit Court, Washington County, Alabama, T. J. Bedsole, Judge of the Circuit Court, First Judicial Circuit. (Published in The Washington County News, Chatom, AL, April 3, 1930) Students denied admission because of race. "The evidence in this case shows that the County Board adopted a resolution that the children known as the "Cajan" children should not be admitted to the white schools."
- 1930 U.S. Census, Indians identified in Washington County - 0; in Mobile County - 50.
- 1930 Laura Frances Murphy, "Byrd Settlement--A New Field of Service" n.d. and "Among the Cajans of Alabama." Missionary Voice, November, 1930; "Mobile County Cajans." Alabama Historical Quarterly, Spring, 76-86, 1930.
- 1931 R. Clay Bailey, "The Strange Case of the Cajans," Alabama School Journal, April, 1931. Article refers to formation of triple school system in Washington County.
- 1931 Horace Mann Bond, "Two Racial Islands in Alabama," American Journal of Sociology, Vol. 36, No. 4, 552-567, 1931. Although this report is obviously biased and extremely negative, regarding the

- Cajuns of Mobile and Washington Counties, it does state that "They admit readily the racial heritage from the Indian. . ." They self-identified as Indians.
- 1934 Carl Carmer, Stars Fell on Alabama. New York: Farrar & Rinehart, Inc., 1934, p. 255-269. Carmer reports what his host tells him about the Cajans, describing folkways, frolics, heritage, appearance, etc. When the teacher asked one little boy to tell him about the Cajan people, he replied "From French people that married Indians."
- 1934 Indian office file No. 55742-1934; file no. 150. Letter from Mrs. Elvin Byrd requesting information on Indian Service Work. Report on findings was submitted to the Commissioner of Indian Affairs by Dr. W. Carson Ryan, Jr., Director of Indian Education.
- 1934 The State of Alabama, Ex Rel Alice Everett v. The Board of School Commissioners of Mobile Count et als, Docket No. 17,750, Circuit Court of Mobile County, Alabama. Petitioned court for her children to be able to attend "white" school who were denied admission because they were descended from Rose Gaines Reed.
- 1935 "Claims of Choctaw Indians of Mississippi," Senate Report No. 781, Calendar No. 825, 74th Congress, 1st Sess., May 13, 1935. "The claimants number approximately 1,800 individuals who live in small communities chiefly in Mississippi, ALABAMA, and Louisiana, following to a large degree their primitive customs, and who had until recent years neither Government nor State aid, educational or otherwise." Also, defines the term "Choctaws of the Mississippi" to include--". . . only those persons who on July 1, 1902, were residents in the States of Mississippi, Alabama, and Louisiana having not less than one-eighth Choctwa Indian blood, and their descendants, . . ."
- 1935 Laura Frances Murphy, The Cajans of Mobile County, Alabama. Submitted in partial fulfillment of the requirements for the degree of Master of Arts in the Department of Sociology, Scarritt College for Christian Workers, June, 1935. (Xeroxed copy located in Mobile Public Library, 6929.376122M.)
- 1936 "Choctaw Indians of Mississippi," House of Representatives, Report No. 2415, 74th Congress,

- 2nd Sess., April 15, 1936. Language similar to document 781 above.
- 1938 "Claims of Choctaw Indians of Mississippi," House of Representatives, Report 2233, 75th Congress 3rd Sess., April 26, 1948. Language similar to document 781 and 2415 above.
- 1940 U.S. Census - No statistics on Indians
- 1940s World War II - Registration Card No. 34802839, Leon Taylor identified as Indian.
- 1940 Laura Frances Murphy, "The Cajans at Home." Alabama Historical Quarterly, Winter, 416-427, 1940.
- 1941 Clatis Green, "Some Factors Influencing Cajun Education in Washington County, Alabama." Submitted in partial fulfillment of the requirements for the degree of Master of Arts in the College of Education in the University of Alabama, 1941. Green based his paper on letters from white business leaders in the county, census records, court records, and Carmer's Stars Fell on Alabama. He also secured the help of A. D. Price, a shop foreman for the L&N Railroad, who had been hired by the Mobile County School system to keep a list of "Cajun" students who were to be barred from attending white schools. (Price's list was sent in with original petition.)
- 1941 Alyce Billings Walker, ed. Alabama: A Guide to the Deep South. Reprinted, New York: Hastings House, 1975. Tour 9 describes Alabama Cajun Indians and refutes "Cajun" designation. p. 366-369.
- 1941 Same case as above, Docket No. 1640, Circuit Court of Mobile County, Al.
- 1942 Same case as above, Alabama Supreme Court Records, No. 8846, October Term, 1942-43. Relator has no money to pay court costs and her children are being denied an education.
- 1943 State v. Board of School Com'rs of Mobile County, 244 Ala. 467. Continuation of above case.
- 1944 State v. Board of School Com'rs of Mobile County, 246 Ala. 133. Continuation of above case.

- 1946 William Harlen Gilbert, Jr. "Memorandum Concerning the Characteristics of the Larger Mixed-Blood Racial Islands of the Eastern United States." Social Forces, Vol. 24, No. 4, May, 1946, pp. 438-477. Family names of Cajans and Creoles of Alabama and Mississippi are listed together, but states that the relationships are not clear; Indian is included in physical description of Cajans and states under heading "Cultural Peculiarities:" Cajans have individual patois and magical art."
- 1948 William Harlen Gilbert, Jr., "Surviving Indian Groups of the Eastern United States." Annual Report of the Board of Regents o the Smithsonian Institution for 1948 (1949): 407-438. See No. 18, Alabama.
- 1949 Gordon Brown. "Alabama, Mississippi Choctaws Seek \$200 Million from U.S." Birmingham News, November 18, 1949.
- 1950s Docket 21, Creeks. Indian Claims Commission. Bureau of Indian Affairs.
- 1950 Edward Thomas Price, Jr., B.S. (California Institute of Technology) 1937, "Mixed-Blood Populations of Eastern United States as to Origins, Localizations, and Persistence." Dissertation submitted in partial satisfaction of the requirements for the degree of doctor of Philosophy in Geography in the Graduate Division of the University of California, January 1950. Chapter IV, "The Cajans of Southwest Alabama." Describes physical characteristics, which includes Indian, describes economic and social milieu of time and place. Quotes extensively from Green and Murphy above. He did no research in records of the Office of Indian Affairs.
- 1950s Register of the descendants of the Creek Indians, East of the Mississippi River, Vol. I., "The Head of Perdido Friendly Creek Indian Band, signed up by Mrs. Roberta Sells, Recording Secretary. Copy of "Calvin McGhee" Roll in Mobile Library-Local History. Calvin McGhee came to Mobile and Washington County churches to get support for the Indian People of Alabama. He charged each person who signed up a fee. Names of MOWA Choctaws appear throughout. (Sample pages attached).

- 1950s Birmingham News, November 6, 1967. "A thorny ruling by the Alabama Supreme Court in the early 1950s, dashed hopes for a better break for Cajun children. A Cajun boy whose grandfather was a Confederate veteran enrolled in a Mobile County white school. Nine days later, he was ousted by school authorities on grounds that he was a Cajun. The high court upheld the low court's ruling that the burden of proof was not on school authorities to prove that a Cajun was non-white, but on the pupil to prove that he was white."
- 1952 V. L. Wyatt, Director. "Evangelistic Crusade Among South Alabama Indians," The Alabama Baptist, July 17, 1952. Describes churches of South Alabama Indians.
- 1953 Edward T. Price, "A Geographic Analysis of White-Negro-Indian Racial Mixtures in Eastern United States," in Annals of the Association of American Geographers, Vol. XLIII, June 1953, p. 144, "The Cajans of Alabama." Article based on above dissertation.
- 1953 William H. Burson. "500 Surviving Choctaws Ready for Court to Demand Cash for Mississippi, Alabama Lands," Montgomery Advertiser, March 15, 1953. "Choctaw Indians to Press Demand for Pay by U.S.," Mobile Register, March 15, 1953. "Hearing of Choctaw Indian suit for \$209 million abruptly ends," Birmingham News, March 19, 1953. "Choctaw Indians Claim Lands in Alabama in Federal Lawsuit," Montgomery Advertiser, October 7, 1953. "U.S. Fights Claim made by Choctaws," Mobile Register, October 7, 1953.
- 1954 "Choctaws are Jubilant as First Claims Paid," Mobile Register, August 18, 1954.
- 1955 "Choctaw Claim Hearing is Set," Mobile Press, August 30, 1955.
- 1958 "2 nations Map Indian Party: Choctaw, Creek Leaders meet at Atmore." Montgomery Advertiser, February 21, 1958. KILROI "Kinsmen of Indians for Liberty, Reform, Opportunity, and Instruction in Civic Affairs" was formed as a "nationwide political union of redmen." They planned to solicit the support of full-blood Indians and descendants in Alabama, Georgia, Florida, North and South Carolina. "Inter-tribal relations linked by KILROI: Indians Set Precedent in

- Political Union Formation." Montgomery Advertiser, February 24, 1958. KILROI formed because they "realized that progress for the benefit of all Indians could be enhanced through free citizens operating under an organization which might bring matters of importance to the attention of local public officers and national Congressional representatives."
- 1961 Bennett Weaver, "McIntosh Rural News," Washington County News, November 16, 1961. Report on P.T.A. meeting at Reed's Chapel School with names of leaders and those contributing to fund are listed. Many of these MOWA Choctaws continue to serve the school and community in leadership roles.
- 1962 "Indian Descendants Organize Chapter of 'KILROI America' in Washington County." Washington County News, January 11, "A Washington County Chapter of KILROI, an organization of persons of Indian descent and their kinsmen, was chartered this week according to Chief Calvin W. McGhee, Atmore, president of the state organization. Chief McGhee said that R. (Reuben "Red") A. Reed of McIntosh will be president of the Washington County group. Camellia Reed of McIntosh is vice president and Mrs. Thelma Smith, also of McIntosh, is secretary." . . . "Membership in the county and state organizations include descendants of Choctaw, Chickasaw, and Cherokee Tribes as well as Creeks."
- 1962 Bennett Weaver, "McIntosh Rural News," Washington County News, March 22, 1962. Announcement of simultaneous revivals to be conducted in the South Alabama Indian Mission field by the Washington County Association of Baptist Churches.
- 1962 "Simultaneous Revivals Set for South Alabama Indians," Washington County News, April 26, 1962. Churches and pastors are listed: Bethel, Cedar Creek, Liberty Memorial, Mt. Moriah, Mt. Pleasant, Oak Hill, Reeds Chapel, and Rivers churches.
- 1962 "Wallace endorsed by Indian Group, KILROI America." Washington County News, May 10, 1962. KILROI America endorsed Wallace for Governor. It has "county chapters in 35 of Alabama's 67 counties, with a membership of better than 60,000."

1962

Reed v. Pearson, as Superintendent of Education of Washington County, AL, et al. United States Court of Appeals for the Fifth Circuit. Appeal from the district Court of the United States, Southern District of Alabama - Southern Division. Reed's Chapel School, an Indian school, denied admission to a student whose grandmothers were not of the mixed blood group of the community of Reeds Chapel.

Interview with Theodore B. Pearson, former Superintendent of Education, Washington County, AL from 1932-1965, June 17, 1985.

"Mix Appeal Dismissed," Mobile Press, August 5, 1962, "The 5th U.S. Circuit Court of Appeals upheld an Alabama federal court's dismissal of a suit in which a Washington County, Alabama, Negro sought readmission to Reeds Chapel School. . . . The Reeds Chapel School is operated in a community of mixed blood. The plaintiff, contended he had been excluded because his 'maternal and paternal grandmothers were not of the mixed blood group of the community of Reeds Chapel.' He was excluded from the school in January 1961, after his admission caused a disturbance at the school and brought about its closing for 10 days." The case again shows the cohesiveness of the community.

1967

Hugh Sparrow, "Southwestern Counties: White Schools Open to Alabama Cajuns." Birmingham News, November 6, 1967.

1970

April 24, Letter from R. A. Boykin to Mr. David Scott, Program Associate Education for American Indians Unit, Office of Education, Department of Health, Education and Welfare, Washington, D.C., regarding Indian school in Washington County, Alabama; June 12, letter from David Scott to Mr. R. A. Boykin regarding this issue; June 17, letter from Carl Albert, House of Representatives, Congress of the United States, Office of the Majority Leader, to R. A. Boykin stating that he "has received letter from Office for Education for American Indians and that he is referring it to the Office of Civil Rights of the Office of Education to take action responsive to your request. cc: Bennett Weaver and Gallasnead Weaver, McIntosh, AL.

- 1970 Richard Severo, "The Lost Tribe of Alabama," Scanlan's I, March 1970, p. 81-88. Article based almost exclusively on Greene's 1941 thesis.
- 1971 George Harry Stopp, Jr., "The Impact of the 1964 Civil Rights Act on an Isolated "Tri-Racial" Group." A Thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts in the Department of Anthropology in the Graduate School of the University of Alabama. He states that most of his material came from work of Greene, Murphy, and Price and says that he was only able to get into the community "under the pretense of being a prospective school teacher at Calcedeaver." He does mention that in an interview with a member of the community, Mr. Calvin Byrd said that Choctaw Indians from Mississippi escaped forced movement and were integrated into the community. Stopp states "The presence of a bit of Indian blood has little effect, as there are not enough Indians in Alabama to merit a real place in the status hierarchy." But, he gives no indication for this conclusion and he did no research into records on Indians.
- 1973 Edward Boykin, Everything's Made for Love in this Man's World. Mobile, AL: Interstate, 1973. U. S. Congressman Frank Boykin was in office for over 30 years. His son tells his father's story of acquiring land and wealth in Mobile-Washington County area. He owned Tensaw Land and Timber Company and took a "paternalistic" interest in the MOWAs who lived on his land and worked for him.
- 1974 Eugene B. Griessman and Gary Minton, "The Formation and Development of an Ethnic Group: The "Cajuns" of Alabama." Paper presented at the Annual Meeting of the American Anthropological Association (73rd, Mexico City, November 19-24, 1974; Eugene Br. Griessman and Curtis T. Henson, Jr., "The History and Social Topography of an Ethnic Island in Alabama." Presented at the annual meeting of the Southern Sociological Society, Atlanta, 1974. Papers based on foregoing papers of Greene, Murphy, Price, Stopp, etc., but does refer to them as Indians in an interview with Mr. Gallasneed Weaver, the principal of Reed's Chapel School.
- 1975 "Agency to get Jobs for Indians Opened," Mobile Register, June 11, 1975. Office established in Mobile to serve as headquarters for a federally

- funded program designed to provide training and employment opportunities for American Indians who live in Alabama.
- 1976 Letters from Joe L. Reed, Associate Executive Secretary, Alabama Education Association, Inc. to Mr. Gallasneed Weaver, September 22, responding to his request to be added to the present litigation that is pending against the Washington County Board of Education re: desegregation; copy of letter to Mr. Solomon Seay, Attorney, Montgomery, September 23, advising that Mr. Gallasneed Weaver is a principal at one of the schools in Washington County that may be closed. "You may take special note that Mr. Weaver is of French-Indian descent, and they have special schools in Washington County for those citizens who are descended from the French and the Indians."
- 1976 Addie F. St. Laurent. People Along Bayou Sara. Saraland, AL: Women's Club of Saraland, 1976. Page 7 in chapter entitled, "Dicken's Pasture, 1711-1917." Local history of people including John Everett (Reed) and Frank Boykin. Describes business relationship between Everett and Boykin, "In 1916, the late Frank Boykin, former U.S. Congressman, and his partner, John Everett bought 8600 acrs extending from Chickasabogue to Mobile River, and west and south of Bayou Sara. They had a sawmill and a very, very large turpentine still... Boykin and Everett sold their holdings to Tennessee Land Company, a subsidiary of United States Steel Corporation in 1917."
- 1976 Report of American Indian Policy Review Commission, Chapter 11, Nonrecognized Tribes," p. 468, Choctaws in Mobile and Washington Counties, 4,000. Source: Gamage Rivers.
- 1977(?) David Mercer, "A Proposal to Conduct a Demographic Survey of the South Alabama "Cajuns." This proposal describes all the foregoing papers and proposes a genetic study of these "isolates" based on demographic information. Work was never completed because leaders of the community told him that they did not want any more outsiders writing about them without their knowledge and consent.
- 1977 Letter from Gallasneed Weaver, Principal, Reeds Chapel School to Dr. Wayne Teague, State Superintendent of Education requesting that Reeds

- Chapel remain open because it is "one of the last of what was once five Cajun-Indian schools in Washington County. . . The Reeds chapel school is a place for perpetuating our culture."
- 1977 Letter from John S. Wood, Superintendent, Board of Education, Washington County, AL, September 30, to Dr. Wayne Teague, State Superintendent of Education enclosing letter from Gallasneed Weaver above. Superintendent Wood requested that Reeds Chapel be made a permanent school cite. He stated "The problem at Reeds Chapel is not new to my administration. What to do with this school which was at this time a twelve-grade school, was of major concern in the 1969 court-ordered desegregation of the eastern half of Washington County. When we met in Montgomery with lawyers from H.E.W. and the Justice Department to discuss these plans, one of the lawyers had fortunately for us had previous experience in dealing with a situation relating to a group of American Indians in North Carolina. He was, therefore, much more understanding concerning our proposal to leave the Reeds Chapel School as a school for 'South Alabama Indians' the term used for these people in the final desegregation plans of that year. Later the school was made an over-flow school for grades one through six; however the student body is at the present as it has been in the past almost entirely Cajun-Indians."
- 1977 Letter from Wayne Teague, State Superintendent of Education to Mr. John S. Wood, Superintendent, Washington County Board of Education, October 14, with cc: Mr. Brian Landsberg, U.S. Department of Justice, Civil Rights Division, Washington, D.C. Dr. Teague responded positively to Mr. Wood's request that Reeds Chapel be approved as a permanent elementary school center by stating that "the laws of Alabama give local superintendents and boards of education full and complete control over the operation of the school system." The school continues to operate as a community school.
- 1978 Bennett Weaver, MOWA leader, minister, and teacher at Reeds Chapel School. A series of articles on progress of formation of MOWA Band of Choctaw Indians, Call-News Dispatch, Chatom, AL, 1978-79.
- 1979 Frank Sikora, "Mowa tribe in South Alabama: After 150 years of isolation, new nation emerges within nation," November 18, 1979, p. 2-A; "Mowas file

- suit asking for land, town, business," Birmingham News, December 2, 1979, p 42-A. "Alabama's Newest Tribe: The 'Mowa' Indians," Envirosouth, 14-15, 1979.
- 1979 Alabama House and Senate recognized sovereign rights of Choctaws of Mobile and Washington County, Alabama and create Mobile-Washington Counties Indian Commissions.
- 1979 Choctaw Council of Mobile and Washington Counties, Alabama create a non-profit corporation for civic, religious, and educational reasons and adopt by-laws governing the nonprofit corporation.
- 1980 U.S. Department of Education, Title IV, Indian Education. Funds provided and program implemented on continuous basis since that time. Mrs. Laretta Weaver is coordinator of 1981 U. S. Department of Health and Human Services awarded funds for a Community Services Block Grant (CSBG); Administration for Native Americans research grant.
- 1980 Mike Gibson, "Alabama's Indians--the Forgotten Minority," Alabama Social Welfare, September-October 8-10, 1980.
- 1980 Alabama Attorney General, Charles Graddick gives opinion confirming Choctaws of Mobile and Washington County still having their rights as a sovereign tribe.
- 1981 Indian Rights Case - Gallasneed Weaver, Plaintiff v Alabama Education Association, Inc., Defendant, Third Party Plaintiff v Gray, Seay & Langford, Third Party Defendants, In the Circuit Court of Washington County, AL, CV-81-103.
- 1981 "Indian Education Program said a Model for Country," Call-News Dispatch, October 22, 1981.
- 1981 November. Minutes of Mobile County Board of Education. "Delegation No. 3: Mr. John Byrd, president of Calcedaveer Action Committee, expressed concern with the moving and closing of Calcedaveer School. Pointing out that members of the community have not been involved in the planning and the decision making which affect the school and the children and that Calcedaveer School is the community's main resource for maintaining community identity and togetherness,

Mr. Byrd said the students in the community are receiving an education as good as could be received in another school. His request is not for a new school, or a new wing, all he is asking is that the School Board maintain Calcedeaver School in the community, he added." The Board agreed not to close Calcedeaver School. Members of the delegation who accompanied Mr. Byrd were: Polly Rivers, Gallasneed Weaver, Lem Byrd, Buffalo Taylor, Delia Lofton, and Erby Reed. Calcedeaver continues to operate as a community school.

1981 Letter from Eddie L. Tullis, Chairman, Poarch Band of Creek Indians to Framon Weaver, Chairman, MOWA Band of Choctaw Indians, requesting support for their efforts for Federal Recognition in the "spirit of Indian brotherhood." This letter shows that MOWAs are recognized as Native Americans by other Native Americans.

Letter from Framon Weaver, Chairman, MOWA Band of Choctaw Indians written in support of Poarch Band of Creeks, August 4, 1981.

1981 Letter from Edward B. Freeman, Department of Special Missions, Southern Baptist Convention to Rev. and Mrs. Elbert R. Isbell missionaries assuring them that "the ministry which you direct to be a mission ministry among American Indians of Choctaw heritage since the work was begun with a survey of the field in 1921. These ministries have been conducted by Southern Baptists under the overall program of missions to American Indians throughout this entire sixty year period.

1981 Alvin Benn, State Pow Wow to demonstrate Choctaw Identity," Montgomery Advertiser-Journal, June 19.

1982 "Choctaw Indians Purchase Large Site Near Calvert; To Develop It," September 16, Call-News Dispatch, Chatom, AL, Vol. 20, No. 37.

1982 Jacqueline A. Matte, The History of Washington County: First County in Alabama. Chatom, AL: Washington County Historical Society, 1982, Chapter 14.

1983 "Leaders of Choctaw Indians Recognized," April 14, Call-News Dispatch Chatom, AL, p. 9.

- 1983 Carolyn Ashburn, "Mowa Choctaws have own industrial land," Mobile Press Register, August 18-19:4.
- 1984 Kathy Dean, "Truth About Indians Being Taught," Mobile Press Register, April 23, 1984.
- 1985 Report to the Mowa Band of Choctaw Indians Concerning their Federal Petition to the United States for Federal Recognition submitted by Dr. Kenneth H. York, Mississippi Choctaw, March 30, 1985.
- 1985 Choctaw Council of Mobile and Washington Counties, Alabama vote to follow the traditional form of tribal democracy and draft a new constitution.
- 1987 Arthur Drago Jr., "MOWA Indians expect federal recognition," Mobile Press Register, Metro Region, Sec. B, Sunday, February 9, 1987.
- 1987 MOWA Band of Choctaws submitted Report to Bureau of Indian Affairs to satisfy 25 CFR. 83.7, federal recognition requirements.
- 1990 Barbara Waddell, Chairman, The History of Washington County: First County in Alabama, Vol. II. Chatom, AL: Washington County Historical Society. Lists MOWA cemeteries.
- 1990 Gary B. Mills, Ph.D., C.G. "Tracing Free People of Color in the Antebellum South: Methods, Sources, and Perspectives." National Genealogical Society Quarterly, December, 1990, 78:4:262-278. Pitfalls of identifying Indians is discussed.
- 1991 Letter to Bureau of Indian Affairs from Dr. Kenneth H. York, Mississippi Choctaw, written in support of the MOWA Band of Choctaws, September 4, 1991.
- 1991 Letter from Dr. B. Frank Belvin, Oklahoma Choctaw written in support of MOWA Band of Choctaws being recognized by the federal government. His brother, Harry J. W. Belvin, was Chief of the Oklahoma Choctaws for 27 years. Dr. Frank Belvin was Secretary for the Indian Division of the Baptist Home Mission Board in the 1950s. He visited in the MOWA community and ministered to the Baptist congregation. (See Annual of the Southern Baptist Convention, 1952, p. 213 with original petition.)

## ATTACHMENTS

These documents are attached and referred to on page 12 and 13 of testimony of Jacqueline A. Matte, Historian.

**Dawes Enrollment Applications**, Roll 111 and 116, M-1301, RG 75, NARC:

Roll 116, Application No. MCR 2556 - Julie and James Londine, ID  
 Roll 111 Application No. R2187 - Victoria Andre Chastang, et al  
                                   No. R2189 - Josephine Brue  
                                   No. R2190 - Henry Laurendine, et al  
                                   No. R3193 - Donise Laurendine  
                                   No. R2195 - Mary Andre

**Beck letter** - Document below is referred to on page 1 and page 14 of testimony.

Ancestors of MOWA Choctaws were enrolled by John Beck because he told them he was an agent appointed by the United States Government to sign them up for their "Indian money." Their applications are among those rejected on the Guion Miller Roll. See 1906-1909 Eastern Cherokee Applications of the U.S. Court of Claims. M-1104: Roll 333 - applications Nos. 43551-43700; Roll 320 - application Nos. 41601-41750; and 17390-17395, sent in with original petition. This letter from John D. Beck explains why the Choctaws applied for enrollment on the Guion Miller Roll. John D. Beck enrolled Choctaws, Creeks and Cherokees in South Alabama and Northwest Florida.

No. 10556 OIA, Letter received from John D. Beck, Creek Indian Agent, Cantonment, FL to Secretary of Interior, Office of Indian Affairs, January 25, 1907 "Relative to his final report on the enrollment of Eastern Cherokees and Choctaws."

(Transcribed by Jacqueline A. Matte, December 2, 1993; original attached)

-----  
                                   "Cantonment, Fla.  
                                   Jany. 25, 1907.

Hon. Secretary of Interior.  
 Sir:

I make my final report of the work that I have done in trying to enroll the Eastern Creek, Cherokee, and Choctaw Indians in South Alabama and West Florida. If I have made a mistake, it was entirely unintentional.

Mr. Hudson threatened to put me and every Indian I enrolled in the U.S. Prison. Mr. Nolan took steps to have me arrested and fined for using Cherokee Blanks for Creek Indians. A number of people took off from the table, about 60 blanks while I was busily

engaged in the Mississippi River. Not an Indian has ever surrendered any rights, nor violated his treaty with the U. S. Government and all he individually asks is to be dealt with honorably and truthfully.

Please inform Mr. Larrabby that not one of these Indians wish to deprive any one of the Indians in the Indian Territory of an acre of land nor a dollar in money, but they do expect the U. S. government to treat them honorably.

On behalf of  
the Indians in  
So. Ala.

Yours very truly and obediently,

John D. Beck, Indian Agent\*

10555  
DIVISION OF  
Indian Affairs  
Rec. FEB 1 1907

JAN 28 1907  
F343  
Indian Territory Division

Cantonment, Fla.,  
January 25, 1907.

John D. Beck  
Creek Indian Agent:

Relative to his final report  
on the enrollment of Eastern  
Cherokees and Choctaws.

Department of the Interior  
Jan 22 1907  
Respectfully referred to the  
Commissioner of Indian Affairs

for approval  
Alex. A. Allen  
Assistant Secretary

File  
Case 50363/06

1074

Cantonment Fla.  
Jan. 25, 1907.

Tom Secretary of Interior,  
Wash.

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in trying to enroll the Eastern  
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and fined for using Harborage  
Privileges for Creek Indians. A  
number of people took off my  
the table about 60 dollars which  
I was desirous to accept in

EXHIBIT NO.  
STOP

The Mississippi River - The  
 said Indian has ever exercised  
 any right, nor violated his  
 treaty with the U.S. Government  
 and all he individually asks  
 is to be dealt with honorably  
 and justly.  
 Please inform Mr. Lisabbee  
 that not one of these Indians  
 wish to deposit any one of the  
 Indians in the Indian Territory,  
 of an acre of land nor a dollar  
 in money, but they do expect  
 the U.S. Government to treat  
 them honorably.  
 Yours very truly and  
 in belief of, Officially  
 The Indian John S. Black,  
 in La. Ho. Indian Agent -

Christine MCR 2193

Dolce Laurendine

MCR 2193

Chou~~aw~~ MCR 2193

Daise Laurendine

MCR 2193

DEPARTMENT OF THE INTERIOR,  
COMMISSION OF THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 14th, 1901.

In the matter of the application of Denise Laurendine for the identification of herself and his two minor children as Missions Cheetaw.

Said Denise Laurendine, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Denise Laurendine.  
 Q What is your age? A I don't know, sir, exactly.  
 Q About how old? A About twenty-seven, I guess.  
 Q What is your postoffice address? A Mount Vernon, Alabama.  
 Q How long have you lived there? A I am working on a railroad there. I moved there from Twenty-one Mile Bluff.  
 Q Where were you born? A Twenty-one Mile Bluff.  
 Q Born in Alabama? A Yes sir.  
 Q Did you ever live anywhere except in the State of Alabama? A No sir.  
 Q Always lived there? A Yes sir, born and raised there.  
 Q What is your father's name? A Jim Laurendine.  
 Q Is he living? A Yes sir.  
 Q What is your mother's name? A Mary.  
 Q Is she living? A No sir, dead.  
 Q Through which one of your parents do you claim your Cheetaw blood? A I am full blood.  
 Q Is Jim Laurendine a full blood? A Yes sir.  
 Q Is Mary a full blood? A Yes sir.  
 Q You claim to be a full blood? A Yes sir.  
 Q Do you speak the Cheetaw language? A I can understand it, but I can't speak it; I have been away from them so long.  
 Q Have your parents, through whom you claim your right to identification as a Mississippi Cheetaw, ever been recognized by any number or enrolled members of the Cheetaw Tribe or Indians by the Cheetaw Tribal authorities or by the Authorities of the United States that is in the Territory? A No sir.  
 Q Are you married? A Yes sir.  
 Q What is your wife's name? A Pearl Laurendine.  
 Q Do you make any claim for her? A Yes sir.  
 Q Is she a Cheetaw? A No sir.  
 Q Have you children in your family under 21 years of age and unmarried for whom you wish to make application? A Yes sir, two children.  
 Q What is the name of the eldest? A Ella May.  
 Q How old is she? A Three years old.  
 Q What is the name of the next? A Miss Alberta.  
 Q How old is she? A About three months old.  
 Q Is Pearl the mother of these children? A Yes sir.  
 Q Are you the father? A Yes sir.  
 Q Are they living with you at your home? A Yes sir.  
 Q When were you married to your wife? A I don't know, sir, exactly.  
 Q About when? A About six years ago.  
 Q Were you married under statutes or according to Cheetaw custom? A Under a license.  
 Q Have you your marriage license and certificate that you want to file at this time? A Yes sir.

The applicant offers for filing with the Commission certified copies of the marriage license and certificate to-wit: one Denise Laurendine and Pearl, Eldest, received, dated

Donise Laurendine et al---3

- A No sir, not as I know of.
- Q If these ancestors did not remove with the other members of the Tribe, did they within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaws in Mississippi their intention to remain in Mississippi, take land here and become citizens of the United States? A No sir, I don't know.
- Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A I don't know, sir.
- Q You can't talk Choctawyan you? A No sir, not much.
- Q What do you mean by "not much"? A I can understand it but very little.
- Q Can you understand any of it? A A little.
- Q Are there any additional statements you desire to make in support of your application? A No sir.
- Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, and that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that they ever received any benefits under said article of that treaty? A No sir.
- Q Did your father have a Choctaw name? A I don't know.
- Q What was your mother's Choctaw name? A I don't know, sir.
- Q Were your mother and father married? A I don't know, sir.
- Q What do you know about them? A Not much, I was born and raised at Twenty-One Mile Bluff.
- Q What State? A Alabama.
- Q What part of Alabama? A On the Southern Railroad.
- Q Were your father and mother ever married? A I don't know, sir.
- Q Did your mother ever live with any other man than Jim Laurendine? A Not as I know of.
- Q What was the general appearance of your father, what did he look like? A Well, I don't know, sir.

Isiah Johnston, being called to testify, and having been first duly sworn, states as follows:

Examination by the Commission.

- Q What is your name? A Isiah Johnston.
- Q How old are you? A Forty four.
- Q Where do you live? A Newton County, Mississippi.
- Q You a full blood Choctaw Indian? A Yes sir.
- Q Do you know this applicant, Donise Laurendine? A No sir.
- Q Did you know Jim Laurendine? A Yes sir.
- Q Did you ever see him having a child by the name of Donise Laurendine? A No sir.
- Q What kind of a man was Jim Laurendine? A Well, he had a son, Henry and Donise.
- Q Was he a Choctaw? A Choctaw.
- Q Full blood Choctaw? A Yes sir.
- Q Do you know his wife? A Not much, No sir.
- Q Did you ever know a woman named Lucy Laurendine? A No sir.
- Q How long have you known Jim Laurendine? A About ten years.
- Q You don't know that this boy, this applicant, is the son of Jim Laurendine? A No sir.
- Q Do you know Jim Laurendine's children's names? A Henry and Donise.
- Q Who was the mother of these two children? A I don't know.
- Q Did you ever hear whether she was a Choctaw Indian, or not? A I don't know anything about his mother.

Donise Laurendine et al--E

"Exhibit-A", filed and made a part of the records in this case.

Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application for yourself or your children to the Choctaw Tribal authorities in the Indian Territory to be enrolled as members of that Tribe? A No sir.

Q Did you for yourself and your children in 1896, under the Act of Congress of June 10, 1896, make application for citizenship in the Choctaw Nation to the Navas Commission? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time to either the Choctaw Tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Is this the first application you have ever made of any description? A Yes sir.

Q Is it now your purpose to make application for yourself and children from Indian Territory as Mississippi Choctaws? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the 14th article of the treaty of 1830? A I don't know.

The 14th article of the treaty of 1830 reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so; by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of Choctaw Indian citizen; but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Do you claim under that law? A Yes sir.

Q Have you ever received any benefits as or have your children as Choctaw Indians? A No sir.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No sir, not as I know of.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama in 1830 and who were acknowledged members of the Choctaw Tribe of Indians in 1830, when the Treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Tribe of Indians? A I don't know.

Q Have you any affidavits showing that such ancestors were recognized members of the Choctaw Tribe of Indians in 1830? A No sir.

Q Did these ancestors, as Choctaw Indians, remove from the old Choctaw Nation in Mississippi or Alabama, to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw Tribe of Indians in 1838 to 1847?

Meridian, Mississippi, October 14, 1903.

Donist Laurendine,

Mt. Vernon, Alabama.

Dear Sir-

I am in receipt of your letter of October 13, 1903, in which you ask to be advised upon what points the Commission desires additional evidence in your case, as it is very expensive for you to come to Meridian.

Replying to your communication, you are advised that it appears from the record in your case that at the time you made your application to the Commission you testified that you were a full-blood Cheatew, but subsequently there was filed with the Commission your affidavit offered in support of your case, in which it is stated that you are a three-quarter blood Cheatew.

It will be necessary for the Commission to have some positive evidence as to whether or not you are a full-blood Cheatew before a decision can be rendered in your case, and it is for this purpose that you are requested to appear before the Commission as early as possible at Meridian, Mississippi. It would be well also to have the testimony of other persons who are acquainted with your parents and know the amount of Cheatew blood possessed by them.

Very respectfully,

872-File 19

Denise Laurendine et al--4

William Williams, being called to testify, and having been first duly sworn, states as follows:-

Examination by the Commission.

- Q What is your name? A William Williams.  
 Q How old are you? A About sixty four.  
 Q What is your postoffice address? A Creola.  
 Q What State? A Alabama, near Yehila.  
 Q Are you a Choctaw Indian? A Yes sir.  
 Q You a full blood? A Yes sir.  
 Q Do you know this applicant Denise Laurendine? A Yes sir, at least I have seen him ever since he was small.  
 Q Who was his father? A Jim Laurendine.  
 Q Was he a Choctaw Indian? A Yes sir.  
 Q Was he a full blood? A Yes sir.  
 Q Did you know Jim Laurendine? A Yes sir.  
 Q Was Jim Laurendine a Choctaw Indian? A Well, he held himself as a Choctaw, but I couldn't really tell.  
 Q You say you knew Jim Laurendine and he was a Choctaw Indian? A Yes sir.  
 Q Was he a full blood Choctaw? A Well, I couldn't say.  
 Q Did he have any Negro blood in him? A I don't believe he did.  
 Q Did he speak the Choctaw language? A Yes sir.  
 Q Did you know this boy's mother? A Yes sir.  
 Q What was her name? A I couldn't recollect it all.  
 Q What is this boy's mother's name? A I forgot.  
 Q Was it Mary? A Yes sir.  
 Q Was she a full blood Choctaw Indian? A Yes sir.  
 Q Did she speak the Choctaw language? A Yes sir.  
 Q Did she ever live with any other besides Jim Laurendine? A No.  
 Q How long have you known Jim Laurendine? and Lucy Laurendine?  
 A I couldn't tell you.  
 Q About how long? A Well I don't know how long.  
 Q From when they were children? A Yes sir.  
 Q Did you grow up with them? A Yes sir.

Witness examined.

The applicant in this case claims to be a full blood Choctaw Indian but is unable to speak or understand any of the Choctaw language. His appearance would indicate that he has some Negro blood in his veins. From his testimony and the testimony of witnesses it appears that both Lucy Laurendine, his mother, and Jim Laurendine, his father, were full blood Choctaw Indians. He has no knowledge of any connection by his ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your two minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date, and report of the same made to the Secretary of the Interior, conformable to the provisions of the 1st section of the Act of Congress of June 28, 1906. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

M.C.R. 2193

Muskogee, Indian Territory, May-12, 1904.

Donipe Laurendine,

Mount Vernon, Alabama,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 12, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry Laurendine et al., including you and your two minor children Ole My Laurendine and Edna Alberta Laurendine.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully



Chairman.

Registered.

**NATIONAL ARCHIVES MICROFILM PUBLICATIONS**

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APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
1898 - 1914

ROLL 116 \*

MISSISSIPPI CHOCTAW RCR 2938 - RLE 1844

**THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION**

**WASHINGTON: 1963**



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, June 3, 1901.

In the matter of the application of Julie Lordine for the  
identification of herself and her husband as Mississippi Choctaws.

Julie Lordine, having been first duly sworn, upon his  
oath stated as follows: (Jeff Neal, duly sworn interpreter.)

Examination by the Commission.

- Q. What is your name? A. Julie Lordine.
- Q. What is your age? A. Fifty two.
- Q. What is your best office address? A. Ayers, Mississippi.
- Q. Where have you lived all your life? A. Lawrence County, Mississippi.
- Q. What is your father's name? A. I don't know; I was quite small when he died.
- Q. Is he dead? A. Yes sir.
- Q. Was he a full blood Choctaw Indian? A. Yes.
- Q. What was your mother's name? A. Polly.
- Q. Was she a full blood Choctaw? A. Yes sir.
- Q. How do you know your Choctaw blood through both your parents?  
A. My mother was a full blood Choctaw. My father was a full blood Choctaw. I was born in Lawrence County, Mississippi, and was recognized as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities of the United States authorities. I don't know.
- Q. Are you married? A. Yes sir.
- Q. What is your husband's name? A. James Lordine.
- Q. How do you know he is a Choctaw? A. He is a full blood Choctaw. I was born in Lawrence County, Mississippi, and was recognized as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities of the United States authorities. I don't know.
- Q. What is your husband's name? A. James Lordine.
- Q. How do you know he is a Choctaw? A. He is a full blood Choctaw. I was born in Lawrence County, Mississippi, and was recognized as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities of the United States authorities. I don't know.
- Q. Where is your husband? A. He is at home.
- Q. Sick? A. Yes sir.
- Q. Couldn't come to see me? A. Yes sir.
- Q. How long has your husband been under twenty one years of age and unmarried?  
A. He is over twenty one years of age and has been married.
- Q. Is your name on the name of your husband on the tribal rolls of the Choctaw Nation in Indian Territory? A. No, sir.

Julie Londine, et al., #2.

Q Have you ever made application, either for yourself or your husband to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.

Q Did you, or any one for you, or your husband, or anyone for him, in 1898, under the Act of Congress of June 10, 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No.

Q Have you ever made application before, or any one for you, or has your husband, or anyone for him, made application before this time to either the Choctaw tribal authorities or to the authorities of the United States out in the Territory, to be admitted or enrolled as members of the Choctaw tribe? A No.

Q Did anyone make application for you two years ago? A I don't know.

Q Did you ever have any other names? A No.

Q Did your husband make application to this Commission two years ago? A No.

The records of the Commission submitted, and the names of Julie Londine and James Londine, do not appear thereon as applicants, for whom application has been made.

Q Is it now your purpose to make application for the identification as Mississippi Choctaws of yourself and your husband? A Yes.

Q Do you claim this right for yourself and husband as beneficiaries under Article Fourteen of the Treaty of 1830? A Yes sir.

Q Have you or your husband ever received any benefits as Choctaw Indians? A No.

Q Did any of your ancestors or your husband's ancestors ever claim or receive any benefits as Choctaw Indians? A No.

Q Can you give the name of any of your ancestors or your husband's ancestors who were recognized members of the Choctaw tribe of Indians in 1830, when the Treaty of Dancing Rabbit Creek was ratified between the Choctaw tribe of Indians and the United States? A I don't know any of the names.

Q Did any of your ancestors or your husband's ancestors remove from the old Choctaw Nation in Mississippi or Alabama and go to the Territory with the other Indian between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors or any of your husband's ancestors within six months after the ratification of the Treaty of 1830, migrate to the United States Indian Agent of the Choctaws in Mississippi their intention to stay in Mississippi and become citizens of the States? A I don't know.

Q Did any of your ancestors or your husband's ancestors ever claim or receive any land in Mississippi as beneficiaries under Article Fourteen of the Treaty of 1830? A No.

Q Do you speak the English language? A No.

Q Do you speak the Choctaw language all the time? A Yes.

Q Are there any additional statements you desire to make in support of your application? A No.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors or your husband's ancestors were in the year 1830, when the Treaty of Dancing Rabbit

Julie London, et al., #3.

Creek was made, recognized members of the Choctaw tribe of Indians or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of said treaty or ever received any benefits thereunder. A No.

(This applicant appears to be a full blood Choctaw Indian; she has all the characteristics of a member of that tribe. She has no knowledge of the English language, her examination having been conducted through the aid of a sworn Choctaw interpreter. She has no knowledge of a compliance with the part of her ancestor's with any of the provisions of the Fourteenth Article of the Treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself and husband as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 23, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Street, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 3rd day of June, 1901, and that the above and foregoing is a full, true, and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Street*

Subscribed and sworn to before me at Meridian, Mississippi, this 19th day of July, 1901.

*[Signature]*  
NOTARY PUBLIC

DEPARTMENT OF THE INTERIOR.  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.

*C. 111*  
 In the Matter of the Application of Julia Landine et al.,  
 for Identification as Mississippi Choctaws,  
 W. C. N. 2554.

D E C I S I O N

It appears from the record herewith that application for identification as Mississippi Choctaw was made to this Commission on June 2, 1902, by Julia Landine, for herself, and her husband James Landine, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 493):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 441), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

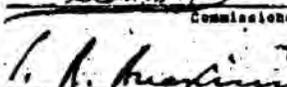
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi

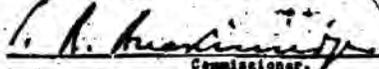
Cheetaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Cheetaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Cheetaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Cheetaw of the full blood or who is not the descendant of a Mississippi-Cheetaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Cheetaw Nation, all of said Mississippi Cheetaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Julie Londine and James Londine should be identified as Mississippi Cheetaws, and so it is ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory.

FEB 14 1903

No. \_\_\_\_\_

For identification as a Mississippi Choctaw.

Date 21<sup>st</sup> - 1901  
 Name Julie Londine.  
 Age 52 - Married full.  
 Post Office Avra. Miss  
 Father don't know. f. b. d  
 Mother Polly. f. b. d  
 - Claims through father's parent.  
~~to mother's~~  
James Londine f. b. 67  
father - don't know. f. b. d  
mother - Sallie f. b. d

~~Claims~~  
 Claims for my &  
husband.

Stenographer R. A. Street

~~DEPARTMENT OF THE INTERIOR.~~  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application of Henry Laurendine, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Henry Laurendine, et al., M.C.R. 2190  
 Denise Laurendine, et al., M.C.R. 2193

List of papers forwarded to the Secretary of the Interior  
 comprising the record in the above consolidated case.

	(Page)
Original application of Henry Laurendine, et al., to the Bureau Commission for identification as Mississippi Choctaws-----	1
Joint affidavit of Geo. Erue and Eda Jaulicus-----	4
Original application of Denise Laurendine, et al., to the Bureau Commission for identification as Mississippi Choctaws-----	8
Certified copy of marriage record between Denise Laurendine and Parla Blount-----	10
Joint affidavit of Geo. Erue and Eda Jaulicus-----	11
Decision of the Commission refusing the application in the consolidated case of Henry Laurendine, et al., for identification as Mississippi Choctaws-----	12

-000-

Choctaw MCR 2190

Henry Laurendine

MCR 2190

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 14th, 1901.

In the matter of the application for identification as  
Mississippi Choctaws of Henry Laurendine and his wife,  
Said Henry Laurendine being first duly sworn, testified  
as follows:—

Examination by the Commission.

- Q That is your name? A Henry Laurendine.  
Q What is your age? A ~~THIRTYEIGHT~~.  
Q What is your postoffice address? A Creola, Alabama.  
Q How long have you lived at Creola? A Born and raised there.  
Q Always lived there? A Yes sir.  
Q What is your father's name? A Jim Laurendine.  
Q Is he living? A Yes sir.  
Q Is he a full blood, or what? A He has been passing for full blood.  
Q Do you know whether he is a full blood Choctaw? A Yes sir, I think he is about half but they have been passing him for full blood.  
Q What is the other half? A French.  
Q What is your mother's name? A Lucy Laurendine.  
Q Is she living? A No sir, she is dead.  
Q What was her blood? A Choctaw.  
Q How much? A ALL OF IT.  
Q How much Choctaw blood do you claim? A I ought to claim three fourths.  
Q You claim through both parents, do you? A Yes sir.  
Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the authorities of the United States? A No sir, I don't think.  
Q Are you married? A Yes sir.  
Q You have any application for our wife? A No sir.  
Q She has no Choctaw blood? A No sir.  
Q Are there any children in your family under 21 years of age and unmarried who you desire to make application for? A My niece.  
Q How many? A One child of your own? A No sir.  
Q How many apply for this piece, do you? A Yes sir.  
Q Was her father or mother related to you? A She is my sister's child.  
Q The mother of this child then was your sister? A Yes sir.  
Q What is the name of this child? A Nellie Brum.  
Q How old is she? A Fourteen years old.  
Q How long has she been living with you? A Been living with me ever since her mother died.  
Q How long has she been living with me twelve years.  
Q How long has she been here? A Yes sir.  
Q How long has her father died? A No sir, her father is living now he is in jail.  
Q How long has he been in jail? A No sir, not yet.  
Q Do you know where his father is? A No sir.  
Q Has he ever do anything for this child? A No sir.  
Q Ever pay a cent for it? A No sir.  
Q What is the father's name? A Mass Brum.  
Q Did he have any Choctaw blood? A No sir.  
Q What was he? A Frenchman.  
Q What is the mother's name, mother of this child? A Margaret

Henry Laurendine et al---2

Q What blood has she? A She was full blood, that is three fourths like myself she was.

Q How much do you claim for Nellie? A I don't know, sir.

Q How much Choctaw blood do you claim for the child? A About three-eighths.

Q Has Nellie Brue's mother, through whom you claim for her the right to identification, as a disavowed Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians either by the Choctaw Tribal authorities or by the authorities of the United States? A I don't know.

Q Have her father and mother ever made application to the Choctaw Nation in the Indian Territory for enrollment there? A No, sir.

Q Is your name or the name of Nellie Brue on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No, sir, I don't know.

Q Have you ever made application for yourself or this child to the Choctaw Tribal authorities in the Indian Territory to be enrolled as a member of the Choctaw Tribe of Indians? A No, sir.

Q Did you or did anyone for you or for her in 1896, under the Act of Congress of June 10, 1898, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No, sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation, or has she, by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.

Q Have you ever made application before this time for her or for yourself to either the Choctaw Tribal authorities or to the authorities of the United States to be enrolled or admitted to citizenship in the Choctaw Nation? A No, sir.

Q Is this the first application you have ever made for yourself or for this child? A Yes, sir.

Q It is now your purpose to make application for yourself and this child as Mississippi-Choctaws? A Yes, sir.

Q Do you claim this right as beneficiaries under the provisions of the 14th article of the treaty of 1830? A Yes, sir.

Q Have you ever received any benefits as a Choctaw Indian, or has your niece? A No, sir.

Q Have any of your ancestors, or her ancestors, ever received any benefits as Choctaw Indians? A Not as I know of.

Q Do you speak the Choctaw language? A Yes, sir.

Q What was the name of your ancestor or of your niece's ancestor who were residents of the old Choctaw Nation in Mississippi or Alabama and acknowledged members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Tribe of Indians? A I don't know.

Q Did any of your ancestors, or her ancestors, remove from Mississippi or Alabama and go to the Indian Territory when the other Choctaw Indians went there between the years 1833 and 1838? A No, sir, I only heard they went there.

Q You have no documentary evidence to prove it? A No, sir.

Q Did any of your ancestors or her ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent in Mississippi and tell him that they wanted to stay in Mississippi, wanted land in Mississippi, and did not want to go to the Territory? A I don't know.

Q Did any of your ancestors or her ancestors receive or claim any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No, sir, I don't know.

Henry Laurendine et al--3

Q Is there anything further you want to say in support of your application and the application you make on behalf of this niece?

A No sir.

Q You speak Choctaw? A Yes sir.

Q Have you any documentary evidence, copies of records, deeds or patents, or any proper papers, that would show that your ancestors or the ancestors of your niece were ever recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A No sir.

This applicant has the appearance and some of the characteristics of a Choctaw Indian; straight black hair, copper colored complexion, dark eyes. The lips, however, are somewhat thick and might indicate a colored strain in the blood. It would seem from his general appearance that his testimony as to the quantity of Choctaw blood which he possesses is substantiated. He has no knowledge of any compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your niece, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the last section of the Act of Congress, June 28, 1902. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Miles, being first duly sworn, states that stenographer to the Commission to the Five Civilized Tribes, has reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, May 14th, 1907, and that the above proceedings is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 8th day of June, A.D. 1907, at Meridian, Mississippi.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-40-

In the matter of the application of Henry Laurendine, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Henry Laurendine, et al., M.C.R. 2190  
Denise Laurendine, et al., M.C.R. 2193

~~--- D E C I S I O N ---~~

It appears from the record hereto that application for identification as Mississippi Choctaws was made to this Commission by Henry Laurendine for himself and his minor niece, Nellie Price; and by Denise Laurendine for herself and his two minor children, Olga May and Edna Alberta Laurendine, under the following provision of the act of Congress approved June 22, 1898 (30 Stat., 485):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

(2)

seventh, eighteen hundred and thirty, by reason of being descendants of Jim Laurendine, who is alleged to have been either an one-half or a full-blood Choctaw Indian, and Lucy Laurendine, who is alleged to have been a full-blood Choctaw Indian.

The principal applicant in W.C.R. 2193, who is a full brother of the principal applicant in W.C.R. 2190, states that he is a full-blood Choctaw, while the principal applicant in W.C.R. 2190, who is seven years the elder, states that he is a three-quarter blood Choctaw and that his father was half French. This latter statement is corroborated by the joint affidavits of Geo. Brice and Edw. Joulens filed hereto, and also by the examiner before whom these applicants appeared, who states that they have the appearance of being mixed blood Choctaws. It is therefore concluded that none of the applicants herein are full-blood Mississippi Choctaw Indians.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jim Laurendine, or Lucy Laurendine signified (in person or by proxy) to Colonel Wm. Ward, Indian

(3)

Agent, Cheyenne Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (8 Stat., 180) and August 23, 1842 (8 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Laurendine, Hollie Brue, Denise Laurendine, Ola May Laurendine and Edna Alberta Laurendine, as Cheyenne-INDIANS entitled to rights in the Cheyenne lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHIEF  
Tams Bizby.  
Chairman.

MEMBER  
F. B. Needles.  
Commissioner.

MEMBER  
C. R. Brackinridge.  
Commissioner.

Mustoge, Indian Territory,

MAY 12 1904

Commissioner.

Lead  
24702-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, June 11, 1904.

(COPY).

The Honorable,

The Secretary of the Interior,

Sir:

Permit me to invite your attention to the record of the Commission to the Five Civilized Tribes, in the matter of the application of Henry Laurendine, for the identification of himself and his minor niece, Nellie News, and by Denise Laurendine, for himself and his five minor children, Mrs. May and Miss Alberta Laurendine, as Mississippi Choctaw, whereof a decision rejecting them was rendered by the Commission on May 12, 1904.

The record in this case shows that the applicants are unable to trace their Choctaw ancestry back of their parents, who are Jim Laurendine, a full blood who is still living, and Lucy Laurendine, his wife, who is dead. Henry Laurendine in his testimony says his father "has been passing for full blood" and on being asked again "Do you know whether he is a full blood Choctaw?" he answered "Yes, Sir, I think he is about half, but they have been passing him for full blood." (Q) "What is the other half?" (A) "French." He testified that Lucy Laurendine was a full blood.

He also testified that his mother was a Choctaw. The Commission in its report on this application with the record, this application, and the testimony of Henry Laurendine, the characteristics of a Choctaw Indian—straight black hair, copper colored complexion, dark eyes, the lips, nose, and jawbone, thick and tight, indicate a colored strain in the blood. It would seem from his general appearance that his testimony as to the quantity of Choctaw blood which he possesses is substantiated.

Denise Laurendine is a full brother of Henry, and necessarily of the same blood.

The Commission rejected the applicants for the reason that its records failed to show that Jim Laurendine or Lucy Laurendine complied of attempted to comply with the provisions of the Fourteenth Article of the Cherokee Treaty of 1820, or the subsequent legislation relative thereto.

Jim Laurendine still being alive and there being no testimony that he was of great age, it necessarily follows that he was not alive in 1820, and consequently could not have been an applicant for land under the Fourteenth Article of the Treaty. However, an investigation has been made of the records of the office with reference to the names of Jim Laurendine and Lucy Laurendine, and it is ascertained that their names do not appear among the names of those Cherokees who received land under the Fourteenth Article of the Treaty of 1820, or ever under the subsequent legislation relative thereto.

These applicants being residents of Alabama and never having resided in Indian Territory, their cases cannot be considered as applications for allotment as Cherokees by blood.

It is therefore recommended that the decision of the Commission rejecting the application be approved.

Respectfully,

A. G. Talbot,

Acting Commissioner.

E. N. - C. C.

No. 2100

## For Identification as a Mississippi Choctaw.

Date MAY 14 1909

Name Henry Lawrence,

Age 38 Blood 3/4

Post Office Creola, Ala.

Father: Jim Lawrence, 1/2

Mother: Lucy - f. h. d.

Claims through both parents.

Children:

Niece:

Nellie Bruce - (5/8) 14

father, Mags Bruce, w. h.

mother, Margaret, (3/4 h.) d.

for self and niece

Stenographer J. A. Niles

THE ROLE OF THE CULTURAL ANTHROPOLOGIST IN ASSISTING THE MOWA  
CHOCTAW IN CONDUCTING THEIR FIRST ELDERS' ORAL HISTORY CONFERENCE  
MAY 15, 1986

Margaret Zehmer Searcy  
Department of Anthropology  
The University of Alabama  
Tuscaloosa, Alabama

Paper Presented at the Society for Applied Anthropology  
Oaxaca, Mexico, April, 1987

THE ROLE OF THE CULTURAL ANTHROPOLOGIST IN ASSISTING THE MOWA  
CHOCTAW IN CONDUCTING THEIR FIRST ELDERS' ORAL HISTORY CONFERENCE

MAY 15, 1986

by

Margaret Zehmer Searcy  
The University of Alabama

The MOWA Band of Choctaw, a Native American group recognized by the State of Alabama, is actively seeking federal recognition. My assistance as a consultant was sought to help plan and to conduct the MOWA Band of Choctaw Indians' first annual elders' conference. The purpose of this oral history conference was to obtain information that will aid the group in their quest for federal recognition. My assistance was sought by Jacqueline A. Matte, Historian, and Russel Baker, Executive Director of the MOWA.

The MOWA Band of Choctaw was described by Matte as being a group living in southwest Alabama between U.S. Highways 43 and 45, approximately fifteen square miles, within the original area of the Choctaw Nation. The word MOWA is derived from a contraction of Mobile and Washington counties where approximately 4000 MOWA are listed as residing today.

With the help of Jacqueline Matte, Peter Rivers, Dr. Susan Greenbaum, Doris Brown, and others, the MOWA are able to trace their ancestry back to the unions of early settlers and Indian

women. Many of their descendants married other Indians as well as newcomers of other races. Because of the environment: riverline lowlands, swampy forests, and small scattered farms, the area was one in which many Indians and mixed-bloods were able to avoid removal. The production of naval stores and timber provided the chief sources of wages. The MOWA were not often identified as Indian by the outside populations, but were labeled by first one misleading term and then another.

I was further directed to try to secure the services of other professional interviewers from The University of Alabama. Since all of us would donate our time to the project and would have to travel over three hundred miles, I was fortunate in being able to put together a team of experts (The University of Alabama Team): Dr. Barbara M. Barker, an educational psychologist who is both a statistician and a nurse; Janice Gilliland, a research associate for the College of Community Health Sciences, and Jeanie Allen, counselor in the Arts and Sciences Dean's Office. I have been teaching anthropology for over twenty years and my area of specialty is the native peoples of the Americas. Out of the four of us, only Dr. Barker is not an anthropologist. Dr. Susan Greenbaum of the University of South Florida, the paid anthropologist for the tribe, would join us.

McIntosh organizers included Framon Weaver, MOWA Band Chairman; John Rivers, Attorney; Pete Rivers, Membership Chairman; Barbara Johnson, Hostess; and Doris Brown, Genealogist. They were joined by Jane L. Weeks, Director of the Alabama Indian Affairs Commission, Jacqueline A. Matte, and Russell C. Baker.

Years of preliminary work had gone into historical and genealogical investigations through the efforts of the original group. Jacqueline Matte has been recognized for her outstanding research in compiling and publishing The History of Washington County, the home of the MOWA. She is in the process of completing a history of the MOWA which represents over six years of diligent study. Dr. Greenbaum has written several articles about the efforts of the MOWA in seeking recognition. The assistance that the organizers and consultants gave these two has been outstanding. Dr. Barker and I were fortunate to be able to spend an evening discussing the MOWA with Dr. Greenbaum at a meeting of the Southern Anthropological Society at Wrightsville Beach, N.C. on April 25, 1986. In her presentation at the conference, she stated:

Petitioning groups must be able to document their ancestral ties to known Indian tribes and at the same time demonstrate that they have maintained a self-governing community that has been continuously identified as Indian. There are three distinct elements in this: Indian descendency, tribe-like social structure, and external recognition. All of

these conditions are necessary, and none alone is sufficient.

Matte, Baker and I had a number of helpful conferences and I had previously visited the Tribal Office. The traditional Indian spirit of working together for group good has prevailed.

The Alabama Team was able to go to McIntosh with a good understanding of the problems and of our roles. We read the literature, studied over three hundred photographs collected by Pete Rivers and other tribal members and made or copied by Matte. These are now a part of the Archives of American Minority Cultures, Gorgas Library, The University of Alabama. The Archives generally supplied us with tapes and recording equipment for our conference. Copies of the tapes will become a part of this permanent collection.

Jeanie Allen and I studied every available regional and Alabama census paying special attention to racial designations and definitions, which varied greatly. I furnished copies for the MOWA and other researchers.

The 1890 Census states:

For the censuses from 1790 to 1850 inclusive, the population was classified as white, free negro, and slave only, while for the censuses

from 1860 to 1890, inclusive, the population included, beside the white and negro elements, the few Chinese, Japanese, and civilized Indians reported at each of those censuses. (Progress of the Nation, p. vciv).

In Population-United States Summary, Fifteenth Census 1930

(p.7), we find:

The 1930 Indian population as returned represents an increase of 87,960 or 36.0 percent over the Indian population returned in 1920. This apparent increase is probably to be accounted for in part by the more complete enumeration in 1930 of Indians of mixed blood, that is, of persons part white and part Indian. In 1920 no special instructions were given to the enumerators with regard to the method of returning such persons, while in 1930 they were instructed to return as Indians all persons of mixed white and Indian blood, except where the percentage of Indian blood was very small, or where the person was regarded as white in the community where he lived.

According to our present evidence, the MOWA are largely a mixed Indian and white group. A congressional committee studying the Bureau of Indian Affairs in 1953 reported that there was no standardized definition of an Indian. (Johnston, 1966, p.4). Some persons having only 1/256 part Indian heritage have actually been included on the tribal rolls. (Johnston, 1966, p.6). A new procedure for taking the census began in 1960 when the person being counted was allowed to state his own race. An American Indian is defined in this census as:

American Indian -- In addition to the fullblooded Americans, persons of mixed white and Indian blood are included in this category if they are enrolled on an Indian tribal roll or if they are regarded as Indians in their community. A common requirement for such enrollment at present is that the proportion of Indian blood should be at least one-fourth.

The recent official recognition of the group by the State of Alabama should help the MOWA greatly with their federal petition. This definition includes a cultural component as well as a biological one. The major purpose of The Elders' Conference was to obtain additional cultural evidence of the people's Indian heritage.

The First Annual Report of the Alabama Indian Affairs Commission, Fiscal Year 1984-85 (p.7) states:

Acknowledging Indian heritage was once a source of danger for Indian individuals who lived in a world apart from reservations. Until 1924, American Indians were not considered citizens of the United States of America. Because of this fact, many Indian people denied their "Indianness" and passed for citizens of other heritage. Many of the present day members of Indian tribes are listed on their birth certificates as "White." Further, the same laws which during the segregation era did not permit the mix of races at all in the schools denied to Indian children any school at all. And, they too passed for another identity in order to attend public schools.

Due to the Justice Department and court-initiated actions concerning the voting law of Alabama, there is no listing of minorities other than Blacks on the State voter lists. Although the form clearly defines the nationality of each individual registrant, only black voters are counted, all "others" are listed as White.

Definitions of race have changed through time and vary greatly. Because of racial injustices and prejudices, history shows that the NOWA have suffered greatly.

The Alabama Indian Affairs Commission had as its goals the reduction of severe unemployment, the second highest in the nation, and the full participation of the Alabama Indians in social, economic and cultural areas of the state. By strengthening their tribal government, social, economic and cultural disparity should improve. While there are seven tribes recognized by the State of Alabama, only one, the Poarch Creeks, has obtained federal recognition. With federal recognition comes the needed aid in so many ways. The University of Alabama team was happy to assist the NOWA in this endeavor.

Greenbaum, as research consultant for the NOWA, writes,

\* Submitting a petition involves compiling ethnohistorical and ethnographic data which demonstrates the origins and contemporary

sociopolitical structure of the group.  
(Greenbaum, 1985, p. 361).

The research group had examined genealogical records, private papers, Land Office reports, extensive historical documents, and had some evidence of continuous social interaction and organization. Our Alabama Team hoped to find evidence of the survival of Native American customs, by using oral histories, which could be attributed to the MOWA's Indian heritage.

We were disappointed to find that the last speaker of Choctaw had died recently; but were glad to know that one tape recording had been made by her, and that it is available. A number of informants would tell us later that older members of the family did not let the children learn an Indian language, they were fearful of the consequences. Little linguistic evidence remains.

Based upon my knowledge of the area, I selected eighteen possible topics for discussion (see appendix for list). The Alabama Team members each selected one for their area of investigation. The list was far too ambitious. Allen and Gilliland worked together on medical practices associated with arthritis, a topic of special interest to them. Barker made use of her medical knowledge including folk medicine, and I decided to concentrate on foods and farming practices. All of these

areas are ones in which we felt that Indian customs might survive, and we were right. Matte and Greenbaum hoped to be able to fill in some of the gaps in their genealogical data.

The Alabama Team reviewed the MOWA history and discussed their goals on the trip to McIntosh. We had prepared eight "mini lectures" of less than fifteen minutes and we coordinated these. We thought that these might stimulate our elder participants and be of help in making us known to them. We did not intend to use all of the lectures, but we were ready in case we needed to present one each hour. (See Schedule for "Topics to be Explored" and "Mini Lectures".) We had been warned about the reluctance of the MOWA to talk to strangers, who were usually distrusted. I had wasted my time planning and preparing the mini lectures. The elders were so glad to see each other that we had a difficult time stopping them all from talking at the same time.

When we arrived in McIntosh, we met with the conference organizers and coordinated our plans. Various tribal leaders greeted us.

We left the MOWA Tribal Office and went to Reed's Chapel. This is the oldest church in the area and by using church records, continuous interaction among the major Indian lineages of the area can be verified. Reed's Chapel was an appropriate

site for the First Annual Elders' Conference, although not all elders belong to Reed's Chapel today. Church records from Reed's Chapel and from other churches are of great importance.

Forty-one elders, both men and women, attended the conference from Washington and Mobile Counties. The eldest was eighty-seven and the youngest fifty-seven (see appendix). The Tribal Office had done an excellent job of notifying the elders and of arranging transportation. Two local political candidates provided barbecue, potato salad, slaw, and bread. The Indian women brought many different kinds of pies and cakes. The conference had a party atmosphere. Everyone hugged their favorite friends.

When Jacqueline Matte introduced me, she mentioned that my husband was Dr. James T. Searcy's grandson. Dr. Searcy had been superintendent of the Alabama State Mental Hospitals. Searcy Hospital, located in the area, had been named for him, and he and his physician brothers had given their services to a number of the local inhabitants when no other physicians were found in the area. As a response to my introduction, I told the group about my husband's visit to Searcy Hospital when he was a child, and of his fishing trip when a canoe full of Indians paddled faster than my husband's party's outboard motor could run. The elders knew that I knew that they were Indian. From that moment on, I was

accepted. My group was welcomed graciously by all, and several ladies hugged us goodbye. We felt that having an all female team may have facilitated our research. The MOWA women were not reluctant to discuss childbirth, medical, or cooking and farming practices with us. On a visit at a later date, I found that everyone knew and accepted me. The MOWA were eager to help.

The Elders' Conference was disappointing in one way. We had planned to conduct one-hour taped sessions and have all persons divided into six groups. These would rotate from one group leader to the next. Unfortunately, we had to hold some of our sessions in the four corners of the church. We had to raise our voices so that some of the old people could hear. The acoustics in the sanctuary were excellent. People were coming and going, and a number of private conversations took place. Usually only one or two people had much to say in any group, but their more silent friends prompted them. The groups were not ready to rotate at the same time interval. After two rotations, we stayed in the same groups. Next year I am going to suggest the sessions be held at the school, if possible, in order to minimize distractions.

While we did not obtain the amount of material we desired, we did learn that many Amerind customs had been, or were practiced by these participants. We were able to identify many

Individuals who had valuable information, which we could explore more fully on future occasions. We learned of new topics for future research. I felt as though I had regressed into the past. Old men told of making and using double-ender dugout canoes, blowguns, and bows and arrows. I learned how to trap a "gopher" (a large tortoise) and the best way to cook "gopher-guts," and to make blood pie. My informants were surprised to learn that planting corn, squash, and beans in the same hill is not a common practice everywhere today. Some very interesting childbirth beliefs were reported. Pregnant women are not allowed to work in the fields because their presence would result in a lower crop yield, and they are not permitted to watch violent television programs because of possible harm to the fetus. By far the most fascinating reports dealt with three completely different episodes told by three different individuals of people who actually saw people fly on the backs of giant birds -- one was reported to be an eagle. Later, I was taken to the site of this bird's nest, Eagle Rock, by one informant. For a person to travel through the air on a bird's back is a widespread belief in Southeastern Indian folklore.

I was charged by the story of the Apaches' last raid in Alabama. Geronimo's band was temporarily imprisoned at Searcy Hospital. Some members were allowed to farm during the daylight hours. The Apaches stole a baby and ten gallons of sofkee

(fermented hominy), which had been made for the funeral wake of one of the MOWA. The federal authorities paid for the sofkee, more was made, the funeral was held, and the baby was returned. I heard old stories about a few notorious Indian outlaws -- one had killed thirty-seven men.

At the beginning of this month, over sixty oral history tapes have been made. Some were made prior to my visits, some at the conference, and others are continuing to be produced. All tapes will be available at a later date from the Archives of American Minority Cultures, Gorgas Library, The University of Alabama, Tuscaloosa, Alabama. These are important as evidence for federal investigators and as research tools for future social scientist, and they are important to the MOWA as they reconstruct their history. There is no doubt in my mind, there has been a very strong Indian component in the heritage of these people.

The Alabama Team was excited on their drive back to Tuscaloosa. We felt that we had discovered a virtually untapped source of information. We had made the participants feel useful, that their heritage was important, and that they should be proud of it. We had created a bond of mutual understanding that would make future work in the area easy for the Alabama Team. We are going to do all that we can to assist them with their federal petition. This paper itself records a brief incident in their

attempt to record their cultural history. The MOWA themselves had a wonder time visiting with old friends recalling the past. I think they are looking forward to the Second Annual MOWA Elders' Conference. I know I am.

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\*Paper presented at the International Meeting of The Society for Applied Anthropology, Oaxaca, Mexico, April, 1987.

## POSTSCRIPT

April 26, 1989, I spoke to all the students at the Calceadever Indian School at McIntosh, Alabama about their Indian heritage and told some Indian stories at a program sponsored by The Alabama Humanities Foundation. Mr. Bearden, the principal, told me that the dropout rate among these Indian children is 67%. He is trying to build pride in heritage for these children in hopes of keeping them in school. Remarkable progress that has been made by both the Philadelphia, Mississippi Choctaw and the Poarch Creeks at Atmore, Alabama after they received federal recognition. I have had the opportunity to travel and visit throughout the state the last two years as a Humanities lecturer. The MOWA area is one of the most depressed areas that I have observed. Aid is greatly needed. These Indians deserve to be recognized.

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FIRST MOWA ELDERS CONFERENCE  
May 15, 1986

WELCOME:

Introduction of local participants.

PURPOSE:

To discover and preserve the MOWA's history (oral history consent forms explained).

INTRODUCTION OF VISITOR PARTICIPANTS:

Jackie Matte, Washington County Historical Society  
Susan Greenbaum, University of South Florida  
Margaret Searcy, The University of Alabama  
Barbara Barker, The University of Alabama  
Jeanie Allen, The University of Alabama  
Janice Gilliland, The University of Alabama

Division of group into discussion groups. Each elder will rotate from one discussion leader to another.

TOPICS TO BE EXPLORED:

1. Local history, hero-tales  
My relative at the battle at Ft. Mims.
2. Festivals and holidays
3. Burial customs
4. Water crafts and fishing customs
5. Pregnancy, births, and infant-mother care
6. Folk medicine
7. Folk tales
8. Diet and foods of today
9. Indian recipes and food preservation
10. Farming practices
11. Horses, mules, and oxen
12. Handicrafts
13. Turpentine manufacture
14. The timber industry
15. Schools of yesterday
16. Genealogy - filling in the gaps
17. Music and dance
18. Indian language and expressions

MINI LECTURES (15 minute limit):

1. History of the area
2. History of the MOWA
3. Our misleading censuses
4. Traditional Indian Life (slide show)
5. Archaeological treasures from Moundville (slide show)
6. Music of today and yesterday
7. Rural food habits
8. Indian folklore and its purpose

## MARGARET ZEHMER SEARCY

Margaret Searcy's creation of award-winning books that illuminate Indian culture highlights her career as a cultural anthropologist at The University of Alabama.

Her *Fact and Fantasy* series for the younger reader adapts Indian myths and legends to the problems of the multi-ethnic classroom, while teaching basic biology. In 1980 she won the first award ever given by the Alabama Library Association for juvenile literature. Her *Tiny Bat and the Ball Game* was cited as the honor book.

Selections from *The Race of Flitty Hummingbird and Flappy Crane*, her poetic narrative enabling children to have fun with words while exploring varied ecological niches, have been set to music. These two books together with *Alli Gator Gets a Bump on His Nose* have been featured in several series by Alabama Public Television for grades K-3.

Her archaeological series for the intermediate reader is based upon extensive archaeological data and ethno-historic accounts. (She has taught Indian studies for over two decades.) This series consists of dramatic fact-filled narratives that give insight into lifeways of Southeastern prehistoric Amerinds at different periods.

*Ikwa of the Temple Mounds* was dramatized on Alabama Public Television and aired numerous times as a part of the school curriculum. In 1976, *Ikwa of the Temple Mounds* won the Charlton W. Tebeau Price of the Florida Historical Society for "the best children's or young adults' book dealing with a Florida or Florida related subject." *The Charm of the Bear Claw Necklace* and *Wolf Dog of the Woodland Indians* complete the series published by The University of Alabama Press. Searcy was chosen by the Equal Educational Opportunity Program of the University of South Dakota as one of the authors writing appropriate literature for Indian education.

She is the author of numerous other publications including articles, filmstrips and tapes. *The Mysterious Mound-Builder Indians of the Southeast* is her most recent filmstrip/cassette. Manuscripts of some of her books are a part of the DeGrummond Collection, University of Southern Mississippi. Her work is known internationally and has been approved for distribution by various institutions such as RIF and the Smithsonian.

She has served as president of the Alabama Archaeological Society, vice-president of the Alabama Academy of Science, and is active in a number of professional and civic groups. She is a founding member and former chairperson of The Guild of Professional Writers for Children.

She has served as a consultant, program designer, storyteller or lecturer for many workshops for museums, libraries, Indian groups or other professional educational institutions both here and abroad. She has been chosen "Woman of the Year" by the Tuscaloosa Chapter, Business and Professional Women, and "Educator of the Year" (1979) by Gamma Psi of Delta Kappa Gamma.

In 1980, she was named "A Woman of Distinction for Your Contributions to Southern Culture" by Auburn University; and in 1984, she received the United States Presidents' acknowledgement - signed by Nixon, Ford, Carter, and Reagan - for her more than twenty-five years of voluntary work with juveniles in crime prevention and diversion programs. The Alabama Humanities Foundation selected her as a Humanities lecturer for 1988.

Margaret Searcy and her husband, Joseph Alexander Searcy, reside at: Number One Oaklana, Tuscaloosa, AL 35406, Phone 205-758-8882. Office: Department of Anthropology, Box 6135, The University of Alabama, Tuscaloosa, AL 35487, 205-348-5947.

TESTIMONY AS TO THE HISTORY OF CONTINUOUS SETTLEMENT OF SOUTH  
ALABAMA BY THE CHOCTAWS OF MOBILE AND WASHINGTON COUNTIES

BY

PETER RIVERS, TRIBAL GENEALOGIST  
PRESIDENT OF ALABAMA INDIAN ART COUNCIL

HISTORY OF CONTINUOUS SETTLEMENT OF SOUTH ALABAMA BY THE CHOCTAWS  
OF MOBILE AND WASHINGTON COUNTIES.

The Great Spirit created the Choctaw people on a high hill (Nana Chafa). In the South we emerged and lived in harmony with nature until the coming of the Europeans. The Europeans came in the 18th century with Desoto. Desoto gave a prophecy of what was to come, he kidnapped the great Alabama Choctaw, Tuscaloosa and murdered him after he was greeted with friendship and generosity by the great sovereign chief.

The next contact between the Okla Hannili (Sixtowns) Choctaw of Alabama was when the French explorer Bienville and his brother D'Iberville settled what is now known as the City of Mobile in 1702. The Yowanni Choctaw of Alabama became the natural allies of the French and Spanish in the rivalry with the English and the Americans.

During this period in history the Yowanni Choctaw people of South Alabama came to work in harmony with the French countrymen. This area of Alabama was called the Mississippi Territory by the French and later by Americans. There were a series of treaties between the kings of Spain, Britain and France and the Okla Hannili Choctaw signed in the Indian Council house in the City of Mobile.

Treaties were signed between the United States and the Choctaw beginning in 1778 and ending with the Dancing Rabbit Creek Treaty in 1831. This treaty almost seceded all the land East of the Mississippi except reservation land that was given to the Choctaw who chose to stay. These include the Choctaw in what is now known as South Alabama. The Mobile-Washington County Choctaws are the intended beneficiaries of this treaty.

The right to stay was granted to the Choctaw of the Mississippi Territory because Sixtowns had been the allies of the Americans. The Choctaw fought with Jackson in the Battle of New Orleans and against the Creeks at Horseshoe Bend in Alabama. The Yowanni Choctaw were guaranteed the right to homestead land, become citizens of the United States, and retain all of the rights and privileges as Choctaw Indians.

The State of Alabama created Indian Jim Crow laws. These laws gave Indians no right to testify in court. Our French relatives tried to plead for rights. But influx of immigrants from Ireland and Georgia onto Indian land and the creation of laws that deprived Yowanni Choctaw of their right to due process caused much hardship. Choctaws of Alabama became more and more isolated from the Choctaw of Oklahoma and Mississippi, even though there were contacts between the three groups. When the Civil War

tragedy happened in the U.S. the Choctaw again were used in the politics of Anglo-Saxon Americans and fought on the side of the South. The Southern leaders again promised to restore our stolen lands which were now mostly owned by large Northern companies and to recognize our rights under the Dancing Rabbit Creek Treaty.

There were land disputes between the Federal government and the Yowanni Choctaw; but somehow these disputes were ignored by the Government and brushed aside. Many Indians were cheated out of land and of annuity payments promised by the U.S. Government, and many could not read and write at that time. During this period, known throughout history as the Trail of Tears, many Indian refugees from other tribes sought refuge among the Yowanni Choctaw. Some later moved on but many stayed and became what is known as the Choctaw community.

Before the Civil War, the Choctaw of South Alabama had relatively stabilized their lifestyle and property. The Choctaw Academy, founded by Chief Pierre Juzan, operated to provide rudimentary education for Choctaw Youth. Great leaders emerged to lead the Yowanni Choctaw during this very turbulent time. Animosity toward the Choctaw was still present, but many of the French relatives of the Choctaw were the civil leaders in the City of Mobile, and helped to mediate disputes between the newly arrived settlers and the beleaguered Indians.

Many Choctaw became prosperous property owners and were respected in the Indian and white communities. These individuals epitomized the strong continuous cultural and political leadership that was present among the Choctaw Nation in Alabama.

Tragedy struck in the form of the War Between the States. The Yowanni Choctaw allied itself with the losing cause of the South. All of the prosperity enjoyed by the Choctaw community was destroyed by this terrible war. Many Choctaw youth were killed or maimed in this confrontation. The South's promise of their recognition of the Choctaw rights under Dancing Rabbit Creek went unfulfilled. Many Choctaw packed their few valuables and joined their relatives along the Texas-Oklahoma border.

Others, had neither the heart nor the desire to leave their beloved Alabama. Rather than leave Alabama, many moved to the more remote Choctaw Indian communities located in North Mobile and South Washington County.

During the Reconstruction period, segregation occurred accompanied by loss of property, and loss of constitutionally guaranteed rights. Because of the disenfranchisement of Confederate veterans many Choctaw lost the right to vote. Many northern bureaucrats confiscated Choctaw land for taxes that had been exempt under the Dancing Rabbit Creek Treaty of 1831.

As before, the Choctaw peoples' survival was only due to the leadership of our great chiefs. Racism reared its head. Indians were prohibited from attending schools with whites. And for a time in history, very little formal education could be acquired by Indian children. Again, the tradition of taxation among the Choctaw was used to acquire land, build roads, construct buildings, and hire teachers to educate Choctaw youth.

Independence from all outside assistance continued until religious groups again became interested in saving Indian souls. During this period, there existed in Mobile and Washington County, Alabama, a tri-racial school system, the black and white systems were supported by the State and the Indian system was completely autonomous except for books and instruction provided by the missionaries. This tri-racial school system existed until the 1970s when the Federal government forcibly desegregated South Alabama schools.

The Yowanni Choctaw community was still very close knit and well-defined. Choctaw religion and medicine was still practiced, but missionaries attempted to replace everything tribal with something religious. The Choctaw elders, wanting to improve the economic situation of their children, acquiesced to many of the demands of the rigid theocracy.

During these same years, 1880-1910, a second Indian Removal was taking place which affected the Choctaws. The Dawes Act, by which congress hoped to do away with reservations by dividing lands into individually allotted plots, became the basis for United States Indian policy for 1887 to 1934. Allotment was carried out among many western Indians, and enrollments were taken among remnant southeastern Indians.

The first enrollment affecting Choctaws was an act passed June 7, 1897. This act "made it the duty of the Dawes Commission to report to Congress whether or not the Mississippi Choctaws were entitled to citizenship privileges." The Commission then made an investigation and reported that to be eligible for enrollment it would be necessary for such Indians to take up a bona fide residence in the Choctaw Nation and establish their identity as the descendants of those who had elected to take allotments under the Treaty of Dancing Rabbit Creek. Identification would normally have been established by showing that a request for allotment had been made under the Treaty of Dancing Rabbit Creek, but since Agent Ward had been intemperate, incompetent, as well as abusive to the Choctaws he had kept no proper record of these requests. The Dawes Commission therefore assumed that the Choctaws living in Mississippi were the descendants of those who would have made a declaration of their intention to remain if they had been given fair treatment, and that no further

identification was necessary. Since this interpretation would have made every person of Choctaw descent in the area eligible to citizenship, the Supplementary Agreement provided that it could apply only to full bloods, and that mixed bloods must prove that their ancestors had made applications for allotment under the Treaty of Dancing Rabbit Creek. The Supplementary Agreement also stipulated that persons identified as Mississippi Choctaws should not be eligible for enrollment unless they should remove to the Choctaw-Chickasaw country, and that they should receive allotments only after three years' residence. More than six thousand applications were received by the Dawes Commission during 1901 and 1902 by persons who claimed to be Mississippi Choctaws. Major efforts were made in 1903 by lawyers and land speculators to remove the Choctaws to take advantage of these allotments.

It is doubtful if this second removal would have been pursued on a large scale without strong persuasion from whites because the Choctaws were illiterate and did not fully understand what was required. Many of the Choctaws who went to Oklahoma did not receive land, or were cheated of the land they received, and filtered back to Alabama and Mississippi. Several ancestors of Choctaws made application for the Mississippi Choctaw Roll. Some were identified, while others were unable to sufficiently prove their Choctaw ancestry. Many would not sign up for fear of being sent away.

During the twenties, and with the Great Depression land that had been acquired, by the Choctaw people was lost. White landowners and companies usurped large tracts of land owned by the Choctaw people. This poverty continued until War World II. Many Indians were expert loggers and used these skills to assist the Choctaw people. During this time the first children were sent to colleges in Oklahoma and Texas. Many of the present day leaders of the Choctaw were educated at Bacone Indian College in Muskogee, Oklahoma, and Methodist schools in Texas. Some of the individuals returned in the middle to late fifties to educate their people.

During the 1850s and 1860s, there was a period of great prosperity in Mobile and Washington Counties. This prosperity did not include Indians. Large chemical and pulp plants provided jobs and economic opportunity for blacks and whites. Indians were not hired. Indian leaders continually lobbied Montgomery and Washington to help them with their situation. In 1966, the EEOC was successful in enforcing Olin Chemical Company to hire its first Indian.

The enactment of Civil Rights laws represented a turning point for the Choctaws of Alabama, offering significant choices not available to previous generations. Several authors who wrote

about the Choctaws of Alabama in earlier periods speculated that if the color bar were ever dropped, the Choctaw Indian's identity, and indeed the tribe itself, would soon disappear. These predictions have proven to be absolutely wrong. To the contrary, the 1970s and 1980s proved to be a period during which expressions of Indian identity among the Choctaws have intensified rather than declined.

A Native American cultural program was begun in 1978 in Reed's Chapel and Calcedaever schools (using federal Title IV-A Indian Education Funds). In the following year a new constitution was adopted which re-organized a tribal council. The Alabama legislature passed a law recognizing the Alabama Choctaws rights as an Indian Tribe. The governing structure of the Alabama Choctaw consists of five council members and fourteen commissioners, the latter evenly divided between the two counties. An elected chairman leads the council. Framon Weaver, the current chairman, is also a descendant of Choctaw Chief, Robert Cole.

The tribe maintains an office with a paid staff and full-time administrator, and provides a variety of services to tribal members located on the reservation property. An annual pow wow is held each year. The Mowa Choctaw Band reclaimed 211-acres of traditional Indian land near the boundary between Washington and Mobile Counties. This land, which includes the old sacred "Indian stomping ground," is the site of a rapidly growing tribal complex. Choctaw cattle once again graze in this area, part of a program to rebuild herds. A commercial catfish farm has been developed along with a truck farm, and horticultural nursery. The State of Alabama has recently legalized alligator farming so the Choctaws of Alabama will have an alligator farm.

The recently acquired tribal land has been occupied by the Choctaws at least since the 1800s, when Robert Cole, Lem Byrd, and Dave Weaver moved their families onto the Level. When the tribal council obtained their title, the former owner duly apprised them that there were "squatters" living on the land. The so-called squatters were in fact descendants of the original families who settled this area, and were well known members of the tribe. Reclaiming this land had religious as well as economic significance. After more than 300 years of continuous occupation, despite repeated efforts to dispossess them, the tribe has now established a clear right to inhabit this area. Development of the property also offers a base upon which to build greater economic self-sufficiency and tribal control over resources that are valuable to the whole community. The history of these great people is far from over.

The ultimate goal of federal recognition is to be acknowledged as the descendants of those brave individuals who would not leave

our beautiful land in Alabama under Treaty of Dancing Rabbit Creek. The tribe humbly but resolutely ask Indian as well as non-Indian to help their friends right this historical wrong and ask the Federal Government to abide by the Treaty obligations that the Senate of United States approved and the president signed more than 150 years ago. We pray that all those involved will do what is right and good so the Choctaw people will grow and prosper and not suffer the wrongs in the future as we have in the past. The Mobile Washington County Band of Choctaw Indians ask the Great Spirit, our God for guidance in these endeavors.

PETER RIVERS



BE SURE TO REFER TO FILE NO.

STATE OF ALABAMA,  
DEPARTMENT OF ARCHIVES AND HISTORY.

THOMAS H. OWEN, LL.D., DIRECTOR,  
MONTGOMERY.

January 14, 1920.



My dear Mr. Commissioner:

I beg to at once acknowledge yours of the 12th inst., (C C 1103 - 1920 W.M.A. Alabama Indians), in response to our inquiry as to the number of Indians to be found in the State of Alabama. Your reply is wholly satisfactory, and is conclusive of the information which we have always given out from this Department, namely, that the Indians of this State are of mixed blood, and are in a way not to be classed as Indians at all. From your letter it is noted that there are only four full-blood Indians in the State.

I myself am personally acquainted with members of many of the groups referred to by you, and unless attention were specially called to the fact, one would hardly recognize them as having Indian blood, although here and there are to be found marked resemblances to the aboriginal type.

So far as my information extends, these groups observe no tribal, clan or other form of aboriginal organization. They constitute individual and family members of the various communities in which they live, and in many cases are closely intermarried with many of the early white settlers of the State.

I am wondering whether you can offer any suggestions as to the tribal status of the four full-bloods referred to. Since your letter does not indicate the county in which they lived, it is a little difficult to conjecture, but at a venture I am assuming that they are Choctaws, and that they are located in South Alabama, probably in Mobile or Monroe Counties.

Awaiting your further attention, and again thanking you,

Yours truly,

*Thomas H. Owen*  
Director.

Commissioner of Indian Affairs,

Any assistance your office can provide us in locating addresses or contact people for groups in your area would be greatly appreciated. Your earliest response would be appreciated as we are required by the regulations to contact the groups by October 2, 1979.

If you have any questions, please write to the Commissioner, Bureau of Indian Affairs, 1951 Constitution Avenue, N. W., Washington, D. C., 20245, Attention: Federal Acknowledgment Project, or call (703) 235-2360.

Sincerely,

Director, Office of Indian Services

Enclosures

11

ROMA BAND OF CROCTAN INDIANS  
TOM GIBSON FAMILY

PERSON	CHILDREN	GRAND CHILDREN	GREAT GRAND CHILDREN	GREAT GREAT GRAND CHILDREN	GREAT GREAT GREAT GRAND CHILDREN	GREAT GREAT GREAT GREAT GRAND CHILDREN	GREAT GREAT GREAT GREAT GREAT GRAND CHILDREN
TOM GIBSON (ELI-TORREZ) (RB-14) B: C 1785 @ CROCTAN MAYTOW 2 Marriages M: to SIPSZY BETSI (2) (RB-16) M: to BECKY (2)(3) (RB-15) 3 Children SEX: M MLO: FULL							
JAMES GIBSON (2) (RB-17)							
ELIZABETH A. (BETSI) GIBSON (1)(2)(4) (RB-6) B: 1832 M: to WILLIAM THOMAS BYRD (1)(2)(4) (RB-5) 6 Children SEX: F							
JANE (WICKY) BYRD (3)(4)(5) (RB-20) M: to DAVID TAYLOR (3)(4)(5) (RB-21) 5 Children SEX: F							
JAMES (KEEY) TAYLOR (4)(5) (RB-31) M: to NANCY C. CHASTANG (4)(5) (RB-32) No Children SEX: M							
LOUISA TAYLOR (4) (RB-33) M: to DANIEL (DAN) BEAVER (RB-38) No Children SEX: F							
DANIEL (DAVE) TAYLOR (4) (RB-34) Single No Children SEX: M							
SARA JANE (COOT) TAYLOR (4) (RB-35) Single No Children SEX: F							
HUGGIE TAYLOR (4) (RB-36) M: to SAM REED (4) (RB-37) No Children SEX: F							

0

1

2

3

4

5

6

7

WILLIAM MARION (LOSS) BYRD (3) (RN=22)

B: 12/48

2 Marriages

M: to ANNEMIA (NIMMIE) COLE (3) (RN=23)

RN: to ANNA LINDSEY (RN=162)

10 Children

SEX: M

PRINTELLA BYRD (RN=43)

B: 01/23/1868

M: 09 Aug 1882 to HENRY DAVIS (RN=44) @ MOBILE CO.

D: 08 Jan 1909 @ BURIED @ BYRD CEM

5 Children

SEX: F

FRANK DAVIS (RN=62)

M: to IDA REED (RN=63)

2 Children

SEX: M

LEROY DAVIS (RN=74)

M: to SALLY WEAVER (RN=75)

SEX: M

FLOYD DAVIS (RN=76)

Single

No Children

SEX: M

HENRY (BOB) DAVIS (RN=64)

2 Marriages

M: to RUBY DAVIS (RN=96)

RN: to REBECCA SULLIVAN (RN=65)

8 Children

SEX: M

EMMA DAVIS (RN=79)

Single

No Children

SEX: F

(1: DIED YOUNG)

HENRY DAVIS (RN=80)

B: 07/14/1916

M: to CHRISTINE REED (RN=81)

5 Children

SEX: M

ELMER DAVIS (RN=97)

M: to ADA WEAVER (RN=98)

SEX: M

0	1	2	3	4	5	6	7
						HILLARD DAVIS (RM=99)	
						SEX: M	
						LARRY DAVIS (RM=100)	
						SEX: M	
						JESSIE MAE DAVIS (RM=101)	
						SEX: F	
						VELMA DAVIS (RM=102)	
						Single	
						No Children	
						SEX: F	
					GEORGE DAVIS (RM=82)		
					B: 01 Jul 1924		
					M: to SALLIE SULLIVAN BYRD (RM=83)		
					1 Child		
					SEX: M		
					BEAL C DAVIS (RM=103)		
					SEX: M		
					NANCY (PRIMY) DAVIS (RM=84)		
					B: 01 Dec 1924		
					M: to DOLEE RIVER (RM=85)		
					4 Children		
					SEX: F		
					TRAVIS EVANS RIVERS (RM=105)		
					B: 1944		
					SEX: M		
					BARBARA OLLA RIVERS (RM=106)		
					B: 1947		
					SEX: F		
					STAN RIVERS (RM=107)		
					B: 1949		
					SEX: M		
					WELL RIVERS (RM=108)		
					B: 1951		
					SEX: M		
					FRANK DAVIS (RM=86)		
					B: 03/18/1926		
					M: to BETH MAE RIVERS (RM=87)		
					9 Children		
					SEX: M		

0	1	2	3	4	5	6	7
						VELMA DAVIS (RH=109)	
						B: 12/24/1955	
						Single	
						1 Child	
						SEX: F	
							SONYA (RH=118)
							SEX: F
						JAGWITA DAVIS (RH=110)	
						B: 1960	
						SEX: F	
						CORA DAVIS (RH=111)	
						B: 07 Mar 1960	
						LORA DAVIS (RH=112)	
						B: 1962	
						SEX: F	
						JUDY DAVIS (RH=113)	
						B: 1964	
						SEX: F	
						LORETTA DAVIS (RH=114)	
						B: 1968	
						SEX: F	
						PRISCILLA DAVIS (RH=115)	
						B: 1969	
						SEX: F	
						FRANK DAVIS (RH=116)	
						B: 1970	
						SEX: M	
						ALLICE DAVIS (RH=117)	
						B: 1972	
						SEX: F	
						GERTRUDE DAVIS (RH=88)	
						B: 06/25/1933	
						M: to R. B. BYRD (RH=89)	
						7 Children	
						SEX: F	
						CANARY BYRD (RH=121)	
						B: 1952	
						M: to ROY TAYLOR (RH=122)	
						No Children	
						SEX: F	

0	1	2	3	4	5	6	7
						VIRGIL BYRD (RH=123)	
						M: to CAROLYN TAYLOR (RH=124)	
						EARL BYRD (RH=125)	
						B: 1955	
						Single	
						SEX: M	
						CHARLES ED BYRD (RH=126)	
						B: 1958	
						M: to BARBARA SUE BYRD (RH=127)	
						1 Child	
						SEX: M	
						CHARLES E. BYRD JR (RH=134)	
						B: 1982	
						Single	
						SEX: M	
						ROBERT BYRD (RH=128)	
						B: 1960	
						M: to MARY CHESTANG (RH=129)	
						2 Children	
						SEX: M	
						JAMES BYRD (RH=139)	
						B: 1978	
						Single	
						No Children	
						SEX: M	
						KEVIN BYRD (RH=140)	
						B: 1980	
						Single	
						No Children	
						SEX: M	
						DEMNIS BYRD (RH=130)	
						B: 1962	
						M: to PAULA E. REED (RH=143)	
						No Children	
						SEX: M	
						NANCY BYRD (RH=132)	
						B: 1965	
						M: to STEVE SNOW (RH=133)	
						SEX: F	
						TOM DAVIS (RH=90)	
						B: 04 Feb 1937	
						M: to PENNIE B. RIVERS (RH=91)	
						6 Children	
						SEX: M	

0	1	2	3	4	5	6	7
						DOROTHY DAVIS (EM-150)	
						BERRY DAVIS (EM-151)	
						TOM DAVIS JR (EM-152)	
						LEONARD DAVIS (EM-153)	
						KENNETH DAVIS (EM-154)	
						DEBORAH DAVIS (EM-155)	
					WASH DAVIS (EM-92)		
						W: to MARY ANN RIVERS (EM-93)	
						SEX: M	
				MARION DAVIS (EM-66)			
					W: to ALLIE CRYSTANG (EM-67)		
					No Children		
					SEX: M		
				MATTHEW DAVIS (EM-68)			
					B: 06 Apr 1898		
					W: to ANNIE WEAVER (EM-69)		
					D: 07 Mar 1960 @ BURIED @ DYED CEM		
					2 Children		
					SEX: M		
					DOLLIE DAVIS (EM-146)		
					SEX: M		
					MARY CHANDERS DAVIS (EM-147)		
					SEX: M		
				TOM DAVIS (EM-70)			
					W: to LESSIE RIVERS (EM-71)		
					No Children		
					SEX: M		
				GEORGE DYED (EM-45)			
					B: 10/23/1871		
					W: to MARY (EM-46)		
					D: 10/13/1943 @ BURIED @ DYED CEM		
					4 Children		
					SEX: M		
					KENNETH DYED (EM-149)		
					W: to FATE WEAVER (EM-156)		
					No Children		
					SEX: F		

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JAMES BYRD (RM-157)  
 M: to EMMA TAYLOR (RM-158)  
 SEX: M

LILLIE ANN BYRD (RM-159)  
 M: to EBBIE WEAVER (RM-160)  
 No Children  
 SEX: F

FANNIE BYRD (RM-161)  
 Single  
 No Children  
 SEX: F

JIN BYRD (RM-47)  
 B: 1877  
 M: to VIOLA JANE LOFTON (RM-48)  
 D: 1941 @ BURIED @ BYRD CEM  
 No Children  
 SEX: M

THOMAS (TOM) BYRD (RM-49)  
 B: 08/15/1879  
 M: to LILLIE CHESTANG (RM-50)  
 D: 05/25/1966  
 1 Child  
 SEX: M

MATTIE V. BYRD (RM-165)  
 M: to WOODROW HOPKINS (RM-166)  
 6 Children  
 SEX: F

BERTHA HOPKINS (RM-167)  
 M: to UNDERWOOD SULLIVAN (RM-168)  
 SEX: F

MILDRED HOPKINS (RM-169)  
 M: to VERBIE BYRD (RM-170)  
 SEX: F

NEOLA HOPKINS (RM-171)  
 M: to HORACE BYRD (RM-172)  
 SEX: F

MYRTLE HOPKINS (RM-173)  
 M: to KESLER WEAVER (RM-174)  
 SEX: F

ALEX HOPKINS (RM-175)  
 M: to MILDRED ? (RM-176)  
 SEX: M

0	1	2	3	4	5	6	7
						HOWER BOPKINS (BN-177)	
						Single	
						No Children	
						SEX: M	
			MARY BYRD (BN-51)				
			B: 09/22/1883				
			Single				
			D: 06 Jan 1909				
			No Children				
			SEX: F				
			MAGGIE JANE BYRD (BN-52)				
			B: 9/1886				
			M: to BAKER REED (BN-53)				
			4 Children				
			SEX: F				
					FRONIE REED (BN-180)		
					M: to ARTHUR SHAW (BN-181)		
					SEX: F		
					EVELYN REED (BN-182)		
					M: to WILLIE WILLIAM (BN-183)		
					SEX: F		
					CONIE REED (BN-184)		
					M: to PERCY SHAW (BN-185)		
					SEX: F		
					GEORGE REED (BN-186)		
					M: to ISOLLA FIELDS (BN-187)		
					SEX: M		
			LULA BYRD (BN-54)				
			2 Marriages				
			M: to JUDY WEAVER (BN-55)				
			MW: to MILTON WEAVER (BN-750)				
			1 Child				
			SEX: F				
					LILLIE WEAVER (BN-236)		
					M: to JAMES MADISON (TATUM) BYRD (BN-235)		
					1 Child		
					SEX: F		
					JAMES VERNON BYRD (BN-197)		
					AGE: 79		
					B: 10 Aug 1914		
					M: to CLARA BYRD (BN-196)		
					6 Children		
					SEX: M		
					DIS: AL		

0	1	2	3	4	5	6	7
						TERESA BYRD (RN=237)	
						M: to CURTIS COLE (RN=238)	
						7 Children	
						SEX: F	
						PAM COLE (RN=249)	
						SEX: F	
						LYNN COLE (RN=250)	
						SEX: F	
						SHERRY COLE (RN=251)	
						SEX: F	
						CURTIS COLE JR (RN=763)	
						BRENDA COLE (RN=766)	
						DUNFORD COLE (RN=767)	
						CLARA COLE (RN=768)	
						DOUGLAS BYRD (RN=239)	
						M: to WENCILE MOSS (RN=240)	
						3 Children	
						SEX: M	
						GARY BYRD (RN=252)	
						SEX: M	
						LYNN BYRD (RN=253)	
						SEX: F	
						BETTIE BYRD (RN=254)	
						SEX: F	
						ROLAND BYRD (RN=241)	
						M: to LINDA BYRD (RN=242)	
						2 Children	
						SEX: M	
						ROLAND BYRD JR (RN=255)	
						SEX: M	
						AMY BYRD (RN=256)	
						SEX: F	
						ELLA BYRD (RN=243)	
						M: to HILLER THOMAS BYRD (RN=244)	
						SEX: F	

0	1	2	3	4	5	6	7
							ANTHONY DWIGHT BYRD (RN=245) M: to GALE BENNETT (RN=246) SEX: M
							JAMES NELSON BYRD (RN=247) M: to NAOMI TAYLOR (RN=248) 2 Children SEX: M
							ELLA LOUISE BYRD (RN=259) SEX: F
							JAMES NELSON BYRD JR (RN=260) SEX: M
			CLARA BYRD (RN=56) B: 5/1890 M: to JOE ORSO (RN=57) No Children SEX: F				
			NATTIE BYRD (RN=58) B: 5/1893 M: to MELVIN ORSO (RN=59) No Children SEX: F				
			SERRON BYRD (RN=60) B: 05 Apr 1896 M: to VIOLA LOFTON (RN=61) 10 Children SEX: M				
			NATTIE B. BYRD (RN=190) AGE: 71 B: 10/20/1922 M: to RICHARD WEAVER JR (RN=191) 10 Children SEX: F				
							NICKY WEAVER (RN=209) AGE: 34 B: 1959 SEX: F
							DOUGLAS WEAVER (RN=210) AGE: 30 B: 1963 SEX: M
							SERRON WEAVER (RN=211) SEX: M

0	1	2	3	4	5	6	7
					BARRY WEAVER (RM=212)		
					SEX: M		
					MAI WEAVER (RM=213)		
					SEX: M		
					RICHARD WEAVER (RM=214)		
					SEX: M		
					VIOGA WEAVER (RM=215)		
					SEX: F		
					PAULETTE WEAVER (RM=216)		
					SEX: F		
					SHIRLEY WEAVER (RM=217)		
					SEX: F		
					RACHAEL WEAVER (RM=218)		
					SEX: F		
					EARLINE (EBBIE) BYRD (RM=192)		
					M: to LEUTINANT REED (RM=193)		
					4 Children		
					SEX: F		
					TOMMY REED (RM=219)		
					SEX: M		
					ROBERT REED (RM=220)		
					SEX: M		
					TROY REED (RM=221)		
					SEX: M		
					VICKI REED (RM=222)		
					SEX: F		
					JANE BYRD (RM=194)		
					2 Marriages		
					M: to DAVID C. DEARMON (RM=195)		
					M: to STANLEY BYRD (RM=223)		
					3 Children		
					SEX: F		
					DAVID C. DEARMON JR (RM=226)		
					M: to HETTIE BYRD (RM=227)		
					2 Children		
					TAMMY DEARMON (RM=233)		
					AGE: 15		
					B: 1978		
					SEX: F		

0

1

2

3

4

5

6

7

MICHAEL DANIEL DEARNON (RM=234)

AGE: 10

B: 1983

SEX: M

PAUL WAYNE BYRD (RM=228)

ALICE VIOLA BYRD (RM=229)

CLARA BYRD (RM=196)

AGE: 73

B: 02 Dec 1920

M: to JAMES VERNON BYRD (RM=197)

6 Children

SEX: F

DIS: AL

TERESA BYRD (RM=237)

M: to CURTIS COLE (RM=238)

7 Children

SEX: F

PAM COLE (RM=249)

SEX: F

LYNN COLE (RM=250)

SEX: F

SHERRY COLE (RM=251)

SEX: F

CURTIS COLE JR (RM=763)

BRENDA COLE (RM=766)

DUNFORD COLE (RM=767)

CLARA COLE (RM=768)

DOUGLAS BYRD (RM=239)

M: to VONCILE MOSS (RM=240)

3 Children

SEX: M

GARY BYRD (RM=252)

SEX: M

LYNN BYRD (RM=253)

SEX: F

BETTIE BYRD (RM=254)

SEX: F

0

1

2

3

4

5

6

7

ROLAND BYRD (RM-241)  
 M: to LINDA BYRD (RM-242)  
 2 Children  
 SEX: M

ROLAND BYRD JR (RM-255)  
 SEX: M

AMY BYRD (RM-256)  
 SEX: F

ELLA BYRD (RM-243)  
 M: to MILLER THOMAS BYRD (RM-244)  
 SEX: F

ANTHONY DWIGHT BYRD (RM-245)  
 M: to GALE BENNETT (RM-246)  
 SEX: M

JAMES NELSON BYRD (RM-247)  
 M: to NAOMI TAYLOR (RM-248)  
 2 Children  
 SEX: M

ELLA LOUISE BYRD (RM-259)  
 SEX: F

JAMES NELSON BYRD JR (RM-260)  
 SEX: M

HELEN BYRD (RM-198)  
 M: to JAMES FINCH (RM-199)  
 No Children  
 SEX: F

CALVIN SEERON BYRD (RM-200)  
 M: to ESTELLE WEAVER (RM-201)  
 No Children  
 SEX: M

RICHARD ERNEST BYRD (RM-202)  
 Single  
 No Children  
 SEX: M

ROBERT ALLISON BYRD (RM-203)  
 M: to OERA ORSO (RM-204)  
 No Children  
 SEX: M

PEARLIN BYRD (RM-205)  
 M: to FLOYD WEAVER (RM-206)  
 7 Children  
 SEX: F

0	1	2	3	4	5	6	7
					<p>HULIAN WEAVER (RH-261)            M: to THOMAS SULLIVAN (RH-270)            No Children            SEX: F</p>		
					<p>GEORGE WEAVER (RH-262)            M: to FANNIE HOPKINS (RH-263)            2 Children            SEX: M</p>		
					<p>DANNY WEAVER (RH-275)            SEX: M</p>		
					<p>JOHANA WEAVER (RH-276)            SEX: F</p>		
					<p>ELLOWEEN WEAVER (RH-264)            M: to HOMER BYRD (RH-277)            No Children            SEX: F</p>		
					<p>STEVE WEAVER (RH-265)            Single            No Children            SEX: M</p>		
					<p>MARY WEAVER (RH-266)            M: to CHARLES TAYLOR (RH-267)            1 Child            SEX: F</p>		
					<p>BILLIE J. TAYLOR (RH-280)            SEX: F</p>		
					<p>JOHNNY WEAVER (RH-268)            Single            No Children            SEX: M</p>		
					<p>JUNE WEAVER (RH-269)            Single            No Children            SEX: F</p>		
					<p>LEANN BYRD (RH-207)            M: to OCTAVIA BYRD (RH-208)            No Children            SEX: M</p>		
					<p>MARY ANN (POLLY) BYRD (3) (RH-24)            B: 16 Nov 1849            M: 21 Dec 1869 to ALBERT (HIN) WEAVER (3) (RH-25) @ HENRILE CO. AL            D: 04 Dec 1925            12 Children            SEX: F</p>		

| | | DIS: AL  
(1: BURIED @ MT. MARIAN CEMT.)

0	1	2	3	4	5	6	7
			URSULA WEAVER (EN-283)				
			B: 1865 @ AL				
			M: 24 Mar 1898 to ALEX REED (EN-284) @ AL				
			SEX: F				
			DAVID R. (DAVE) WEAVER (EN-285)				
			AGE: 45				
			B: 13 Aug 1870 @ AL				
			M: 20 Oct 1893 to ANNA PLATT (EN-286)				
			D: 12 Mar 1926 @ MT. MORIAN				
			SEX: M				
			DIS: AL				
			W. T. (TEAT) WEAVER (EN-287)				
			B: 14 Jul 1872 @ AL				
			M: 13 Nov 1892 to ANNIE REED (EN-288)				
			D: 01 Jul 1926 @ MT. MORIAN				
			ELIZABETH WEAVER (EN-289)				
			B: 1873 @ AL				
			M: to SEABORN REED (EN-290)				
			ALONZO (LOMMIX) WEAVER (EN-291)				
			AGE: 49				
			B: 19 Dec 1876 @ AL				
			M: to FANNY C. THOMPSON (EN-292)				
			D: 02 Oct 1925 @ MT. MORIAN				
			SEX: M				
			CHARLEY WEAVER (EN-293)				
			B: 3/1879 @ AL				
			M: to ESTELLE WEAVER (EN-294)				
			HENRY A. (AB) WEAVER (EN-295)				
			B: 1880 @ AL				
			M: to THELMA REED (EN-296)				
			SEX: M				
			ALEX WEAVER (EN-297)				
			AGE: 80				
			B: 31 Oct 1841 @ AL				
			M: 16 Aug 1905 to ALICE WEAVER (EN-298)				
			D: 03 Apr 1961 @ MT. MORIAN				
			SEX: M				
			ALBERT WEAVER JR (EN-299)				
			B: 1889 @ AL				
			M: to MARY REED (EN-300)				
			FRANK WEAVER (EN-301)				
			B: @ AL				
			Single				
			No Children				
			SEX: M				

0	1	2	3	4	5	6	7
			VIRGINIA (JENNY) WEAVER (RN=302)				
			AGE: 77				
			B: 27 Mar 1895 @ AL				
			M: to FRANK (RN=303)				
			D: 10 May 1972 @ MT. MORIAH				
			SEX: F				
			VALLEY E. WEAVER (RN=304)				
			AGE: 43				
			B: 25 Aug 1896 @ AL				
			M: to (DOE) SULLIVAN (RN=305)				
			D: 17 Dec 1939 @ MT. MORIAH				
			SEX: F				
			MARYBA ELISABETH (MAY) BYRD (3) (RN=26)				
			M: 16 May 1880 to GEORGE WEAVER (3) (RN=27) @ MOBILE CO.				
			6 Children				
			SEX: F				
			JOE WEAVER (RN=308)				
			Single				
			No Children				
			SEX: M				
			ELITA WEAVER (RN=309)				
			Single				
			No Children				
			SEX: F				
			WASH WEAVER (RN=310)				
			Single				
			No Children				
			SEX: M				
			JANE WEAVER (RN=311)				
			Single				
			No Children				
			SEX: F				
			THURSDAY WEAVER (RN=312)				
			Single				
			No Children				
			SEX: F				
			SAPONIA WEAVER (RN=313)				
			Single				
			No Children				
			SEX: F				
			PRINCELLA BYRD (3) (RN=28)				
			SEX: F				
			(1: DIED YOUNG)				

0	1	2	3	4	5	6	7
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VIRGINIA (JENNY) BYRD (3) (RH=29)

M: 13 Aug 1879 to THOMAS WEAVER (3) (RH=30) @ MOBILE CO.  
8 Children

SEX: F

ADA WEAVER (RH=314)

M: to JERRY CHESTANG (RH=315)

No Children

SEX: F

MARVIN WEAVER (RH=316)

M: to NEALY TAYLOR (RH=317)

No Children

SEX: M

FRANK WEAVER (RH=318)

M: to FANNIE TAYLOR (RH=319)

No Children

SEX: M

ED WEAVER (RH=320)

M: to RILLA SMITH (RH=321)

No Children

SEX: M

PERCY WEAVER (RH=322)

M: to FRANKIE WEAVER (RH=323)

No Children

SEX: M

MARY E. WEAVER (RH=324)

M: 03 Aug 1895 to ALEX RIVERS (RH=325)

No Children

SEX: F

ANNIE WEAVER (RH=326)

M: to JIM CHESTANG (RH=327)

No Children

SEX: F

JANE WEAVER (RH=328)

M: to WESTON CHESTANG (RH=329)

No Children

SEX: F

JULIA GIBSON (2) (RH=18)

M: to JEFF DAVIS (2) (RH=19)

SEX: F

Statement by Gallasneed Weaver

A Member of the Mowa-Choctaw Tribe

The former Chairman of Alabama Indian Affairs and  
Present Principal of Reed's Chapel School

Although our tribe, the Mowa-Band of Choctaw Indians of Southwest Alabama has only been recognized by the legislative process of Alabama since 1979, our people have banded together in a peculiar wooded area of north Mobile and south Washington County. This area encompasses about 30 miles in diameter and the tribe has resided here since the partial tribal removal in the early part of the 19th century. Our tribal heritage has been much like the Choctaws of Mississippi, The Porch band of Creeks of the South Alabama, the Cherokees of North Carolina, and some of the tribes of Louisiana. They all struggled and survived until our governmental system recognized that all Indians of our area didn't go to Oklahoma. Therefore, you can see our tribe as another link in the chain of social injustice that we would humbly ask this honorable committee to address. These forementioned tribes were fortunate to have gotten people in Washington's ears at an earlier date and have now removed their tribes from the poverty lines of tribal status.

Having been born in November 1933, I grew up experiencing, along with my tribe, the wrath of Jim Crowism upon Indians. We were not allowed to vote or testify in court and when the Industrial revolution finally came to the

rural areas, the industries here hired the Blacks for certain stratified jobs and the whites for the better paying jobs. The industrial leaders refused to hire any Indian people because of two basic reasons: 1. The big land owners had hinted to them that we were good at the timber business and that we shouldn't be diverted from that business; and 2. They knew, from some past experiences, the Indian wouldn't accept the, "separate but equal", philosophy and policies of the Industrial plants. These policies specified different water fountains, rest rooms, dressing rooms and lunch facilities, and were imposed upon and readily accepted by the Blacks of this time. Since our people wouldn't accept such conditions, our tribal work force was excluded. We only became part of the work force when, former Congressman Jack Edwards won his election. We found him, not only to be a good politician, but also a humanitarian. It was through his effective lobby for the inclusion of our tribe as part of the various companies affirmative action plan, that we became part of the work force. It was also the Civil Right laws, implemented during the Kennedy and Johnson administrations, that helped bring down the walls of Jim Crowism that had been in place for so long among our people.

Your honor, we can easily see a parallel between this recognition document of the B.I.A. and the Constitution of the United States. The constitution was written by many wise people, but it reflected a white male aristocratic chauvinistic philosophy. But one thing was good about this

document. It provided for change, by amendments. It also contained the elastic clause "For the good and welfare of our nation". The Federalist paper promised a Bill of Rights if the people would adopt the Constitution in its present form. True to their word, the people were given the Bill of Rights with the first 10 amendments. Later came the 13th, 14th and 15th which freed the blackman, made him a citizen and gave him the right to vote. In 1920, there came about another change with the 19th Amendment, which gave women the right to vote and opened the door for their useful participation in the government. One Constitutional scholar has said the greatest part of the constitution is the part that provided for change. The 2nd greatest thing is that society has had the wisdom and fortitude to see the need for change and has made the necessary changes as the country became aware of such need.

Unlike the implementation of these constitutional changes, the B.I.A. has made no changes in the document, although they have testified themselves of the need for some changes. They have continued to perpetuate and stagnate the system. May I call your attention to some of the basic weaknesses with the BIA process. It has a double standard. If many of the tribal leaders who helped write the documents should have their rights taken away from them, they wouldn't be able to get recertified, re-authorized or recognized when using the same standards. 2. The scholars of the process know the weakness of the system, but have done nothing to

correct or change the process, as was done with our Constitution. The B.I.A. has been self-serving and has produced a group of elite aristocrat-thinking Indian leaders, who have become much like some of the earlier Southern aristocratic whites, who tried to defend the ways of the Old South in a system in which they would say to the black and Indian, "Washington may have made you citizens, but we control the powers of the state and you must meet all of our local laws, pay poll taxes, recite part of the Constitution, and be able to read and interpret the Constitution, before you register to vote. In the meantime no whites were scrutinized through the same process. The Federally recognized tribes have grandfathered themselves behind the walls of the system and they are able to use tax money to hire expensive lawyers and lobbyists and fly jet planes from place to place to fight against us as well as other worthy tribes. Such efforts help keep worthy tribes from getting recognized by Congress. The most of these same tribes were once recognized by Congress themselves. Now they are saying, let me determine your fate. Its almost like having the fox guard the hen house. Mr. Bud Shepard, one of the authors of the B.I.A. policy, visited our tribe for a pre-study of our group, stated that he has never seen a more closely knit group of Indians, a people who have stayed together and preserved their history and culture while enduring great hardship. He went on to say, "If Congress didn't recognized us, we may have trouble making it. because

of the way the hoops are layed out at the B.I.A. for our tribe and other tribes like our to jump through for Federal recognition". He went on to say, "In Alabama the capital was burned with all records during the civil war. In 1907, the Washington County Courthouse, a county in which all local records were kept, was burned along with all its records. Also, since our tribe was uneducated, very few records were kept to enhance our chances for success. Dr. Susan Greenbaum, an anthropologist from the University of South Florida, stated, "You are a very credible tribe, I hope some how you will make it to get the recognition that you desire and deserve".

In closing, may I say I have seen many of my elders die while waiting for their dreams of recognition to come true. Mr. Senator, my father is 78 and mother is 76, please let them celebrate with me a birthday of our Federal tribal recognition before they move on into eternity with our maker.

BIOGRAPHY  
OF  
GALLASNEED WEAVER  
A MEMBER OF THE MOWA-CHOCTAW TRIBE

It was November 16, 1933 and the dawn of the great depression, when my parents, Mr. Lee Weaver & Mrs. Nancy Weaver, by the help of God, gave me a chance to experience the joys of this life which started in the pine woods of South Alabama near the little town of McIntosh, an area that the local aborigines refer to as the "heart of Indian Country."

I was fortunate to have grown up at a time when the Southern Baptist missionaries had brought the Gospel, as well as a chance for education, to our tribal neighborhood. The Methodists and the Catholics had started similar programs in other geographic areas of our tribe and served in the interest of their churches.

My mother always encouraged me to get an education. Soon I realized that if I was going to college, I would need to go to an accredited high school. Although our Indian mission school was a good one, it wasn't accredited. After much prayer and consideration, I went to Acadia Baptist Academy of Eunice, Louisiana, a school that had been built to accommodate the Indians and Cajun French of Louisiana. I found the spiritual environment and the quality approach to education very inspirational to my Christian, as well as, intellectual growth. I graduated in May of 1953 and after working for a short time, I enrolled at Bacone Indian College of Muskogee, Oklahoma. My life was enriched while at Bacone with the opportunity to fellowship with so

many fine Christian students, faculty members and student from some 53 tribes. Most recently, this same college elected me to the Alumni Hall of Fame and placed me on its Board of Trustees.

In 1956, I entered the U.S. Army to do a two year hitch. I wanted so much to go to Japan or Europe, but instead was sent to Alaska, a place I later learned to love.

After I left Alaska, I came home and enrolled at the University of Redlands at Redlands, California from which I earned my B.A. Degree.

On my way back to California from Alabama to complete my last year of college at the University of Redlands, I married my wife, an Oklahoma Cherokee, Laretta Fay Holt, who immediately became a special part of my life. She has given me so much, but two of the greatest gifts are a healthy son, Kirby Laverne Weaver, who attended Bacone and later graduated from Northeastern State University in Tahlequah, Oklahoma, and is presently working as a coach and math teacher at Robertsdale High, and a lovely daughter, Lagallis Jean Harbuck Weaver, who has acquired her Masters Degree at the same university and is now working at Jackson Middle school in Jackson, Alabama. She gave me a wonderful son-in-law, Kenny Harbuck, who has added much to our life.

After I graduated from Redlands, I came back to Alabama and became employed by the Washington County Board of Education and worked for them for seven years at our tribal school. At this time, I won a fellowship to work on my Masters degree at the University of South Alabama. In 1969 I graduated with a degree in Administration with a Superintendent-Principal Certificate.

After graduating, I was chosen by the Washington County School Board to become Principal of Reed's Chapel Indian School and I have

been here ever since.

In 1961, I became the pastor of Rivers Baptist Indian Mission in Sims Chapel, Alabama under, our Field Missionary, to the southwest Alabama Indians, Rev. E. R. Isbell.

In 1984 I was honored by being chosen as Chairman of the Commissioners for the Mowa-Choctaw Tribe, and was extended the opportunity to represent our tribe on the Alabama Indian Affairs Commission. As a member of this distinguished Commission I was honored again by being chosen its Chairman and later served 3 other terms at that position. During these years I was chosen by Alabama's state Governor George C. Wallace, and later Governor Guy Hunt, to represent the Alabama Indians to the Interstate Indian Conference for two different terms and I have represented the Mowa-Choctaw to both the National Conferences of American Indian and the National Indian Education Conference for the last several years of which I hold a life time membership.

I have very much enjoyed each job and position that I have been privileged to have; but one of my greatest pleasures has come from serving as an ambassador for the Indian Tribes of Alabama to the numerous regional and national meetings on the affairs of American Indians and working with other Indian delegates trying to make things better for our people.

PART FOUR  
I. BAPTIST WORK AMONG THE FIVE CIVILIZED  
TRIBES

At the present time Southern Baptists labor among three classes of Indians: (1) the Five Civilized Tribes; (2) the blanket Indians of Oklahoma; and (3) the Pueblos and Apaches of New Mexico and Arizona. According to Federal statistics, there are about 225,000 Indians living within the bounds of that part of the United States served by the Southern Baptist Convention. More than 130,000 of these are in Oklahoma, and the next largest number are in New Mexico and Arizona. Among the Oklahoma Indians are 127 Baptist churches with a membership of about fifteen or twenty thousand. The smaller groups are remnants of tribes who refused to move to the west and who remained east of the Mississippi River, such as the Cherokees in North Carolina, the Choctaws in Mississippi, the Seminoles in Florida and other left-overs in Alabama, among whom Rev. and Mrs. R. M. Averitt faithfully serve. Rev. and Mrs. S. E. McAdory are the successful missionaries among the Mississippi Indians.

Since in Part Four we left the Five Civilized Tribes struggling with their reconstruction problems, let us now look in on them as twentieth century Indians. Over these Indians, as well as all the Indian work in the South, Rev. J. B.

Cave Lake Sister Copyist 1944

STATEMENT OF DOUGLAS L. McCOY  
COUNSEL TO THE MOWA BAND OF CHOCTAW INDIANS

As an attorney for the Mowa Band of Choctaw Indians and law partner of former Congressman Jack Edwards, I have been involved in the effort to obtain federal recognition of the Tribe for approximately five years. During this time, I have met on numerous occasions with the Tribe's members and researchers to discuss and review the evidence assembled to support the Tribe's federal recognition effort. The purpose of my testimony before this Committee is to highlight certain aspects of the history of the MOWA Choctaws' efforts to obtain tribal recognition which deserve particular attention and emphasis, and which clearly demonstrate, I submit, the Mowa Choctaws' satisfaction of any reasonable criteria for recognition as an Indian tribe and establish their entitlement to Congressional recognition at this time.

As was brought out in the testimony before the Senate Select Committee on Indian Affairs, work by genealogists, anthropologists and historians to assemble the information and documentation needed to present the MOWA Choctaws' petition to the BIA for federal recognition began over a decade ago. Indeed, the MOWA Choctaws' first submission to the BIA in connection with their effort to obtain federal recognition as an Indian tribe was in 1983. Ultimately, the MOWA Choctaws and their supporters were able to prepare a "petition" that they believed reasonably addressed the BIA criteria for tribal recognition and that

petition was submitted to the BIA. In submitting its initial "petition" to the BIA, the MOWA Choctaw Tribe and its researchers recognized that their efforts were not "complete" in all aspects and they expected that the BIA would have criticisms. Thus, even though their resources were and always have been extremely limited, the Tribe and its supporters have continued to search and research for additional evidence to support the MOWA Choctaw petition since the time that petition was first submitted to the BIA. I should point out, as I am sure the Committee understands, that the purpose of submitting the Tribe's petition in a less than "perfect" form at the outset was based on the length of time that the BIA review takes and upon the fact that requests for tribal recognition are considered, to some extent, in the order in which petitions are submitted. Accordingly, the Tribe presented its petition as soon as it was in a reasonable condition so that it could get itself "in line" for BIA consideration at the earliest possible time.

The importance of this brief description of the history of the MOWA Choctaw tribal recognition effort is to make this Committee aware that the BIA's letter of obvious deficiencies dated February 15, 1990 outlining what the BIA described as "substantial" defects in the MOWA administrative petition for tribal recognition, reflected a critique only of the original MOWA Choctaw petition. Substantial effort with significant results followed the preparation of the initial MOWA Choctaw BIA

petition, which effort and results I respectfully submit reasonably resolve all of the BIA's former criticisms. Moreover, in addition to the development of new information, the MOWA Choctaw documentation explaining and supporting the Tribe's contention that they are, and have since historical times been an Indian tribe, has been reorganized in a way that more clearly demonstrates satisfaction of the criteria for tribal recognition. Some of these "improvements" to the MOWA Choctaw tribal recognition argument materials were made specifically in preparation for the Senate Select Committee on Indian Affairs hearing on Senator Shelby's MOWA Choctaw tribal recognition legislation and other "improvements" were made in response to the BIA's obvious deficiencies letter. I believe that this Committee's review of these "improvements" to the MOWA Choctaw's original petition for federal recognition will resolve any concerns regarding whether the MOWA Choctaws are an Indian tribe. Indeed, I respectfully submit that judged by any reasonable (as opposed to bureaucratic and inflexible) standard, the MOWA Choctaw documentation and proof clearly evidences their entitlement to federal tribal recognition.

The specific new and/or improved MOWA Choctaw tribal recognition documentation to which I would particularly direct this Committee's attention is the "Testimony of Jacqueline Matte" (which appears at Tab 5 of the "Index of Testimony in Support of S.362"), Mrs. Matte's "Proof of the MOWA Choctaw's Satisfaction

of the Seven BIA Criteria for Tribal Recognition" (which is also part of Tab 5 of the "Index of Testimony in Support of S.362"), the narrative entitled "A Social and Political History of MOWA Choctaw Settlements" (which appears at Tab 13 of the "Index of Testimony in Support of S.362"), the "Testimony by Peter Rivers Regarding the History of Continuous Settlement of South Alabama by the Choctaws of Mobile and Washington Counties" (which appears at Tab 7 of the "Index of Testimony in Support of S.362") and the narrative entitled "Historical Legal Perspective of Choctaws of Mobile and Washington Counties, Alabama" (which appears at Tab 4 of the "Index of Testimony in Support of S.362"). This documentation is specifically responsive to the BIA's critique of the original MOWA Choctaw petition for tribal recognition.

In particular, in the BIA's previous reviews of the Mowa Choctaw's tribal recognition petition, it identified as the first deficiency of the MOWA Choctaw submission that: "The Acknowledgment regulations require that the group demonstrate that it has been identified as a tribal entity. The obvious deficiency letter requested that the group provide a chronology of MOWA history demonstrating the continuity of the group." For satisfaction of this criticism, Mrs. Matte's "Proof of the MOWA Choctaws' Satisfaction of the Seven BIA Criteria for Tribal Recognition" (see Tab 2) is directly responsive. At pages 1 through 10 of this particular narrative, Mrs. Matte lists chronologically historical documentation reflecting federal

government, state and local government, as well as historical and scholarly recognition of the Choctaws of South Alabama as an Indian tribe beginning as early as 1700 and continuing to the present time. (I should point out here that all of the documents referenced by Mrs. Matte's "proof" narrative are being submitted to this Committee as the "Exhibits" which accompany the MOWA Choctaws' "Index of Testimony in Support of S.362.")

The "exhibits" submitted by the MOWA Choctaws in support of their S.362 testimony provide documentary proof of the continuous existence of the MOWA Choctaw tribe and of the continuous recognition of the tribe by outside governmental and scholarly entities. For example, Bernard Romans' map of 1772 as included in the records of the Alabama Department of Archives and History, identifies south Alabama Choctaw settlements and the names of some of the occupants of such settlements, including the names of direct ancestors of present-day MOWA tribal members. The 1780 Washington County, Alabama deed book reflects land ceded by MOWA ancestral leader Piamingo Hometak. In 1801, the United States government entered a treaty with Mississippi Territory (south Alabama) Choctaws to establish a wagon trail through Indian lands. This treaty was signed by ancestral MOWA Choctaw tribal leaders including Hoshi Homa, also known as Captain Red Bird. (Byrd is one of four surnames that accounts for more than half of current tribal membership.) In 1800, Byrd church was organized by members of the Cole and Brashears MOWA Choctaw families; a

tribal church that continues to exist today under the name Aldersgate which it was given by Methodist missionaries.

In documentation from the years 1814-1815, Choctaw warriors who fought in the War of 1812 under Captain Pushmattaha are listed, including MOWA Choctaw ancestors Piamingo, William Anders and Charles Juzan. In 1816, another treaty was entered between the United States and the Choctaw Nation of the Mississippi Territory and MOWA Choctaw ancestors Bob Cole and Turner Brashears were among the leaders of the Choctaw communities in what is now south Alabama who signed this treaty. (Recall again that it was the Cole and Brashears families who were the founders of Byrd Church.) In 1820, the United States and the Choctaw Nation entered the Treaty of Doak's Stand which was signed on behalf of south Alabama Choctaw communities by MOWA ancestors Bob Cole and Turner Brashears. In 1830, the United States and the Choctaw Nation of the Mississippi Territory signed the Treaty of Dancing Rabbit Creek which ceded the remaining lands of the Mississippi and south Alabama Choctaws to the United States and provided for the western removal of the Choctaw nation. That important Treaty reserved, however, that Choctaws who did not want to remove west but instead desired to remain in their native homeland "shall be permitted to do so . . . [and] shall not lose the privilege of a Choctaw citizen." This treaty was signed by MOWA Choctaw ancestors Robert Cole, Pierre Juzan, Hoshi Homa (Captain Red Bird) and Zadoc Brashears.

In an article describing "The Last Indian Council on Noxubee River" which was held in 1831, author H. S. Halbert reported the feelings of Choctaws who opposed moving west, including the south Alabama Choctaws: "the Sixtowns [Choctaws] . . . are opposed to the treaty and declared that they would not go west." According to Mr. Halbert, the south Alabama Choctaws were represented at this council by Eli-tubbee (Chief Tom Gibson). The Mississippi Historical Society Publications, Volume IV, 1901, pgs. 271-280. In 1846, the Alabama Supreme Court decided the case of Brashears v. Williams, 10 Ala. 630 (1846) relating to the MOWA Brashears family and construing Alabama statutory law dealing with the Alabama Choctaw Indians who did not remove pursuant to the Treaty of Dancing Rabbit Creek: "The Act of 1832 extending the jurisdiction of this state over the Indian territory does not . . . take from a reservee, his citizenship as Choctaw . . ." In 1850, ancestors of the MOWA Choctaws founded Reed Chapel Church, the second tribal church which continues in existence even to the present time. Obviously, this church was formed by members of the Reed Choctaw family. (Reed is another of the four surnames that account for over 50% of the present MOWA tribal membership).

I personally presented testimony to the Senate Select Committee regarding the role of Congress as having contributed to the current plight of the MOWA Choctaws and to their non-recognized status, and cited in support of my testimony the case of Choctaw Nation of Indians v. The United States reported in the

U.S. Court of Claims' files. In the Court of Claims' records related to this case, there is a letter from Williams Wilkins, Secretary of War, to the President of the United States in 1844 reporting: "Fourteen years have passed since the ratification of the treaty [the Treaty of Dancing Rabbit Creek], and many honest claimants are as far from having what was due them by the treaty as when Ward refused to register the names of some, and destroyed the register of names of others, although Congress has passed three remedial laws on the subject." In other words, it was the misfeasance and malfeasance of Congress' own agent, Mr. Ward, which principally accounts for the failure to document and confirm the existence of this Tribe.

In 1852, MOWA ancestral tribal leader Eli-tubbee (Tom Gibson), along with four other Mississippi territory Choctaw leaders, wrote President Millard Fillmore on behalf of over 400 Choctaws residing in southern Alabama near Mobile who did "not wish to emigrate but to remain where we are and become citizens." In 1853, Dr. D. McVoy of Mobile wrote The Honorable A.H.H. Stewart, Secretary of the Interior, on behalf of Felix Andry regarding "Choctaw Indians living in this neighborhood . . . [who] number over four hundred . . . and [who] are altogether unwilling to remove west and wish to become citizens of this region." Documents from the files of the U.S. Court of Claims for the case of The Choctaw Nation of Indians v. The United States again support the presence and continuing tribal existence

of the MOWA Choctaws during this period. Included in such documentation, confirming MOWA oral history, are the depositions of MOWA Choctaw ancestors James Campbell, Alexander Brashears, Charles Frazier, Robert Cole, Peter Cole, Eli-tubbee (Tom Gibson) and Pierre Juzan. In 1890, the U.S. Census reported 402 Choctaws living in Mobile County, Alabama. In 1897, an article by H. Austill appeared in the Daily Register of Mobile, Alabama observing that Choctaw Indians were frequently seen on the streets of Mobile.

In 1924, Hilary Herbert Holmes made a survey of "The so called CAJAN settlements in Southern part of Washington County, Alabama" for Alabama Governor William W. Brandon. In this survey, Holmes explained: "There was the descendants of the old Choctaw Indians. These Indians had always been the friends of the white man . . .it was only fitting that their Chief Pushmattaha (recall my earlier reference to war of 1812 and Chief Pushmattaha's regiment of Choctaw soldiers including MOWA Choctaw ancestors) should have been buried in a soldier's grave at Arlington. Many of their descendants still remain in these hills. . . - They are tribal in their likes and dislikes and often object to other families sending to their schools." Survey at pgs. 9 and 18. Holmes' 1924 report also completely dispels the Cajan label which has often and wrongly been attached to the MOWA Choctaws and their ancestors: "These people are not Acadians. They are, therefore, not Cajans, which is a corruption

of the term Acadian. THEY NOT ONLY DO NOT CLAIM TO BE REMOTELY KIN TO THE FRENCH BUT DISCLAIM ANY SUCH DESCENT. They claim that they are descended from Indian and Spanish and of course white or American Ancestry . . . The term [Cajan] was applied to them by an old gentleman who was in business among them . . . [and] the term stuck. They are spoken of by that name by all other classes of people who come in contract with them." Survey at pg. 22.

In the Sunday edition of the Birmingham News of May 15, 1927, an article by James M. Glenn, Ph.D., titled "Indians Still Make Homes in South Alabama Counties: Familiar Figures in Small Towns," states: "The writer has seen members of the Choctaw tribe in upper Mobile County." In 1935, in Senate Report number 781 entitled "Claims of Choctaw Indians of Mississippi," it is reported that "approximately 1800 individuals . . . live in small communities chiefly in Mississippi, Alabama and Louisiana, following to a large degree their primitive customs, and who had until recent years neither government nor state aid, education or otherwise."

In 1979, the Alabama House and Senate recognized the sovereignty of the Choctaws of Mobile and Washington counties. In 1980, the rights of the Mobile-Washington County Choctaws as a sovereign Indian tribe was affirmed by then Alabama Attorney General Charles Graddick.

Again, the preceding merely represents examples of the documentation that supports the MOWA Choctaw request for tribal recognition. I am certain that this Committee can appreciate that this documentation has been extremely difficult to compile and that the effort to assemble it has been monumental. Indeed, the significance of many of the documents listed in this chronology was not appreciated until after numerous reviews had been made and until information from other documents had been discovered which revealed the relationship of such documentation to the MOWA Choctaw Tribe. In other words, the MOWA Choctaws obviously did not keep a written history inasmuch as they have no written language. Accordingly, in order to go back and attempt to reconstruct the history that is required by the BIA, it is necessary to search an almost limitless body of literature and documentation because one does not begin with the series of known events for which documentation must be located, but instead one must review every available source of historical documentation so that the events of tribal recognition can themselves be identified. When you add to this already enormous task the fact that tribal ancestors often had both Indian and Anglo names, that the spelling of these names by European and American document writers was most often phonetic so that any number of different spellings might exist for one name, that many MOWA Choctaw ancestors had "marks" rather than signatures and that the documentation that does exist reflects the impression of "white" writers as to what and with whom they were dealing, rather than

the accounts of Indians themselves, I am sure the Committee can appreciate the burden of the effort that has been necessary to assemble this chronology.

I would also point out that Mrs. Matte's documentary chronology is not the only significant new proof supporting the MOWA Choctaw tribal recognition effort. Mrs. Matte's historical testimony as well as the "Social and Political History of MOWA Choctaw Settlements" which she prepared, and the testimonies of John Rivers, Tribal Counsel, and Peter Rivers, also demonstrate that the MOWA Choctaws have now addressed the BIA's criticism related to the Tribe's original recognition petition and criterion (a) of the BIA Tribal Recognition Regulations.

With respect to the BIA's criticism of the original MOWA Choctaw tribal recognition petition under criterion (b) of its Tribal Recognition Regulations, the BIA previously stated: "More detail on communications systems, visiting patterns, and community institutions is needed to demonstrate that the groups' membership forms a cohesive community." Again, I respectfully submit that the testimonies of Mrs. Matte, John Rivers, Peter Rivers and the narrative, "A Social and Political History of MOWA Choctaw Settlements" (also prepared by Mrs. Matte) are responsive to the BIA's criticism under its criterion (b) and are conclusive in resolving that criterion. Specifically, I would refer the Committee to pages 4 through 8 of Mrs. Matte's historical

testimony. In that testimony, she describes in general the community "system" of the MOWA Choctaws and details, in particular, the establishment of the two early churches of the MOWA Choctaw Tribe and how those churches became the foundation for tribal schools, which churches and schools continue in operation to the present time. I believe that the Committee will agree with me that the most basic indication of the existence of communities from earliest history to the present is institutions of religion and education. In other words, the existence of a church, a cathedral, a temple or the like is a clear and historically recognized indication of a "community." As Mrs. Matte points out, the MOWA Choctaws are able to trace their churches back to as early as 1800, thirty years before the effort to remove southeastern Choctaws to Oklahoma, so that this Tribe can clearly establish that it had an existence dating back to the earliest history of this area. Moreover, the Tribe's proof that these churches have continued to exist and operate through the present day definitively establishes that the Tribe's existence has been continuous.

The presence of these MOWA Choctaw churches is not the only evidence of the continuity of the existence of the MOWA Choctaw Tribe as the Committee's review of the rest of the testimony referenced above will indicate. However, the continuity of these churches is the clearest evidence of the MOWA Choctaws continuous tribal community and establishes unequivocally that MOWA Choctaws

are a "historical" Indian tribe. Also related to this BIA criterion, it should further be pointed out that in addition to the documentary evidence discussed herein, there are hundreds of hours of taped interviews with MOWA elders which also clearly establish the existence and continuity of the MOWA "community." The expense of transcribing these tapes, however, is prohibitive given the limited resources of the Tribe and it is unlikely that the BIA is willing to accept this evidence in its present form or that it would even consider such evidence significant given the BIA's disdain for non-documentary proof.

With respect to the BIA's criticism of the original MOWA Choctaw tribal recognition petition under criterion (c) of its Regulations that "[t]here is very little specific information in the MOWA petition regarding the historic and current MOWA governing system as required by the Acknowledgment regulations," the "new" documentation most responsive to this criticism is the "Proof of the MOWA Choctaws' Satisfaction of the Seven BIA Criteria for Tribal Recognition" (see Tab 5), the "Testimony of Jacqueline Matte" (see Tab 5) and the "Social and Political History of Choctaw Settlements" (see Tab 13) submitted by historian Jacqueline Matte. As Mrs. Matte repeatedly explains, however, MOWA Choctaw, and indeed all Choctaw "government," was very informal. Mrs. Matte identifies the earliest known "leaders" of the MOWA Choctaw ancestral tribe and also identifies the descendants of those leaders who "inherited" leadership

roles. Moreover, as Mrs. Matte explains, tribal leadership of the MOWA Choctaws was provided by tribal elders, not particularly by one individual, so that MOWA "political" history does not lend itself to a list of "leaders" as suggested by the BIA. The "role" of historical MOWA Choctaw leaders is reflected in the documentary exhibits to the testimony in support of S.362 in terms of those leaders being the signers of treaties, petitions, inquiries and the like and the founders of the Tribal churches. I am sure the Committee will note, as it reviews excerpts of Mrs. Matte's chronology which I cited in detail above, that the same names appear repeatedly as leadership representatives of the historical MOWA tribe. The BIA's request that the MOWA Choctaws otherwise provide a "description" of the role of these tribal leaders in the history of the tribe again ignores historical reality that the MOWA Choctaws do not have a written history to preserve such details. Quite simply, the BIA criteria demands evidence of formal Choctaw Indian "government" where it was not the tradition or practice of Indians to have a "formal government." Based on their actual method of governing themselves, the MOWA Choctaws believe that they have responded to the BIA's criticism of their original petition under its criterion (c) and that their documentary chronology provides sufficient objective details regarding MOWA tribal leadership.

The BIA's criticism of the original MOWA petition under criterion (d) of its Regulations, in its obvious deficiency

letter to the MOWA Choctaws, was based upon the absence of "a copy of the group's by-laws . . . council minutes or resolution which formally adopted the group's membership requirements, as well as a copy of the membership form used by the group." Again, this criterion reflects an unnatural expectation by the BIA that Indians govern themselves by the same formal methods and documents as whites. Nonetheless, the MOWA Choctaws did incorporate themselves in 1979, they enacted by-laws in 1982 and they enacted a constitution in 1985. Copies of all of these documents are among the exhibits submitted to this Committee and they have also been provided to the Bureau of Indian Affairs in response to its obvious deficiencies letter.

Finally, the BIA criticized the Mowa Choctaws' original tribal recognition petition with respect to its criterion (e) for federal recognition as follows: "While the MOWA claim Indian ancestry, the documentation submitted with the petition is ambiguous." The MOWA Choctaws are unable to understand what is meant by the BIA in making this criticism. The BIA has been supplied with the ancestry charts for tribal members which ancestry charts were prepared by noted genealogist Doris Brown. (I understand, incidentally, that Ms. Brown has been offered certification by the BIA as an Indian genealogist.) These ancestry charts have also been furnished by the Tribe to this Committee as part of the exhibits to their testimony supporting

S.362. The MOWA Choctaw ancestry charts establish that MOWA tribal members are Indians.

In evaluating the BIA's criticism in this regard, it is also significant that, in its letter of obvious deficiencies to the MOWA Choctaws, the BIA stated: "William Harlan Gilbert describes two different groups of people, the Creoles and the Cajuns, in the area of Alabama where the MOWA are located. Your petition suggests that the groups' current membership comes from both of these groups. A more extensive discussion of these two groups in your narrative might clarify their relationship and how each has become a part of your current group." This statement by the BIA reflects a failure either to carefully review or to understand the work of Mrs. Matte. Mrs. Matte clearly explained, in the history she submitted with the original MOWA petition, the derivation of the labels "Creole" and "Cajun" and how those labels had no cultural basis. The inappropriateness of these labels is also clearly established by the 1935 Survey conducted for Alabama Governor William W. Brandon, by H. H. Holmes referenced above. Indeed, the "Cajan" and "Creole" monikers are even rejected by authorities referenced by the MOWA Choctaws' opposition: "They bear the name Cajun, or Cajan. The word bear is used deliberately inasmuch as the people themselves regard it as a burden. They heartily dislike the word, and use it among themselves only in a pejorative sense, or in a joking, put-down manner. Actually, they have no known ancestral connection with

the French-speaking Cajuns of Louisiana." See "The History and Social Topography of an Ethnic Island in Alabama," Phylon, Second Quarter (summer) 1975. (This article was submitted to the BIA related to the MOWA Choctaw Tribal Recognition Petition by an attorney working with Mr. Eddie Tullis, an opponent of Mowa Choctaw federal recognition).

In fact, although the "criteria" that was of most significance to the Senate Select Committee in its hearing on Senator Shelby's Mowa Choctaw federal recognition legislation was whether the MOWA Choctaws constituted a historical Indian "tribe", the MOWA Choctaws felt compelled to dedicate a good portion of their testimony to the issue of whether their members were, in fact, Indians. The testimony of anthropologist Mrs. Margaret Z. Searcy presented at the Senate Select Committee hearing was strictly for the purpose of responding to cultural criticisms of the MOWA Choctaws and conclusively proved, I submit, that MOWA Choctaw tribal members are Indians. Although their concern may be somewhat of an overreaction, some of the recent criticisms directed at the MOWA Choctaws' efforts to obtain tribal recognition have caused them to feel a need to defend themselves on even the most basic issues related to their entitlement for recognition. The purpose of the testimony presented by the MOWA Choctaws at the Senate Select Committee hearing was to constructively prove their case, not to attack or demean the character of any other person or group. However,

given the nature of some of the opposition to their tribal recognition efforts, the MOWA Choctaws felt that it was only fair that the Senate Select Committee know the full history of their involvement with those who now attack MOWA Choctaw tribal recognition.

As Senator Shelby has pointed out, the MOWA Choctaws' current most vocal opponent is Chairman Eddie Tullis of the Poarch Band of Creek Indians of Alabama. In a letter dated September 24, 1990 to Senators Inouye and McCain, Mr. Tullis contended:

In light of the strong evidence questioning the validity of many of the claims of the MOWAs to be a legitimate tribe I am startled and deeply disappointed . . . that decisions are not being based on the merits of the case but rather on the persistent insistence of Senator Shelby that this group of constituents of his be allowed to circumvent the established system and criteria for determining the existence of a tribe and tribal government. . . . Various Masters Theses have been written about the MOWAs and concluded that they are of Cajan descent.

With respect to Mr. Tullis, however, it is very significant that in 1981 he wrote Chairman Framon Weaver of the MOWA Choctaws related to the efforts of the Poarch Creeks to gain federal recognition stating:

This letter is to formally ask your tribe in the spirit of Indian brotherhood [to] support our efforts for federal recognition . . . we as Native Americans must work together to protect our rights. I assure you that if you assist us with our struggle for federal recognition you can count on us to be there when your petition is ready for consideration by BAR.

Mr. Tullis' present opposition to MOWA Choctaw tribal recognition is not academic, but is instead purely economic based upon his fear that recognition of the MOWA Choctaws may interfere with investment he is seeking for development of his tribe's gambling operations which investments are apparently contingent upon his ability to ensure that there will not be competition in those operations. Related to his letter of September 24, 1990, Mr. Tullis knows that his reference to a "Cajun" cultural origin of the MOWA Choctaws was both derogatory to the tribe and was fraudulently contradictory to his own letter of 1981, and, even more astounding, to the Phylon article referenced above which was

provided to the BIA by one of the lawyers working with Mr. Tullis. The most unfortunate effect of Mr. Tullis' criticisms is that the MOWAs have had to devote a part of their limited resources to respond to his false suggestions.

Returning once again to the merit of the MOWA Choctaws' request for tribal recognition, given the fact that MOWA Choctaws now contend, as indicated above, that they can and have addressed and have responded to the BIA's "obvious deficiencies" review of their initial petition, the question that certainly must occur to this Committee is why this tribe should then receive legislative attention rather than simply letting the BIA continue to process and presumably act favorably upon the MOWA Choctaw Tribe's new information and documentation. There are several reasons why the MOWA Choctaws deserve Congressional rather than administrative consideration of their request for tribal recognition.

First, there is no assurance whatsoever, although the MOWA Choctaws believe that they have satisfied any reasonable criteria for judging their historic tribal existence, that the BIA will favorably receive the MOWA Choctaws' new information and documentation. In this regard, I would like to make reference to a letter of Bud Shepherd, former Chief of the Branch of Acknowledgement for the BIA from its inception in 1976 until his retirement in 1988. (A copy of Mr. Shepherd's letter is attached hereto). In this letter, Mr. Shepherd points out that "despite

initial intentions to the contrary, the [BIA] acknowledgement staff has become increasingly more demanding with regard to the amount and kind of evidence it is requesting." Indeed, in comments that are particularly pertinent to the circumstances of the MOWA Choctaws, Mr. Shepherd observes in his 1991 letter that: "The burdens of research and the kinds of documentation necessary are impossibly difficult to obtain for most groups. This is especially true for groups which adopted a survival strategy of avoiding the mainstream of society or which lived in out-of-the-way, unsettled areas. . . . [Such groups] cannot produce the documentation required by the present process." In fact, this burden is magnified by the fact that, as Mr. Shepherd explains, the regulations for administrative tribal recognition (that he was instrumentally involved in producing) exceed the standard for tribal acknowledgment traditionally applied by Congress: "As the drafter of the Regulations, I know that we were being extraordinarily cautious as we drafted the criteria. There was a general feeling that if bureaucrats were going to make this kind of decision, there needed to be clear, stringent standards that would probably go beyond those which might be used by Congress." Indeed, in light of a recognition by the drafters of BIA regulations for tribal recognition that their criteria exceeded Congressional standards, and in light of the recognition that such criteria burdened tribes which because of historical circumstances simply would not be able to produce the documentation required by the BIA regulations, Mr. Shepherd

explained that it was never the intent of the producers of the BIA tribal recognition regulations that the BIA process would be exclusive: "Initially the BIA maintained a policy that . . . they would recommend other avenues which the group might pursue, such as legislation."

Thus, it is completely consistent with the original intent under which the BIA tribal recognition regulations were written that the MOWA Choctaws should be permitted to pursue legislative tribal recognition. Of course, the BIA presently disagrees that this would be appropriate. In this regard, Mr. Shepherd regretfully notes: "There, however, appears to have been some inadvertent changes in the thinking within the Bureau about this issue. It seems now that . . . Bureau officials will not accept the possibility that Congress could exercise its prerogative of legislative acknowledgement. In other words, the bureau standards are the only acceptable standards for acknowledgement of an Indian tribe acceptable to the bureau." Mr. Shepherd correctly observes, however, that this current BIA thinking: "ignores the Congressional plenary authority to recognize Indian tribes."

The MOWA Choctaws are certainly a case of an Indian group "which adopted the survival strategy of avoiding the mainstream of society [and] which lived in [an] out-of-the-way, unsettled area." Despite its significant efforts and the substantial

documentation the Tribe has found and submitted, there remains considerable doubt that such documentation is sufficient under BIA tribal recognition criteria as that criteria is currently being applied (although not as such criteria was originally intended). As Mr. Shepherd recognizes, Congress has plenary authority to recognize Indian tribes and, given that the MOWA Choctaws have presented the substantiation necessary to satisfy Congressional standards and that their recognition is sponsored by the Alabama Congressional Delegation and supported by numerous others, there is no reason why Congress should not take up and pass favorably upon the pending proposed legislation for federal recognition of the MOWA Choctaws. Indeed, such action would send an appropriate message to the BIA that the administrative process quite simply must be changed to reacknowledge its original intent and purposes.

Expediency, is not the only reason for Congressional recognition of the MOWA Choctaws. As I stated in my testimony before the Senate Select Committee, the action of Congress requested by the MOWA Choctaws could more accurately be characterized as a "reaffirmation" of MOWA Choctaw tribal existence rather than a "recognition" of their existence as an Indian tribe. The MOWA Choctaws contend, and have proved through the testimony and supporting exhibits that are before the Senate Select Committee, the fact that their leaders were signers of the 1830 Treaty of Dancing Rabbit Creek which guaranteed that those

Choctaws who did not want to remove west "shall be permitted to do so . . . [and] shall not lose the privilege of a Choctaw citizen." The MOWA Choctaws are the modern day descendants of members of the Sixtown Choctaws who elected, as provided by Article XIV in the Treaty of Dancing Rabbit Creek, to remain in Alabama and who did and do remain in Alabama acting as a tribe, existing as a community and operating their own schools and churches even to the present date. Indeed, as also explained above, efforts of the Alabama Choctaws to claim under Article XIV of the Treaty of Dancing Rabbit Creek subsequent to that treaty were actually frustrated by Congress' own agents so that Congress should rightfully accept responsibility for the MOWA Choctaws' current state of non-recognition. The proposed legislation before this Committee is Congress' opportunity to right this historical wrong. Congress, not the BIA, has the duty and authority for enforcement of treaties.

I greatly appreciate the Committee's attention to my comments. I also appreciate what I know will be this Committee's thorough and fair consideration of the MOWA Choctaws' legislative effort to obtain federal tribal recognition.

751

NARRATIVE

BY

LEON TAYLOR,  
TRIBAL ELDER AND LEADER  
DESCENDANT OF CHOCTAW CHIEF PIA MINGO HOME TAC

Interview with Leon Taylor  
March 17, 1990

Peter: The first thing we want to address that this is the community, the two (inaudible) communities being the Byrd community and the Reed's Chapel community. And (inaudible) you start talking telling a little bit about how it was when you were growing up, about your mother and so on.

Leon: What kind of life we had?

Peter: Yes, sir.

Leon: It was a pretty hard life I'll tell you right now. Well, we was raised in Mobile County and we came up peacefully in Washington County. Then in later years after I married (inaudible) settled in in Washington County for the last 45 years. In my life time, and growing up as a Indian child, my daddy, he went to war, service in my younger days, and after he got out of the war he and my mother never did live together more, we seen a pretty hard life. I had to start working early, didn't have the privilege of getting an education like I hoped to give my kids and I fought real hard to try to educate them cause I didn't have the privilege to go on, I had to get out and try to help momma survive, me and the young ones (inaudible) and what little schooling I got, well you really couldn't count it cause... Now the white people and the black people all recognize us as Indians and anything and they didn't want to accept us in the white schools and the blacks wouldn't accept us and so they finally came up with a school, Shady Grove in Calvert, West Calvert. They named it West Calvert School. And then Ms. Murphy was the first one I remembered (inaudible) and they came in started teaching and what little learning I got I went there some when I was able to go. Then I came us here some to separate school and so on. I mean trying to get an education like that, in and out, in and out, you just couldn't succeed getting an education. And through my life history I seen what it was really important for people to have an education because other people does things (inaudible) education so I always regret not getting none but wasn't nothing I could do about it. But I always said if I ever married and had a family at all there was two things I wanted to do: I wanted to be a father for my kids and give them all the education that I possibly could see them get. So I thank the Lord, he has blessed me to that effect. All my kids have got pretty good education and I am proud of that.

As far as families, I've been knowing the families (inaudible), a lot of 'em is dead and gone, which they had a

hard life, too. You know that of course. (inaudible) In my life time they seemed just about, you know, really worse than we did because in my life time coming up poor, really people (inaudible) for us along, by being unable to have our father with us helped us along (inaudible) and I appreciate that. It's something to be proud of.

As far as Indian is concerned, I never had any doubt in my mind because all of our people is Indian. I ain't never had any doubt in my mind about whatsoever about that. Cause, and then people around us, most of them they didn't want to accept us in. The white would go with the blacks. I have to say I reckon if I give any credit to anybody it would be the white race of people because they more friendly to Indian people than black society seems.

Peter: As far as helping?

Leon: Yea, right. As far as helping, missionary work, ya know, and doing about, and that wasn't an easy life.

Peter: What year was your father in war? World War I?

Leon: Yea, World War I. And then I came along in World War II.

Peter: So that was about 1914-15?

Leon: Yea.

Peter: When the war was over, did he get out?

Leon: No, he got out...I believe the war was over when he got out.

Peter: 1919

Leon: Yea.

Peter: Did they have anything like the GI Bill then? Do you know?

Leon: Who, him?

Peter: Yes, did they have a GI Bill?

Leon: No they didn't have a GI Bill. Them men go, say, what little refreshments I got on the schooling I went under the GI Bill.

Peter: Okay, that's World War II?

Leon: Yea, that's World War II. And they graded me as high as seventh grade learning and I mean...

Peter: The school, Shady Grove, does it go through the sixth, the twelfth grade, or what?

Leon: Well, they, really they sixth grade, but now there was some of the students after they came down here to work, some of the students had gone to high school and then they sent them off. Some when to churches, and one to Texas and places like that to finish up. I don't know of about two or three...

Peter: Excuse me. (inaudible) what school (inaudible) along with you?

Leon: No, that was...yea, Calvert and I went to school some but now he didn't go to Shady Grove. Ms. Murphy was teaching out in the, what they call Weaver school out there and that's where Gallasneed Weaver built and developed it. It's what they call the Weaver School. Old man Coon Weaver started, I mean he was teaching down there. So Mrs. Rogers and Mrs. Byrd she taught Indian children. But know, Michael Byrd and Elizabeth Byrd they was the only two...

Peter: (inaudible)

Leon: Yea, yea he did. And (inaudible) Byrd she went on. And then from out there I thing Calvin and Hattie, they was sister and brothers.

Peter: (inaudible)

Leon: Michael Byrd (inaudible) brother, in fact the only brother she ever had. And then the baby girl, Peggy Byrd.

Peter: (inaudible)

Leon: Yeap, yeap. Right out there at...year, before they built the little school right out there, they used to go into a church - they had an old church...

Peter: On Red Fox Road?

Leon: Yes, right after you top that first hill leaving Calvert, out there to the left, there is a cemetery there...There is an acre of land... and we had to walk from down there in Calvert out there to the top of that hill, about 2-1/2 miles.

Peter: What year was that?

Leon: Oh, my goodness, it had to have been in the 40's.

Peter: Okay, what year were you born?

Leon: I was born in 1922.

Peter: So late 20's - early 30's.

Leon: Yea. It was in the 30's. Because I know that Ms. Rogers and Ms. Murphy (inaudible) 135 Fullwood Court, Rogers and Murphy.

Peter: Were they state supported or did they all pay by private fund?

Leon: No they, the county or the school board must have sponsored...

Peter: I know that they said earlier that before the state took over that the community was taxed. Each community paid a certain amount of money for education.

Gallasneed: ...per year...teachers quit because they got higher money (inaudible) that these people needed help too...and somebody else was teaching here for a while that was probably in the early 20's.

Peter: I've heard momma talk about how we burried the dead. One of the main things we want to ask of you is how did the early people care for the dead? How did they have wakes and things like that. Tell us a little bit about the superstitions and how they took care of things like this, and who was designated to handle the people that died.

Leon: Well, in my life time I'd have to say that we have come a long way. I've seen 'em, people get killed, some of our people get killed, wash 'em, dress 'em and lay 'em out on a cooler. I remember (inaudible) Sullivan was the first man I ever seen dressed and layed out on a cooler. The Chief would call all the people together and build a big fire outside and sit up all night with the body and the women would walk around the house (inaudible) a chant.

That's the first one I remember being layed out on a cooling board. Now after him when the ones that I remember were buried here was in homemade coffin. You know, there used to be a place down .... right, old man Clifford Reed, Wesley Johnson and Uncle (inaudible) and two or three others made

Old Mack Henry - I remember them making his. And I think Price's first wife, Minnie, they the last two that I remember was put away in a homemade coffin. They were very careful how they handled their dead.

Peter: And they would sit up all night...

Leon: Right, sit up all night and me and the way they got the news was, it wasn't like it is now. If someone is sick in the community you pretty well new them they would come to the church here and somebody passed in the community they would ring that bell for how ever many years you were old and then everybody know who you was and then news would get around (inaudible) stuff like that. It's a way of doing things. If anybody was sick they would go and set up with them at night and stuff like that, you always had....

Peter: They didn't go to hospitals much then.

Leon: No. Only herbal medicine...

Peter: They called the doctor?

Leon: Dr. Thompson checked my mother. I never remember my mother walking into a doctor's office in her life. She seen the doctor in my life time after I had a family. Old Dr. Thompson, he really is a good friend of the Indian people. If he could accommodate 'em he would. And I got him to go in an visit my mother. A couple of times I had to slip him in. She didn't believe in doctors. I never remember going to a doctor, or her carrying none of her children to the doctor in my life time. She always done the doctoring, you know, she had ways of doing things with herbs and stuff...

...we use these herbs and weeds you see here, we gather a few of them... boil 'em, make a good strong tea out of 'em and they would get a big strong bunch of it for a baby that was teething, (inaudible), pine straw...sassafras tea...yellow top, chukfi

Peter: One thing we want to talk about too, is more of Home Tac, who was a Choctaw Chief and who was the grandfather of Henry Eaton, who was your grandfather, which would make Home Tac your great, great, great grandfather. Could you tell us a little bit about Henry Eaton, what little bit you know about him.

Leon: What little bit I knew about him, was enough to remember, I'll tell you that. He was a kind of peculiar fellow. I was pretty small when he died, but my parents and friends and things would talk about him and it always

(inaudible), stuff like that. But ... never let ... stuff like that...he was what you would call a medicine man, he was called a medicine man. He could do great miracles, I reckon, and I want to thank him, which people today they didn't think so but in our time, I guess it was a miracle, you know. And some folks trying to find out different things and he...and they go right on and sometimes it would work out just like he said. He lived on ... Hamilton ... in this country, I think, but I could name the (inaudible) you've got a place up here on high hill and they you got a place over here by, on Johnny Johnston Road, off from there, a little ways from...a Choctaw, Oscar Reed's place there, and I think they still call 'at the (inaudible) spring over there. He always trapped and he could get up and drink his coffee in the morning and he could tell you, he could look in that cup, he would drink his coffee and he set it down and let it dry a little bit, turn it upside down and he could tell you which trap had something in it and ...Now they tell that on him. I never did see that work but now, my momma and all the older heads tells that on him today. I don't know maybe if thats true.

Gallas: ...do you know what year it was? How old he was?

Leon: No I've been trying to find an exact date on it, but ....

Peter: We've got it in there. We've got the death certificate with the date he died.

Leon: Is that right.

Peter: He was 80 years old, if I'm not mistaken, ... it was 1935 I think it was.

Leon: Right. It would have had to been in there because they moved ... he died before Bernice. And I think shortly after Bernice taken sick with (inaudible) and they had to carry her to the hospital and she never recovered from the operation. I think he died just a little bit before Bernice died, that had to be in the 30s. I was always wanting to think that it was about '32 or 3 but it could have been in '35.

Chief Home Tac was his grandfather, Henry Eaton. He was the one that moved us on highhill many years ago.

Gallas: Did they operate in Mobile or...

Leon: Yes, in Mobile.

Peter: What was some of the special events that the community had, where people would come from like Mt. Vernon, Cherry Chapel, Simms Chapel and they would all get together at Reed's Chapel or some people from Reed's Chapel would go down there. What was some of the things that they would have to get people together in the community?

Leon: Well, they would have big church days, or what they would call the (inaudible) or something like that you know. They had names for, just like if somebody wanted to clean up a batch of new ground, or new field, or something like that they would call it log rolling or something like that. They would set a date and everybody would leave round, come from work and clean it up and stuff like that then you would have church and set a church day, and some of 'em would go down there.

Peter: What about the Treaty of Dancing Rabbit Creek.

Leon: We always have been able to stay because of the Dancing Rabbit. They tried to remove us but we would not go.

Peter: What kind of leadership did we have when you were a child?

Leon: We always had tribal leaders but we had a chief, someone who was chosen for his wisdom and ability to lead our people. Lem Byrd. (inaudible), Shomo Weaver, Luke Rivers these were our leaders.

Peter: What would you ask Congress to do?

Leon: Acknowledge our rights. Our children can't get trained to get jobs. We have high unemployment. I have done all I can do. I'm old and tired. We are Choctaw. (inaudible) Do the right thing. My father fought in World War I and I fought in World War II. My two sons fought in Vietnam. We have been loyal to the United States, they should be loyal to us. (inaudible)

My great, great grandfather has petitioned Congress, my great grandfather petitioned Congress, my grandfather petitioned Congress, my father petitioned Congress. Now, I, Leon Taylor, veteran of the United States Army petition Congress for our rights under Dancing Rabbit.

TESTIMONY OF BENNETT WEAVER

MOWA BAND OF CHOCTAW INDIANS

TITLE IV INDIAN EDUCATION INSTRUCTOR

## BENNETT WEAVER TESTIMONY

DECEMBER 05, 1989

Bennett: This is Bennett Weaver, I would like to give a little report on fellow Indian life in Washington County. I remember very distinctly when I was a small boy how rough life was for an Indian family. The average family was very large. Work was little to be found. It was a struggle just to remain alive, not to mention the necessities of life.

My family was a typical Indian family. There were ten of us: six boys, two girls, mom and dad. My dad had no education; he had worked with his hands all his life. He worked in turpentine, logging, cutting ties for railroad and cutting pulpwood. My mother was a very thrifty woman.

We were able to purchase 60 acres of land, build a home and send the children to school. It was very hard to get any schooling at all because the white people didn't have much education and they didn't want Indians to have any schools. There were no Indian teachers because none were educated. Some of the tribal elders raised the funds and hired the teachers using tribal funds. This was before my time. When I was in grade school the County or State would pay the teachers.

We always ended up with the most unqualified teachers in the system. If the Board of Education had a teacher that no school wanted she was sent to an Indian school. At that time we had five Indian schools in the county. The Community that served the Reeds Chapel School were more fortunate than most because of ties with the Southern Baptist Home Mission Board.

We were able to get some very good teachers. These teachers felt that they were serving the Lord Jesus Christ and wanted to help people. When I was in high school we were able through the missionaries to get two teachers with master degrees. The County did not want to pay the high salary for them to teach an Indian school, but after the missionaries put up such a good argument, they agreed to pay them. This was the only power we had because they would not let us vote.

There were several main factors that brought change to the Indian community. The education of Native Americans was a giant step toward becoming acceptable citizens in the county. Lucille Reed, who later became my wife, myself, Gallasneed Weaver, Tempress Reed, Nola Reed, and Murphy Reed were the first Indians to become educated to teach school. Matthew Taylor and Carol Johnston never came back home. All of these teachers began teaching in

Reeds Chapel School this was an important step, because the Indian students had some of their own to identify themselves with. The parents had someone now they could trust to read and write letters for them, now we had people who could organize, plan and implement goals for the Indians. Today we have many young educated Indians who are working various industries who have taken leadership roles in the community. Some of them are on the Mowa Indian Commission.

The right to vote was another giant step forward for Washington County Indians prior to 1956 Indians in Washington County were not allowed to vote and as a result they had no power to bargain for anything, but in 1956 we took up an offering in the Reeds Chapel Church and Mt. Pleasant Baptist Church to pay transportation expenses for "John L. Isaac," then missionary for the Indians" to go to Montgomery and talk to Attorney General John Patterson about voting rights for the Indians. Brother Isaac undoubtedly put up a good argument because the Attorney General sent an executive order instructing Chatom to register Indian voters of Washington County Alabama. As a result of this order things really began to happen, politicians began to come to me and Gallasneed Weaver and ask what they could do for the Indians. Of course, this gave us the opportunity to list some of the things we would like to see happen in the Indian community.

At the top of the list was employing Indians in the two chemical plants in McIntosh, Alabama. I had written an article in the Call News Dispatch trying to get Indians hired in the plants in 1955, but they said they had dressing rooms and water fountains for blacks and whites only.

My argument was that they could create an Indian department considering they knew that Indians lived in the county. Many read the article with enthusiasm but never took any action to hire any Indians at this time. We gradually made some progress, but it was slow because the politicians had to sell our calls to work to the white people. There was much animosity toward Choctaw Indians from the white community. We were a thing from the past that they wanted to forget, and hoped would disappear.

After the Civil Rights Act, Gallasneed Weaver and I called a tribal council meeting to make new plans to get some Indians hired at McIntosh Plants. With this new weapon we thought that we absolutely would have a better start at getting our people hired. When we went to see the company manager they wanted to know who we represented. We said the Indians. They said what Indians, all the Indians are in Oklahoma. I did not know we had Indians in Alabama.

We called a tribal meeting for the Indians and a large number of people showed up. The EEDC representative was really impressed with the turnout of the tribal members. He went to work immediately and the plants began to hire Indians. Now we have Indian foremans at both plants, Van Johnston and Verma Reed.

Many Indians were afraid to openly practice their heritage. Because of the discriminatory laws passed by these states had laws stating that Indians could not testify against a white man. Who would want to be an Indian under such conditions. As a result of this our people wanted to forget their Indian heritage. This is exactly what the local white people wanted. They would call us white but treat us as a minority group. They would say such things as the negros are taking the county over, but because of the Civil Rights Laws the blacks have challenged the Indians.

Mr. Larry Tillman, Principal of the McIntosh High School and I were talking about some possible programs we could get to the Indians since we were not Federally Recognized it would be difficult to get any programs, but we kept trying and searching until we came up across the Title IV Part A Program, which supplements education for Indian people. Mr. Tillman said to me if you can organize the Indians I can get the School Board to approve the Program. I know a man who will write the program. So the Title IV Program Part A was born.

While we were working on this program, Mrs. Josephine Rivers was working for the CETA Program for the Creek Indians. Someone told her that the reservation Indians wanted to tighten up the definition of the work Indian, any Indian group would have to be State Recognized before they would be recognized as an Indian group. We contacted a Representative Turner, he said he would be glad to introduce the bill, so our Indian Commission was created.

After centuries of isolation we have still managed to maintain our tribal organization and cultural identity. We have been able to do this because of our faith in the American system of government and the Treaty of Dancing Rabbit Creek. I know that Congress is the only body of our government that can acknowledge our rights as Choctaw Indians and I pray that this will be done as soon as possible.

BENNETT WEAVER

TESTIMONY OF

Russell C. Baker, Jr.

Before the Senate Select Committee on Indian Affairs

Concerning

Legislation to Acknowledge the Mowa Band of Choctaw Indians  
as an American Indian "Tribe"

on March 28, 1990

Testimony of Russell C. Baker, Jr.  
before the  
Senate Select Committee on Indian Affairs

March 28, 1990

Gentlemen:

Thank you for this opportunity to add my support to all those who are engaged in the effort to acknowledge the Mowa Band of Choctaw Indians. My name is Russell Baker. I served as tribal administrator for the Mowa Band of Choctaws for four years. I have been working in community development with American Indians and Alaskan Natives since 1973. This has included five years with the Mississippi Band of Choctaw Indians, almost two years with the Inupiat people of Alaska's North Slope, as well as with other Indian groups in the southeast. I am presently on the staff of the Alabama Indian Affairs Commission in Montgomery.

Speaking as a non-Indian who has been able to observe a number of Indian tribes from within, i.e., to work on a daily basis with tribal governments and individual Indian people, and to share their dreams and ambitions, I have no hesitation, not only to describe the Mowa Choctaw people as Indian, but to assure you that they are an Indian tribe.

As any tribe is quite unique, by virtue of its geography, environment, and the other internal and external forces that condition it, so the Mowa Choctaw are unique. Inhabiting a location that resulted in early contact with French, Spanish, and English colonial powers, as well as being located on the southeastern perimeter of the Choctaw Nation in an area that was often jointly claimed by the Creek Nation, and being of the lower or

Six Towns division of the Choctaw (whom many experts are convinced bore traces of an earlier Siouan influence), the Mowa developed lifeways that are distinct both from their Mississippi cousins and Oklahoma relatives. In addition, the Mowa adopted a few of the Cherokee who fled the incursion of Georgians on their lands in that state in the 1820s.

The influences of Christianity also seriously changed the tribe. As early as ca. 1800, Chief Robert Cole of the Choctaws founded a church in the Choctaw settlements in northern Mobile County. The influence of the churches resulted in the development of status leaders from among the clergy (both Indian and non-Indian). The influence of the church, however, did not eliminate the system of informal leadership which awarded status to those Choctaws who were most able to help the tribe meet its group needs; a custom which most resembled the traditional Choctaw structure.

After Indian removal, other influences began to hold sway among the Mowa Choctaw. As they had no claim to reserves, since they lived in an area that was annexed by treaty in 1802 and 1805 which provided them no land, they most frequently became squatters on the land of others. Since this land was largely unused until the advent of the timber and turpentine development beginning in the latter decades of the nineteenth century, there was no clamor for their removal. When these industries became dominant, the Indian population began to be exploited for their labor.

In addition, the racial attitudes of the period began to work to effectively classify them as "persons of color," thus further

obscuring their real identity; this despite their own efforts to correct the record. This occurred notwithstanding their descent from some of the most recognizable mixed-bloods of the Choctaw Nation; people such as Pierre Juzan, Alexander Brashears, and the children of Young Gaines, an early trader and the uncle of George S. Gaines, U. S. agent to the Choctaw, by Kali-oka, a Sixtown Choctaw.

The extent of the discrimination that was faced by these Alabama Choctaws has been compounded by unfounded notions of their ethnicity that ranged from their having been classified as Cajun Indians to their being miscast as Cherokees. Even census takers fell victim to these unfortunate categorization processes, as we have found Federal census records on which the self-reports of members of tribe that they were Indian had been changed by the census taker or his supervisor, typically to the category "other," or "mixed." There is even a note in the margin of at least two of the census schedules stating "these people are mixed French, Spanish, and Indian but their habits are mainly Indian."

Frankly, I applaud their persistence and courage. I know from direct experience that they have sacrificed much to retain their identity. In an age where homogenization of cultural groups is touted almost as patriotic, Alabama's Choctaws have retained their group cohesion and pride in their Indian identity.

In order to do this, they have endured, almost to this day, unremitting abuse from some of their unenlightened neighbors, curiosity and misuse by some self-aggrandizing academicians, grinding poverty attendant to their rural, isolated environment, and, to compound their plight, profound neglect and simple rejec-

tion from the very agency of the federal government that should have been their advocates and protectors.

In the four years during which I worked with the Mowa Choctaw, I found them a gentle, family-centered, caring people; people who, although it may appear to the casual observer have lost much of their culture, maintain a central corpus of beliefs and interactions among themselves that is identifiably Indian to any open-minded observer who lives in their midst for more than a day.

I have also listened to their elders tell of their history and life-ways. They tell of the liaison of the Choctaw maiden Kali-oka with Young Gaines, a Virginian who had migrated to the Choctaw Nation prior to 1800 and had served as interpreter for the United States in its early treaties with the Choctaw. This liaison produced four children, among whom was a girl named Rose.

Rose, when she came of age, married Young Gaines' cattle tender, Daniel Reed. The children of Rose and Daniel became the progenitors of thousands of the Choctaws who live in southwestern Alabama.

While the union of Rose and Daniel may have been the most recollected of the events that distinguished the tribe, other Choctaw avoided removal and remained in the area to contribute their heritage to the tribe. These included Tom Gibson a Choctaw had no reservation but who led the recalcitrants in their determination to remain; Doc Eaton, a grandson of Piamingo Hometak, a signer of the treaty of 1802, William Jones, a notable mixed blood, and Pierre Juzan, a signer of the Treaty of Dancing Rabbit

Creek who later became a chief of the southern district of the Choctaw Nation in Indian Territory.

Descendants of these Choctaws, as well as many less well-known Indians, live in a well-delineated territory in southern Washington and northern Mobile counties in southwest Alabama. Their communities are practically devoid of non-Indian residents. They have their own system of churches and, until the implementation of the civil rights legislation of the 1960s & 70s, their own schools.

It is my firm view, therefore, that the Mowa Choctaw possess all the characteristics normally associated with tribal Indians; furthermore they have always identified themselves as tribal Indians; this despite the attempts of outsiders to create new categories for them.

Since I managed the project to prepare the petition for acknowledgement which is now in the Branch of Acknowledgement and Research, I would also like to comment on my experience with the administrative process which is presently in place.

When I first arrived at tribal headquarters in McIntosh in 1983, a full year's work had already been done on the genealogical portion of the petition. An anthropologist, historian, and genealogist had been identified and had begun some preliminary work in collecting data for the project. It was more than six years later that the final touches were put on the documentation and it was sent to Washington. During this six-year period, over 400 hours of interviews were conducted, extensive research was done in state archives in Mississippi, Arkansas, Oklahoma, North Carolina, and Alabama, as well as the National Archives in Wash-

ington, D.C. and branches in Georgia and Texas, many hours of volunteer research were donated by friends in Washington and in Alabama in addition to those hours compensated by the project, and many drafts of the document were drawn, critiqued, polished and edited by the research team. During that period, we also spent many hours developing a computer data base on which to enter genealogical and tribal enrollment information.

During the period of development of the documented petition, we had a number of contacts with Branch of Acknowledgment and Research staff and its former director. On each occasion, we were confounded at the apparent escalation in the kinds and amounts of documentation that were required. Each contact seemed to yield additional requirements or a heightened level of documentation. Later contacts confirmed our suspicion that the process seems to have become a contest between the BAR staff and the professional historians and anthropologists who were doing the research, thereby steadily making the criteria more difficult to meet as the BAR staff and the academicians interacted with one another.

I submit that this process should not become an academic exercise in which the petitioning tribe is caught in the middle. The consequences of losing this exercise are too serious to be subject to this kind of whimsey.

It is also apparent that the standards of proof required by BAR are higher than would normally be required in the disciplines from which the petition is derived. In most cases, any documentation other than from federal records is almost always suspect. Disputed documentation is always settled against the interest of

the petitioner. Normal historical methodology does not seem sufficient to build a case for the petitioner. Direct and unequivocal evidence is all that seems to be acceptable.

In summary, I am most pessimistic that any petitioner can, at the present time, get a favorable ruling from the FAO solely on the basis of the evidence, no matter how strongly that the case is made. My contention is that this office is being operated to severely limit the number of tribes which are to be recognized. I am not sure that the Mowa Choctaw, or any other tribe, can get a "fair shake" from this agency as presently constituted.

In closing, I would like to thank you for this opportunity to get my thought about this matter on the record. Although I speak only to my experience, I feel an empathy with all of those Indian people whose tribal identity have been obliterated from the record, whatever the means by which that has occurred; And I would plead with this committee to report this legislation to the floor for passage at the earliest possible date.

THANK YOU.

## MOWA CHOCTAW SETTLEMENTS

## A Social and Political History

The title of the Choctaw Nation to the land upon which the MOWA Choctaw developed their communities was nominally quieted by the land sessions granted the United States in the treaties of 1802 and 1805. These events did not, however, result in a withdrawal of the Choctaw presence from the area. Accounts continued to be generated which described the Choctaw living in the environs of Mobile and in Washington County.

Although early writers often failed to specifically denominate the Indian settlements in south Alabama, their presence is cited in a number of reports; one documents the existence of a Choctaw settlement in Washington County, Alabama between 1805 and 1830. The Reverend Alfred Wright, a missionary at the Choctaw mission and school at Goshen operated by American Board of Commissioners for Foreign Missions, visited the Choctaw settlement in Washington County in 1824.

Mr. Wright has spent more than two-fifths of his sabbaths from home: nine at Mayhew and Emmaus and nine in the settlements in Washington Co, Ala, in Wayne and Bainbridge Cos., Missi.

This documentation confirms reports from oral history which credit Mr. Wright with assisting the Washington County Indians in organizing the church that became Reeds Chapel.<sup>2</sup>

Continuity of the Choctaw settlements in south Alabama after the treaty of 1805 continued, however, contacts with those Choctaw within the existing Nation and those living in the lower settlements have also been found. After the American Revolution, a number of Choctaw families of mixed-ancestry removed from southwest Alabama into the northwest district of the Choctaw Nation. These included the Turnbells, who were children of John Turnbull, a Scottish trader who operated a store near Fort Stoddert (now Mount Vernon)<sup>3</sup> and the children of Cornelius McCurtain, an Irishman and British militia officer, and their Choctaw consorts.<sup>4</sup> One of McCurtain's sons, Daniel, traded at the United States Choctaw Trading House at St. Stephens on the Tombigbee River 22 November 1814.<sup>5</sup> Louise Lefleau, sister of Louis Lefleau, the father of Choctaw chief Greenwood Leflore, was also a resident of Mobile.<sup>6</sup> Charles Juzan married Phoebe, sister of Oklahoma.<sup>7</sup> When Charles died, Phoebe petitioned for dower rights in 1839 in Orphans Court, Washington County, Alabama.<sup>8</sup> Daniel Juzan, son of Charles, brought suit in Mobile County Circuit Court over Sec. 29, Township 1 South, R 1 East in 1848.<sup>9</sup>

Relations continued between the families in the Northwest district of Choctaw Nation and the MOWA Choctaw, however, as oral history reports that Robert Cole, the northwest district chief, founded a church in Mobile County in the early years of the 19th century which was later to become the Byrd Church and finally a Methodist Indian Mission.

The two nuclear settlements which developed in the early 19th century grew up around the pioneer churches and their Indian leaders. In Washington County, George Reed (son of Rose Gaines and Daniel Reed) and Jim Weaver provided the leadership that saw the erection of a log structure which later became Reeds Chapel Church. In Mobile County, Lemuel Byrd and David Weaver furnished both tribal and religious direction, as was common in 19th century Choctaw history, to the Indian population of the area and supervised the erection of a structure which became the Byrd Church in 1842.<sup>10</sup>

Some dispersal of the settlements in Mobile and Washington County occurred as the tribe grew and associated groups of kin required space upon which to construct living quarters. These groups typically consisted of a male head, his wife (or wives) and children. The children tended to remain in the vicinity and raise their families until the space for construction of a residence was exhausted and it became necessary to purchase or locate additional land. Not all settlement followed this pattern, however, as some formed around females who lost their husbands and continued to live in the area and raise their children. Often brothers tended to settle in the same area and add to the population.

A good deal of this dispersal was due to appropriation of the space on land that was owned but not utilized by absentee landlords, and had been occupied by the MOWA families for many generations. In the latter part of the 19th century, as the

logging and turpentine industries began to harvest the woodland resources of the area, some Indian families were obliged to move from areas upon which they traditionally lived. The settlement at High Hill had been occupied by MOWA Choctaw families prior to, and at the time of, removal in the 1830s. It began to become depopulated in the latter part of the 19th century but was only completely abandoned two generations ago. Some settlements (e.g., the residence of Daniel and Rose Gaines Reed and their children and the site of their stand) were abandoned as the population began to become concentrated around the two core areas (Reeds Chapel and Byrd Church).

The dynamics that conditioned the development of leadership among the MOWA Choctaw developed in response to the ongoing challenges which faced them after their disenfranchisement and the removal of their tribal government, and which, in the main, they continue to encounter today.

The matriarchal kinship system common among the Choctaw began to deteriorate early in their contact with the European's legal and military systems. It further deteriorated when European men began to take Indian wives.

Under the traditional system, each Choctaw belonged to one of two *iksa*, which were matrilineal kinship groups. Each Choctaw belonged to either the *Imoklasha iksa* or the *Inhulata iksa*, and marriage within one's own *iksa* was strictly forbidden. Descent was reckoned through the female member of the *iksa*, making all of her children automatically members of the mother's *iksa*. The

oldest maternal uncle was usually charged with the responsibility of educating his sister's children.<sup>11</sup>

Organization and control of its political institutions, however, has traditionally been a male activity among the Choctaw. This has included both maintenance of political relations with other tribes and Europeans and those among the citizens of the three districts within the Choctaw Nation. All the documents generated during the Nation's relations with the United States government from the period of first contact through removal testify to the fact that these relations were the province of males.<sup>12</sup>

Group activities among the MOWA were conditioned by the extent to which the activity involved external relations with the non-Indian population, or internal activities within in their own communities or between the various Indian communities.

Within the Indian settlements, social organization consisted of, and still involves, much that was, and continues to be, collective in nature. These relations were most often built around kinship ties which bound settlements together and defined social and internal political relations. Females in a settlement typically worked together in tending gardens and performing household chores. Extended families worked on settlement-wide projects such as that of building community buildings such as churches or storage buildings and later farm ponds.

Relations with the broader social and political community usually devolved upon one or several male status leaders, who

negotiated with non-Indian employers or political leaders in matters such as logging contracts and day labor at the turpentine stills in the two counties, and later in the provision of public education, roads, and voting rights to the Indian communities.

To consider each site, its genesis, and evolution:

1. TIBBE, in Washington County

Location: Township 5N, Range 3W, Section 35

Founder: Daniel and Rose Gaines Reed

Date of foundation: 1820

Present Status: No longer occupied by MOWA Choctaw

This was the site of the homeplace, inn and cowpens established by Daniel and Rose Gaines Reed on the western border of present MOWA Choctaw settlement. As their children reached adulthood, they built homes nearby.<sup>11</sup> The Percy Reed Cemetery, located on Lockwood Road off Highway 17 South provides additional records.<sup>14</sup> No lasting church building or school was established at this site, although a school was operated in this area in 1872.<sup>15</sup>

Upon Daniel's death, and until she became unable to care for the property, his wife Rose continued to operate her farm at this site.

2. REED'S CHAPEL (MOWA Choctaw place name: Kunshak)

Location: Township 4N, Range 1W, Sections 27, 28, 33, 34,

Washington County.

Founder: George Reed, eldest son of Rose and Daniel

Date of Foundation: 1829, permanent church structure constructed.

This settlement was the nucleus for the development of all other settlements in Washington County, and includes the Nanih Chaha or High Hill area, which, although no longer occupied, was densely settled prior to and immediately after Choctaw removal in the 1830s. Reeds Chapel church and school are located in this settlement.<sup>16</sup> In the 1830s, George Reed exercised both spiritual and cultural leadership in the settlement. This is also the site of the longest continuously operated Indian school in Washington County. George's brother William also shared some of the duties of community patriarch.

George Reed had three wives and fathered eleven children. His male children and especially George, Jr., succeeded him in a community leadership role.

During his life, George Reed served as pastor of the church, and although he spent some of the early years of his marriage in Texas with his grandmother (Kahlioka) and uncles, he returned to spend his later years in Washington County.

His wives were Maria Colbert (daughter of William Colbert and Viola Vann of the Chickasaw Nation), Ellen Weaver and Foteny Weaver (probably fotukfunli or "out of breath" in the Choctaw language),<sup>17</sup> both daughters of Cecile and Dave Weaver.

George's male children, grandchildren, and the men who married his children tended to assume leadership roles after his death. George's male children were Reuben, Seaborn, Oscar

George, Jr., Joseph, William Coon, and Bill. His female children were Lucretia, Glovina, Matilda, Alabama, and Louisa.

William's male children were Jim, Seaborn, Alex, Tom, Walter, and Wesley. His female children were Emily, Annie, and Virginia.

This settlement was the site of the church that benefitted from the work of Reverend Alfred Wright, the missionary from the Choctaw mission and school at Goshen. In 1920, the Baptist Home Mission Board entertained a resolution to work among the "South Alabama Indians" at Reeds Chapel. Baptist missionaries, Rev. Weathers and Martha Walden arrived in 1921.

Indian property owners in the community at the turn of the century reflect this leadership tendency, and included Dud Weaver, Isaac Weaver, Sam Johnston, Early Reed, Roen Snow, Tanner Snow, Charlie Stevenson, R. P. Reed, Jodie Weaver, Melton Snow, and Wesley Johnson. When the Choctaws of Mississippi met to petition the Government to hear their concerns regarding the actions of the Commission on the Five Civilized tribes at the turn of the twentieth century, Wesley Johnson represented Alabama Choctaws.

### 3. CARETTA - High Hill (Nanih chaha)

Location: Township 4N, Range 1W, Washington County.

Founder: Piamingo Hometak

Date of foundation: ca. 1800-1805

High Hill is a major landmark in the area and a site of very early Choctaw presence. As it relates to the history of the MOWA

Choctaw, the site was occupied by Piamingo Hometak's band, a group of Sixtowns Choctaws known to have been fiercely opposed to the treaties of 1802 and 1805, and who challenged the U. S. surveyors who ran the survey line which detached his territory from the Choctaw Nation. Henry "Doc" Eaton, who contributed at least one known member to the MOWA Choctaw, was a grandson of Hometak. The settlement became the home of Jim Weaver (brother of Dave Weaver) and his wife Marguerite "Peggy" Parnell, when Jim was forced to leave Mobile County ca. 1830. The property in this settlement was purchased by James Johnston in 1836. In 1889, Henry Eaton and James Taylor Weaver homesteaded land in the settlement, although they had long occupied the area.

This settlement was abandoned as farm roads were built in the vicinity of McIntosh and as families tended to construct homes nearer their central schools and meeting houses at Reeds Chapel. This process was not accomplished until about two generations ago, and some families continue to live in its environs.

#### 4. ISAACTOWN

Location: Township 3 North, Range 1 West, Sections 15, 21, 22, and 28, included Pleasant View Church (formerly Old Mount Moriah) and school in Washington County.

Founder: Isaac Johnston, son of Cornelia Weaver and Powell Bates Johnston.

Date of Foundation: 1870s

Isaac Johnston was born to Cornelia when she was about 13 years old. Cornelia, the daughter of Peggy and Jim Weaver, then married Jerome "Pic" Chestang and had 10 children.

Other land owners were Albert Weaver, son of Dave Weaver, who married Polly Byrd, daughter of W. T. and Betsy Byrd. They had 12 children, 5 married Reeds, 3 of whom were children of William and Lorinda Reed (Albert's sister).

By 1900, land owners were Albert Weaver, Isaac Johnston, Ada Chestang (Cornelia's daughter-in-law, Tom and Glovina Smith's daughter), Oscar Reed (son of George and Miriah Reed) and Kelly Johnston. These families formed the core of the early settlement in Isaactown. The group at Isaactown had close ties with the nearby settlements: three of Albert's children married cousins from Kunshak. In the early 1880s, Isaac Johnston married Matilda Reed, daughter of George and Ellen Reed. George, who was settlement leader at Kunshak, then had a son-in-law who was also an emergent settlement leader. Isaac and Matilda had eleven children.

The leaders of the village recognized the need to educate their children, therefore, Isaac Johnston and Albert Weaver hired Mose Smith to teach. Each family was assessed two dollars for their children to attend school. Classes were held in an old house and Mr. Smith boarded with families. They also established a church, Mount Moriah,<sup>18</sup> pastored temporarily by William Williams, a Choctaw who had attended one of Rev. Wright's mission schools. His mother was Sally Williams, a Choctaw from Mobile

County.<sup>19</sup> "R" Weaver (probably Robert Weaver, son of Jim) was listed as a trustee of the church during that same period. The first record of Baptist work was in 1880 by Rev. Tom Morgan, an independent missionary who helped organize a Baptist church.<sup>20</sup>

By 1917 the church had been renamed Pleasant View, but needed a new building. Pleasant View School was held temporarily in St. Andrews Church where a teacher was provided by Washington County Board of Education. Sophie Rivers (Lem Byrd's granddaughter) was the teacher. Other teachers were: 1921, Martha Walden; 1923, Estelle Hall; 1926, Quinna Stringer. School trustees were Cleveland and Kelley Johnson. Apparently, teachers were not provided by the county in other years.<sup>21</sup> In 1969 the school had 120 students; it was then closed and consolidated.

In 1920, the Alabama State Convention and the Woman's Missionary Union passed resolutions requesting the Home Mission Board to open work among the Indians.<sup>22</sup> Albert Weaver and his wife Mary Ann Weaver deeded a parcel of land in Sec. 22 to the Home Mission Board of the Southern Baptist Convention Church October 2, 1922.<sup>23</sup> In the early 1920s, Wesley Johnston, Isaac's son, became pastor of the church (then called Pleasant View). Wesley was married to Mary Snow, daughter of Milton Snow, who was the settlement leader in Snow Corner. Although Isaac Johnston lived until the late 1940s, Wesley also emerged as a leader during the early part of the century. The church became Baptist through the aid of missionaries in the 1920s but was known as

Wesley Johnston's Church. He died in 1948, the same year as his father.

Pleasant View withdrew from the Mission Board in the 1940s. Chandler Weaver, Travis Johnston, and other leaders felt they did not need the missionaries any more. Descendants of its founders continue to live in the community.

#### 5. CHARITY CHAPEL

Location: Township 3 North, Range 2 West, Sections 4, 5, 7, 8, 27, 28, 32, 33, 34 in Washington County.

Founders: Nathaniel I. Smith and Seaborn Reed

Date of Foundation: 1880s

This settlement is spatially separate from the other MOWA settlements, and is located in south central portion of Washington County. Eliza Reed, Daniel and Rose Gaines Reed's second daughter lived in this general area, although not on the same site. She was married to Peter Cole, the son of a white countryman and a Choctaw woman named Hannah, who may have been related to Phoebe Tuzan. After Daniel's death in 1844, Rose and her remaining children lived adjacent to Eliza, Peter and their five children. In 1871, Eliza's son Seaborn purchased land within what is now the Charity Chapel community (T2 R2W Sec. 34). He married Georgiann Logan. Ten children were born of this union, five of whom married within the community.

Another early leader was, Nathaniel, the son of Oliver Smith and Barbara Ellen Ryd, married Louisa Jane Brashears whose father was Alexander Brashears. Of their 12 children (born

b en 1852-1872), seven married other MOWAs. The children and grandchildren of these two families intermarried and formed the settlement of Charity Chapel.

Eliza Reed, Seaborn's daughter, married Manson Smith in about 1880. He was the grandson of Alexander Brashears. Barbara Reed, also a daughter of Seaborn, married John Smith (Manson's brother). Their sisters, Emeline and Barbara Smith married John and Frank Cole (respectively), grandsons of Eliza Cole.

John and Manson Smith founded the Charity Chapel church in 1891. Seaborn gave the land for the church and Nathaniel was the first pastor.<sup>24</sup> Barbara Reed Smith became the head of the church after her husband's death, and she also served as the mid-wife for the community. In 1912, a school was established in the church (it had 90 students in 1969, when it was closed). John Everett, Seaborn's nephew, owned a store across from the church. He and his half-brother, "Mannish" Ryan, also operated a sawmill and turpentine still. John Everett became a large, and extremely wealthy, landowner in partnership with Frank Boykin, (U. S. Representative, 1st Congressional District), but he lost his fortune prior to his death in 1927. The families in the community were (and still are) mostly all descended from either Eliza Reed or Nathaniel J. Smith (son-in-law of Alexander Brashears). The current pastor of the church (now pastored by Name), is Abb Cole, grandson of Manson Smith.

Members of the community continue to be active in affairs.

## 6. FAIRFORD

Location: Township 2 & 3 N, Range 1 West, Sections 34, 35, 2, and 3 in Washington County.

Founders: Daniel Weaver and William H. Reed

Date of Foundation: 1880s

The families of Daniel Weaver and William Hiwanna Reed began the settlement near Poll Bayou Creek. They established a brush arbor church first known as Chukka Hula. This was the forerunner of St. Thomas.<sup>25</sup> Other families who helped were the Chestangs and Sullivans. Ed Chestang (son of Pic) owned land in this area in 1889. About 1884 a lumber company purchased land and built a sawmill at Fairford. The company built a railroad to the Tombigbee River and in 1889 a post office was opened.

Daniel Weaver (c.1840-1925), son of Jim Weaver, m. Mary Louise Taylor, daughter of Dave Taylor and Jane Byrd. Eleven children were born to this union.

William Reed (1821-1894), son of Rose Gaines and Daniel Reed, m. Lorinda, daughter of Dave and Cecile Weaver. They had twelve children who included Seaborn, Alex, Walter and Wesley. John Goodman married one of his daughters. Wesley married one of Daniel Weaver's daughters. Some of the children of these two families intermarried, others found spouses among other MOWA families.

The settlement leaders organized a school and assessed families two dollars to help pay for a teacher. In 1893 records list Annie Seals as the teacher.<sup>26</sup>

## 7. SNOW CORNER

Location: Township 3N, Range 1W, Sections 2, 3, 10.

Founders: Milton Snow

Date of Foundation: 1880s

Milton Snow (1837-1923) is said to have come into the area on a boat in the 1870s. He was the son of Henry and Dinah Snow and was born in Washington County. He and his family migrated west during Choctaw removal and then he made his way back to Alabama. Along the way he married Ellen Seals, a Choctaw from Texas. Of their twelve children, Mary Snow married Wesley Johnston (son of Isaac); Louisa married George R. "Coon" Weaver (grandson of both Jim Weaver and George Reed and brother of Shomo Weaver); Frank Snow married Charley Stevenson's daughter.

According to Milton's granddaughter, Dinah Snow, Milton and Ellen spoke to each other in an "Indian language". She also said that Ellen had "long black hair and that when she stood up her hair would touch the ground." Milton was a blacksmith, so he had plenty of work to do and hired other men to help him. People came to him from all around to shoe their horses.<sup>37</sup> He purchased land in 1889 from William Reed who had homesteaded it in 1872. By 1910, Milton Snow owned acreage in Sec. 2 and 3. He did Charlie Echols, R. P. Reed, William Weaver, and John Johnston.

Memorial Baptist Church was begun by Milton Snow, Jr. after a dispute between Shomo Weaver and Milton over Bro. R. M.

Averitt, the Baptist Missionary. His supporters withdrew from Reeds Chapel and started their own church.

### 8. HILL SPRINGS

Location: Township 3N, Range 1W, Sections 5, 6, 7, and 8 in Washington County.

Founder: Joseph Reed, son of Emeline Weaver and Reuben Reed

Date of Foundation: 1880s.

This area was first known as the Joe Reed Settlement and was populated by the children and grandchildren of Joe Reed and his wives: 1st, Jane Taylor and 2nd, Molly Newbern. He had twelve children and was the father of Early Reed, who became a preacher and leader in the community. Joe founded Hill Springs Church, an Assembly of God Church.<sup>38</sup> He owned a store and hired other men to work for him when he got timber contracts. School was held in the church after 1928 and Sallie Johnston was paid by the families to teach the children. Henry Lane taught in the school in the 1930s. By the 1940s, Washington County School Board paid two teachers, and Mrs. John Reed was the school trustee and bus driver. In the 1950s, Calvin McGhee came to Hill Springs Church and asked for donations to sign up people for the "Indian money." Sixty students attended the school in 1969 when it was closed and consolidated.

### 9. MAGNOLIA Settlement

Location: Township 3N, Range 1W, Sections 3, 4, 9 in Washington County.

Founder: Oscar Reed

Date of Foundation: 1890s

Oscar Reed (1859-1910), son of Ellen Weaver and George Reed, grandson of both Dave Weaver and Daniel Reed, married Lizzie Logan. Oscar's daughter, Lucretia "Creasy" Reed was the midwife for the community through the 1940s. She could count in Choctaw and taught her granddaughter songs in the Choctaw language. Creasy married Stewart Reed (b. 1856) son of Joe Reed and Molly Newbern; her sister Lonnie married Clifford Rivers. Magnolia Church was started by Brother Early Reed, Stewart's brother. It is now a Holiness church.<sup>29</sup> A two-teacher school was held for a few years until it was closed in 1969. At that time 44 students were enrolled.

Early land owners in Section 4 were: George Rivers 1899; Joe Johnston, 1889; Slade Orso, 1904; James Orso, 1896 and Oscar Reed in 1900. Milton Snow and Craney Weaver also owned land in this section.

#### 10. GEORGE FIELDS Settlement

Location: Township 4N, Range 1W, Sections 13, 18, 19, 20, 24, 25, 28, 29, 30, 32, 33 in Washington County.

Founder: George Fields

Date of Foundation: 1910s

George Fields (born 1872) was the son of Henry Killam and Amanda Fields, (a 3/4 Choctaw from Demopolis). George married Daisy Dove Reed, daughter of Bill Reed (son of George Reed and Miriah Colbert).

Mt. Pleasant Baptist Church began in 1923, when George W. Fields and his wife Daisy conducted prayer with their children: Frank, Mariah, Emma Pearl, George Guy, Lula Mae, Hundove, Spencer, Izola, Lora and William, in their home. The prayer meetings grew as the children married and started their own families. Membership was limited to family members because few people lived nearby and transportation was by foot or horseback. By the 1930s a building was acquired and Rev. R. M. Averitt, missionary to the Indian communities was the first pastor. School was held in the church during the 1940s.

Deacons of the church have included Guy Fields, Dorsey L. Weaver and William A. Reed. The Reverend Bennett W. Weaver, son of Dorsey Weaver, was ordained as pastor in 1954 and has continued to serve for more than 30 years. He also teaches at Reeds Chapel School.<sup>10</sup>

Property owners in Sections 28 include: Lem Reed, 1861; William Reed, 1896; George Reed, 1883; later owners include George Fields, Bill Reed, Jr., Clifford Reed, Luke Rivers, and Thad Reed.

#### 11. BO REED (Topton) Settlement

Location: Township 4N, Range 2W, Sections 22, 23, 24, 25, 27 in Washington County.

Founder: Bo Reed

Date of Foundation: 1920s

Bo Reed (born c. 1905) was the son of Will Reed and Eldora Taylor, grandson of Reuben Reed and Emeline Weaver. He had 11

children: Frances (m. Albert Weaver); Simmie (m. Willie Rivers); Lettie; Mauvilla (M. Steve Reed); Amos; Lewis (M. Mary Alice Reed); William (m. Darlene Lane); Marilyn (m. John Krause); Gloria (m. John Chestang); Charles (m. Lottie Weaver); Robert; Harvey (m. Verna Reed). He moved his family to the Topton area in order to work cutting crossties for a sawmill which was established in 1895 by Seaboard Manufacturing Company.

Other MOWA families living in the area were Wash Sullivan, Will Cole, Henry Rivers, Needham Reed and Joe Reed. Bo Reed and his brother hired a teacher for their children for a few months; later the children went to Hill Springs School. They walked the eight miles to church for special events like Homecoming. Occasionally, Rev. Early Reed, Bo's brother, would visit the settlement and hold prayer meeting.

#### 12. LUKETOWN

Location: Township 3N, 4N, Range 1W, Sections 4, 20, 33 in Washington County.

Founder: Luke Rivers

Date of Foundation: 1910s

Luke Houma Rivers (1880-1964), son of Dan Reed and Fannie Byrd (daughter of Wash Byrd) and his sister Edy took the last name of Rivers, after their maternal grandmother "Big Sis" Rivers. Luke married Texas Reed, daughter of William Hiwanni Reed and Emma Seals. Their ten children were: Price, Ethel, Gammage, Marvin, Houmma, Matthew, Martha, Lessie, Dan, Oliver and Elliott. Luke homesteaded Section 20 in 1909. He worked in

timber and logging business. His numerous descendants continue to live in the settlement and his homestead is occupied by his daughter, Lessie.

### 13. CHOCTAW RIDGE

Location: Township 3N, Range 1W, Sections 7, 12, 13, 18, 19, 20, 24, 29, 30, 31, 32 in Washington County.

Founder: Clifford Rivers (b. 1881) son of Minna Rivers married Lonnie Reed (daughter of Oscar Reed. They had 11 children. He is half-brother of Tassie Byrd, father-in-law of Price Rivers. There is a close relationship between the Choctaw Ridge and Tassie Byrd settlements.

Clifford Rivers started the Rivers Church for his family. Other charter members were Jim Rivers, Francis Rivers and Bigee Rivers. It grew out of home Bible studies and some open-air, brush arbor revival meetings in the settlement which is located about two miles southeast of the Sims Chapel Post Office. The first organized ministry started in 1937 with the Rev. Mr. Potella, who had earlier started a Methodist ministry among the Choctaw Indians of Mobile County. The early ministry included a native minister, the Rev. Clifford Reed, who served from the early 1940s to 1950. The Rev. Early Reed took over the ministry at that time and remained until 1961. The Rev. Gallasneed Weaver began his ministry in 1961 and is still the pastor.<sup>11</sup> Mr. Weaver is also the principal for Reeds Chapel Elementary School.

14. PAT LANE CIRCLE - Named for Pat Lane, son of Nancy (daughter of George Reed and Miriah) and Patrick Lane, an interpreter for

U. S. Government at the Choctaw Trading House at St. Stephens. Nancy had Pat Lane while in Texas and brought him back to Alabama.

Location: Township 4N, Range 1W, Sections 26, 27, 34, 35 in Washington County.

Founder: Early Reed

Early Reed (b. c. 1870) was the son of Joe Reed (grandson of Emeline and Reuben Reed) married Medora Chestang, daughter of Pic Chestang and Mollie Weaver. Their nine children were: Ida, Tobie, Mattie (m. George Chestang), Irvin (m. Effie Johnston), Early Van (b. Ruth Weaver), Eugene, Pellie (m. Lula Reed), John, and Sadie Lane. Dud Weaver lived there in 1920s and Early Reed seeded land for church and graveyard. He started the Happy Gospel church in the 1930s. Rev. Early Reed preached in the settlement churches throughout the entire MOWA community.

#### 15. SANCTOWN

Location: Township 3N, Range 1W, Sections 14, 15, 22, 23, 26, 27, 28, 29, 32, 33 in Washington County.

Founder: Sancho Weaver

Date of Foundation: 1860s

Alfred Sancho Weaver. (1845- ), son of Cécile and Dave Weaver married Rosa Lee "Mid" Rivers, daughter of "Big Sis". They had seven children, four of whom married Sullivans. This community is extremely isolated: only "pig trails lead to Sanctown." Many of Sancho's descendants are very small in stature and are called the "little people." Supposedly they have

special gifts and are known as "istikini." Other folklore says that they are the major whiskey producers for the Indians. Sanchos' descendants continued this tradition: William Weaver, 1880s; Hal Weaver, 1900s, Hal Weaver, Jr., 1950s. They keep to themselves and have very little outside contact.

#### 16. RUBYVILLE

Location: Township 3N, Range 1E, 1W, Sections, 25, 26, 35 in Washington County.

Founder: Pelham Orso

Date of foundation: 1920s

Land records do not show early ownership in this area. Only current MOVA owner is John Johnston. The settlement was named for Ruby Johnston Orso, wife of Charlie Orso. They had eight children.

#### 17. 21-MILE BLUFF - Kun-Sly

Location: Township 1N, Range 1E, Sections 7, 8 in Mobile County

Founder: Chestang, Byrd, Gibson, Lewis, and Juzan

Date of foundation: c. 1800

Occupied by Choctaws and some mixed-blood Indians; not occupied.

#### 18. THE LEVEL - Red Fox Road

Location: Township 2N, Range 1W, Sections 10, 11, 12, 13, 14, 15, 16, 17 in Mobile County.

Founder: Sixtowns Choctaw Indians and Lem Byrd, Dave Weaver, Orsos, Hollingers, Brashears, Smiths.

Sixtown Choctaws occupied this entire area from 1830s until 1860s waiting to be shipped West of the Mississippi. Letters were written to the U. S. government seeking relief from land swindlers and con men. Several of the women married mixed-blood Indians who lived there already; many women and children were left when the men were killed in the Civil War. (A Choctaw regiment was formed in Mobile and most were killed in battle.)

Lem Byrd and Anna Weaver were part of an extended family of Cherokees who had fled Georgia during the Florida (Seminole) Wars. They made their way to Mobile with Dave and Jim Weaver; while their mother and sister stayed in Monroe County. Lem and Anna had five children. Their son, Bill Byrd married Betsy Gibson, Choctaw daughter of Eli-tubbee (Chief Tom Gibson). They had six children. Dave Weaver married Cecile, the daughter of Nancy Fisher, a Choctaw and William Weatherford, a mixed-blood Creek.

These families started a settlement at the Level and with the help of mission-trained Choctaws started a church. Lem Byrd owned land and was a trustee for the local school.<sup>33</sup> His son, Bill Byrd helped start a school and taught for several months and handled finances for his father and brother.

The Byrd Church was revitalized in the 1840s by Lem, Eli and Wash Byrd. Wash Byrd was head of the church. Tom Smith, a Choctaw who married Glovina Weaver preached there in the early 1900s. He was followed by Jim Byrd and then by Jim's brother T. Byrd. This church was renamed Aldersgate when the Methodist

Missionaries took it over in the 1930s. The members of the church asked the missionaries to leave when they decided they no longer needed them. Byrd Church-Aldersgate continues to be the "mother" church in Mobile County. Cemetery records show the continuity of occupancy.<sup>34</sup>

18. TASSIE BYRD

Location: Township 2N, Range 1W, 2W Sections 13, 17, 18, 19, 20,  
24 in Mobile County

Founder: Tassie Byrd

Date of foundation: 1920s

Tassie Byrd (1898-1937) is the son of Wash Byrd and Minna Rivers; grandson of Lem and Anna Byrd and of Edy Rivers; also; the half brother of Clifford Rivers who married Callie Reed, daughter of Joe Reed (settlement leader in Washington County). Tassie's second wife was Sarah Byrd with whom he had ten children. His son, Sancer Byrd, became a settlement leader, his son Elvin Byrd is active in church and school, his daughter Ruth married Tom Hopkins, a settlement leader in Mobile County. Tassie and his family started Cedar Creek Church in 1927. It was Baptist until the Methodist Missionaries came in. Tassie was sought out for advice from members of the settlement and he helped people get jobs. He held prayer meetings on Wednesday night, at which time people were told what needed to be done in the church or in the school which was held in the church.

The school was originally called Orso School but later became Calcedeaver. Calcedeaver is recognized as an Indian

School in Mobile County. It was formed because the Mobile County School Board members said that the Indians had to go to school with blacks. The Indians refused to go. Jack Rivers, Richard Rivers, Ada Rivers, Will Byrd. Jim Byrd talked about what to do and started their own school. They taxed themselves and paid for a teacher.

In 1946, members of the settlement built a bridge across Cedar Creek so students could cross. In 1954, the MOWAs asked the missionaries to leave because of unauthorized sale of school property to the county.

Other families in the Tassie Byrd settlement in the 1930s were: Thad Reed, Dan Weaver, Willie Jordan, Bill Frazier and sons, Will and Melvin, and Lymas Reed; all lived within a mile or two of each other. Rev. Early Reed, Thad Reed's brother, preached in the church, as did Dud Weaver. Thad Reed owned a store and traded horses, but lost his land in a law suit.

#### 19. MARVIN RIVERS

Location: Township 2N, Range 1W, Sections 20, 21, 22 in Mobile County.

Founder: Marvin Rivers

Date of Foundation: 1920s

Marvin Rivers (b. 1898) was the son of James "Jack" (Big Sis and Dick Rivers) and Annie Weaver (D. C. Weaver and Penny Parnell). Marvin had three wives, owned a store and bar and hired men to work for him. His wives names were Dinks Weaver, Elia Byrd, and \_\_\_\_\_Weaver. He fathered eight children.

## 20. COON BYRD

Location: Township 2N, Range 1W, Sections 19, 20, 25, 29, 30 in  
Mobile County.

Founder: Coon Byrd

Date of Foundation: 1900s

Coon Byrd (c. 1870) was the son of Wash Byrd, grandson of Lem Byrd, married Lizzie Byrd, daughter of Molly Starland. He worked in the turpentine business and hired men. He was a leader in the settlement and saw that people were taken care of by butchering cattle and distributing the meat. He was related to Tom Sullivan who worked with him and Dave Taylor to start a church. Their first services were held in a brush arbor and then they built a church building by working together and named it Shady Grove. Rev. Early Reed preached there in the beginning and it was Baptist; after the missionaries came in, it became Methodist. Shady Grove Church was used as a school and called West Calvert School. Only the children of the settlement attended. Other leaders in the 1920s were Lewis Byrd, Tom and Rob Sullivan and Jessie Weaver.

Residences of other MOWAs are scattered throughout the MCWA communities, too few in number to be described individually, but are for the most part contiguous with MOWA settlements.

1. Report of Cyrus Kingsbury to the Board of Commissioners regarding the Mission school at Goshen, July 1, 1874. Papers of the American Board of Commissioners for the Foreign Missions ABC: 18.3.4, Vol. 4, 284-286, in the Houghton Library of Harvard University.

2. Interview with Mr. Price Rivers, MOWA Choctaw elder.
3. Information regarding Turnbull family obtained in a conversation of Russell Baker with Duncan Turnbull, proprietor of Turnbull's Real Estate of Point Clear, Alabama and descendant of John Turnbull. John Turnbull operated a trading post near Fort Stoddert, Alabama and was the forebear of a larger Choctaw family which included Robert, Anthony, William, George, and Stephen Turnbull, all of whom migrated to Indian Territory.
4. Will of Cornelius McCurtain, Will Book I, Mobile County Probate Court, 24 April, 1807; Records of the Choctaw Schools operated by the American Board of Commissioners for the Foreign Missions. The McCurtains were a large Choctaw family who lived in the northwest district of the Nation prior to removal, and were prominent in Choctaw politics in Indian Territory during the latter half of the 19th century.
5. United States Choctaw Trading House Records: Daybooks 1808-1816, microfilm roll no. 5, located in Linn-Henley Collection, Birmingham Public Library.
6. Will of Louise LeFleu, Will Book I, Mobile County Probate Court Records, 28 November 1813, p. 25. (Note: Spelling varies from document to document.)
7. H. S. Halbert, "Choctaw Leading Men," folder no. 89. Alabama Department of Archives and History.
8. Minute Book A. Washington County, Alabama, Orphans Court Record, 1839.
9. Case No. 9040. Mobile County Circuit Court Records, University of South Alabama Archives-Brookley.
10. From a conversation with Roosevelt Weaver, MOWA Choctaw elder reported in Newsday, a Mobile area newspaper.
11. Angie Debo. The Rise and Fall of the Choctaw Republic. Norman: University of Oklahoma Press, 1934, p. 15.
12. Debo, Indian Removal; Correspondence of the Choctaw Agency (East), 1802-30, NARS.
13. See Land records sent in with original petition.
14. Barbara Waddell, Chairman. The History of Washington County: First County in Alabama, Volume II. Chatom, AL: Washington County Historical Society, 1989, p. 331.
15. See Washington County School Records sent with original petition.

16. Waddell, Reeds Chapel Cemetery, p. 327.
17. According to oral history, "Aunt Foney" drank hog's milk and said she could talk to the wind.
18. Waddell, Mt. Moriah Baptist Church Cemetery, p. 304.
19. Mississippi Choctaw Roll, 2189.
20. J. W. Beagle, People of the Jesus Way, Home Mission Board, Southern Baptist Convention, Atlanta, GA, 1932, p. 79.
21. Washington County School Board Minutes.
22. Ibid.
23. Deed Book No. 33, p. 436. Washington County Probate Records.
24. Waddell, Charify Chapel Methodist Church Cemetery, p. 232.
25. Waddell, St. Thomas Assembly of God Cemetery, p. 367.
26. Washington County School Board Records, Alabama Department of Archives and History.
27. Interview with Dinah Snow.
28. Waddell, Hill Springs Cemetery Listing, p. 275.
29. Waddell, Magnolia Holiness Church Cemetery Listing, p. 289.
30. Waddell, "Mt. Pleasant Baptist Church," p. 120.
31. Waddell, Rivers Baptist Church, p. 133.
32. See Chronological listing of records in overview.
33. See Mobile County School Board Minutes.
34. A copy of Byrd Church Cemetery is attached to this report.

June 19, 1991  
101 woodridge  
Tuscaloosa, AL 35406

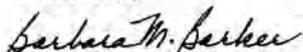
To Whom It May Concern:

In 1987 I attended the first Oral History Council of the Mowa Choctaw Indian Elders in MacIntosh, AL. My area of interest was the medical traditions of the Indian tribe.

The participants spoke of many ways of dealing with their medical problems. Some were traditional Indian folk medicine practices and some were admixtures of Indian and other cultures.

There is no doubt in my mind that the Mowa Choctaw have a strong Indian tradition in the subculture and deserve recognition as a surviving and practicing Indian tribe. I recommend that they have Federal recognition as such.

Sincerely,



Barbara M. Barker, Ph.D, BSN  
Professor, University of Alabama  
Registered Nurse, University of Alabama Hospital

Daniel Inouye, Chairman  
Senate Indian Affairs Commission  
Washington, DC 20510

Dear Senators:

Friends have told me the Mowa Indians of Macintosh Alabama are seeking recognition as a Native American tribe. I knew them as a child and had always thought they were recognized as a tribe. They were 'set apart' as a people then.

Two incidents are especially vivid in my memory. The first was told to me by my mother. She was working in the Blood Bank at Suburban Hospital in Satsuma/Saraland. Two Indian men came in to give blood. At that time the blood records required race to be marked on the blood records. Mother marked the racial designation as 'white.' She was told, in front of the men, she could not mark them 'white' because Indians were not 'white.' Mother filled in a blank space designated as 'other' and wrote Indian beside it. She said she was very embarrassed both for herself and for the men.

Several years before this my mother had worked as a Medical Technologist at the Diagnostic and Treatment Center at Hale Mohalu Leper Colony in Hawaii, under Dr. Grace Hedgecock. Mother was outraged by the incident at the Blood Bank. Her feelings about the attitude toward the Indians fixed the memory in my mind forever when she said, "The lepers there were given more consideration and respect than the two young men who had volunteered to donate blood!"

The second incident involved a boy in my father's Boy Scout troop in Axis, Alabama. The boy and his sisters went to school at Satsuma High School with me. They were in school for about a week when they disappeared. Several weeks later they returned to school. I asked my friend where he had been because the rest of us had missed him. His face got stony and his eyes sparkled with tears that did not fall from his eyes.

"They took us out of this school and put us in the Negro school because we're not 'white' we're Indian. Then, they took us out of the Negro school because we're not Negro. They put us back here 'till they decide where to send us. I know what they'll do. They'll put us in an Indian school which means we'll get no education at all. I wanted to be a doctor and now I won't even finish high school," he said in a voice that was flat and toneless.

He and his sisters disappeared from our school soon after that and I lost track of him. I will always remember my friend's anger, bitterness, and despair over the loss of his education. At the time I didn't understand what he meant. I do now. During Segregation the Negro schools got the discarded equipment and books from the white schools. The Indian schools got the 'cast offs' from the Negro schools. Teachers in the Negro schools were paid less than the teachers in the white schools. If teachers could be found at all for the Indian schools they were paid less than those of the Negro schools.

I recently read of a study done at the University of South Alabama. The findings were that there is still a drop out rate of 80%, among Indian children, from the public school system.

The Indians I knew as a child back in the early 1960's were set apart as a group of people and treated as 'less than blacks' in a segregated South. The Mowa Indians deserve the dignity of Federal recognition given to other Native American tribes in the United States.

Cordially,

*Rose Marie Stutts Ed.D.*

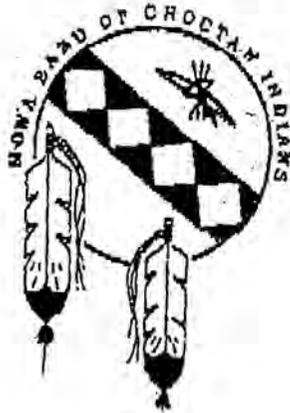
Rose Marie Stutts, Ed.D.  
#30 Cloverdale Road  
Tuscaloosa, Alabama 35401

*6/19/91*

DOCUMENTATION OF CONTINUOUS  
GOVERNMENT, RELIGIOUS AND EDUCATIONAL  
INTERACTION BY CHOCTAWS OF  
MOBILE & WASHINGTON COUNTIES, ALABAMA

VOLUME I

TESTIMONY IN SUPPORT OF S.362 (S.282)  
PROPOSED LEGISLATION FOR  
FEDERAL RECOGNITION OF  
MOWA CHOCTAWS OF ALABAMA



Framon Weaver  
Tribal Chief  
Mowa Choctaws  
Alabama

DOCUMENTATION OF CONTINUOUS  
GOVERNMENT, RELIGIOUS AND EDUCATIONAL  
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MOBILE & WASHINGTON COUNTIES, ALABAMA

VOLUME II

TESTIMONY IN SUPPORT OF S.362 (S.282)  
PROPOSED LEGISLATION FOR  
FEDERAL RECOGNITION OF  
MOWA CHOCTAWS OF ALABAMA

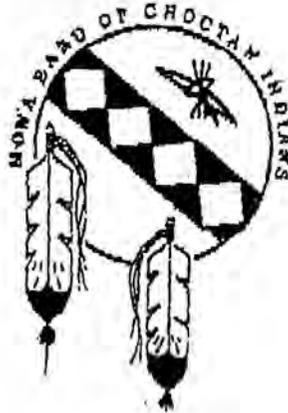


Framon Weaver  
Tribal Chief  
Mowa Choctaws  
Alabama

DOCUMENTATION OF CONTINUOUS  
GOVERNMENT, RELIGIOUS AND EDUCATIONAL  
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VOLUME III

TESTIMONY IN SUPPORT OF S.362 (S.282)  
PROPOSED LEGISLATION FOR  
FEDERAL RECOGNITION OF  
MOWA CHOCTAWS OF ALABAMA

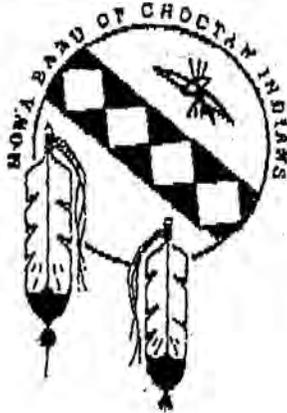


Framon Weaver  
Tribal Chief  
Mowa Choctaws  
Alabama

DOCUMENTATION OF CONTINUOUS  
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INTERACTION BY CHOCTAWS OF  
MOBILE & WASHINGTON COUNTIES, ALABAMA

VOLUME IV

TESTIMONY IN SUPPORT OF S.362 (S.282)  
PROPOSED LEGISLATION FOR  
FEDERAL RECOGNITION OF  
MOWA CHOCTAWS OF ALABAMA

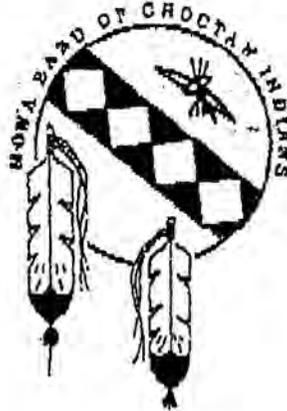


Framon Weaver  
Tribal Chief  
Mowa Choctaws  
Alabama

DOCUMENTATION OF CONTINUOUS  
GOVERNMENT, RELIGIOUS AND EDUCATIONAL  
INTERACTION BY CHOCTAWS OF  
MOBILE & WASHINGTON COUNTIES, ALABAMA

VOLUME V

TESTIMONY IN SUPPORT OF S.362 (S.282)  
PROPOSED LEGISLATION FOR  
FEDERAL RECOGNITION OF  
MOWA CHOCTAWS OF ALABAMA



Framon Weaver  
Tribal Chief  
Mowa Choctaws  
Alabama

Mr. RICHARDSON. Now, the Honorable John Rivers? Judge John Rivers.

### STATEMENT OF HON. JOHN RIVERS

Mr. RIVERS. Mr. Chairman, it is indeed a pleasure to come before you today. This is our fourth hearing. We have had two in the Senate and we have had two in the House. Every time we have come here either some representative from the Bureau of Indian Affairs' BAR has told you that they would be ready to hear our petition within a year.

I quote:

Mr. EDEN. Based upon the number of other groups in the queue at the present time, in addition to the ones that do not come in, we could start the process in 3 months, so we would be able to review the petition.

Mr. CHAIRMAN. How long will it take for this review?

We have one year from the date as picked up on the active consideration within to publish a proposed finding.

We have heard these lies four times. The Bureau comes here and tells you we haven't submitted evidence. In a court of law we have more evidence; this is our evidence. We have a sample genealogy directly from a treaty signer. We also have letters to the Dawes roll where we petitioned the government. The treaty would not allow us to petition as a group. We had to petition as individuals.

The standard for an Indian in Alabama was full blood. In Oklahoma it was one quarter. They made rules all the way through.

All these people lived in Alabama. Right now we receive funds from the Office of Indian Programs, Housing and Urban Development, the Department of Labor, the Department of Agriculture.

We have our own catfish farm, our own government. We are a treaty tribe recognized as sovereign by the State of Alabama, and recently in a South Dakota court for the Indian Child Welfare Act.

Now, we can go on and say that is cohesiveness. But Mr. Chairman, in Alabama, there was such a thing called segregation. We didn't go to school with whites or blacks. I went to school with all Indians. Our schools were run by missionaries. We had 7 schools, 14 churches. All these things are true. We had no choice.

Now, we have lived in poverty since the treaty because rich and powerful people ended up with our property. I am now educated. We have 23 alumni of Bacon Indian College in Muskogee, Oklahoma. We have graduates from the BIA School in Philadelphia, Mississippi. Mr. Phillip Martin's school.

Now, I don't know why all of a sudden when we are going to be put into a budget then we become nobody's friend. We become the stepchild of the Indian community.

But we brought forth our evidence. The process does not work. The Bureau, in my opinion is either geographically biased or racist, because the fact remains our petition has been up there since 1988. They didn't give us an obvious deficiency letter for one year. Then, I will send you a copy of the obvious deficiency letter. It says our genealogy is strong, the very thing they say is wrong today. We will present that in the next 2 weeks, the letter they wrote us saying our genealogy is strong.

If you will look at the book you will see in our book this petition that we resolved. The State is supporting it, both houses. The Gov-

ernor is supporting it. Every State official is supporting it. We have our genealogy, a sample genealogy in here that goes back to 1775. And tab 7, if you will look at that, you will see that.

We also have a letter here from the Archives of History, dated January 14, 1920, to the Bureau of Indian Affairs, saying of the four full-blood Indians that you refer to in Alabama I venture, and assuming they are Choctaw and they are located in south Alabama, probably in Mobile and Monroe Counties.

Now, other documentation we will present to you is dated chronologically and it shows correspondence with the government with not one 5-year space in time between those times, and we will present that to you, dating from before the treaty.

I have a map over here. If you could pass me that map, please, and I will finish.

Mr. Chairman, a lot of times there is a misunderstanding. This is Mississippi. This is where we are. This is Congressman Hilliard's district here. This is where we live. This is our reservation. We have a State reservation and we have been recognized as sovereign by all State agencies. They passed a resolution here that reaffirms our treaty, and I would like to put that in evidence.

Mr. RICHARDSON. Without objection.

Mr. RIVERS. Mr. Chairman, we can come back here now—and I don't want to take any more time and you have been so patient with us in giving us this hearing. I want to thank the Auburn tribe for allowing us to be here in their hearing.

But the fact remains the Bureau is a bureaucracy that is preserving itself. The BAR process was supposed to be temporary, and in 1977 nobody wrote anybody in Alabama and said, "You no longer can go to get BIA funds and you have got to go through a petition process." We got no notice.

I was in the Army. I completed law school. These people that are with us, and I wish you would let them stand up so you can see who is here.

Mr. RICHARDSON. Let the record note several members are present.

Mr. RIVERS. These are our tribal members and they paid their way up here. Now, since we last met about 50 of our people have died. Our elders will never see recognition. They will never live to say that we were successful. We have had since 1830, 164 years of continually petitioning Congress.

And we made a treaty with Congress, not with the Bureau of Indian Affairs. All we ask is that they do like every other government agency does in the Federal and State governments, and give us our rights, our opportunity so that our children can know the benefit of our status. We fight and we ask you to do that respectfully because they have not kept their promises, and they come here every time and tell the same lie.

Thank you.

Mr. RICHARDSON. Thank you very much, Judge.

Now, I would like to recognize the Honorable Jaqueline Mattie, the Tribal Historian of the Mowa Band of Choctaw Indians.

### STATEMENT OF HON. JAQUELINE MATTIE

Ms. MATTIE. Mr. Chairman, it is my privilege to appear before this committee in support of H.R. 3605 to provide Federal recognition for the Choctaws of Mobile and Washington County, hereinafter referred to as the Mowas. This legislation is absolutely necessary because of the actions and inactions of the Bureau of Indian Affairs.

The Mowa Choctaw seek congressional reaffirmation or recognition under the provisions of the Treaty of Dancing Rabbit Creek, Article 14, based on their historical record that is clearly documented and well-defined. The Mowas represent descendants of a small number of Choctaw families who were not removed west to Oklahoma in the 1830s.

The Treaty of Dancing Rabbit Creek expressly provided Indian families the opportunity to remain in their homeland for the purpose of assimilating them into the State citizenry. The treaty also provides for retention of tribal citizenry despite the fact that the tribal government was being moved to the West.

The Choctaw Removal Treaty and subsequent government correspondence expressly recognized the right of individual members to remain in their ancestral homeland without giving up their status as Choctaw citizens.

Records of the Bureau of Indian Affairs proves that some progenitors of the Mowa were never allowed to register for their right to remain in their homeland but they were never removed. Other progenitors were signatories on the Treaty of Dancing Rabbit Creek.

Correspondence written in behalf of the Six Towns Choctaws who lived around Mobile to the United States Government began in 1832 and continued until 1860. This correspondence, written for them by local officials in Mobile, Alabama, proves their tribal presence in this area where they still live today.

At the National Archives Office of Indian Affairs, Record Group 75, Letters Received and Letters Sent, describe the number of Choctaws, their predicament, their poverty, mistreatment and the fraudulent actions perpetrated on them by United States Government agents and lawyers.

This remnant band of Six Towns Choctaw, over 400 living in the neighborhood, raised group complaints of being defrauded of scrip rights; that is, the paper certificates given in lieu of land. Their letters, extending over a quarter of a century, also contain the names of the core progenitors of today's Mowa Band.

The Federal Government, responding to complaints of straggling, roving bands of Indians in Alabama, Mississippi, and Louisiana, took enrollment action in 1856. Federal Agent Douglas H. Cooper was ordered to take a final roll of the Choctaws east of the Mississippi River. He counted 514 men, women and children, or 96 families, in Mobile, Alabama. The purpose of this enrollment action was to get a final accurate count, a count of those Choctaw remaining east of the Mississippi River.

One of the last letters written during this quarter century concerning the Choctaws living around Mobile is dated March 11, 1859. The Commission of Indian Affairs stated that the government has no intention of making any further removal of Choctaws.

Another major event was about to take place at this time that pushed the Indian problem to the back burner. As we all know, the Civil War started in 1860. Just one year later, the Choctaw men were recruited by the Confederate States of America. In fact, they were headquartered at the foot of Stone Street in Mobile. Records unambiguously state most were killed in battle. Women and children were left in the swamps north of Mobile. Thus the tribe survived.

The 1870 and 1880 United States Census recorded Indians in Mobile and Washington Counties. The 1890 Census identified over 400 Choctaws living in Mobile County. These records, Dawes enrollment records at the turn of the century, newspaper accounts, journal articles, plus State, local, church and school records firmly establish their presence as Choctaw Indians in southwest Alabama.

One of the BIA's own employees, Dr. James L. Glenn, identified Choctaws in north Mobile County in 1927. Dr. Glenn was BIA Special Commissioner to the Florida Seminoles from 1931 to 1935. We must assume therefore that the BIA thought Dr. Glenn could recognize an Indian when he saw one.

The Mowas have fulfilled the requirements of the Bureau of Indian Affairs criteria for tribal recognition as published at 25 CFR Chapter 1, Section 83.7 for Federal Acknowledgment, notwithstanding the fact that the BIA requirements are arbitrary with ever-expanding interpretations of the criteria.

We have documented proof of Indian identity by (1) repeated identification by Federal authorities; (2) long-standing relations with State governments; (3) repeated dealings with local government; (4) records in courthouses, churches and schools; (5) writings of anthropologists, historians, and other scholars; (6) identification in newspapers and books; (7) in dealings with recognized Indian tribes or national Indian organizations.

They live in a community viewed as American Indian and distinct from other populations in the area. They have maintained tribal governance historically and presently, as best they could given the historical record of total disruption, removal and obliteration of Native Americans as a people. They were historically recognized by the Federal Government until the Federal Government failed in its obligation and commitment to preserve the trust that was ensured them by the Treaty of Dancing Rabbit Creek.

The Mowa submitted their petition for Federal acknowledgment to the BIA in 1988. Two years later, the BIA reviewed it and sent an obvious deficiency letter to Chairman Framon Weaver on February 15, 1990. Many of the requests were unreasonable when one thinks in terms of a people without a written language and who in the 20th century were denied an education because of their anomalous position in society.

However, volunteers completed this work because no funds were available. In October 1991, the Mowa submitted the additional documentation and analysis requested by the BIA. Moreover, we have continued to research and submit documents that applied to this as they were uncovered.

From 1800 forward, less than a 5-year gap appears between documentation of existence of the Mowa Choctaw Band as a distinct, cohesive community with tribal governance viewed by outside enti-

ties as Native Americans. This documentation should more than fulfill the BIA's requirement. The Mowa believe the BIA has violated our trust. It has not fulfilled its statutory obligation. Plus we believe the BIA may have some hidden agenda.

Unbelievably, and in what appears to be a direct violation of Federal statutes, the BIA released the 1988 Mowa petition to the public knowing full well that it contained extensive genealogical material, as this was one of their major criticisms in the obvious deficiency letter.

In addition, the BIA has asked that the Mowa secure information from current members which we believe unnecessary, an invasion of privacy, and just plain ridiculous. For example, in order to prove their anthropologist theory of present-day community cohesiveness the Mowa were asked to collect the phone bills of tribal members to see who they talk to on a regular basis. This request is ludicrous. We chose to secure other documentation that is relevant and cogent to prove community cohesiveness.

The Mowa Choctaws have been victimized by the BIA's extraordinarily expensive, unreasonable, intrusive and time-consuming process. Therefore, we seek a redress of grievances through Congress whose authority over Indian affairs is constitutionally mandated. We respectfully ask this committee to report this legislation to the floor for passage at the earliest possible date.

Thank you.

[The prepared statement of Ms. Matte follows:]

TESTIMONY OF JACQUELINE A. MATTE, HISTORIAN

Mr. Chairman, <sup>NB 4231 / 5 252</sup> it is my privilege to appear before this committee in support of H.R. ~~3605~~ to provide Federal recognition for the Choctaws of Mobile and Washington Counties, Alabama, hereinafter referred to as MOWA's. This legislation is absolutely, necessary because of the actions and inactions of the Bureau of Indian Affairs. The MOWA, a name selected to represent their modern-day geographic location, incorporated in 1979, have had a documentable governing body since that time.

The MOWA Choctaws seek congressional reaffirmation or recognition under the provisions of Dancing Rabbit Creek, Article 14, based on their historical record that is clearly documented and well defined. The MOWAs represent the descendants of a small number of Choctaw families who were not removed West to Oklahoma in the 1830s. The Treaty of Dancing Rabbit Creek expressly provided Indian families the opportunity to remain in their homeland, for the purpose of assimilating them into the state citizenry. The treaty also provides for retention of tribal citizenry despite the fact that the tribal government was being moved to the West. The Choctaw removal treaty and subsequent government correspondence expressly recognize the right of individual members to remain in their ancestral homeland without giving up their status as Choctaw citizens.

Records of the Bureau of Indian Affairs proves that some progenitors (or ancestors) of the MOWA were never allowed to register for their right to remain in their ancestral homeland, but

they were never removed; other progenitors were signatories on the Treaty of Dancing Rabbit Creek. Correspondence, written in behalf of the Sixtowns Choctaws who lived around Mobile, to the United States Government, began in 1832 and continued until 1860. This correspondence, written for them by local officials in Mobile, Alabama, proves their tribal presence in this area, where they still live today. At the National Archives, Records of the Office of Indian Affairs, Record Group 75, (Letters Received and Letters Sent) describe the number of Choctaws, their predicament, their poverty, mistreatment, and the fraudulent actions perpetrated on them by United States government agents and lawyers. This remnant band of Sixtowns Choctaw, "over 400 living in the neighborhood" raised group complaints of being defrauded of scrip rights. (Paper certificates given in lieu of land.) Their letters, extending over a quarter of a century, also contain the names of the core progenitors of today's MOWA Band.

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Indian Affairs stated that "the Gov't has no intention to make any further removal of Choctaws."

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1. repeated identification by Federal authorities
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7. identification and dealings with recognized Indian tribes or national Indian organizations.
8. they live in an a community viewed as American Indian and distinct from other populations in the area.
9. they have maintained tribal governance, historically and presently, as best they could, given the historical record of total disruption, removal, and obliteration of Native Americans as a people. They were historically recognized by the federal government until the federal government failed in its obligation and commitment to preserve the trust that was ensured them by the Treaty of Dancing Rabbit Creek.

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position in society. However, volunteers completed this work, because no funds were available.

In October 1991, the MOWA submitted the additional documentation and analysis requested by the BIA. From 1800 forward, less than a five-year gap appears between documentation of existence of the MOWA Choctaw Band as a distinct, cohesive community, with tribal governance, viewed by outside entities as ~~Indians~~. This documentation should more than fulfill the BIA's criteria.

The MOWA believe the BIA has violated our trust and has not fulfilled its statutory obligations, plus we believe the BIA may have some hidden agenda. Unbelievably, and in what appears to be direct violation of federal statutes, the BIA released the 1984 MOWA petition to the public, knowing full well that it contained extensive genealogical material, as this was one of their major criticisms in the Obvious Deficiency letter. In addition, the BIA has asked that the MOWA secure information from current members which we believe unnecessary, an invasion of privacy, and just plain ridiculous. For example, in order to prove their anthropologist's theory of present-day "community cohesiveness," the MOWA were asked to collect the phone bills of tribal members to see who they talked to on a regular basis. This request is ludicrous. We chose to secure other documentation that is relevant and cogent to prove "community cohesiveness."

The MOWA Choctaws have been victimized by the BIA's extraordinarily expensive, unreasonable, intrusive, and time-

consuming process. Therefore, we seek a redress of grievances through Congress, whose authority over Indian affairs is Constitutionally mandated. We respectfully ask this Committee to report this legislation to the floor for passage at the earliest possible date. Thank you.

Mr. RICHARDSON. Let me ask the judge first. You, obviously, mentioned a history of not having had this recognition. How has this lack of recognition hurt you as a tribe?

Mr. RIVERS. Well, Mr. Chairman, we have dirt roads that are not paved, and there are DOT funds that would pave Indian roads. We have lack of job opportunities. Our children have no drug or alcohol counseling programs because we can't apply for one through the Bureau or Indian Health Services.

We have many people that have many health problems that do not and will not be able to treat them because they don't have any funds to treat them. Our children have lack of educational opportunity.

I was fortunate enough to be a veteran of the Army and to be able to go to school and be taught by missionaries. But not only that, our children go to school and they ask the question why do other Indians say that you are not Federally recognized?

Now, until 1977 there was no such thing. When I went to school in Oklahoma there was no such thing. It is the stigma of the sacrifices we made for our country and the things that were taken from us, and they still want to withhold the last part of our birth-right.

Mr. RICHARDSON. Chief Weaver, let me ask you a question about the bill itself. There is a section in the bill which requires that the Attorney General of the United States review all of your land transactions. Now, this would make you one of the first tribes, if not the first tribe in the country, to have this extra layer of bureaucracy.

Is there any reason why you wanted that in there, or why that is in there? Do you know?

Mr. WEAVER. The local landowners, the big timber companies, the chemical corporations that own a good portion of the property in Mobile and Washington Counties, they had those provisions added to the legislation in order to keep them from opposing the legislation. That is why it is in there.

Mr. RICHARDSON. Okay. Well, that is a very direct answer and a very honest one, and I appreciate it.

To the Tribal Historian, you obviously have voluminous evidence, and the Judge and the Tribal Chief have submitted this very thick document. But you heard the BIA talk about the lack of direct evidence.

Now, how do you suggest that this committee deal with that issue?

Ms. MATTIE. Okay. I took down what she said about the Dawes roll.

Mr. RICHARDSON. Yes.

Ms. MATTIE. Okay. We have copies of the enrollment application from some of the ancestors, and I will read this little bit from the larger material.

"The Dawes enrollment and application of ancestors of Mowa Choctaw show that some were identified and some were refused. Those who were identified were elderly and spoke the Choctaw language. The younger ones were refused because they had no documentation to prove their Choctaw ancestors"—who their Choctaw ancestors were, and because they did not speak the language, al-

though they understood it. This is in 1901. Also, it appears the younger ones were refused because they were not full-blood but three quarters or one-half.

Oral testimony of the elders led us to these applications. They said, Well, so and so said they had applied. Unfortunately, the 1901 applicants had no copies of the letters that I referred to that were written between 1832 and 1860 because the Choctaws had to have local officials write the letters for them. They had no written language.

Although identified Choctaw witnesses testified to having known the applicants, and in some cases the applicants' parents, the applicants were rejected for not being able to show written proof of their Choctaw ancestry.

We submit that these letters, written between 1830 and 1862, which contain the same names as the applicants, these are the written documentation in support of these 1901 applications and also in support of their descendants, the Mowa Bands of Choctaw.

Genealogical charts of current Mowa Choctaw tracing back to these petitioning Choctaws in the 1850s and to the 1901 Dawes enrollment applicants were submitted to the BIA. Now, I don't know what else to do, if they don't accept that.

And if you have this book in front of you, at the end of my testimony there are the actual copies of the applications and it tells in there that their parents were Choctaw, they were identified as Choctaw, but because they had no written documentation, They were not accepted.

Mr. RICHARDSON. Well, that seems very compelling to me.

Ms. MATTIE. And then the language issue. If they had lost a lot of the language in 1901, how did they expect them to have it in 1994.

And, as far as the village, that is answering another point. If you look at the people that are here and look at our documentation, you know that they live within a 10- to 15-mile radius.

Mr. RICHARDSON. Now, let me ask the Chief or the Judge. As you know, there are new regulations that the Department has issued for the Federal acknowledgment process. Would you be willing to go through this Federal acknowledgment process if you were guaranteed that you wouldn't get bumped? And are you aware that apparently you are next to be placed on active consideration in this FAP?

Mr. RIVERS. Mr. Chairman, we have been put number one every time legislation has been introduced. Every time we get a bill before a committee and it comes out, we become number one.

I notice the wording also was they were going to have a priority registry.

Mr. RICHARDSON. Right.

Mr. RIVERS. They didn't say you couldn't be bumped. They just said that nobody without a petition could be bumped.

I have no faith in the Bureau. I have no reason to have any faith in the Bureau. They have never treated us fairly. They have never asked us a question. They have never looked at the petition and said, "Send us something else."

It is every time you take action or Senator Inouye's committee takes action we become number one. As soon as the bill dies, we

become number seven or we become number five or we become number six. So I have no faith in the process. I don't really believe that even if they reviewed it we would ever get a fair hearing.

Mr. RICHARDSON. Now, as I understand it, the Senate has passed this bill; is that correct?

Mr. WEAVER. They have. Twice.

Mr. RIVERS. Twice.

Mr. RICHARDSON. But have they passed it in this session?

Mr. RIVERS. Yes.

Mr. WEAVER. Yes, they have.

Mr. RIVERS. The Senate 362.

Mr. RICHARDSON. Three sixty-two. Did that pass this year?

Ms. MATTIE. 282.

Mr. WEAVER. Yes. Mr. Chairman, in the last session of Congress S. 362 was passed. This session S. 282 was passed. It is the same bill. It is the companion bill to S.B. 3605.

Mr. RIVERS. Senator Inouye had extensive hearings twice on this bill and passed it twice out of the committee.

Mr. RICHARDSON. So the problem has been here in the House. Have we ever held—you mentioned, Judge—did we ever hold a hearing on this?

Mr. RIVERS. We had one hearing before, and I think Congressman Faleomavaega was the cochair and he chaired it.

Mr. RICHARDSON. Two years ago, staff tells me.

Mr. RIVERS. Two years ago. We got to be number one then, too.

Mr. RICHARDSON. And no bill passed?

Mr. RIVERS. No bill passed. No. The Bureau come in and said they would have it done within 3 months, we would be up for review, and we would be finished in one year.

Mr. RICHARDSON. So you are number one now.

Mr. RIVERS. Oh, yes. We have won three national championships since we have been coming up here. We become number one every time.

Mr. RICHARDSON. Well, let me say that Mr. Hilliard is very, very insistent and very strong in his desire to move this, and Mr. Callahan has had some conversations with me too. I think there is interest in getting this issue resolved.

I must say that we have got to change this Federal acknowledgment process, and there are many instances where many tribes like yourself are treated this way, and I don't think that is right.

You heard Mr. Thomas, and Mr. Thomas is a key member of this subcommittee. I don't know if Mr. Thomas has time to meet with you, but I would like you to at the very least visit with Mr. Houghton, and I think Mr. Johnson, my counsel, has all the information. But I would like to get the bipartisan support of my committee on these.

Well, let's see. Both of your Senators are Democrats right?

Mr. RIVERS. Right. Yes, sir.

Mr. RICHARDSON. We're talking about Shelby and Heflin. So they both agreed on this.

Mr. RIVERS. We are one of the few tribes that has raised legislation—

We have the complete support of the complete Alabama delegation. We have a joint resolution from both houses of the Alabama

Legislature and the Governor. I mean, you know, a lot of tribes don't, and States usually oppose Indian tribes.

Mr. RICHARDSON. Right.

Mr. RIVERS. In this particular instance we have the complete support of the entire Senate, the House, and the Governor, and the resolution is in our testimony where they passed it.

So, you know, the Bureau I think must be the only ones that don't think we are Indians.

Mr. RICHARDSON. Now, Judge, the exact location of your tribe is in Congressman Hilliard's district?

Mr. RIVERS. Well, we are located in Callahan's and Hilliard's districts. Congressman Hilliard's, the 7th District was created recently, and he is in Marengo, Clark, and Choctaw Counties, and Jefferson County, and we have members there. Our reservation is located on the border between Mobile and Washington County.

Mr. RICHARDSON. I see. And that's Callahan.

Mr. RIVERS. Right. We have recently built 60 houses with the Office of Indian Housing Program money, and the brand-new office complex, a million dollar office complex.

So, you know, I guess we are just shadows. The Bureau of Indian Affairs can't see us but everybody else can.

Mr. RICHARDSON. Well, I will talk to Mr. Hilliard and Mr. Callahan and see how we can deal with this. And the staff is also going to inquire in the Bureau of Indian Affairs. It strikes me that your case is compelling. I do want you somehow—I know Mr. Houghton is here—to visit with my colleague, Mr. Thomas or with him, because I do want bipartisanship if we move some of these bills.

Because as you know, Judge, and as you know—

What is the right way to address you? Mr. Chairman or Mr. Chief?

Mr. RIVERS. He's Chief.

Mr. WEAVER. Yes. I am Tribal Chief.

Mr. RIVERS. Chief Weaver.

Mr. RICHARDSON. Chief. Okay, Chief Weaver. I want to just make sure that we get consensus for this because otherwise we get into fights, and it is not that you don't deserve quick movement. But if we can get some agreements, I would like to move this bill. Obviously, in other body Senator Inouye has, and I really had not heard, with all due respect, of this issue, your tribe, up until 2 weeks ago when Mr. Hilliard came to see me. I mean I didn't know we had this problem. Now I do.

Mr. RIVERS. We were at the inauguration. We have a picture with you and the Chief.

Mr. RICHARDSON. Right. Right.

Mr. RIVERS. Could we make an appointment with Mr. Houghton or Mr. Thomas?

Mr. RICHARDSON. Yes. I would, yes. Yes, you need to do that.

Mr. RIVERS. We will be here till Friday.

Mr. RICHARDSON. You need to do that. You need to do that.

Well, let me again, to the Tribal Historian, I have on unanimous consent asked to have all your documentation in the record of this hearing, and we would like to have that, as well as any cases

where the BIA has one point of view on when you submitted something and your documentation as to what you submitted.

Obviously, it seems that 1983 was the first date that there was a communication with the Bureau of Indian Affairs, not 1991.

Mr. RIVERS. Well, actually it was 1981. We communicated with them in 1981.

Mr. RICHARDSON. 1981.

Mr. RIVERS. Mr. Bud Shapard—I think Tadd Johnson knows Mr. Shapard—came and visited us in 1981 and explained the process to us. You have to realize we never got any notice there was a process.

Mr. RICHARDSON. Okay. All right.

Well, thank you. It's been a great hearing. I want to thank the members of the Mowa Choctaw Tribe for coming and showing their commitment here. There is obvious unity on this issue.

This is not the entire tribe, is it?

Mr. WEAVER. No. No. We have 4600 members.

Mr. RICHARDSON. All right. Well, you are most welcome here in Washington. It's been a privilege to hear you today.

[Whereupon, at 11:45 a.m., the subcommittee was adjourned.]

# APPENDIX

MAY 17, 1994

## ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD



900 Pennsylvania Avenue S.E. Washington, D.C. 20003 (202) 546-9404 Fax (202) 546-3741

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Chippewa

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Yurok

Recording Secretary  
S. Diane Kelley  
Cherokee

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Anadarko Area  
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Northeastern Area  
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Phoenix Area  
Irene C. Cuch  
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Portland Area  
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Spokane

Sacramento Area  
Herik Murphy  
Kumeyaay (Mission)

Southwestern Area  
A. Bruce Jones  
Lumbee

EXECUTIVE DIRECTOR  
JoAnn K. Chase, J.D.  
Mandan Hidatsa

May 5, 1994

The Honorable Bill Richardson, Chairman  
House Subcommittee on Native American Affairs  
1522 LHOB  
Washington, D.C. 20515

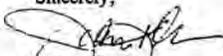
### Auburn Indian Restoration Act - H.R. 4228

Dear Chairman Richardson:

On behalf of the National Congress of American Indians ("NCAI"), the oldest and largest Indian advocacy organization in the United States, and the Auburn Indian Community, I urge the Committee to look favorably on this measure to reinstate Federal recognition to the Auburn Indian Community. As you know, the Auburn Indian Community was "terminated" by Act of Congress in 1958, as part of the failed policy of termination in the 1950s.

The results of termination for this tribe, as for all terminated tribes, were horrific and nearly fatal to the cultural and economic survival of Indian peoples across the country. Because the federal acknowledgement process ("FAP") itself is rife with problems and may, in some instances, lead to a drawn-out process taking literally generations to pursue, we support H.R. 4228 as a legislative solution to the Auburn Indian Community's current situation. If you have any questions or should wish to pursue this matter, please do not hesitate to contact me or Paul Moorehead of our staff at (202) 546-9404. Thank you for your continuing consideration of matters involving America's Indian tribes and Alaskan Natives, and we very much look forward to working with you on this and other issues.

Sincerely,

  
JoAnn K. Chase  
Executive Director



California Council of Tribal Governments, Inc.

1440 Shasta Dam Blvd. #B \* Shasta Lake, Ca 96019-9418 \* (916) 275-9197

May 11, 1994

The Honorable Bill Richardson  
The Honorable George Miller  
The Honorable John Doolittle  
U.S. House of Representatives  
Washington, D.C. 20215

Dear Congressmen:

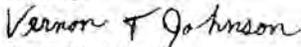
Please consider this letter in support of H.R. 42-28, the Auburn Indian Restoration Bill.

The California Council of Tribal Governments is a consortium of twenty-four federally recognized Indian tribal governments located in northern California. As an agency representing small struggling tribes, we are concerned that Auburn was not included in the recent restoration of 18 tribes under the "Tilly Hardwick" case. Auburn was one of the forty-one tribes that were illegally terminated during the Eisenhower Administration.

At this point, the Indian people of the Auburn Area have been grossly discriminated against because of federal and state guidelines that are designed to assist the poor.

We as an agency do hereby support wholeheartedly, the passage of H.R. 42-28 and urge a yes vote from your committee.

Sincerely,

  
Vernon T. Johnson  
Executive Director



**Inter-Tribal Council Of California Inc.**

AN ASSOCIATION DESIGNED FOR THE UNITY OF ALL CALIFORNIA INDIANS

Auburn United Indian  
Community Council  
P.O. Box 418  
Auburn, CA 95604

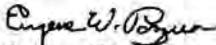
Dear Mr. Chairman:

The Inter-Tribal Council of California, Inc., a statewide Indian organization that represents twenty federally recognized tribes, is supportive of federal recognition for all terminated rancherias; in your case the Auburn Rancheria which was terminated under PL 85-671 and PL 88-419 as of August 18, 1967.

It is our understanding that HR 42-28 will assist the Auburn Rancheria in seeking federal recognition. We hope the proposed resolution will have the support of our congressional delegation.

Please accept our best wishes in your goal of achieving recognition; if further assistance is needed, please don't hesitate to call.

Sincerely,

  
Eugene W. Pasqua  
Office Manager

**JAMES F. BUNNELL II**  
**ATTORNEY AT LAW**

1223 HIGH STREET  
AUBURN, CA 95603  
OFF: (916) 885-6377  
FAX: (916) 885-2829

June 4, 1994

UNITED AUBURN INDIAN COMMUNITY COUNCIL, and  
Edward Tabor, Indian Justice Liaison  
P.O. Box 418  
Auburn, CA 95603

Re: Auburn Rancheria  
Federal Trust Status

Dear Council Members, Mr. Tabor, and all Indian Community Members;

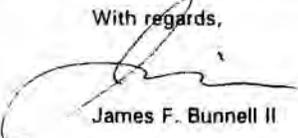
I am providing this letter to add my voice to those who are supporting your current efforts to obtain Federal Trust Status for the property in the Auburn Rancheria.

In my profession as an attorney I have become acquainted with several members of the United Auburn Indian Council, as well as Mr. Tabor and some other individuals from the greater local Indian Community. I have had the opportunity to observe first hand some of the conditions members of the community are currently forced to live in and put up with. Besides obvious individual poverty, and the physical conditions poverty results in - like poor housing and inadequate basic material comforts - there seems to be poverty in the heart. People are heart sick over having spent years, and in some cases, life times trying to realize reasonable living conditions for their families and friends.

I believe that obtaining Federal Trust Status will improve individual lives, because it will result in improved access to social services. Most importantly, I believe obtaining Federal Trust Status will lead to a renewed pride in self and community, and pride self and community is the necessary first step to future individual and community accomplishment.

Good luck in you endeavors. For the short term, I hope you can find a Senator to carry the necessary federal legislation for obtaining your status.

With regards,



James F. Bunnell II

*Jody Wilgus - Legislative Assistant*

UNITED AUBURN INDIAN COMMUNITY COUNCIL

P.O. BOX 418 \* Auburn, Ca. 95604 \* (916) 885-3800

June 8, 1994

Senator Diane Feinstein  
United States Senate  
Washington, D.C.

Dear Jody:

As I indicated in our phone conversation on June 6, we have received an out pouring of support for Federal Recognition by many business owners and residents of Placer County, as well as their support for Senator Feinstein and Senator Boxer to introduce a parallel bill to that of HR 4228, the Auburn Restoration Act. Additionally, both the Auburn City Council and the Placer County Board of Supervisors have passed a resolution requesting our State Senator's to introduce a parallel bill.

In consideration of our plight, and the potential problems on the Senate side should our bill not get through the house in time for Senator Inouye and the Senate Committee on Indian Affairs to hear the bill prior to the fall, we would have to wait for another year. We have to many problem and have waited to long for the Federal Government to rectify the problems they created through their illegal termination of the Auburn Rancheria.

I have enclosed the wide range of support we received for Senator Feinstein to introduce this bill, and I look forward to hearing from you regarding this matter.

Thanks,

Edward Tabor, Indian Justice Liaison

U.A.I.C.

## Before the Board of Supervisors County of Placer, State of California

In the matter of:

Resol. No: 94-160

A RESOLUTION REQUESTING  
SENATOR'S FEINSTEIN AND BOXER TO  
INTRODUCE A PARALLEL BILL TO THAT  
OF HR 4228, "THE AUBURN INDIAN  
RESTORATION ACT".

Ord. No: .....

First Reading: .....

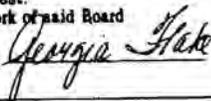
The following RESOLUTION was duly passed by the Board of Supervisors  
of the County of Placer at a regular meeting held June 7, 1994  
by the following vote on roll call:

Ayes: OZENICK, LICHAU, UHLER, BLOOMFIELD, FERREIRA

Noes: NONE

Absent: NONE

Signed and approved by me after its passage.

  
 Chairperson, Board of Supervisors
Attest:  
Clerk of said Board


WHEREAS, on January 7, 1992 the Placer County Board of Supervisors unanimously passed a resolution (Resolution #92-8) which supported the federal trust status of those lands in the Old Auburn Rancheria that remains in Indian ownership; and

WHEREAS, HR 4228 "the Auburn Indian Restoration Act" which was co-sponsored by Congressman John Doolittle, George Miller, and Bill Richardson, was heard on May 17, 1994 by the subcommittee on Native American Affairs, US House of Representatives; and

WHEREAS, Representative Bill Richardson, Chairman of the subcommittee indicated the bill would be introduced to the full House of Representatives on July 15, 1994; and

WHEREAS, because of the urgent needs which need to be met for the Auburn Indian Community, it would be of great benefit to our community for this legislation to be passed this year; and

Resolution # 94-160  
Page 2

WHEREAS, because of Senator Inouye, Chairman of the Senate Committee on Indian Affairs heavy agenda this fall, which could prevent the hearing of this bill on the Senate side, we are requesting a parallel bill to be introduced in the Senate in order to expedite this matter.

NOW, THEREFORE BE IT RESOLVED that the Placer County Board of Supervisors, hereby requests Senator's Diane Feinstein and Barbara Boxer to introduce a parallel bill to that of HR 4228 "The Auburn Indian Restoration Act".

## RESOLUTION NO. 94-79

RESOLUTION SUPPORTING H.R.4228,  
"THE AUBURN INDIAN RESTORATION ACT"

1  
2  
3  
4 THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

5 WHEREAS, the City Council of the City of Auburn passed  
6 Resolution 89-198 in December 1989 expressing support for return  
7 to Federal trust status for the Auburn Rancheria, and

8 WHEREAS, federal legislation is now pending regarding this  
9 matter,

10 NOW, THEREFORE BE IT RESOLVED, that the City Council of the  
11 City of Auburn does hereby express its support for passage of  
12 House Resolution 4228, which proposed legislation would extend  
13 Federal recognition to the United Auburn Indian Community of the  
14 Auburn Rancheria. The City Council of the City of Auburn does  
15 hereby request and support the introduction by Senators  
16 Feinstein and Boxer of similar legislation in the U.S. Senate.

17  
18 DATED: June 6, 1994

*Raymond L. Pisarek*  
Raymond L. Pisarek, Mayor

19  
20 ATTEST:

21 *Rebecca J. Bearry*  
Rebecca J. Bearry, City Clerk

22 I, Rebecca J. Bearry, City Clerk of the City of Auburn,  
23 hereby certify that the foregoing resolution was duly passed at  
24 a special regular meeting of the City Council held on the 6th  
day of June 1994 by the following vote on roll call:

25 Ayes: Barbeiro, McCord, Yue, Taylor, Pisarek  
26 Noes: None  
Absent: None

27  
28  
29  
30  
*Rebecca J. Bearry*  
Rebecca J. Bearry, City Clerk



900 Pennsylvania Avenue S.E. Washington, D.C. 20003 (202) 546-9404 Fax (202) 546-3741

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Northern Ute

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Bryce Wynne  
Spokane

Southwestern Area  
Hank Murphy  
Kumeyaay (Manzanita)

Southwestern Area  
A. Bruce Jones  
Lutheran

**EXECUTIVE DIRECTOR**  
JoAnn K. Chase, J.D.  
Mandan Hidatsa

May 5, 1994

The Honorable Barbara Boxer  
United States Senate  
112 SHOB  
Washington, D.C. 20510

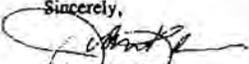
Auburn Indian Restoration Act - H.R. 4228

Dear Senator Boxer:

On behalf of the National Congress of American Indians ("NCAI"), the oldest and largest Indian advocacy organization in the United States, and the Auburn Indian Community, I urge you to support any companion to this measure to reinstate Federal recognition to the Auburn Indian Community. As you may know, the Auburn Indian Community was "terminated" by Act of Congress in 1958, as part of the failed policy of termination in the 1950s.

The results of termination for this tribe, as for all terminated tribes, were horrific and nearly fatal to the cultural and economic survival of Indian peoples across the country. Because the federal acknowledgement process ("FAP") itself is rife with problems and may, in some instances, lead to a drawn-out process taking literally generations to pursue, we support H.R. 4228 as a legislative solution to the Auburn Indian Community's current situation. If you have any questions or should wish to pursue this matter, please do not hesitate to contact me or Paul Moorehead of our staff at (202) 546-9404. Thank you for your continuing consideration of matters involving America's Indian tribes and Alaskan Natives, and we very much look forward to working with you on this and other issues.

Sincerely,

  
JoAnn K. Chase  
Executive Director

Post-it Fax Note	7671	Date	5-12	# of pages	4
To	ES TABOR	From	Paul Moorehead		
Co./Dept.		Co.			
Phone #		Phone #	202-546-9404		
Fax #	916-823-2517	Fax #			



900 Pennsylvania Avenue S.E. Washington, D.C. 20003 (202) 546-9404 Fax (202) 546-3741

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First Vice President  
 Susan Manton  
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 Mary Ann Anson  
 Tobacco O'neill

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Abenaki Area  
 Tom Hingally  
 Standing Rock Sioux

Algonquian Area  
 Charles J. Dwyer  
 Tuscarora Pueblo

Aondeka Area  
 Mark Boyd  
 Six & Pot

Billiga Area  
 Min Senechal, Sr.  
 Chippewas Cree

Isisnoo Area  
 Willie Kanyoak  
 Yup'ik

Mississippi Area  
 Marge Anderson  
 Ojibwa

Montaigne Area  
 Donald E. Gillen  
 Pawnee

Northeastern Area  
 Keller George  
 Onondaga

Penobscot Area  
 Louis C. Cuth  
 Narragansett

Portland Area  
 Bruce Wynne  
 Spokane

Seminole Area  
 Mark Murphy  
 (Emergency Director)

Southwestern Area  
 A. Bruce Jones  
 Lumbee

**EXECUTIVE DIRECTORS**  
 John E. Chase, I.D.  
 Minnie F. White

May 5, 1994

The Honorable Diane Feinstein  
 United States Senate  
 331 SHOB  
 Washington, D.C. 20510

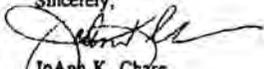
Auburn Indian Restoration Act - H.R. 4228

Dear Senator Feinstein:

On behalf of the National Congress of American Indians ("NCAI"), the oldest and largest Indian advocacy organization in the United States, and the Auburn Indian Community, I urge you to support any companion to this measure to reinstate Federal recognition to the Auburn Indian Community. As you may know, the Auburn Indian Community was "terminated" by Act of Congress in 1958, as part of the failed policy of termination in the 1950s.

The results of termination for this tribe, as for all terminated tribes, were horrific and nearly fatal to the cultural and economic survival of Indian peoples across the country. Because the federal acknowledgement process ("FAP") itself is rife with problems and may, in some instances, lead to a drawn-out process taking literally generations to pursue, we support H.R. 4228 as a legislative solution to the Auburn Indian Community's current situation. If you have any questions or should wish to pursue this matter, please do not hesitate to contact me or Paul Moorehead of our staff at (202) 546-9404. Thank you for your continuing consideration of matters involving America's Indian tribes and Alaskan Natives, and we very much look forward to working with you on this and other issues.

Sincerely,

  
 JoAnn K. Chase  
 Executive Director

This is a sample petition of support like nine others that were received.

To: The Honorable Barbara Boxer  
United States Senate  
112 SNOB  
Washington, D.C. 20510

The Honorable Diane Feinstein  
United States Senate  
311 SNOB  
Washington, D.C. 20510

This is to inform you of our support for the United Auburn Indian Community to become Federally Recognized and we urge you to introduce a parallel bill this year to that of HR 4228, the Auburn Restoration Act, which was co-sponsored by Congressmen John Doolittle, George Miller and Bill Richardson.

- Joselyn Nelson 12250 Hordel Dr Auburn, Ca 95603
- John S. Thyl 12250 Hordel Dr Auburn, Ca 95603
- Ann R. Johnson 10670 Lyman Ave Pl Auburn, Ca 95602
- John P. Johnson 10670 Lyman Pl Auburn 95602
- Robert C. Johnson 11564 "C" Ave Auburn CA 95607
- William J. Jones 163 "1" Pleasant Ave Auburn, Ca 95603
- Bob Jones 163 "1" Pleasant Ave Auburn, Ca 95603
- John A. Johnson 2601 K St. Humboldt, CA 95948
- Pauline D. Johnson
- Charles R. Johnson 2005 Garden Valley, Ca. 95623
- Mike J. Johnson 2215 1/2 New Ave 26 Pl. Marysville 95762
- Alvin Johnson 11933 Heritage Park Rd #4, Auburn, CA
- Kila Johnson 11930 Heritage Det. Pl #4 Auburn, Ca 95623
- David Johnson 1415 Lane Ln Auburn
- Wanda Westoby 2042 Oxford Ct. Meadow Vista (Placer Co.)
- Raymond Bud Johnson 334 PLACERADO AVE AUBURN, CA (Placer Co)
- John Johnson 1111 1/2 E. 1st St. Auburn, Ca 95601
- Ruth S. Lillian P.O. Box 4295 Auburn, CA 95604 (Placer Co)
- Margaret E. Lillian P.O. Box 4249 Auburn, CA 95604
- John Lillian P.O. Box 111 511 1/2 E. 1st St. Auburn, Ca 95601
- Delia Lillian 885 Lincoln Way, Auburn, Ca 95603
- John Lillian 1521 1/2 E. 1st St. Auburn, Ca 95603

WILLIAM M. LIPSCHULTZ  
MARK A. BERG  
ALISON Y. HERRILEES

LAW OFFICES OF  
**LIPSCHULTZ & BERG**  
COURTHOUSE OFFICE PLAZA  
1315 LINCOLN WAY  
AUBURN, CALIFORNIA 95603

TELEPHONE (916) 833-7790  
FAX (916) 889-1711

June 3, 1994

The Honorable Dianne Feinstein  
The United States Senate  
331 Hart Building  
Washington, D.C. 20510

Dear Senator Feinstein:

My name is Mark Berg and I am a registered Democrat living in Placer County with my wife and 2 children.

Our local Indian community is valued by my family. My uncle, George W. Mathis (see enclosed), was awarded the Distinguished Service Award by the Department of Interior for his contribution to American Indians.

I would like to ask your support in extending Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California. This recognition will substantially improve the economic status of our valued local Indian population.

Mr. Ed Tabor, Indian Justice Liaison, United Auburn Indian Community, has been instrumental in getting the House of Representatives to consider a similar bill. I am informed that he will be contacting you with the background that provides a compelling case to restore the rights and privileges of the Auburn Indian Community under Federal Trust.

I would greatly appreciate your respectful attention to this important issue in my county.

As a constituent, you have my undivided support.

Sincerely,

---

MARK A. BERG, ESQ.

cc: 1700 Montgomery Street  
Suite 305  
San Francisco, CA 94111

bcc: Mr. Ed Tabor ✓

Sample of identical letters received in support of the legislation.

Send your letters right now to:

Honorable George Miller  
U.S. House of Representatives  
Washington, D.C. 20515



Dear Congressman Miller

I am writing on behalf of my people, "The Mowa Band of Choctaw  
Indians", in which I am an enrolled tribal member, with headquarters  
at Mt. Vernon, Al. Chief Framon Weaver along with Tribal Elders have  
and are still attempting to reunite this proud race of people which  
were scattered to the four winds many years (and tears) ago, caused  
by government policies and other contributing factors during that era  
Congressman Richard C. Shelby of Alabama, SB #282, Rep. H.L. (Sonny)  
Callahan, HB #923 and Cong. Earl Billiard, HB #3605, are requesting  
that the Band of Mowa/Choctaw, again be fully recognized by the U.S.  
Government as being part of the "Choctaw Indian Nation", as is now  
being done by the state of Alabama. We will appreciate it greatly if  
you would vote for our endeavors.

Sincerely, Jean Wade

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