

Federal Recognition--Possible Promise or Pie In The Sky?

January 21, 2010--As of this date, there are three separate groups calling themselves the “only true or legal” one entitled to be recognized by the Bureau of Indian Affairs (BIA). The group in Dover, AR claims that vital records were stolen and taken to a second group’s offices in Conway, AR. The group in Conway claims that much of the current trouble is caused by the third group, who call themselves the Oversight Committee of The Lost Cherokee of Arkansas and Missouri, and who claim that the Conway group is being run by a person with a record of felony convictions (true). Conway claims these are just “disgruntled applicants“, and their lawsuit is only delaying recognition. All three groups hold out the promise that *someday eventually*, if everyone will just follow their advice, the Lost Cherokee of Arkansas and Missouri (LCAM) will be Federally-recognized as a tribe. Two of these groups sincerely mean well, but the goal is wishful thinking.

Interestingly, the BIA has written a letter (June 29, 2006), stating, in effect, “that unless you people can agree, don’t bother sending anything else to the BIA”. Now, over three years after that letter, it looks like such an agreement is never going to happen. (See letter in “News” www.lostcherokee.org)

So, how can people with Cherokee heritage make heads or tails of all this? Most people I know are just tired of all the bickering, lawsuits and squabbling. *They just want to find a way to verify their Cherokee heritage.* So, we ask,

*Is it really necessary to get Federally-recognized to do this?
And what are the chances of this ever happening, anyway?*

Taking the last question first, we’ve put together some factual information about the Federal recognition process. Please read this carefully, and judge for yourself what the chances are for the LCAM ever to be recognized.

On the following pages are excerpts from the Code of Federal Regulations or CFR, which the BIA must follow to the letter of the law, before any group which petitions for recognition can be approved. You will see that there is a lot more to the process than just getting names on a roll. Important parts of the regulations have been *italicized* for emphasis.

The BIA must follow 25 CFR 83.7, (a)--(g). *These seven (7) criteria must*

all be met--not just most of them. (Go to Dept. of Interior, BIA to verify.)

83.7(a)--The group must demonstrate existence as an Indian tribe, a distinct social and political community, from the first sustained contact with non-Indians to the present time. The group must be identified as an American Indian entity on a *substantially continuous basis, without interruption*, since at least 1900. The BIA will look for references to any group in Federal, State or Local government documents; by historians, scholars, books, magazines, newspapers over the time period. Question: "Can the LCAM show this?"

83.7(b)--The *predominant portion* of the petitioning group must comprise a distinct community, and has existed as a distinct community from historical times to the present. Question: "Is there such a portion of members in the LCAM?" The Federal Government has conducted a Census of Indian groups since at least 1865, none of which show LCAM.

83.7(c)--The petitioning group must have maintained *political influence or authority over its members* as an autonomous entity, from historical times to the present. The BIA will look for evidence of Trustees, land allotments and transfers, tribal law government, meetings, *elections*, or other documents to show this. Question: "Since there are three separate groups now claiming authority, none of which can show these required historical documents, what will the BIA decide to do?" The answer is obvious-- "Nothing"

83.7(d)--The petitioning group must present *a copy of present governing documents*, including membership criteria and current governing procedures. Question: "How can the Conway group meet this requirement, since they maintain that a Constitution can be written later?" At least the Dover group has made an effort to write an acceptable one.

83.7(e)--Membership of the petitioning group must consist of individuals who document *descent from a historical Indian tribe (or tribes)*, who functioned as a single autonomous political entity. Question: "How many individuals or families in the LCAM can do this?" To us, this requirement means that we would have to document our progenitor's descent from the Old Settlers in Arkansas, before they were forced to move to Indian Territory. Our progenitor's family stayed behind, so how could this requirement be met?

83.7(f)--The petitioner's membership must be composed of persons *who are not members* of any acknowledged North American tribe. There can be no such thing as a "dual membership". Question: "Do any of the three LCAM groups mention this?"

83.7(g)--Neither the petitioning group nor its members can be a subject of congressional legislation that has expressly terminated or forbidden the Federal relationship that would result in recognition--that is, sovereign nation to sovereign nation. Comment: Some of the so-called Headmen have claimed that they have an "inside source" that can get recognition by going through Congress instead of the BIA. *This is so much bushwah.* Congress delegates the power of Federal Recognition to the BIA, and that's it, period.
In addition to the seven criteria in 25 CFR 83.7 which must all be met before Federal recognition of the LCAM, there are several common

sense reasons why the chances of this ever happening are pretty slim. Here are some of those common sense reasons to think about:

1. LCAM is now Petitioner #204 at the BIA, containing the 721 names the Conway Group selected out of the 3125 or so originally qualified. In December, 2009, BIA announced that it had approved the petition of the Shinnecock Nation of New York, Petitioner #4, **first submitted in 1978**. That amounts to something like Thirty Years, during which the Shinnecoeks kept revising and re-submitting their Petition. So, if it took them thirty years as #4, and LCAM is #204, **Hello Eternity! What does this tell you about the promises for recognition of the LCAM?**

2. In announcing the approval of the Shinnecock petition, the BIA stated that it was Placing a notice in the Federal Register, as required by law, to allow all interested Groups or individuals to comment, positive or negative. (Look for Donald Trump To oppose it, since it might mean another casino to compete with his.) Now, do this--

Fast Forward an untold number of years when the LCAM might be approved--

All interested groups and individuals would be allowed to comment, positive or Negative, on such proposed approval of the LCAM. These would no doubt include:

- A. The two LCAM groups left out, still claiming they were the only “true” ones.
- B. The Cherokee Nation (in Tahlequah, OK) has stated unequivocally that they will “vigorously oppose” any such action by the BIA.
- C. And what about all the other groups claiming Cherokee heritage in Arkansas and Missouri? **You can bet that they will also oppose LCAM approval, saying**

“Hey--What about us?” Opposition would come from some or all of these:
The Western Cherokee; The Arkansas Cherokee Nation aka Chickamauga Cherokee of AR & MO; The Northern Cherokee Nation of the Old Louisiana Territory; The Western Cherokee Nation, Kiamichi Band; The Sovereign Amonsoquoth Band of Cherokee (who also claim kinship with Pochahontas, Powhatan of VA); The Deer Council of Free Cherokees; The Ozark Mountain Cherokee; The Dogwood Council of Free Cherokees; The Eagle Bear Council of Free Cherokees; The Old Settler Cherokee Nation of Arkansas; The Sac River and White River Bands of Chickamauga Cherokees; The Southern Band of Eastern Cherokee Indians of Missouri & Arkansas. And finally, The Washitaw Nation, (based in Louisiana), that lays claim to millions of acres in the entire Mississippi Valley, ruled by a woman who carries the title, “Empress Verdiacee ‘Tiara’ Washitaw-Turner Goston El-Bey”. This group has issued vehicle registrations, Drivers licenses, birth certificates, and claims tax exemptions for its members since it holds out to be a “sovereign nation” already, without BIA approval.

3. With the recent Federal court decision brought by a Blackfeet woman to award billions for trust fund mismanagement, the BIA will have little money for making “a new tribe”. **These and other reasons lead us to think that LCAM’s chances are very doubtful. Now, to the first question: “Is it really necessary to get Federal recognition to verify your Cherokee heritage?”**

Answer: Positively Not. Federal recognition would bring with it a lot of benefits, such as limited health care, job training, etc. But if such recognition is a fantasy, a kind of carrot that is dangled by leaders selling membership cards, T-shirts, recipe books and vying for their own personal power, then the wise thing to do is drop the whole idea of recognition and look for other ways to verify Cherokee heritage.

Here are some alternative ways to do that:

1. Get access to a computer, and go to Dept. of Interior, BIA....then “Document Library” and find “Guide to Tracing Your American Indian Ancestry” www.doi.gov/leaders.pdf
You can also call (202) 208-3710 for assistance.

2. Take a look at what several existing tribes have done to help their members find and document their Indian heritage. At the date of this writing, there are some 562 Federally-recognized tribes in the United States. Most of them have websites, readily accessible by Google. Try www.cherokeeheritage.org/ and see what has been set up in Tahlequah, OK. A similar facility could be set up for families seeking to verify their Cherokee heritage in Arkansas, making a connection to those who stayed behind and refused the forced removal to Indian Territory. This could start small and grow. **This would be something worthwhile to leave to our grandchildren, instead of lawsuits and squabbling!**

3. **If you are a member of any the various groups mentioned above, claiming to be the true LCAM, start asking questions...voicing your opinion...demand answers from those professing to be leaders...is Federal recognition realistically possible?**

4. **Get with like-minded people in your group, and discuss the alternative of setting up a Cherokee Heritage Center for Arkansas that would help people document their heritage through genealogical databases, records, photographs and displays. This would be a lot more sensible and respectable than useless lawsuits and T-shirt sales!**

5. **Go to www.lostcherokee.org and register your opinion. Don't let self-appointed “leaders” bully you into thinking that only they know best. An open and civil discussion will always lead to the best course of action to preserve our heritage.**

--Bill Roberts, aka Brad Hawiyehi

N.B. Since the self-appointed chairman of the Oversight Committee has questioned my Cherokee heritage, I offer this information: My paternal grandmother was born in Prairie County, AR (cf. 1860 Census), the historical area. Her grandfather and family are listed on the Cherokee Emigration Rolls, 1817--1835. Her father was conscripted into the Confederate Army and served two years, as recorded in documents at the Des Arc, AR museum. **A Heritage Center like this would help folks to trace their ancestors!**