Consultation, IA <consultation@bia.gov>

(no subject)

1 message

Allen Presley <presleyallen73@yahoo.com> Fri, Sep 6, 2013 at 8:21 PM
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I Robert Presley support the recommendations of the Choctaw-Apache Community of Ebarb (petitioner #37) sent in letter dated August 2013 from the Chairman and Tribal Council.

• The modified 83.6(d)(1) requiring that evidence be viewed "in a light most favorable to the petitioner" makes sense.

• I agree with proposed changes to eliminate Criteria (a), external observers identify the group as "Indian."

• OFA interpretations of "tribes which combined and functioned as a single autonomous political entity" have been overly stringent. Groups that have stayed together and maintained an Indian community identity is evidence of their intention to form a political and cultural community with one another. The OFA needs to adopt a more flexible interpretation regarding petitioners that formed in historical times through the combination of tribes and tribal fragments.

• Research support and advice should be an ongoing obligation of the federal government for groups showing evidence of Indian ancestry, up until the moment of a final decision.

• Potentially affected property owners and economic motivations for ensuring a tribe is never recognized should not have a louder voice than those who know a tribe's history and ethnology.

In short, the preliminary discussion draft stands poised to remedy several problems, but it does not go far enough in redressing the denial of recognition to Indian sovereigns denied the government-to-government relationship which is due to them. Indigenous groups have survived in many forms, and it is important to nurture them where they persist. It bears repeating that tribes that have not been federally recognized are not always going to look exactly like tribes that have been federally recognized for hundreds of years, for a variety of reasons. They are not better or worse than federally recognized groups, just different. The federal government is legally and morally obligated to recognize our status as indigenous polities that have survived hundreds of years despite assimilationist pressures.

Sincerely,
Robert Presley