

Bureau of Indian Affairs

Regarding: 25 CFR Part 83 revisions

[Consultation@bia.gov](mailto:Consultation@bia.gov)

1076-AF18

The following is an equitable final draft of how the revised regulations should read in relation to the Indian boarding schools with justification presented thereafter:

“In support of Criteria (e) (Descent), Criteria (a) (Tribal Existence), and Criteria (b) (Community), those petitioners who attended the Indian boarding schools or other Indian educational institution and whose tribally specific designation was listed in such records prior to the era of school desegregation (with some continuing to attend after the desegregation era) will have been viewed as meeting Criteria (e), (b), and (c) so long as such petitioner has maintained a cohesive community to the current day and genealogical records show that the petitioner is interrelated.

In support of Criteria (a) (Tribal Existence) and Criteria (b) Community, those petitioners who attended the Indian boarding schools or other Indian educational institution prior to the era of school desegregation (with some continuing to attend after the desegregation era), **“even where a specific tribe may not be identified, reflects that the Federal Government identified those children as Indian, and where there are children from one area placed at an Indian boarding school, this is indicative of an Indian community in that area,”**\* will meet Criteria (a) Tribal Existence) and (b) (Community) so long as such petitioner has maintained a cohesive community to the current day and genealogical records show that the petitioner is interrelated.”

\*Note: Boarding school attendance should be used regardless if it occurred prior or post-1900 (as per the marker of descent in the regulations). The very fact that tribes attended during the boarding school era prior to school desegregation and were tribally designated should meet any marker of descent and existence that there is.

**\*bolded:** description already used in the revised regulations as published in the federal register.

This final revised criteria eliminates any “splitting hairs” arguments that could arise. The heavy reliance on Criteria (e) (Descent) as the “end all, be all” in petitions is easily traversed by using Indian boarding school records to show tribal specificity. If *“The proposed rule would delineate the roles of OFA and the Assistant Secretary in furtherance of transparency, and would revise the process to promote more timely decisions,”* as stated in the revised regulations, than surely the use of the boarding school records would “promote more timely decisions” and “further transparency” as the tribal listings are very transparent in the boarding school records and no one could second guess either OFA or the Assistant Secretary’s Office when the very records the government created are those being used in the decision.

I plead with every decision maker in the process to use ethics, morality, and most of all sanity in insuring that the Indian boarding schools (which meet every purported need supposedly wanted by the federal government/BIA i.e. specific tribal designations, direct involvement in federal government programs for Indians, and even in some cases listed blood quantum, etc.) is used as a primary marker for recognition for those tribes who attended the schools. To not do so is completely irresponsible, outside the realm of reason, and purposeful in its political intent.

The current revised regulations have this to say about the boarding schools,

*“The proposed rule would add an example of evidence that may be submitted in support of criteria (b), particularly, a placement of petitioners’ children at an Indian boarding school or other Indian educational institution. In the past, the Department may have accepted such evidence only when the child was identified as a member of a specific tribe in school enrollment records. Allowing for this evidence even where a specific tribe may not be identified reflects that the Federal Government identified those children as Indian, and where there are children from one area placed at an Indian boarding school, this is indicative of an Indian community in that area.”*

The Indian Boarding School records insure that the specific tribal lineage for tribes in the East and South is ascertained and that therefore the tribe not only traces directly to the historic tribe, but that the federal government and their closely partnered Indian mission boarding school affiliates were the very designator of the relationship. There exists no better source which Congress or OFA could possibly use. It is airtight and absolute as it was produced by the very people (federal government and associated entities) who are asking for the proof. Insinuating that the Department *“may have accepted such evidence only when the child was identified as a member of a specific tribe”* is simply not true, as in virtually every case of boarding school attendance amongst tribes in the East and South, the tribally specific name or combination of names was clearly listed. The current revised regulations avoid this reality in order to lessen the impact of the schools in consideration by divorcing the boarding school records from constituting proof of:

1. Criteria (e) (Descent)
2. Criteria (a) (Tribal Existence)

The current revised regulations use the boarding school records to substantiate only Criteria (b) (Community). The 13 “non-federally recognized” tribes in the East and South who attended the Indian boarding schools are cohesive tribal communities today and can easily substantiate Criteria (b) (Community) without any need of boarding school records.

Where boarding school records show tribally specific designations of attendees, Criteria (e) (Descent) and Criteria (a) (Tribal Existence) are obviously met, as long as such communities have maintained cohesive communities that tied together via genealogy. All 13 historic “non-federally recognized” tribes in the East and South who attended the boarding schools have maintained cohesive communities and close genealogical ties.

## Indian Boarding School Realities

### **1. 27 (possibly 28) of 31 federally-recognized tribes in the East and South attended the Indian boarding school system**

#### Questions:

- a. What does that say about the social, cultural, and political ties of Indian tribes to the Indian boarding school system?
- b. What does that say about the Indian boarding schools being used as a primary marker of tribal identity for those who attended?

### **2. 9 of 13 federally-recognized tribes in the East and South who have been recognized since the 1970s attended Indian boarding schools.**

#### Questions:

- a. What does that say about the importance of the Indian boarding schools in tribes being recognized in the BAR/OFA process?
- b. What does it say about the process when 11 of the 13 historic “non-federal” tribes (2 have not petitioned for federal recognition) who attended the Indian boarding school system with those tribes recognized by the federal government in the East and South are now not recognized by the very government who sent them to their schools?
- c. What does it say about the process when these tribe’s own classmates’ tribes are recognized today?

### **3. All of the historic “non-federal” boarding school tribes in the East and South are situated in regions that are viewed by neighboring, gaming, federal tribes as within their gaming markets?**

- a. How does this impact the recognition efforts of these tribes?
- b. Will contestations by neighboring gaming tribes overcome the social, cultural, political, and legal realities of these tribes that attended the Indian boarding schools?

### **4. One of the historic “non-federal” tribes who is about to be recognized (Pamunkey), had the fact that they attended Indian boarding schools expressly mentioned in their OFA response as a marker of their Indian reality.**

#### Questions:

- a. What does it say that Office of Federal Acknowledgement Director Lee Fleming only mentioned their attendance at the Cherokee Indian Boarding School in North Carolina (where the non-petitioning Mattaponi also attended), but he didn’t mention (purposefully I might add) that they also attended Haskell, Bacone, and other Indian boarding schools along with the other historic “non-federal” tribes and federal tribes? He purposefully did not mention this, because to do so would have validated the

existence of the other historic “non-federal” tribes who attended the Indian boarding schools with the Pamunkey and others. Lee Fleming was very aware of the attendance of the Pamunkey at other Indian boarding schools as is justified by the sheer number of hits that have been on our documentation website [www.helpaskell.com](http://www.helpaskell.com) by the Department of Interior, BIA, BIE, and OFA over the years. The sheer number of articles published on this subject (historic “non-federally recognized” tribal attendance at Indian boarding schools) in national Indian newspapers, academic journals, along with the sheer number of university presentations, sheer number of direct communications with all levels of government concerning this issue, as well as meetings with successive Haskell administrations, etc. allows me to know with absolute clarity that this is purposeful omission not only in the Pamunkey petition, but also in the attempt to use the Indian boarding school records only to meet Criteria (b) (Community). This is not ignorance. This is politics re-envisioning historic truths for the sake of expediency and to placate the powers that be.

The BIE in written correspondence available on our documentation website have acknowledged the historic “non-federal” tribes legacy in the boarding school system. The National Congress of American Indians passed a unanimous resolution supporting these tribes, as well as other national Indian organizations, federal tribal leaders, and the list goes on and on.

As a final note deviating from the boarding school specific issue I would add this.

All tribes who were denied recognition via clearly political measures and who meet the newly revised regulations (though it should be mentioned that some of these tribes would have met the previous regulations had they been applied correctly and equitably) should be immediately reconsidered. These tribes have contributed the greatest amount of time, money, and human capital to this process and should not be placed “back in line” in the new process. Such tribes should have absolute priority of consideration.

The current Director of the Office of Federal Acknowledgement should be removed from any involvement in the consideration of petitions which he previously denied. To retain such an individual in this capacity constitutes a clear conflict of interest and disallows any form of equitable, non-biased review.

**\*THE WRITER OF THIS SUBMISSION WILL VOLUNTEER ANY AND ALL TIME NEEDED BY OFA/BIA AT NO COST WHATSOEVER TO REVIEW AND SHOW PROOF/MAKES SUGGESTIONS OF THE BOARDING SCHOOL ATTENDANCE OF ANY PETITIONER. IN THIS WAY, STATEMENTS MADE PREVIOUS THAT OFA/BIA DOES NOT HAVE THE FINANCES OR PEOPLE POWER TO COMPLETE PETITIONS IN A TIMELY MANNER CAN BE ERADICATED.**

Cedric Sunray \*my federal recognition specific background is included below.

1917 Pelham Circle

Norman, Oklahoma 73071

Phone: 405-310-2548 Email: [helpaskell@hotmail.com](mailto:helpaskell@hotmail.com)

## **FEDERAL RECOGNITION SPECIFIC OVERVIEW FOR CEDRIC SUNRAY**

*The writer has taught American Indian/Indigenous Studies at six colleges/universities, attended as a full-time student the nation's longest standing All-Indian school (Haskell), taught at the nation's oldest historically Indian college (Bacone), is an enrolled member of the second longest petitioning "non-federally recognized" tribe in the nation (MOWA Band of Choctaw Indians [www.mowa-choctaw.com](http://www.mowa-choctaw.com)), has worked for seven federally-recognized tribes, has spoken at over 50 universities, conferences, etc. on issues related to the federal recognition process, has over seventy published articles on the subject in newspapers, magazines, scholarly journals, and books, has researched the history of the historic "non-federally recognized" tribes attendance at Indian boarding schools for 22 years, and serves as project coordinator for the Haskell Endangered Legacy Project (H.E.L.P.) which has traveled to most historic "non-federally recognized" tribal communities in the East and South to record and interview the alumni of the Indian boarding schools and to collect and document the yearbooks, news articles, regulations, social programs, athletic participation, and other relevant pieces of information which pertain to this legacy.*

### Education

**University of Oklahoma**          Norman, Oklahoma    \*currently enrolled student (expected graduation date May 2015)

College of Law/Indigenous Law Program

**University of Kansas**          Lawrence, Kansas    Master of Arts

Indigenous Nations Studies \* with joint focus on American Indian Language Revitalization and federal recognition process

**Trent University**          Peterborough, Ontario, Canada    Bachelor of Arts

Native Studies/ Indigenous Studies

Also attended: **Haskell Indian Nations University** (Lawrence, KS)

### **A SAMPLE OF ARTICLES WRITTEN BY CEDRIC SUNRAY \*specific to federal recognition/identity issues**

Taken for A Ride on The Acronym Train    May 21, 2014    Indian Country Today media Network

<http://indiancountrytodaymedianetwork.com/2014/05/21/taken-ride-acronym-train>

Anti-Black Racism in Indian Country: Jim Crowfeather Lives;    December 07, 2013; Indian Country Today Media Network

<http://www.indianz.com/News/2013/011798.asp>

Some history on the MOWA Band of Choctaw Indians    indianz.com

November 15, 2013

<http://www.indianz.com/News/2013/011791.asp>

MOWA Band of Choctaw Indians seek their day		November 18, 2013	
<a href="http://indianz.com/News/2013/011798.asp">http://indianz.com/News/2013/011798.asp</a>			
Don't Let a South Carolina Judge Disenroll Baby Veronica;		November 12, 2013;	Indian Country Today Media Network
Haskell University Must Start Meeting Its Moral Obligations;		August 12, 2013;	Indian Country Today Media Network
<a href="http://indiancountrytodaymedianetwork.com/2013/08/11/haskell-university-must-start-meeting-its-moral-obligations">http://indiancountrytodaymedianetwork.com/2013/08/11/haskell-university-must-start-meeting-its-moral-obligations</a>			
A Seven-Point Plan to Fix the Farce That Is Federal Recognition;		July 29, 2013;	Indian Country Media Network
<a href="http://indiancountrytodaymedianetwork.com/2013/07/29/seven-point-plan-fix-farce-federal-recognition">http://indiancountrytodaymedianetwork.com/2013/07/29/seven-point-plan-fix-farce-federal-recognition</a>			
Cherokee Nation Places Tribal Sovereignty at Risk	indianz.com	May 16, 2013	
Wampanoag power grab is unethical	Cape Cod Times	March 1, 2013	
VAWA Tribal Provision Continues Caste System in Indian Country	This Week From Indian Country	February, 2013	
White House Indians keep policy of segregation	indianz.com	December 5, 2012	
Feathering the Storm with USET	Native American Times	November, 2012	
"Federally Recognized" often Misused	This Week from Indian Country	October, 2012	
The Three Rs: Reservations, Revisionism, and Rhetoric	This Week from Indian Country	October 3, 2012	
Poarch "Creek": Cashing In and Selling Out	Native American Times	August, 2012	
The 3 Rs: Reservations, Rhetoric, and Revisionism	Indian Country Today	July, 2012	
The "logic" of the Ins and Outs of Indian Country	www.indianz.com	June, 2012	
Elizabeth Warren and the Ins and Outs of Indian Country	Indian Country Today	June, 2012	Oneida, NY
Racist tendencies common in too many tribes	www.indianz.com	May, 2012	
Racist tendencies common in too many tribes	Indian Country Today	May, 2012	Oneida, NY
NCAI Stands up for Boarding School Alumni	Native American Times	December 2011	Tahlequah, OK
Disenrollment Clubs	Indian Country Today	October 14, 2011	
Sex, Lies, & Sovereignty	Indian Country Today	August 3, 2011	
Sovereignty has become a revisionist term for many Indian Nations	Native Sun News	March 2-8, 2011	Rapid City, SD
Looking at the many ironies of federal recognition for Indian tribes	Native Sun News	Feb.23-Mar.1, 2011	Rapid City, SD
Playing the 'poor little Indian' in Abramoff scandal	www.indianz.com	Feb.21, 2011	
White privilege in action at Haskell	Indian Country Today	November 19, 2010	
Haskell rejects students from non-federal tribes	www.indianz.com	11/19/10	
American Indian Leader Called Home	Native American Times	July 14, 2010	Tahlequah, OK

Cherokee Task "Farce" vs. Immersion School	Cherokee Phoenix	June 2009	Tahlequah, OK
Boarding Schools and Federal Recognition	Native American Times	April 6, 2009	Tahlequah, OK
Boarding Schools and recognition	www.indianz.com	April 9, 2009	
The difference between "Indians" and "citizens"	votingosage.org		Pawhuska, OK
CDIB: Cherokees, Delawares, Indians, and Blacks	Tanasi Journal	2008	Tennessee
Our new, non-Indian way	Indian Country Today	August 12, 2008	
Phillip Martin article	Clarion Ledger	2007	Jackson, MS
Will The Choctaw Nation Please Stand Up	Native American Times	7/16/2007	Tahlequah, OK
Will The Choctaw Nation Please Stand Up	www.indianz.com	7/16/2007	
Nations & Bands, Groups & Clans, Reservation & Lands	Native American Times	12/15/06	
Response to "corrections" piece	Cherokee Phoenix	February 2006	Tahlequah
Why federal recognition isn't recognition at all	Native American Times	6/27/06	Tahlequah, OK
Similarities between tribes and the 9th ward	Indian Country Today	2005	
Similarities between tribes and the 9th ward	Native American Times	Sept. 6, 2005	Tahlequah, OK
Mississippi Band of Choctaw Indians: From social reality to legal fiction	Native American Times	August 5, 2005	Tahlequah, OK
MOWA Band of Choctaw Indians: From social reality to legal fiction	www.nativetimes.com	August 4, 2005	Tahlequah, OK