Indian Affairs - Office of Public Affairs

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Washington -- Assistant Secretary–Indian Affairs Larry Echo Hawk on August 6, 2010, issued a proposed finding not to acknowledge the petitioner known as the Central Band of Cherokee (CBC) (Petitioner #227) as an Indian tribe. The petitioner, located in Lawrenceburg, Tennessee, has approximately 407 members. The evidence shows the petitioner is a voluntary association formed in 2000 of individuals who claim but have not documented Indian ancestry. There is no evidence that Petitioner #227 existed under any name prior to its emergence in 2000 as the "Cherokees of Lawrence County, TN, Sugar Creek Band of the Southeastern Cherokee Confederacy, Inc." Under the regulations, the Department may not acknowledge associations, organizations, corporations, or groups of any character formed in recent times.

The petitioner claims its members are descendants of Cherokee Indians who had not given up their rights to 1806 treaty lands in Tennessee, or are descendants of Indians living in Tennessee who evaded removal or escaped when the Cherokee were removed from North Carolina in the late 1830s. None of the evidence demonstrates the validity of either claim.

The Office of Federal Acknowledgment (OFA) evaluated the group's petition under 83.10(e) of the acknowledgment regulations, which allows for issuing a proposed finding under criterion 83.7(e) only. To meet criterion 83.7(e), the petitioner must demonstrate descent from a historical Indian tribe or tribes that combined and functioned as a single entity. The petitioner's self-generated family histories and descent reports that attribute Cherokee ancestry to some of its ancestors are not supported by the evidence. The recent decision of the Tennessee Commission on Indian Affairs to grant state recognition to the CBC does not provide evidence of Indian descent.

OFA investigated CBC's claims, located public records to verify members' ancestors, and examined rolls of early eastern Cherokee Indians. The readily available public records clearly showed the petitioner's members do not descend from any Cherokee group or any other Indian tribe. The evidence clearly shows the group's ancestors were consistently identified as non-Indians, primarily "White" settlers coming to Tennessee in the early and mid-1800s from disparate locations. At no time were they identified as Indians or living in an Indian community.

The petitioner clearly does not meet criterion 83.7(e), which satisfies the requirement for issuing a proposed finding under 83.10(e). If, in the response to the proposed finding, the petitioner provides sufficient evidence that it meets criterion 83.7(e) under the reasonable likelihood standard, then the Department will undertake a review of the petition under all seven mandatory criteria. If, in the response, the petitioner does not provide sufficient evidence that it meets criterion 83.7(e) under that standard, then the Assistant Secretary will issue a final determination based upon criterion 83.7(e) only.

The Department will publish notice of this proposed finding in the Federal Register. The regulations provide that the petitioner or any party will have 180 days after the publication of the notice to submit comments to rebut or support the proposed finding before the Department issues a final determination. After the comment period, the petitioner will have an additional 60 days to respond to the comments from third parties. Following the response period, the Department will begin work on a final

determination.

The Assistant Secretary – Indian Affairs has responsibility for fulfilling the Interior Department's trust responsibilities and promoting self-determination on behalf of the 564 federally recognized American Indian and Alaska Native tribal governments. The Assistant Secretary also oversees the Bureau of Indian Affairs, which is responsible for providing services to the tribes and their members, approximately 1.9 million individual American Indians and Alaska Natives, and OFA, which administers the Federal acknowledgment process.

The Department will post copies of the proposed finding and Federal Register notice on its website at http://www.bia.gov/WhoWeAre/AS-IA/OFA/RecentCases/index.htm.