Indian Affairs - Office of Public Affairs

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WASHINGTON â Deputy Assistant Secretary-Indian Affairs Donald âDelâ Laverdure, acting on behalf of Assistant Secretary â Indian Affairs Larry Echo Hawk who was travelling, issued on July 2, 2010, a proposed finding not to acknowledge the petitioner known as the Choctaw Nation of Florida (Petitioner #288) as an Indian tribe. The petitioner, located in Marianna, Fla., has approximately 77 members. It claims to be a group of Choctaw Indians that migrated from North Carolina to Georgia, and then Florida following the Indian removal of the 1830s. None of the evidence demonstrates the validity of this claim. The evidence shows the petitioner is an association formed in 2003 of individuals who claim but have not documented Indian ancestry. Under the federal acknowledgment regulations (25 C.F.R. Part 83), the Department may not acknowledge associations, organizations, corporations, or groups of any character formed in recent times.

The Department evaluated the groupâs 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 Indian ancestry from a historical Indian tribe or tribes that combined and functioned as a single entity. The petitioner claims its members descend from the historical Choctaw Indian tribe. The Department examined an extensive body of documentation submitted by the petitioner and obtained by Department researchers to evaluate this claim. All the evidence clearly shows the petitionerâs ancestors were not identified as Indian and do not descend from a historical Indian tribe. Instead, the evidence clearly shows they were consistently identified as non-Indians living in non-Indian communities.

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 likelihoodÂ 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 the 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 interested 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 Departmentâs 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 the Office of Federal Acknowledgment, which administers the Federal acknowledgment process.

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

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https://www.bia.gov/as-ia/opa/online-press-release/echo-hawk-issues-proposed-finding-against-acknowledgment-choctaw