



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D.C. 20245



IN REPLY REFER TO:
Tribal Government Services - AR **FEB 15 1990**

Actg. Bacon 2-14-90
2/19
2/21/90

Mr. Framon Weaver
P.O. Box 268
McIntosh, Alabama 36553

Dear Mr. Weaver:

The Branch of Acknowledgment and Research (BAR) has completed an initial review for obvious deficiencies and significant omissions of the Mowa Band of Choctaws' petition for Federal acknowledgment as an Indian tribe. This letter describes the obvious deficiencies and/or significant omissions that have been found in the Mowa petition.

The obvious deficiencies (OD) review is provided for in the Acknowledgment regulations to insure that a petitioner is not rejected because of technical problems in the petition and that the group's status will be considered on its merits. The OD review does not purport to be a preliminary determination of any case. This OD letter does not constitute any evidence that a positive conclusion has been or will be reached on the petition, or on the portions of the petition not discussed in this letter. Nor does the fact that a petitioner responds to the OD review imply in any way that the group will meet the seven mandatory criteria by simply submitting additional data. The OD review of the petition merely provides the petitioner with an opportunity to submit additional information or clarification prior to the actual active consideration period. The OD review is a limited review conducted over a period of several weeks by a staff anthropologist, genealogist, and historian. Only during active consideration is the petition reviewed and evaluated in-depth by the Acknowledgment staff to determine whether or not the group meets the requirements to be acknowledged as an Indian tribe.

With the requested information and/or documentation, the Acknowledgment staff can more fully evaluate the petition when it is placed on active consideration. The staff's research during the active consideration period is for the purpose of verifying and/or elaborating on an already complete petition. The staff's caseload no longer permits them to do the research necessary to fill in gaps in the petition on behalf of the petitioner to the extent they have at times done in the past.

Petitioners have the option of responding in part or in full to the OD review or of requesting us to proceed with the petition using the materials already submitted. The decision as to whether the group chooses to address the deficiencies noted in the OD review should be made by the group and not solely by its researchers. If your group requests that the materials submitted in response to the OD review be reviewed as to the adequacy of the response, the Bureau of Indian Affairs will provide the

additional assistance. This additional review will not be automatic and will be conducted only at the request of the petitioner.

The limits of these preliminary reviews must be taken into consideration. We do not know all of the questions that an in-depth evaluation during active consideration might raise.

Our comments and questions are organized below in the following order: (1) general comments and questions; (2) comments and questions regarding documentation/sources; and (3) comments and questions regarding the membership list, constitution, and council resolutions.

GENERAL COMMENTS AND QUESTIONS

Our review indicates that there are significant deficiencies in the petition. We recommend that the criteria be carefully reviewed and that the research be directed at providing the evidence that will demonstrate that your group meets each one. Your researchers should contact BAR to discuss the criteria in order that they can provide you with additional technical assistance.

The historical narrative portion of the petition focuses primarily on the genealogical connections of individual families and largely ignores the social and political history of the communities where the Mowa lived. It is important for you to provide a discussion and supporting documentation showing that the group has maintained distinct Indian communities from the period of first sustained contact to the present. Also, this discussion should detail how the Mowas have been recognized as an Indian community by outsiders since the time of sustained contact.

It might be helpful if you were to develop a brief chronology of Mowa history demonstrating the continuity of the group. After such a chronology is prepared, any major temporal gaps which are evident would provide you with a guide as to where you should concentrate your research to demonstrate the group's community and political continuity.

A detailed chronology of the various Mowa communities would also be helpful. Two of the "communities" have founding dates in the 1830's. A social and political history of these communities was not provided. The petition also mentions other communities that were formed later, from the 1890's to the 1920's, and implies that these are branches of the original two. Presumably, detailed histories of the two principal settlements would include information on the splitting off of the other, later, communities.

The narrative discussing criterion 83.7(b) defines 24 "settlements" where Mowa are concentrated and presents membership charts that indicate that these communities are tied together by marriage. The conclusions in this section of the narrative are confusing, since some of the designated settlements have only one Mowa member on the membership list.

William Harlan Gilbert describes two different groups of people, the Creoles and the Cajuns, in the area of Alabama where the Mowa are located. Your petition suggests that the group's current membership comes from both of these groups. A more extensive discussion of these two groups in your

narrative might clarify their relationship and how each has become a part of your current group.

There are a number of questions concerning the significance of churches to the Mowa that were raised in our review of the petition. Churches have been built in various communities and the implication is that these have been community projects. Please describe these events in more detail, pointing out who the leaders of the projects were and how the leadership involved the Mowa membership in those projects. One of the Methodist church reports mentions "wakes" being very important in the area. Please describe the "wakes" of the past and the present and their importance in maintaining community identity. Authors of some of the church reports also noted that unique customs exist within the Mowa community, but no further descriptions of such customs are provided. Please provide more information about these unique customs. The petition also notes that other church-sponsored "special events" were attended by the whole Mowa group. Please elaborate on what these special events were and how the group participated in them.

There is also some limited discussion of past and present social interaction and economic interaction between members of the group. Please provide examples of such interaction and cooperation. It is important that you demonstrate that your membership constitutes a cohesive community. Descriptions of any communication systems or visiting patterns within and between families and any cultural or social events which bring the membership together are ways of demonstrating the community's cohesion.

The petition provides little specific information on the historic and current Mowa governing system. It is important that the group demonstrate continuity of tribal political authority from the past to the present and describe how leaders in the past influenced Mowa members. For example, discussions of dispute resolutions, the process of selecting leaders, how the members of the group bring issues before the tribal council would help to demonstrate the role of past leaders and their actions. A chronological list of leaders and a brief but documented description of each of their roles in Mowa history would help to demonstrate political continuity from the time of first sustained contact to the present and assist us in understanding the group's leadership.

COMMENTS AND QUESTIONS REGARDING DOCUMENTATION

There are references to significant unpublished materials which were not submitted with the petition. These included, among other things, unpublished dissertations and theses. It is extremely important that copies of the relevant portions of all documentation used as supporting evidence be made available. You should copy and submit the relevant sections of any document which would not be readily available to BAR researchers. Without such documents, BAR might miss important and valuable information that would support your petition. Also, once a group is placed on active consideration it is important that BAR's time not be lost in the collection of cited documents, such as relevant newspaper articles, which are not readily available here in Washington.

There are also statements and conclusions in various sections of the petition that are either undocumented (i.e., there are no footnotes to indicate the source for the statement or basis for the conclusion), or for which sources are cited but not supplied with the petition. The BAR staff is willing to meet with your researchers to point out specific places in the petition where these situations exist.

COMMENTS AND QUESTIONS REGARDING THE MEMBERSHIP LIST, CONSTITUTION, AND COUNCIL RESOLUTIONS

If bylaws exist for the organization created by the 1979 Articles of Incorporation, please provide us with a copy.

If membership requirements have been formally adopted by the group, please submit a copy of the council minutes or resolution that adopted the requirements. Also, please provide a sample copy of the membership form used by the group. If a separate form is used for associate members, please submit a copy of this form.

You should continue to keep your membership list current by recording new births and deaths which take place in the interim before the petition is placed on active consideration. If your data base is IBM compatible, it will be easier for you to send us a copy of your data base at the time the petition is placed on active consideration. Please let us know what software program is being used to create the membership data base. We would also appreciate if you could send us a copy of the data base structure showing what information is being put into the data base. We would be willing to discuss the membership data base with the person who is working on it.

We were told in the past that all of the genealogy was being placed on a computer software program. If this has been done, we would appreciate having a copy of this data base when your petition goes on active consideration. Please let us know what software program was used for the genealogy.

If your group chooses to respond to this OD review letter, we encourage you and your researchers to consult with BAR staff before preparing a response, so that you might utilize your research resources more effectively. BAR can provide technical assistance, but cannot be responsible for actual research on the part of the petitioner. During active consideration, your petition will be thoroughly reviewed and evaluated to determine whether the group meets the requirements to be acknowledged as an Indian tribe. It may be necessary to request additional information during the course of active consideration. The BAR will make every effort to consult with you and your researchers regarding questions raised in this letter and those that might be raised during active consideration of your petition prior to the publication of a proposed finding.

We recommend that you contact Lynn McMillion, the Acknowledgment staff member who has administrative responsibility for Alabama petitioners, so that we can make arrangements to provide additional technical assistance to

you and your researchers. You may write her c/o Bureau of Indian Affairs, Branch of Acknowledgment and Research, Mail Stop 4627-MIB, 18th and C Streets, N.W., Washington, D.C. 20240, or call her at (202) 343-3592.

Sincerely,

Hazel E. Eibert

Deputy to the Assistant Secretary -
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