



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240



IN REPLY REFER TO:

Tribal Government Services-AR
MS 2611-B

MAR 15 1996

Ms. Patrina Brown
Rt. 3, Box 142A
Ahoskie, North Carolina 27910

Dear Ms. Brown:

The Branch of Acknowledgment and Research (BAR) has completed an initial review under sections 83.10(b) and 83.10(c) of the acknowledgment regulations of the Meherrin Indian Tribe's petition for Federal acknowledgment as an Indian tribe. This letter is issued under section 83.10(c). It describes any obvious deficiencies or significant omissions apparent in the Meherrin Indian Tribe petition.

The technical assistance (TA) review is provided for in the Acknowledgment regulations to ensure 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 TA review provides the petitioner with an opportunity to withdraw the documented petition for further work or to submit additional information and/or clarification prior to the actual active consideration period.

The TA review does not purport to be a preliminary determination of any case. This TA letter does not constitute any evidence that a positive conclusion has been or will be reached on the petition, or on the portions of it not discussed in this letter. Nor does the fact that a petitioner responds to the TA review imply in any way that the group meets the seven mandatory criteria by simply submitting additional data. The TA review is a limited, preliminary 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 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 sometimes done in the past.

Petitioners have the option of responding in part or in full to the TA review or of requesting, in writing, that the Assistant Secretary proceed with the active consideration of the documented petition using the materials already submitted. The BIA determines whether or not a petition is ready to be placed on active consideration.

The decision as to whether or not the group chooses to address the deficiencies noted in the TA review should be made by the petitioning group and not solely by its researchers. If your group requests that the materials submitted in response to the TA review also be reviewed as to their adequacy, the Assistant Secretary (BIA) will provide the additional review. The 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 review during active consideration might raise.

General Comments:

Our review indicates that there are significant omissions in your petition. We recommend that you review the Acknowledgment criteria carefully and direct additional research toward providing the evidence that will demonstrate that your group meets each criterion. The section below explains the requirements of the criteria in greater detail. In addition, we strongly urge that you and your researchers contact BAR to arrange a meeting or conference call, so that we can discuss the criteria further and provide more specific technical assistance.

Criterion 83.7(a):

EXTERNAL IDENTIFICATION OF THE GROUP AS AN AMERICAN INDIAN
ENTITY ON A SUBSTANTIALLY CONTINUOUS BASIS SINCE 1900

This criterion requires proof of the external identification of your group as an American Indian entity since 1900. The criterion is intended to exclude from acknowledgment those entities which have only been identified as being Indian in recent times or those whose "Indianness" is based solely on self-identification.

Documentation for criterion (a), historical identification, should focus on the identity of the **group** as an Indian entity rather than on the Indian identity of past or present individual

members. You must also show that your present petitioning group is the same as that identified in history.

In the case of the Meherrin Indian Tribe, since your group has only recently separated from the Meherrin Indian Tribe, Inc., which also has a petition for Federal acknowledgment on file with the Bureau of Indian Affairs (BIA), the narrative under Criterion (a) should include a complete explanation of the relationship between the two groups. This is particularly important since there is a dispute on the issue of the extension of state recognition to the Meherrin Indians. The BAR has contacted the North Carolina Commission of Indian Affairs requesting copies of the complete documentation on which the state based recognition.

Criterion (a) describes the kinds of evidence--six kinds of sources--which may be relied upon to demonstrate a group's continuous Indian identity, including identification by Federal, State and local governments, scholars or other writers, in newspapers and books, and/or by recognized tribes or national Indian organizations. The petitioner is not required to submit evidence from each of the six sources. You need to show continuous identification since 1900 using any type or combination of types of the six kinds of sources described. It is important to demonstrate that any identifications found refer to your group specifically and not to other Indian groups that may have resided in the same general geographical area.

Generally speaking, you should submit at least one type of evidence from each decade (ten-year period) since 1900 which shows that an external observer identified the Meherrin Indian Tribe as a North American Indian entity. You should also demonstrate that this identification did, in fact, pertain to the group which you represent.

Criterion 83.7(b):

A PREDOMINANT PORTION OF THE PETITIONING GROUP
COMPRISES A DISTINCT COMMUNITY AND HAS EXISTED AS A COMMUNITY
FROM HISTORICAL TIMES UNTIL THE PRESENT

Criterion 83.7(b) requires you to show that the petitioning group has been a community from historical times until the present.

In addressing criteria (b) and (c), your group provided BAR with only a two-line sentence narrative. This is far short of the documentation needed by BAR staff to begin to evaluate your petition. To strengthen your petition, you will need to supply BAR with a written narrative, along with copies of documents,

that supports your case for community, as outlined in 25 CFR Part 83. For a future supplemental submission, please consider the general recommendations below.

From first European contact to the present, you will need to provide documentation focusing on the social roles of members and ancestors of members (specifying their names, role, and influence on the group). Who were the leaders and how were they acknowledged as leaders by the members? For your group, discuss the Meherrins' geographic origins and the subsequent migration patterns of its members. Define when the group settled in Hertford County, North Carolina. Describe the community life of the initial community and other communities that were established later by your ancestors. Libraries, archives, and museums could prove to hold valuable documents that would assist you in answering these questions. Such documents and, in addition, oral histories of your elders which addressed these questions would strengthen your group's case as being a distinct community.

Provide a detailed account of Meherrin history. You will need to explain, with specific, documented examples, the historical relationship of your members to outside Native and non-Native entities. Identify the group's geographical boundary at different points in time. Describe the settlements, the growth patterns of historic village populations, and roles of prominent ancestors. Explain the link of your group, if any, to identified Meherrin Indians other than Sallie M. Lewis. Are these other Meherrin Indians ancestors of any of your membership today?

If your members have through time attended a particular church or school, maintained a tribal cemetery, or had other institutions which served as a central focus for the group's activities, please describe them and try to obtain copies of documents pertaining to them. This will help to show your group's historical continuity.

To help you bring your community into focus, we further suggest that you interview both a random cross-section of your membership and some non-members who have had contact with your membership. Information gained from these interviews can help you construct a **portrait** of today's Meherrin community. The information they might share will provide the blocks from which you can build your group's case for distinct community -- by showing, for example, shared religious practices, cooperative labor projects, marriages within the group, native language speakers (if any), mechanisms to provide for the welfare of members, levels of member participation in group meetings, and instances of discrimination.

From 1900 to the present, with emphasis from 1985 to the present, describe more fully the group's modern community. Your discussion may include methods of communication among members, evidence of member involvement in group and community activities,

marriage patterns, religious practices, educational activities, and other events/activities that demonstrate the distinctive qualities of your group. Documentation on community can be in the form of letters, group newsletters, oral interviews, or from copies of signed guest lists from funerals, marriages, graduation parties, meetings, etc.

You are encouraged to contact the BAR acknowledgment staff, which can offer you further technical assistance in providing documented material to address this criterion.

Criterion 83.7(c):

THE PETITIONER HAS MAINTAINED POLITICAL INFLUENCE OR
AUTHORITY OVER ITS MEMBERS AS AN AUTONOMOUS ENTITY
FROM HISTORICAL TIMES UNTIL THE PRESENT

Criterion 83.7(c) requires a demonstration that a petitioning group does now and has in the past exercised political influence over its membership. This means that there were in the past, and are now, leaders who have followers whom they influence and who influence them in significant ways. This does not mean that there had to be a formal structure with a chief and council. You may show that the group had other ways to make decisions in matters of consequence and maintain a consensus among its members. You may also present evidence that your group's leaders have been authorized to represent it to outsiders or mediate with outsiders in matters of significance.

You will need to provide specific examples of how your group has resolved disputes among its members and taken action on issues of importance to the group as a whole. At the very least, you should identify the leaders of your group over time -- from European contact in the Americas to the present. Be sure to give specific examples when describing how members emerged as leaders and then how they exercised their authority over the membership.

Try to describe in detail how your group has responded to important issues in the past. Describe in detail how group events have been organized and carried out in the past. For example, describe in detail how your group as a political entity was organized, who was involved in its organization, and the interplay of leadership decisions among the membership and outside entities. Include copies of the minutes and other documents of your group's organized meetings that demonstrate the political structure of your group and the interaction among members who attend such meetings.

Again, you are encouraged to contact BAR acknowledgment staff who can offer you further technical assistance in providing documented material to address this criterion.

LEADERS

If possible, include a list of as many as possible of the group's leaders throughout its recorded history, since first sustained contact with non-European settlers.

It must be shown that there is a political connection between the membership and leaders and thus that the members of the group and its leadership maintain a bilateral political relationship. This connection must exist broadly among the membership. It has sometimes been phrased that not only must there be leaders, but there must also be followers. On occasion, a small body of people carries out legal actions or makes agreements affecting the economic interests of a group, and the membership may be significantly affected without the slightest awareness or consent of those affected and without significant political processes occurring. A group which operates in this way, generally does not demonstrate evidence which would meet criterion (c).

Political connections between leaders and members may be informal, through public opinion or other indirect connection. The existence of a significant level of social cohesion is an important form of supporting evidence because political influence, where coercive authority is not exercised, requires social connections and obligations as its basis.

The Acknowledgment regulations allow for consideration of the cultural differences between tribes and the historical circumstances affecting their organization. However, when a petitioner is evaluated, the fact that it no longer has a land base, controls significant resources, and is subject to the legal and political institutions of non-Indian society, may inform the evaluation, but the BIA cannot set aside the requirement that to be acknowledged as a tribe, some form of political authority, leadership, and decision-making must be retained.

Criterion 83.7(d):

GOVERNING DOCUMENT

To consider a petition complete, it should follow the steps outlined in the mandatory criteria for Federal acknowledgment as described in section 83.7. In particular, for criterion (d) the regulation requires:

A copy of the group's present governing document including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.

The document (Constitution and/or By-laws) presented must be dated, signed, and certified to show that it has been passed by the group's governing body.

If it is not dated, signed, and executed, explain the background and current status of the constitutional document submitted with the petition. When was it written? Has it ever been submitted to the membership for a vote? If so, when and what were the circumstances? If minutes exist of meetings where the governing documents were discussed, please provide them, including any lists of persons who were present at these meetings.

If the petition contains any indication that the governing document is not always followed, some attempt should be made under criterion (c) to explain how the group actually runs politically and to what extent the constitution and by-laws are adhered to.

This criterion illustrates the importance of tribal political status. The United States government, in the Federal acknowledgment process, extends acknowledgment to political entities, not merely to the individuals or families who have Indian heritage.

Your petition did not include either a governing document or a statement describing the membership criteria and governing procedures. The petition did allude to the fact that one of the membership criteria may be that all members must be a descendant of Sallie M. Lewis. Is this correct?

The petition also alluded, in the letters from the council, to the way the governing body has worked, allowing one person to be spokesman. However, in order to evaluate the petition, the BAR will need some documents showing how the council members and leaders are elected or chosen. If you would like samples of some governing documents used by other groups, the BAR would gladly provide them upon request.

Do any earlier governing documents exist? Was your group, at one time, governed under the provisions of the constitution of the Meherrin Indian Tribe, Inc. from which you have separated? If so, provide copies of that document with your response to this TA letter and explain fully the circumstances of the separation of the two groups.

MEMBERSHIP CRITERIA

Application procedures for the maintenance of official records, etc. should be included in the petition.

Criterion 83.7(e):

CURRENT MEMBERSHIP LIST

This criterion is designed to show that the members of a petitioning group descend from a historical Indian tribe, or from historical Indian tribes which combined and functioned as a single autonomous political entity. As described in paragraph 83.7(3)(2):

The petitioner must provide an official membership list, separately certified by the group's governing body, of all known current members of the group. This list must include each member's full name (including maiden name), date of birth, and current residential address. The petitioner must also provide a copy of each available former list of members based on the group's own defined criteria, as well as a statement describing the circumstances surrounding the preparation of the current list and, insofar as possible, the circumstances surrounding the preparation of former lists.

The submitted petition did not include an official membership list, but rather, a list of the descendants of Sallie M. Lewis. This list omitted birth dates, full names, and current residential addresses. The BAR will also need to have a family history chart and pedigree chart completed for each family. We are enclosing samples of these for you should you wish to use them. If you need additional technical assistance in their preparation, please call a BAR genealogist and consult.

We cannot overemphasize the overall importance of a group's membership list. It defines the group, that is, those people who make up the community. If recognized, the list of members submitted for acknowledgment purposes will become the group's base roll for BIA purposes, and, as such, will be binding on the group for some time to come, except for minor corrections. Thus, it must be complete.

In evaluating other criteria such as (a), (b), and (c), this community defined in the membership list is the unit which will be focused upon. For this reason, it is extremely important that the membership be defined accurately. Otherwise, the petitioner runs the risk of failing to meet other criteria because the group, as defined by its membership list, represents only a portion of a community or, conversely, includes a large number of people who are not demonstrably part of the community.

The group's membership list should include the separate certification by the group's governing body that it is the group's accurate, complete and current list.

You will be notified when the petition is being placed on active consideration. At that time, it will be appropriate to submit a supplemental list. The supplemental list should include those additions to the membership, such as new births, who are considered to be members, any individuals who were inadvertently omitted from the list submitted with the petition, and a note of those members on the original list who are deceased at the time the petition is placed on active consideration.

Your membership list should include, at a minimum:
Maiden names of women
Addresses, birth dates, nuclear family relationships
(particularly parents' names)

FORMER LISTS OF MEMBERS

If previous lists of members exist, please provide copies. If they do not exist, please say so. If your membership was formerly included in the official membership list of the Meherrin Indian Tribe, Inc., from which you have separated, please describe the membership procedures of that group and the circumstances under which the separation took place.

EVIDENCE OF DESCENT FROM THE HISTORIC TRIBE (GENEALOGIES OF CURRENT MEMBERS OF THE GROUP)

We reemphasize that criterion 83.7(e) states that Federal acknowledgment requires that the petitioning group descends from a tribal entity, not from an individual Indian. You will need to define the parental family of Sallie M. Lewis and show that this family was Meherrin Indian. For this, you will need to provide original documentation from primary sources, rather than just the newspaper article and excerpts from local history books that you included with the petition materials.

After you have identified her parents, you will need to show that this family maintained tribal relations with a tribal group or band of other Meherrin Indians. You must show that Sallie M. Lewis maintained relations with an Indian tribe, and that other persons in this tribe have descendants among the petitioner's membership. In other words, you will need to demonstrate that your membership descends not just from one individual Indian woman, but from the members of a historical North American Indian tribe.

To verify the ancestry of Sallie M. Lewis and her descendants, there are several indicators that you can use. They include the ones listed in the 25 CFR Part 83 regulations, as well as the census returns compiled by both the state and Federal governments. We are enclosing an article that lists other pertinent sources. While many Hertford County, North Carolina, documents were destroyed in two courthouse fires that happened in

1830 and 1862, much more is available than you have used thus far. Moreover, a full series of records exists after 1862, which will cover the entire married life of Elvy and Sallie M. Lewis.

Trace the family of Elvy Lewis and Sallie M. Lewis in the census of Hertford County, North Carolina, from 1870 (the first census after their marriage) through their deaths. Identify their neighbors and associates, and show whether or not these neighbors and associates were Meherrin Indians with whom this individual family was maintaining tribal relations.

An abstract of the will of Jacob Smith of Hertford County, North Carolina, made in 1872, has been published. It names Sally M. Lewis as his daughter. It also indicates that he had three sons and another married daughter, Eliza Ann (Smith) Keen. You will wish to obtain a copy of the original will and any other probate papers that have survived, and trace the ancestry of this Smith family, determining whether the Meherrin lineage was on the side of Jacob Smith or on the side of his wife Elizabeth. Identify the Smith family on Federal census records of Hertford County, North Carolina from 1790 through 1870. Make photocopies of the census entries for Jacob Smith's family. The 1850 census of Hertford County indicates that Sallie M. (Smith) Lewis was the daughter of a first wife named Anna, rather than of the wife Elizabeth whom Jacob named in his will.

Determine the Smith family's neighbors and associates. In 1850, the family names listed near Jacob Smith on the census included: Manly, Hall, Nickens, Lang, Wiggans, Reid, Reynolds, Cumbo, Bissel, Butler, Keen, Weaver, Luton, Turner, Pirce, Archer, Baker, Boon, Sears, and Mitchell. Show whether or not these neighbors and associates were also Meherrin Indians. If so, did Jacob Smith's children, nieces, and nephews marry into other Indian families?

The estate settlement of a man who was probably Jacob Smith's father has also been published in abstract. James Smith, who died in 1830, left as heirs Jacob Smith, other sons, and a daughter. He was a Revolutionary veteran himself, and testified to the Revolutionary service of at least two other men, Malachi Nickens and John Weaver. Again, you will wish to obtain copies of the original documents from the National Archives and identify the associates of this earlier generation to determine whether or not they were Meherrin Indians with whom the family was maintaining tribal relations.

We recommend that your group contact local historical and genealogical societies as possible sources of assistance and training for members who are doing this research. The BAR staff is always happy to provide technical assistance and advice, as well.

Criterion 83.7(f):

MEMBERS OF THE PETITIONING GROUP MAY NOT
BE ENROLLED IN ANY RECOGNIZED TRIBE

A statement from the current members of the Meherrin Indian Tribe, perhaps included on an application for membership, that the applicant is not an enrolled member of a federally recognized Indian tribe would fulfill this criterion.

Criterion 83.7(g):

Though the Meherrin Indian Tribe or its members do not appear, from the material you have presented in the petition, to be part of a group that are the subject of congressional legislation that has expressly terminated or forbidden a Federal Government relationship, please include a formal statement to that effect in the petition materials.

Once you have had an opportunity to review this letter thoroughly and share its contents with your researchers and general membership, we recommend that you contact the Acknowledgment staff so that we can make arrangements to provide additional technical assistance to you and your researchers. You may write to the Bureau of Indian Affairs, Branch of Acknowledgment and Research, 1849 C Street, NW, Mail Stop 2611-MIB, Washington, DC 20240, or call (202) 208-3592.

Sincerely,

Director, Office of Tribal Services

cc: Patrick Riddick

Surname; 440B; 440 Chron: 400; Hold: VEdeMARCE: x3592:

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