

memorandum

DATE: SEP 17
ActingREPLY TO
ATTN OF: Director, Office of Indian Services

SUBJECT: Recommendation for Final Determination that the Lower Muskogee Creek Tribe - East of the Mississippi, Inc., does not exist as an Indian tribe pursuant to 25 CFR 54

TO: Assistant Secretary - Indian Affairs

1. RECOMMENDATION

We recommend that the Lower Muskogee Creek Tribe - East of the Mississippi, Inc., not be acknowledged as an Indian tribe entitled to a government-to-government relationship with the United States. We further recommend that a letter of such determination be forwarded to the leadership of the group, and that a notice of final determination that they do not exist as an Indian tribe within the meaning of Federal law be published in the Federal Register.

2. INTRODUCTION

On February 10, 1981, the Assistant Secretary - Indian Affairs of the Department of the Interior published proposed findings to decline to acknowledge that the Lower Muskogee Creek Tribe - East of the Mississippi Inc., exists as an Indian tribe within the meaning of Federal law. This finding was based on a determination that the group does not meet four of the seven mandatory criteria set forth in 25 CFR 54.7.

During the 120-day comment period which followed publication, two rebuttals were submitted challenging the proposed findings pursuant to 25 CFR 54.9(g). The first was submitted on May 18, 1981, over the signature of Neal McCormick of Cairo, Georgia, chief of the petitioning Lower Muskogee Creek group (hereinafter referred to as LMC-Georgia). A second and separate rebuttal was submitted on June 9, 1981, by John Wesley Thomley of Molino, Florida, vice chief of the petitioning group (hereinafter referred to as LMC-Florida). Subsequent to publication of the proposed findings, Mr. Thomley notified the Acknowledgment staff that he was severing all connections with the McCormicks and that he intended to file a separate rebuttal contending that the original petition omitted substantial amounts of important evidence.

Three letters were received in support of the findings: one from the Director of the McIntosh Reserve of Carroll County, Georgia; one from the Director, Office of Indian Heritage for the State of Georgia; and one from the Principal Chief of the Muskogee (Creek) Nation of Oklahoma.

3. SUMMARY CONCLUSIONS IN RESPONSE TO REBUTTAL ARGUMENTS PRESENTED

Both rebuttals were carefully considered; the new evidence submitted was checked and material in the original petition reconsidered in light of the arguments. The rebuttals were not only considered separately but also together to determine whether the sum of the evidence and arguments would strengthen the group's petition for

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5010-114

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acknowledgment. The rebuttals, whether considered separately or together, did not present evidence which would warrant changing the conclusion that the LMC does not meet four of the criteria set out in 25 CFR 54 (specifically Section 54.7 (a, b, c, and e)); and therefore, does not exist as an Indian tribe within the meaning of Federal law.

Although both rebuttals spoke to some degree to the four criteria which the LMC had failed to meet, neither rebuttal addressed the following major factual conclusions set out in the proposed findings: 1) the unstable membership which shows great fluctuations in size and composition; 2) the lack of historical data for most geographic areas and for many time periods, and the concurrent lack of evidence of political continuity; 3) the apparent recent institution of "clan" organizations; and 4) the lack of historical connections or association between families that would be expected from the asserted historical tribal character. The conclusions regarding the limited historical identification of the group as Indian and the lack of proven Creek ancestry for a large part of the group's membership were either not addressed or were answered by restating earlier arguments. No information was provided in either rebuttal in response to the finding that the membership provisions, though they might be technically adequate, were vague and ill-defined and contained no specific requirements for establishing Creek Indian ancestry as a basis for inclusion in the membership list. Some of the factual conclusions in themselves were sufficient to deny tribal status to the group, but collectively they were overwhelmingly against the LMC assertion that they are a tribe.

Implicit in both rebuttals is the argument that because approximately 7,000 Creek descendants in the Eastern United States received payment under Indian Claims Commission Docket Number 21, there exists an Indian tribe which could be acknowledged under 25 CFR 54. This argument appears at many points to be based on the idea of the existence of a general "Creek Nation East of the Mississippi" before the formation in 1950 of an organization which took that name in 1951. Taking the Claims Commission contacts as Government recognition, the petitioner in effect projects the group backward from that point to argue for its historical existence. These Government contacts do not constitute recognition of the group as a tribe or a determination that the group has had a continuing historical existence as a tribe. Similarly, the existence of a current organization is not evidence for the existence of an organization in the past.

The presence of large numbers of Indian descendants scattered throughout a given region does not necessarily mean that these descendants constitute an Indian tribe within the meaning of the regulations. While a large portion of the United States population may have knowledge of their Indian ancestry, most do not consider themselves members of an Indian tribe.

The LMC is not a tribal community which has functioned as an autonomous entity throughout history until the present, but is rather a group of individuals who believe themselves to be of Indian ancestry, most of whom did not conclusively establish this fact. The members are scattered widely throughout the South and have had little or no association with the group as a whole until they were recruited by the leaders of the LMC group. No evidence could be found that a sense of tribalness or community exists.

Several specific arguments were raised in the LMC-Georgia and -Florida rebuttals. These arguments are dealt with individually in the paragraphs which follow.

4. LMC-GEORGIA ARGUMENTS (McCormick Appeal)

Mr. McCormick claims that three separate states (Georgia, Florida, and Alabama) "recognize" the LMC as a corporate entity and that such recognition establishes the covert existence of the group over a long period of history. The McCormick rebuttal also suggests that such incorporation far outweighs any scholarly studies which suggest that the group does not exist as a tribe.

Researchers could find evidence of only two corporations, both using the name of Lower Creek Muskogee Tribe - East of the Mississippi, Inc. (sic): one in Florida, listing John W. Thomley as President Director; the other in Georgia, listing Neal McCormick as President. The Georgia corporation is presently not in good standing with the State as the corporate fee has not been paid for 1981. Notwithstanding this, the simple filing of corporate papers and the payment of the appropriate fee does not establish the historical continuity of a group or that a group currently exists as an Indian tribe. The matter of tribal existence, historical and political continuity, and Indian ancestry must be established through appropriate documentation.

The negative conclusions in the proposed findings do not rest solely, as is suggested by the LMC-Georgia rebuttal, on the limited length of time the corporate entities of the LMC have existed. Extensive evidence and arguments were presented in the proposed findings to show that the group did not meet the criteria even for the period during which the corporations have been in existence. There is strong evidence that the group was created in 1972 and incorporated in 1973, rather than formalizing previously existing communities, and that it has been a limited and unstable organization that does not resemble a tribal community.

The overt existence of the LMC, which has been for only nine, rather than 30 years as claimed in the appeal, provides no evidence that there was a predecessor organization or entity, covert or otherwise. There was no evidence to indicate that predecessor entities existed before the corporations or that the ancestors of the present group were part of units which met the requirements of the regulations. As noted, the LMC is one of several organizations of Creek descendants and claimed descendants which organized after the Eastern Creek claim was filed in 1950. Some of its members may have had links with the organization which initiated that claim. Each organization must be judged separately, however.

Mr. McCormick cites out of context a statement from the proposed findings that there was "strong evidence of Indian identity or knowledge of Indian descent" as evidence of the covert survival of the tribe. This statement, as used in the findings, was made in regard to the region in general rather than about specific ancestors of the LMC or about ancestors of Eastern Creek claimants in general. The strong evidence referred to in the proposed findings was most prevalent for areas where there were the fewest LMC members.

Mr. McCormick reasserts in the LMC-Georgia rebuttal that prohibitive laws passed against the Creeks after Removal forced the Indians to live covertly and prevented the tribe from openly identifying itself. This argument was dealt with at length in the proposed findings. No new evidence was provided to refute the total lack of documentation for any period before the 1950's of the covert or overt existence of any type of community for even part of the group which could be identified as Indian.

An examination of the group's genealogy showed almost no intermarriage between families and dispersed historical residence patterns, both of which indicate that families were historically unconnected and had little or no social interaction. This, when coupled with the finding that the majority did not establish Creek Indian ancestry and that many had no previous identity as Indian or even knowledge of Indian ancestry, indicates that the LMC is not derived from a stable tribal community.

No attempt was made to rebut the conclusion that the LMC "recruited" its members. The word "recruitment" in the proposed findings is used to mean the gaining of members from the general public, i.e., individuals who believed themselves to be of Creek ancestry, as opposed to enrolling people who were socially part of an existing group but who were not formally enrolled. Evidence for this included several documents from the LMC itself.

The McCormick rebuttal questions the anthropological portion of the findings since it does not recognize that before Removal Creek towns, clans or families shifted from place to place and "mixed and mingled." Contrary to the LMC assertion, the reports clearly took into account that there was considerable intermarriage and contact between non-Indians and Creeks before, as well as after, Removal. This fact does not affect the finding that no evidence could be found that any Creek communities continued to exist among ancestors of the LMC after Removal.

The LMC asserts that the Creek Nation East has been recognized as an Indian Tribe in Florida Statute F.S. 1979, Chapter 285, Indian Reservations and Affairs. The cited chapter of the Florida Statutes, in mentioning "Muskogee or Cow Creek," is clearly referring to bands of the Seminole Tribe of Florida. The statute does not pertain to the LMC as a group (F.S. 1979:Ch 285:061(2) & Ch 285:07(1)).

Recent resolutions submitted from one Georgia and two Florida counties which recognize the LMC as a Creek tribe are not based on research and documentation. They do not establish the historical existence of the group as an Indian tribe.

Numerous historical documents were submitted with the LMC-Georgia appeal. Five of these documents duplicated material in the original petition. Twelve additional documents, although new, pertain to Creek history before or during Removal and thus are of no value in documenting the survival of Creek Indian communities after the Removal. Four of the documents which were submitted are discussed below: the 1920 voter registration roll; the Ward letter of August 28, 1861; the list of "Frinley (sic) Creeks;" and the William Brown affidavit.

The LMC argues that continued existence of the tribe is evidenced by Calhoun County, Florida, voting records which purport to show Creek Indians voted in State elections in 1920 and later. A page was submitted from an October 9, 1920 voter registration roll, listing two individuals designated as "C.I.," apparently an abbreviation for Creek Indian. According to current county officials, this was probably self-identification. Subsequent research could not identify these two individuals as Creek Indians or as being related to the current LMC membership without further documentation. No evidence was found or presented in the voting records which would indicate that there was a continuing community of Creek Indians in Calhoun County or that governmental bodies, scholars, or others even identified the presence of such a community.

The LMC argues that the Ward letter, when taken in conjunction with the Ward Record (submitted with the petition), proves the existence of covert Creek Indian groups in southern Alabama and western Florida. Since the Ward letter, dated August 28, 1861, was mentioned in the Ward Record, it can be used to validate parts of the Ward Record itself as well as a few of the individual Ward family relationships. However, since the record identifies no one as Indian, much less as Creek, and since it appears to deal with Ward family members and their gatherings almost exclusively, it cannot be used to establish the existence of covert Creek Indian groups as is asserted by the LMC.

A list which contained 35 names and was entitled "Frinley Creeks" was included to demonstrate the existence of an historical tribe. However, no information was provided regarding the origins of the list, its purpose, its author, or the date when it was prepared. Based solely on identification by name, nine of the 35 names appear to be similar to those of established Eastern Creek ancestors. Any connection between the names on this list and the LMC ancestors, however, is impossible to substantiate without further information. For this reason, the list of "Frinley Creeks" cannot be used to prove Creek ancestry or to document the historical existence of a covert Creek group.

The William Brown affidavit was submitted to prove that a Creek Indian community existed in Decatur County, Georgia, in 1863. The affidavit purports to show that a man who was identified in the document as a Creek Indian was going to a meeting of the "nation." Staff research could not identify William Brown on the Eastern Creek rolls or as an LMC ancestor. No additional documentation was submitted and subsequent analysis could not identify which "nation," the location of the meeting he was to attend, who William Brown represented if anyone other than himself, and whether a Creek Indian community existed in Decatur County, Georgia, at that time. Based on the information provided no weight could be attached to the document.

Various other historical documents submitted contained no specific reference to Creek Indians and most of the individuals named could not be identified as Creek or as ancestors of current LMC members without further documentation.

No evidence was provided in the appeal to substantiate the LMC assertion that an undergraduate thesis used as one source of evidence for the proposed findings was deliberately distorted to please the academic supervisors of the writer. The materials in the thesis were found to be entirely consistent with other sources of evidence used, including a report written at about the same time by Peggy McCormick for a VISTA project at the Tama Reservation.

5. LMC-FLORIDA ARGUMENTS (Thomley appeal)

The Thomley rebuttal to the proposed findings raised several additional issues which deserve discussion.

The central argument presented by the Lower Muskogee Creek-Florida group is that the award of funds under Docket 21 of the Indian Claims Commission to Eastern Creeks in effect recognized a Creek Nation East of the Mississippi and that their own political existence in turn came about through a formal division of this group and transfer of authority from the previous organization.

The award of funds under Docket 21 made to both Oklahoma and Eastern Creeks was not, as contended, made under "eligibility criteria substantially similar to those demanded for Federal Recognition." Two steps were involved for this claim, one to determine standing to pursue the claim, the other to determine what group or individuals were eligible to receive payment for it. Neither of these steps required showing of continuous political existence as a community since the time of removal. Docket 21 was originally filed in 1948 by the Oklahoma Creek Tribe. A petition to intervene was filed in 1951 by an organization of Eastern Creeks initially using the name of Perdido Friendly Creek Indian Band of Alabama and Northwest Florida. The name was subsequently changed to Creek Nation East of the Mississippi (CNEOM). One activity of this group was the creation of a list of as many Eastern Creek descendants as could be located, as a step toward submission of these names for payment under Docket 21 and later Docket 275.

The Claims Commission initially denied intervention by the Eastern Creeks but was overruled in 1952 by the Court of Claims. The Court held that the Eastern Creek organization constituted an "identifiable group" of Indians under the Claims Commission Act, which allowed suits by any "Indian Tribe, band or other identifiable group." It specifically held that the Claims Commission was unreasonable and incorrect in making the category "identifiable group" the same as "a recognized tribe or band." It held that "if a group presenting a claim under the act is capable of being identified as a group of Indians consisting of descendants of members of the tribe or bands which existed at the time the claims arose, the jurisdictional requirements of the statute, in our opinion, have been met." Thus the requirement for the Eastern Creeks to be included in Docket 21 was only that it was a group of Creek descendants and not that it show continuity of tribal political organization. On this basis, the group was also allowed to intervene in Docket 275. The Bureau of Indian Affairs and the Claims Commission dealt with the Creek Nation East of the Mississippi only as a group representing Creek descendants in matters such as legal representation in pursuing these claims.

While the Indian Claims Commission had the responsibility for determining claims, the responsibility for determining which persons or groups were eligible to share in the award was that of the Bureau of Indian Affairs. The recipients of the award are not necessarily identical to or limited to those groups which originally petitioned. In Docket 21 and subsequently Docket 275, entitlement to share in the distribution of funds was based solely on documenting Creek Indian ancestry. Under provisions of the Act authorizing distribution of the funds in Docket 21, payment was made on a per capita basis because "the Eastern Creeks comprise an unorganized descendant group." Docket 275 payments will be made on a per capita basis for the same reason.

In the process of reaching an agreement on plans for the disbursement of the funds awarded for Docket 21 and 275, the Bureau of Indian Affairs held public meetings in several areas to discuss the plans with Eastern Creek claimants in those areas. The meetings were announced in advance in the newspapers. Various Eastern Creek descendant organizations were apparently also contacted. At a meeting in Pensacola in 1974, Wesley Thomley was elected to speak for those present at a subsequent hearing to be held in Oklahoma. It is apparently this meeting that is referred to in the LMC-Florida appeal when it mentions an example of the tribe "instructing the chief and council" concerning important tribal matters and functioning according to Creek tradition.

Part of the LMC-Florida argument is based on the idea that the CNEOM organization that intervened in Docket 21 and promoted Eastern Creek claims was in effect a single tribe which represented all Eastern Creeks and was the tribe from which the LMC-Florida separated in 1973. While the CNEOM organization appears to have served as the original umbrella organization promoting Eastern Creek claims, there is no evidence to show that its membership included all Eastern Creek descendants in the Southeast or that the organization claimed that it did. A large portion of the current LMC membership do not appear to have been a part of the CNEOM organization in the 1950's and 60's, although some of the leaders of the LMC were active for awhile.

Since the LMC-Florida argument which states that Docket 21 determined that CNEOM constituted a tribe dating from the time of Removal is invalid, the "transfer of authority" in 1973 cannot be used to support their claim to a continuous political existence on this basis. In any event their interpretation of the immediate facts of this "transfer" is in itself incorrect. It did not establish the Florida Creek Indians as a group autonomous from the CNEOM but made Thomley "chief" under the jurisdiction of the CNEOM chief and required him to uphold its laws.

The LMC-Florida appeal gave further reinforcement to the conclusions of the proposed findings that the group is a recent organization which does not form a stable community and is one to which major units have been, and continue to be, added and subtracted. Eight of the 13 "clans" clearly active in 1980 submitted statements that they were now affiliated with LMC-Florida. Two to these were recent additions, added after the petition was submitted. Four new "clans" have been added since staff research was done on the petition. There is no evidence that these new "clans" have any substantial historical existence or association with each other. The group's leadership acknowledges a process of organization building. A limited description of community activities is given to show existence "as a functioning community," such as powwows, teaching crafts, dancing at public functions, and the procurement of grants. These are at best limited functions, documented only for the past seven years, and contain no indication of extensive participation by the "members" listed on the roll.

The LMC-Florida rebuttal also argues that a treaty made in 1833 recognized the existence of the "greater body of the Creek Nation" which at that point remained on the eastern side of the Mississippi. This treaty predates the removal of the majority of the Creek Nation and hence does not indicate acknowledgment of a continuing body of Eastern Creeks after the 1830's. The acts of 1887 and 1906, referred to in the appeal, were allotment acts which do not apply to the Eastern Creeks.

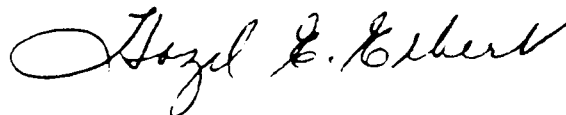
The LMC-Florida rebuttal included a list containing the names of roughly 2,700 members who it stated had been omitted from the membership roll submitted with the original petition. Creek Indian ancestry could not be established for the majority of these members, however, based on the limited information provided. Only 24% of the individuals named could be reasonably identified as having shared in Docket 21 and thus as having established their Creek ancestry. Of the remaining 76%, 24% appear to have applied to share in the award to be made under Docket 275; however, until accepted for payment, these applicants cannot be considered to have established their Creek ancestry. Fifty-two percent could not be accounted for based on information presented. These findings reinforce the initial conclusion set out in the proposed findings that a majority of the LMC membership are unable to establish Creek ancestry. The submission of a list of members who were omitted which is 2-1/2 times larger than the membership roll submitted with the petition, only serves to further emphasize the instability of the group.

The genealogical findings do not dispute the fact that there were, and still are, many Eastern Creek descendants in the tristate area of Georgia, Florida and Alabama. They do dispute, however, that the group entitled the Lower Muskogee Creek Tribe - East of the Mississippi, Inc., has a stable membership or is a political organization which knows, or is selective, about its membership.

6. OTHER OPTIONS

In accordance with Section 54.9(j) of the Acknowledgment regulations, an analysis was made to determine what, if any, options other than acknowledgment are available under which the Lower Muskogee Creek Tribe - East of the Mississippi, Inc., could make application as a tribe for services and other benefits available to recognized Indian tribes. No viable alternatives could be found due to the group's uncertain Indian ancestry, the geographical dispersion of its membership, and the group's lack of inherent social and political cohesion and continuity. This conclusion is based on independent research conducted by the Acknowledgment staff and on the factual arguments and evidence presented in the LMC petition and in the two rebuttals which challenged the proposed findings. A detailed analysis of this research and the evidence relied upon will be found in the foregoing report and in the report which was prepared to support the proposed findings which were published in the Federal Register on February 10, 1981.

As individuals, however, those who shared in Docket 21 will also share in the per capita award to be made under Docket 275. Persons who did not share in Docket 21 who have applied and meet the requirements of the judgment fund distribution plan could share in Docket 275. With regard to future awards to individual Eastern Creek Indian descendants, we are unable to say what the eligibility requirements for sharing in such awards might be or who the eligible beneficiaries would be.



TECHNICAL REPORTS

regarding

**THE LOWER MUSKOGEE CREEK TRIBE -
EAST OF THE MISSISSIPPI, INC.**

of

CAIRO, GEORGIA

Prepared in response to a petition submitted to the Secretary of the Interior for Federal acknowledgment that the Lower Muskogee Creeks exist as an Indian tribe.

ANTHROPOLOGICAL REPORT ON THE LOWER MUSKOGEE CREEK TRIBE- EAST OF THE MISSISSIPPI, INC., (Cairo, Georgia)

SUMMARY AND CONCLUSIONS

General Conclusions

All of the available evidence supports the conclusion that the Lower Muskogee Creek Tribe-East of the Mississippi, Inc., (LMC), with headquarters at Cairo, Georgia, is not an historical tribe with a continuous historical existence from the Creek Indian Nation. The evidence developed is that it is a very recent formation of individuals and families who are of Creek descent or believe themselves to be of Creek descent. It is a conglomerate group of quite diverse composition and has evidenced considerable instability. Major portions have been recently added or lost, suggesting that the formal organization has little underlying basis in informal social ties and organization.

A detailed analysis shows that since the group was organized in meetings in 1972 it has added and continues to add substantial subgroups with no previous ties. At the same time at least one and probably several such subgroups have separated from it. A significant number of individuals listed as leaders or in important positions are no longer enrolled with or evidently affiliated with the group. There is strong evidence that membership has been gained not by formally enrolling individuals who are socially part of an existing group, but by recruiting individuals who have no previous ties with each other or the group. There is direct evidence that some of these did not previously know they were of Indian descent or specifically of Creek Indian descent, or that they had regarded themselves as of Indian ancestry rather than as Indians. There are significant differences between a 1977 roll and the current roll, with only 28% of the 1977 roll on the current one and only 37% of the current roll enrolled in 1977. This is further evidence that the group is unstable or that ties between its members are not very consequential. The major leaders were originally affiliated with another petitioning group claiming to be of Eastern Creek descent.

The evidence concerning historical existence before its formal organization in 1972 is equally negative. The claim made in the petition, and the oral history presented by members, is that previous to the formal organization the Creeks existed as a series of small communities, centered around churches, which had to conceal their identity as Indian. The oral descriptions were in general vague and would not have accounted for more than a small portion of the families and areas claimed for the tribe. A family diary and supposedly associated church record were presented for one community in Florida. However, it was not possible to clearly establish any substantial correspondence between the names in the diary and the church record, nor with either of those and current family lines. Only one family line has an early history in Florida and that one is not connected with this church. An informal written church history and affidavits were presented concerning a church and community in Monroe County, Alabama. This could be clearly linked with

individuals in the tribe and is in an area where specific knowledge of Indian descent if not Indian identity was maintained. However, it could not be confirmed whether there is a presently functioning community there nor if so how much of it is affiliated with the LMC. There was insufficient evidence to verify or disprove its historical existence as an Indian community.

A careful analysis of the history and movements of each of the family lines from as early in the nineteenth century as possible until the present contradicts the proposition that communities were functioning and had contact with each other. The family lines in large part had independent geographic origins in the Alabama, Georgia and Florida area and this diversity of location was maintained throughout the course of their historical movements. Current concentrations of LMC members in Pensacola and southwestern Georgia were shown to be of quite recent origin, contradicting the claims of the petition and supporting the idea of recent recruitment. Five of 19 family lines either originally were or are now quite distant from the geographical focus of the group. The main exception to this was the southwestern Alabama, and far western Florida (Pensacola) area, where a number of lines originated and continue to maintain members. At least some of these are socially connected with the Poarch community, another petitioning group. In addition, there were essentially no intermarriages between family lines, which is an unlikely outcome if the situation was one of long term close social contact and a desire to maintain a separate identity from the surrounding society.

No evidence was submitted or found in local histories or histories of the Creeks of the existence or identification of any Creek communities in these areas, other than at Poarch. Similarly, none of the many anthropological studies and listings of "remnant" Indian groups in the south identified any Indian groups in these areas other than that of Poarch.

No distinct language or culture other than recent revivals were found. The Indian culture and organization described in oral history and affidavits could not be distinguished from that of rural white southerners of the same area. Claims that the Indian language was spoken in recent generations could not be verified.

Summary Under the Regulations

Criterion a. There was no evidence that the LMC was identified as an Indian group or groups before 1972. Although recognized by the State of Georgia several times after that date as well as by other local government and other agencies from which it has received Indian program funds, the authenticity of the group has been questioned by others. No indication of the group was found in local histories or in anthropological surveys of unrecognized, remnant east coast Indian groups. The authenticity of the group was questioned by the one scholarly study on the group, an undergraduate honors thesis written in 1977.

Criteria b and c. There was no evidence that the current LMC has had historical continuity as a community or as an Indian community or communities with the Creek Nation from the time of Removal in the 1830's until its organization in 1972. No adequate documentary evidence was provided or could be located to support their historical existence as a community. An analysis of the composition and

family histories of the current membership strongly indicated that they were derived from a diverse group of families which were widely scattered and have had no significant association in the previous 140 years.

Since its formal organization the group has made very substantial additions and subtractions of membership and there is evidence that substantial numbers of members were recruited from individuals who had few previous social ties with each other or with the group. Thus, regardless of its history, the LMC does not appear to meet criteria b and c because it does not have the characteristics of a stable and coherent social organization within which tribal relations have been and are being maintained.

In the absence of evidence of historical communities or of existence of leaders, there is consequently no evidence that tribal political influence could have been maintained throughout the group's history.

THE LOWER MUSKOGEE CREEK TRIBE SINCE 1972

Outline History Since 1972

The Lower Muskogee Creek Tribe-East of the Mississippi, Inc. was formed in 1972. (Various tribal documents frequently also cite it as Lower Creek Muskogee Tribe-East of the Mississippi, Inc.). In that year its leaders separated from an organization known as the Creek Indian Nation East of the Mississippi River. This organization, based at Florala, Alabama, was headed by Arthur Turner. According to principal chief Neal McCormick and vice-chief Wesley Thomley, the split occurred in 1972 when Turner resigned as chief because of illness. Thomley and McCormick refused to accept as the new chief the person named by Turner and set up a separate organization, according to them at the urging of other members of the Florala group. It is difficult to tell whether substantial numbers of people were involved in the split. The evidence indicates that probably only a few people beyond the organizing board of the new group were involved.

The earliest known formal organization of Eastern Creeks was begun in 1950 under the leadership of Calvin McGhee, centering on the several communities in Baldwin County in southern Alabama usually referred to collectively as the "Poarch" community (Paredes 1981). McGhee pressed the claim of the Eastern Creeks to be included in the claims of the Creek Indians before the Indian Claims Commission. The formal organization set up in 1950 was known as the "Perdido Friendly Creek Indian Band and others of Alabama and West Florida," thus including the immediate "Poarch" community and other Creek descendants in the area. In 1951 the name was changed to the "Creek Nation East of the Mississippi." This organization made strong efforts to compile a register of individuals who might share in a Creek claim and to create a wide base of interest and support for Creek claims and for the idea that Creeks had survived in the eastern United States (Paredes 1981).

The group at Florala from which McCormick and Thomley separated may have originated as early as 1958, though other statements by the group say people "began to come forward in 1968 (Florala News 1970a, 1970b)." It does not appear to

have been directly connected with the group centered at Poarch. In 1969 the Florala group held its first pow-wow. It received a State charter in 1970. Also in 1970, it received considerable favorable attention from Dode McIntosh, then Principal Chief of the Oklahoma Creeks. McIntosh had as guests at an Oklahoma meeting Turner and also Vivian Williamson, George Rodgers and Marcus Trawick, all of whom later became members of the LMC. In 1971 the group incorporated and received recognition as a tribe from the Alabama state legislature. A 1972 petition for Federal recognition, not its first, was sent on a letterhead showing Neal McCormick as vice-chief, with a Tennessee address (Muskogee Indian Agency 1972).

Sometime in 1972 Neal McCormick was chosen as chief of the new group with Wesley Thomley as vice-chief and chief of the Florida Creeks. Documents from the following year or two indicate that it was decided in 1972 to seek land for a "reservation" in Georgia. On January 26, 1973, and February 23, 1973, there were set up similar corporations under Florida and Georgia law, each setting up a "Lower Muskogee Creek Tribe-East of the Mississippi, Inc." The initial boards of directors of each consisted of Neal and Peggy McCormick, Wesley Thomley and his wife, and Lillis Rodgers and Vivian Williamson (LMC 1979a) of Pensacola.

Simultaneously with these actions a conference was held between McCormick, Thomley, and the Poarch group of Creeks at Atmore in which McCormick and Thomley appear to have acknowledged the leadership of the Creek Nation East of the Mississippi which had been the center of Eastern Creek claims activities since 1947. At a meeting held February 16, Houston McGhee, chief of the group, appointed Neal McCormick chief "of the Lower Creeks in and for the State of Georgia." The document, which was also signed by McCormick, stated that "by this appointment he is made a chief in the Creek Nation East of the Mississippi," and was to "uphold all the statute laws of the Principal Council located at Atmore, Alabama." An identical document appointed Thomley as chief for the State of Florida (Creek Nation East of the Mississippi 1973a).

According to minutes of the meeting, Neal McCormick stated that they were residents of Georgia and "had plans for setting up a Creek center in Georgia," but he felt any movement they began should first come through a unified movement of all Creek Indians. Thomley expressed similar sentiments. Notes of a meeting the previous week stated that the Poarch council had been contacted "by the Florala council" and that they were ready to unite under McGhee but wanted to be able to organize separate councils for their states. The notes imply that Arthur Turner approved of the unity movement, and seem to imply Thomley and McCormick were regarded as part of the Florala council (Creek Nation East of the Mississippi 1973b).

There is no official record, but the 1973 "unification," according to informants, did not last very long. It lapsed because of internal conflicts and competition between the different councils. However, a 1974 amendment to the incorporation papers of the Florida corporation included a copy of the document of appointment by Houston McGhee of Wesley Thomley (LMC 1979a).

In March 1973, the Governor of Georgia issued a proclamation recognizing the Cairo Creeks as a "tribe of people," with concurrence from the legislature (LMC

1979a). Also in March, Wesley Thomley petitioned the Federal Government for recognition of the Lower Muskogee Creek Nation using his own letterhead. The letter indicates Thomley (1974) considered himself to be working together with Neal McCormick. No equivalent letter is on record from McCormick, but there are similar requests from him to Congressmen in 1974 (McCormick 1974). The dual corporations, and the dual appointments by Houston McGhee, set up a pattern followed since then in which the LMC appears sometimes to be a pair of allied organizations with Thomley nominally running Florida while also second in command to McCormick. In July of 1973, the first pow-wow of the group was held in Cairo, Georgia.

In 1974 the group purchased 102 acres just west of Cairo, Georgia and established the Tama "reservation." (Most documents, including the deed, say 102 acres, although the petition itself says 60 acres). The location was named after Tamalithi, an historical Creek town, and it is claimed there are Creek archaeological remains on the site (LMC 1979a, 1979b). The second annual pow-wow was held on the new grounds at Tama in July 1974. Also in that year, the first pow-wow of the Florida group was held in October in Chipley, Florida. Both of these events have continued to be held until the present. The Cairo Chamber of Commerce supported Federal recognition for the LMC (Edenfield 1974).

The group had a grant of \$85,000 from the United Southeastern Tribes organization (USET) in 1976, which was used at Cairo and also in Pensacola by the group under Thomley (Seale 1976a, 1976c). There was also a \$75,000 Manpower Training Grant in 1975. In a document submitted to USET in 1975, the group claimed 3201 enrolled members.

In 1976 a governor's proclamation and resolutions from the state legislature declared the land at Tama as an "Indian reservation (LMC 1979a)." The legal effect of this is uncertain as the land remained on the county tax rolls and the Georgia constitution prohibits Indian reservations. In that year very strong efforts were made to develop the reservation and provide for a residential population there. The LMC received a VISTA "minigrant" which provided three volunteers and sought to develop a master plan to provide reservation housing. The grant also had a cultural heritage program. The articles of incorporation of each corporation (Georgia and Florida) were amended in 1976 to vastly broaden the specific powers and purposes of the corporations. Among the additions were authority for employment training, services to elders, an Indian housing authority and authority to receive grants and receive contracts with the Federal Government for employment, welfare and a variety of other services, some to be provided to other tribes (LMC 1979a). A separate corporation called Amalgamated Indians Debranchment, Inc. was also set up by LMC in 1976 for purposes of economic development. This apparently never functioned actively. The VISTA program was terminated in 1977 because of conflicts between the volunteers and the McCormicks (Damman 1977b). USET funds were also withdrawn because of a dispute over the handling of funds from sale of crafts produced under the grant (Seale 1976c).

It was reported that there were 17 people resident at Tama in 1976, and in 1977, 30 people including the McCormicks (Damman 1977b). Built around this period were a

trading post, a model traditional village, a house for the McCormicks, and a large open platform for dances and the annual pow-wow.

In March 1977, in part through the efforts of the McCormicks, the Georgia State Indian Commission was formed. It was set up to specifically include representatives of the Creek and Cherokee Indians of the state. In May 1977, the governor designated the LMC as the legal organization of Creeks in Georgia. Neal McCormick was appointed to the Commission Board. However, a series of conflicts led to the exclusion or withdrawal to the LMC from the Indian commission and the withdrawal of the state support from the group. A Georgia law had also been passed that year authorizing Indian Housing Authorities (IHA), with the Commission having the power to authorize specific ones. This was part of an ultimately unsuccessful attempt to develop an IHA on the reservation. HUD rejected the LMC application for IHA funds on the grounds there wasn't sufficient demand, that the local Cairo area housing authority program could take care of the need, and because the Indian Commission refused to authorize an IHA at Tama (Peace 1977). LMC also had nine of 17 CETA slots for Georgia Indians that year (Goolrick 1977). The group had a grant of \$94,000 from the Georgia Department of Human Resources in 1977.

In 1977, a documented petition for recognition was submitted to the Bureau of Indian Affairs followed by a request for help in obtaining lands in Carroll County, Georgia which had once been granted Chief William McIntosh of the Creeks, from whom Neal McCormick is claimed to descend (LMC 1977a, 1977b). A revised petition of the group, written with reference to the acknowledgment regulations which became effective in October 1978, was received in April 1979, with a supplement of materials received in August 1979.

In 1978, the McCormicks filed suit seeking possession of lands in Carroll County. This suit was dismissed in part on the ground that McCormick's descendancy had not been proved (Goolrick 1978). In 1979 the LMC participated in an EDA grant to the Southwest Florida Development Region to study the feasibility of beekeeping and other means of economic development of the reservation. A grant has recently been received from the Save the Children Federation for playground equipment.

At the present time the resident population on the reservation is a maximum of 25, not all of whom are members of the group. Ten acres of land was purchased in 1980 near Homosassa Springs, Florida, for use as a tourist development.

Political Organization

The current structure of leadership does not correspond with the organization laid out in the constitution and bylaws of the group as submitted with the Georgia incorporation papers. Neal McCormick is the principal chief and Wesley Thomley is the vice-chief according to recent letterheads and the field data, apparently corresponding to the president and vice president of the corporation. The bylaws specify that the "Georgia chief of the Muskogee-Creek Indian Nation East of the Mississippi River (Neal McCormick or his successor by Muskogee-Creek tradition)" shall also automatically be elected the president. McCormick has been chief continuously since 1972. Despite the above, McCormick recently referred to several possible opponents for re-election at the next annual meeting.

There was no evidence that Thomley has been re-elected annually as vice-chief as the bylaws specify. In practice Thomley appears to have operated semi-autonomously as "chief of the Florida Creeks (a position not specified in the bylaws)" as well as vice chief of LMC. His center of influence is the Pensacola area, and some "clan" leaders there appear to regard him as their chief while other Florida leaders refer directly to McCormick. Thomley has evidently recently designated two new "clans" himself (F.D.) (cf. "clan" discussion).

Under the original incorporation papers of the two LMC corporations, Neil McCormick was "President-Chief" and Wesley Thomley "subchief" of the Georgia corporation, with Peggy McCormick as secretary and treasurer. The Florida corporation had Thomley as "chief president" with Lillis Rodgers as first vice-president, Vivian Williamson as second vice-president and assistant secretary and Billie Ruth Thomley as second vice-president. It is not clear whether the Florida corporation is presently functioning.

The bylaws call for a board which has general powers governing the internal organization. A 1976 amendment added a large number of specific powers (cf. p. 5). There is an annual business meeting in October and an election meeting in March. A new governing document is currently under consideration but has not been adopted.

Despite the organization which is described above, according to current descriptions the tribal council is composed of the "clan" leaders, who carry forward the concerns of their own separate "clan" councils to quarterly meetings of a "Tri-State Council." Neither "clans" nor this form of council are described in the bylaws, which call for a board elected at annual meetings. The petition text itself refers at one point to monthly council meetings, and elsewhere to quarterly ones of the council of "clan" leaders. The term "Tri-State Council" apparently grows out of the organizational arrangement set up in 1973 with the Poarch group as a unity movement. That is, although no longer affiliated with Poarch in any way, the LMC leadership refers to the continued idea of a council of organizations, from which Poarch is viewed as having withdrawn.

Although the constitution and bylaws do not call for such a position recent letterheads name three "tribal chairpersons," the "clan" mothers of the Tukabatchee "clan" and the Okchai "clan" and the head of the Lovett "clan." No explanation of their role was given. Peggy McCormick refers to herself as "tribal chairman" and states that she is reelected every year. A 1976 letterhead lists her with that title. The term is evidently meant in the sense of chief executive officer. Regardless of title, there is little question that she functions in this capacity and as the most important single leader in the group. The three chairpersons listed are apparently in practice three particularly influential leaders, the first allied with Thomley and the other two with the McCormicks.

Analysis of Group Composition 1972 to Present

There have been considerable changes in the composition of the LMC since it was first formed, with leaders and subgroups leaving the group and others joining it. Some of these were previous to, later than, or in some instances simultaneous

with their affiliation with LMC, affiliated with other Eastern Creek organizations in the area. These substantial changes are in addition to or perhaps reflect the great variances in composition between the 1977 and 1979 membership rolls and the evidence of recruitment of members (cf. p. 19). The information for this analysis was developed from tribal records and publications, organizational documents and newspaper accounts, and by interview. Some of those interviewed reflect a general perception of an easy process of loss and gain to the group uncharacteristic of close knit tribal societies.

The LMC group itself, or at least its main leaders, are acknowledged to have been originally part of another organization, the Creeks at Florala and then subordinate in the tri-state Creek group headed by the leader of the Poarch community. A "Red Bear Clan" is listed within LMC in 1975, with its leader Roscoe Grant appointed as "clan" chief by Thomley in June 1975 and McCormick in September 1975. This is the same person who led and leads the Creek Confederacy East of the Mississippi and the Five Civilized Tribes-Muskogee Creek Indian Confederacy, centered near Tallahassee, which was incorporated in 1973. Grant was also appointed agent for Florida by Chief Houston McGhee of Poarch in 1974. There is substantial overlap in the incorporators of the former group and the Muskogee Creek Nation East of the Mississippi at Perry and the Appalachicola group at Eastpoint which at times uses this same title. The "Red Bear Clan" in 1976 was listed as having one of the McCormick sons as leader (Wayne County Press 1976), and in 1979 as "incorporated into the Tama clan (F.D.)."

There is some evidence that the Appalachicola group was also affiliated with LMC for a period. There is one 1979 reference to an "Appalachicola clan (LMC 1979c)," and the affidavit of the daughter of Arthur Evans, its leader till his death in 1977, is included in the petition. She, however, is not currently enrolled and the group is not mentioned in current lists. An informant outside the LMC alluded to this group as having been "stolen" from that person's own Creek organization.

Two other "clans" currently in the LMC are very recent additions. The "Morgan clan" is specifically referred to as just having been added by Thomley, and the "Lovett clan" which is currently listed by Thomley and McCormick is not mentioned before 1980 and does not appear on 1979 "clan" lists. Its leader, Rose Marie Fox, is not listed on any materials until 1980. The "Tukabatchee clan" probably predates or is simultaneous in organization with LMC itself and is the offshoot of one Pensacola Creek organization and has produced one offshoot itself, neither of which are affiliated with LMC (Seale 1976a). Two other "clans," Wind and Deer, formerly listed, may now be defunct (see also discussion of "clan" system).

There are also substantial numbers of individuals listed as leaders or otherwise prominent at some points that are no longer listed and are not enrolled. A list of council members was published in 1974, all of whom appear to be from the immediate Cairo area (LMC 1974). Of the 16 persons listed in addition to the McCormicks, two are deceased and at least five of the remaining 14 are not on the current roll and do not appear in other documentary materials examined. Also not currently enrolled or known to be active are Lillis and George Rodgers who were active from 1973 and 1976, with Lillis Rodgers being one of the original LMC

incorporators for both states. Two individuals listed at times as "micos," are not currently enrolled. This term presently is used for clan leaders, though no clan was listed for these. They are Lloyd Grimes, identified as Cherokee (LMC 1974-7), and Charles Pafford, who was also the group's representative to the Georgia Indian Commission in 1977 (Thomasville Times-Enterprise 1977). Also not enrolled is Beatrice Bighorn, formerly shown as clan leader of the "Deer" clan, which no longer appears to be active as a separate unit. Four other individuals for whom there is some clear indication of important roles in the group in previous years are not now listed. Perlocco Linton, who was on the Poarch based Creek Nation East of the Mississippi Council in 1973, was evidently affiliated with Wesley Thomley later, and then formed her own group in Pensacola in 1975. This totals 15 individuals with previously active roles in the group who no longer appear to be associated with it, in addition to the leaders of groups no longer affiliated.

One important leader, Vivian Williamson (1975), appears to have had an organization of her own between about 1973 and 1975. She was one of the original incorporators of the LMC corporations and is currently "clan" mother of the Tukabatchee clan. The LMC affiliation here appears to be simultaneous with her own organization.

"Clans"

A major organizational feature of the LMC, as noted above, is the "clan" system. "Clans" are described by the group as being family groups, usually within a specific geographical area. Their functions are not clearly defined, but the field data descriptions and limited written material indicate they are largely social. The standard description is that they have councils and that their chiefs are "selected by the board and elected by the people." Their role in the political system has been discussed separately (cf. p. 6). They have no connection and little resemblance to traditional clans of the Creeks, which were large, corporate groups, not localized territorially and which were made up of a large number of related family groups rather than a single family group. It is difficult to fully evaluate the "clans" because no separate membership listings were available for them.

A detailed description of each one is presented below which will indicate that they are in fact quite diverse in character and only some of them fit the description above. In practice they seem to be convenient designations for different kinds of segments of the LMC, which are not necessarily equivalent. It was impossible to determine how many people a "mico" or leader actually represents and how committed they are to the organization. A number of "clans" have only recently been added, while at least one has been lost and two others seem to have become inactive or defunct and "combined with other "clans," indicating they are at the least not stable groupings. Two "clans," the Tukabatchee and Eagle seem to have originated as and to largely function as dance groups. One "clan," the Appalachee, has only a handful of enrolled members listed in its area. It is apparently possible to change clans, regardless of family, if a member moves, though at least one clan is geographically dispersed.

Despite the implication in the petition that the "clans" are historically continuous with traditional Creek clans, they appear to be an organizational innovation which

appeared after LMC was organized. There is no reference to "clans," or to their role in the current council in the 1973 bylaws. The first mention of a "clan" that was discovered is a reference in 1975 to the "Red Bear Clan." "Clans" probably become a major organizational feature in 1976. An organizational diagram of the tribe submitted to VISTA in 1976 shows a reference to "the six clans (LMC 1976)." The Amalgamated Indians Debouchment, Inc. (1976) was to be a consortium of "clans" and other Indian organizations. This compares to the petition statements which list 13. At least two "clans," the Tukabatchee and Eagle, apparently predate the organization of LMC. The composite list below based on all the information available, yields a total of 19 "clans," three which are inactive or combined with others and two which are no longer part of the group (LMC 1974-7, 1979a, 1979b, F.D.).

Summary Listing of "Clans"

Information on leadership and geographical coverage was provided in the petition and LMC documents (LMC 1974-7, 1975, 1976, Thomley 1980) and newspaper articles (Seale 1976a) and by group members and has not all been verified.

Okchia

Centered around Chipley, Florida. "Clan" leader Bryant Thurman. "Clan" mother Mollie Shumaker, sister of Bryant Thurman and a tribal chairperson. A 1977 article (LMC) says it was formed "a few years ago" and covers Holmes, Washington and Jackson counties.

Yuchi

Centered at Vernon, Florida, which is near Chipley. Clan leader is Ray Nelson who until this year was vice-chief of the Okchia clan. Nelson claims Yuchi Creek Indian descent and says the new "clan" was set up on Wesley Thomley's authority because of discontent with the Okchia "clan". He apparently recruited new members and claims a membership of 75 to 150 (F.D.).

Econfina

Centered at Panama City, Florida, Bay to Jackson County area. Formed by current clan leader Larry Johnson after his return to this area from Troy, Alabama (see Eufaula clan). Johnson joined LMC after seeing the McCormicks in a parade and did not previously know them. "Clan" mother Grace Head is married to one of Johnson's relatives. This "clan" is oriented toward the McCormicks.

Eufaula

Centered at Troy, Alabama. Originally founded and led by Larry Johnson, as early as 1976, (Eufaula Tribune 1976). According to informants it dissolved after Johnson moved back to Panama City but has recently been revived under Tommy Davenport who is currently listed as "clan" leader. Davenport is not on the current roll. (cf. also Woodell).

Wind

Centered at Walton County, Florida. "Clan" leader Wilma McCormick. Some individuals had not heard of this "clan" and it does not appear to presently be active.

Woodell

This is a family group located in Louisiana, with 68 members. "Clan" mother is Beatrice Sandifer. There is some indication it is considered part of the Eufaula "clan".

Tukabatchee

Located in Pensacola. Clan leader is Joe McGhee, clan mother is Vivian Williamson, who is also a tribal chairperson. This group is referred to as being "Joe McGhee's family." The McGhee's are from the Poarch community and still have strong social ties with it. The Tukabatchees were founded as part of a dance group in the early 1970's by an Indian history professor from a local college as a cultural heritage activity. The Tukabatchees split off from the original dance group, the Coweta clan (no connection with the current LMC "clan") and later a group called Coosawatie's split off from them (Seale 1977a). Neither the Coosawatie nor the Coweta are part of LMC. This group appears to predate the formation of LMC. The dance group is still very active and appears to be a primary clan function. It presently includes a number of non-Creek descendants (F.D.).

Eagle

Located in Pensacola. Like the Tukabatchees, this has a dance group, the Flying Eagle Dancers, as a focus, and also probably predates the formation of LMC. The clan's leader is Marcus Trawick. "Clan" mother is Gladys Trawick. One source referred to it as "the Trawick family." This family is also from the southern Alabama counties.

Wolf

Located in Pensacola. "Clan" leader is Willis Morgan. This "clan" was added this year by Wesley Thomley and is said to consist of Willis Morgan's immediate family.

Hawk and Tama

These "clans" are currently listed as being combined. In 1979, Hawk was listed as being centered in Macon and Tama at Cairo. Tommy McCormick, son of Peggy and Neal, is listed as "clan" leader. This "clan" is said to function as the "host clan." Composition is unknown.

Beaver

Centered around Americus, Georgia. "Clan" leader is Felton Roberts. The Deer "clan" is said to be combined now with this one.

Deer

This "clan" is listed from 1976 to 1979, with Beatrice Bighorn as leader, and is located in Lake Blacksher, Georgia. According to Peggy McCormick there are now very few Deers. Bighorn is not currently enrolled.

Coweta

Centered around Columbus Georgia, but is said by the leader to consist of his relatives, who are scattered throughout the Southeast. "Clan" leader is Donald Walker. This appears to be a "clan" added after 1978.

Lovett

This consists of the Lovett family and is evidently centered around Jacksonville, Florida. "Clan" leader is Rose Fox, who is also a recently added tribal chairperson. This appears to be a "clan" added very recently, as it does not appear in the petition nor on a list provided by the McCormicks in 1979.

Appalachia (Appalachee) or Bird

The leader is Bill Webster in Orlando, who has been active in the LMC for a fairly long time. There is only a handful of enrolled members in that area of Florida.

Alligator

Located around Hawkinsville, Georgia. The leader, John Owens, died recently and no new leader has been elected. Owens was active in the group for a fairly long time.

Red Bear

This "clan" under Roscoe Grant, is the earliest one listed, being mentioned in 1975. This appears to be the same as the Creek Confederacy East of the Mississippi which simultaneously functioned as a separate group but which was at times allied with LMC (see discussion on p. 6). The "clan" was later listed as headed by one of the McCormick sons and in 1979 was stated to have "incorporated in the Tama clan." Grant split with LMC, probably in 1976.

Appalachicola

There is some evidence that this group was allied for a time with LMC. It appears to be the same as the Lower Creek Muskogee Tribe-East of the Mississippi, Inc., located at Eastpoint, Florida, which is led now by John Evans and formerly by Arthur Evans, who died in 1977. It is not listed with LMC any later than 1977 (see also p. 8).

Membership

The roll submitted with the petition contains approximately 1041 names. However, according to the McCormicks they have since enrolled 700 additional people, many of them children of existing members. In 1975 the group stated that it had 3201 enrolled members. A roll with 1386 names was submitted with the first documented petition in 1977. Many of the names on it, including members of the McCormick family, are not on the current roll, and many on the current roll are not on the 1977 roll. Altogether only 28% of the 1977 roll is also on the 1978 roll, and only 37% of those listed in 1978 were listed in 1977. According to the petition, some from "earlier rolls" who were left off this one "had passed away, some of them were accidentally left off and some didn't want their names on any list that went to the government (LMC 1979b)." As discussed elsewhere, however, a number of people earlier listed as leaders are not on the current roll.

Membership requirements are nowhere clearly stated. The by-laws define a voting member as "any person registered on the Muskogee-Creek Roll East of the Mississippi," who is twelve or older. Which roll is referred to could not be determined. Walker's (1977) data and field data indicate that the only requirement is Creek descent, with no specification of blood degree or derivation from particular historical Creek subgroups. Genealogical verification, carried out by Peggy McCormick at the office at Cairo, is an apparent requirement.

The LMC has gained members by recruiting them from the general public at a number of points in its history, as distinct from enrolling individuals who were socially part of a group but not formally enrolled. By recruitment is meant that they have sought to gain as members individuals who believe themselves to be of Creek Indian descent essentially on an individual basis rather than as members of particular communities. Creek descendants are specifically sought, although in some cases the individuals who have come forward to have their heritage traced may not have known they were from a specific tribe or even been sure they had any Indian ancestry (cf. also Teel 1976).

Such recruitment is not unusual in the context of Eastern Creek affairs and against the background of numerous Eastern Creek descendants who have sought to be paid under Dockets 21 and 275 before the Indian Claims Commission. Lists of descendants were being compiled probably as early as 1947 by Calvin McGhee's group and others, and genealogical work was undertaken to trace descendancy from a Creek ancestor. The Creek group at Florala recruited members in this fashion in 1971, before the LMC split off from it. In 1973, at the first pow-wow of LMC, there was a booth at which people of Creek ancestry were invited to register to help establish an Indian roll (LMC 1973). In a 1974 brochure and in the 1977 Florida pow-wow program (LMC 1977), people were invited to come forward and ask Neal McCormick or Mollie Shumaker how to trace their Indian heritage. A newspaper announcing opportunities through the tribe under their Manpower training program stated that "if you do not need job training but would like to sign up as a descendant of the American Indian" to write to the LMC (Cairo Messenger 1975?). In 1976, the statement of goals and objectives of the LMC VISTA program included that of increasing membership by 1000 people, by membership research, and indicated this was on-going (LMC 1976). Finally, the 1980 minutes of one of the

"clans" indicate that recruitment of new members is a goal and an on-going activity (LMC 1979-80).

Recruitment as it is meant here is a common means of forming Indian service organizations, but is not consistent with the claim of LMC to have maintained tribal relations continuously throughout their history.

The above conclusions are independent of the validity of the claim of those joining the group to be of Creek ancestry. Many members have been unable to prove this (see genealogical report). At least some individuals interviewed indicated that they and some others had not known they had Indian ancestry at all, or only that they had some undefined Indian ancestry, before becoming associated with the group (F.D.). It was not determined how many such individuals there were. One former "mico" is indicated to be of Cherokee rather than Creek ancestry.

THE LOWER MUSKOGEE CREEK BEFORE 1972

The basic position taken by the petition concerning the historical existence of the group between the time of Creek removal and its organization in 1972 is that it grew out of Creek communities which remained in western Florida, southern Alabama and southern Georgia after the removal of the Creek Nation. These communities are said to have survived clandestinely by hiding their identity as Indian, e.g., claiming to be "Black Dutch" or similar, and operating under the cover of family gatherings and churches. Essentially no information was developed which could confirm this position with regard to members of this group.

No specific history consequently can be provided for the interval between the 1830's and 1972. The proposition that communities survived has been examined in this report in a variety of ways. These include: an analysis of the historical movements of family lines in the group, a review of the formative history and character of the group, an analysis of records provided concerning one such potential historic group, and a general examination of the degree of survival of Indian identity among Eastern Creeks. A search was also made in anthropological and historical sources on Creeks and on post-Removal survival of Indian groups in the East.

Creeks in the Removal Era

The removal of the Creek Nation to Oklahoma began around 1836 and by 1840 most of the Creeks had been removed from Georgia, Alabama and western Florida, ending a long period of conflict beginning in the early 1700's. Creeks had spread into what is now western Florida beginning in the middle 1750's and their number there were greatly augmented after the anti-American "Red Stick" Rebellion was crushed in 1814, when numerous Creeks took refuge in Florida. Some of these, moving east and southward, were evolving into the Seminoles. Located in south Florida after 1835, outside the areas in question here, approximately 500 Seminoles remained in the state in 1842. A Florida reservation set up under an 1823 treaty near Appalachicola was abandoned after the second Seminole war of 1835 and did not survive the removal (Sturtevant 1971).

Despite the Removal, some Creek Indians or individuals of part Creek Indian blood did remain in the East. Approximately two dozen "Friendly Creeks," who had sided with the United States in the conflict with the Creek Nation, were given individual allotments, before 1825, under the Treaty of Fort Jackson. Most of these were in southern Alabama and were granted to mixed-bloods and "Indian countrymen" married to Creek women (Paredes 1981). Additional individuals received land under a later act, in 1837. A few Indians remained in Pensacola after 1840, all from families of Indian women married to Spanish men. According to Dysart (1980a), there were reports through the 1840's of Indians remaining in the swamps, but no reports after 1850. Indian depredations were reported in Walton County in the central panhandle of Florida in 1844 (State of Florida). An 1852 Florida act declaring it to be illegal to be an Indian in Florida and mandating removal excluded "Indians and halfbreeds residing among the whites." The population this has reference to is not clear. It is not inconceivable that other individuals were able to remain in the areas covered by the current LMC group. According to Dysart (1980a), no evidence could be found for the post-Removal return of Creeks to the South from Oklahoma. No reports of survival of bands of Creeks were found in the research for this report.

Review of Published Sources

A careful but not exhaustive examination of published historical and anthropological sources produced no specific references to this group before 1972. There are no references to them in standard bibliographies (e.g. Murdock 1975, Green 1980) or in standard historical works on the Creeks (Foreman 1932). No information was found in those local county histories and histories of church organizations in Florida and Georgia which were examined. An historian familiar with the local history of the southern Georgia counties did not know of any references in local records or otherwise to Indians in that area after 1850.

Beale (1957) lists a group of 60 "Dominickers" in Holmes County, Florida. The term is a derogatory one for persons of mixed but unknown background. Berry (1963) also indicates an Indian or mixed group in that area and also a group which appears to correspond with reports of "Melungeons" at Blountstown in Calhoun County. Sturtevant and Stanley (1976) list these, apparently following Berry and Beale. Neither Berry nor Beale give any details, nor, consequently, evidence to link these to the Creeks. Gilbert (1948) has no corresponding listing for Florida and none of these sources list any Indian groups, let alone Creeks, in relevant areas of Georgia. All of them list the "Poarch" group. No references to the LMC were found in the works or papers of Frank Speck, the leading anthropological investigator of remnant eastern groups between 1900 and 1940, although the latter is known to have visited and reported on the Creek group at Poarch (Speck 1947). In summary, the major sources on remnant eastern Indian groups do not list any Creek groups in the area for LMC, although there is one listing for Holmes County that suggests the survival of some kind of Indian identity in that area.

Analysis of Historical Movement of Families

To provide an historical measure which would support or deny the basic idea of the historical existence of Indian communities out of which the LMC is derived, a study

was made of the location of each family line from as early a date in the 19th century as possible until the present. Each of 19 family lines, based on the genealogical study, was taken as a unit. These represented over 93% of the current enrollment. The location of the line and each major branch if separate was mapped onto a single map, indicating in as much detail as possible where it had been located and for what periods. Data was obtained from the genealogical materials accompanying the petition. This measure was used because of the absence of historical documentation of the existence of these communities and the absence of identification in census and other records as Indian. It was possible to show from this the geographical distribution and movement of each line as a general pattern and what degree of association these lines had with each other historically, and thus to evaluate the claim that the communities had many ties and there was frequent visiting. For the sake of the analysis, most of the claimed genealogical connections were assumed to be correct, although not all could be proven (see genealogical report). If they are incorrect, this would probably further weaken evidence of association between families.

The resultant pattern of locations and movements of the families do not at all support contentions in the petition. They support, with the exception of one location, the conclusion that each of the lines was derived from different communities and had historically moved to different communities than the others, i.e., they had not been associated with each other or lived in the same towns until relatively recently. The overall picture, with the exception of one region, is of a random collection of family lines with little or no history of social contact and therefore supports the documentary finding that no Indian communities existed in any of these areas, with the one exception, throughout this period.

The 19 family lines derive from 14 different locations in Georgia, Alabama and Florida, covering an area at least 400 miles square. Seven Alabama lines do originate close to each other, comprising four from Monroe, two from Baldwin and one from Escambia county, which are adjacent to each other. Three of these seven lines, however, have no current members in these areas. This is an area where a number of famous mixed-blood Friendly Creek families settled and were granted land and for which the existence of at least a concentration of Creek descendant families is well documented. It is also the area from which the movements for Eastern Creek claims was generated. The other 12 lines represent 11 widely scattered locations of origin, i.e., only two coincide, and these later became widely separated.

According to the petition, many Creeks were allowed to remain in the Grady County (Cairo) area of southern Georgia during removal because of their help to the whites. However, of the family lines currently in the area around Cairo, four or five arrived after 1900 and from distant areas. Two others arrived after 1880. The only line originating there, which could only be positively dated back to 1875, left the area in 1911 and is located several hundred miles away. Thus, the concentration of members in southern Georgia is of people who are of diverse origins and are relatively recent arrivals. This is consistent with the conclusion that the concentration is a result of recruitment in a specific area.

The Pensacola (Escambia County, Florida) area is similarly an area where the LMC members are relatively recent arrivals, i.e., mostly after 1920. However, these areas all derived from the cluster of families in southern Alabama, which is immediately adjacent to Escambia County, Florida.

Despite numerous petition references to Florida settlements, only one line had any lengthy history in the central panhandle (Washington, Walton Counties, etc.) with two others that settled later in Florida originating in relatively adjacent areas of southern Alabama.

Of the 19 lines, five showed especially wide travel. Three originated beyond a 150 mile radius of the common point between the three states, which is the geographic center of the area mapped. These three do not move in until after 1900. A fourth group originated at the fringe in 1832 and was located in Louisiana after 1882. A fifth line is the one which originates in southern Georgia in 1875 but is located in southern central Florida in the Jacksonville area after 1911.

Supporting the conclusion that these were unconnected families not derived from communities is that, for many of the family lines, there are no current members listed for the areas they "originated" from in terms of the study, as would be expected if they simply represented individuals migrating outward from a continuing community. Again, the southwestern Alabama area is an exception.

Also supporting the conclusion these are unconnected families is the almost total absence of intermarriage between or within family lines or with other Creeks. There are only a handful of intermarriages, a few no later than the mid-1850's in southwestern Alabama, and a few in the past 50 years. This again assumes all claimed genealogical connections could be proved. Affidavits and other petition materials portray frequent visiting and maintaining of contact, in which a covert Indian society is maintained. It is specifically claimed at one point that arranging marriages was one purpose of these meetings. It is very unlikely that some degree of intermarriage would not occur given the social patterns described. It can be shown that it does occur elsewhere among similar groups in situations where intensive social interaction occurs among communities which keep themselves or are kept somewhat separate from the larger society.

Holmes Valley and Semirah Springs

The petition attempts to support the proposition of survival through Indian churches by presenting materials on two churches, the Holmes Valley Church in Walton, Florida, and the Freewill Baptist Church at Semirah Springs in Monroe County, Alabama. Neither of these appear to be valid and in any case do not represent more than a small fraction of the membership.

For the Holmes Valley Church, a copy of the church record and a family diary purporting to be that of a family associated with the church were provided. The church records run from 1846 to 1966 and the diary from 1840 to 1971. The petition text asserts that the diary and the church records have the same names and that these can be separately identified as Creeks. The text for the diary is more or less consistent with the view of Creek survival presented in the affidavits

discussed elsewhere, but is considerably more detailed. Only one or two names in the two documents corresponded for the period up to 1865. The materials available were not sufficient to verify or disprove links between names in the church record and current members of the group. The petition text claims that census, civil records, newspapers and the like show these names repeatedly, but no such material was submitted. A local history which refers extensively to the church makes no mention of Indians in connection with it in any era, although it includes a section on Indian history in the area (Carswell 1969).

For the Semirah Springs Church and community, an informal written history, a deed from an ancestor donating the church land, and several affidavits were submitted. These included affidavits from Vivian Williamson and Wesley Thomley, both LMC leaders (LMC 1979b). The community and the church, from these materials, would appear to be predominantly derived from John Semoice, one of the Friendly Creeks who remained in the southern Alabama area. A number of family members who are LMC members do still reside in this area although Thomley and Williamson have resided in Pensacola for many years. This is an area and a family line in which knowledge of Indian ancestry almost certainly survived, and perhaps Indian identity as well. However, there was simply insufficient information to document that a community existed there continuously historically, and that it regarded itself as Indian historically, especially before the church was organized in 1890. It also could not be determined that it continues to function today, that it was exclusively Indian, and that it was other than a fairly small family group. It would in any case represent only a small fraction of the LMC membership.

Survival of Indian Identity

Only fragmentary evidence was developed concerning retention of identity as Indian and identification as Indian among Creek Indian descendants in general remaining in the South in the period after the Removal. There is sufficient evidence of retention of knowledge of Indian ancestry and in some cases identification by self and others as Indian to make this aspect of the petition at least initially credible.

The strongest evidence is for southern Alabama, among the descendants of the Friendly Creek families who received allotments. Some of these descendants are included in the LMC, but the majority are not. Some 7000 Eastern Creek descendants, largely derived from these families, were paid under Docket 21 of the Indian Claims Commission. A major segment of such descendants are included in the Poarch Creek Community which is also petitioning for Federal recognition and possibly in other Eastern Creek organizations.

Some of the Alabama families, such as the Weatherford and Manac descendants, include rather prominent families in these areas in the later 19th century. There are a few records identifying some individuals in these areas as Indian in the latter part of the 19th century. Several hundred individuals identified themselves as Creek in 1906 in applying mistakenly for money under an Eastern Cherokee claim (Miller 1909). These again were largely from individuals in the southern Alabama area or from individuals in Florida derived from that area. A similar pattern was

found for individuals identifying themselves as Indian in Selective Service records for World War I. Taken together this is reasonably strong evidence of survival of either Indian identity or knowledge of Indian descent in these areas. The lack of evidence from other areas does not conclusively indicate such did not survive there, since differences in conditions could have precluded such open identifications as Indian.

Oral History

Lack of identification of individuals as Indian does not necessarily preclude the idea, espoused in the oral history, that others hid their identity to avoid discrimination. Part of the discrimination to be avoided was apparently that of being mistaken for black by virtue of having dark skin. In the absence of corroborating material, it is impossible to determine whether family knowledge of ancestry or possible ancestry as Indian has not been later reinterpreted on the part of many as identity as Indian. (See also discussion of recruitment, p. 13).

A similar problem exists in interpreting oral history descriptions of family gatherings and churches as "undercover" vehicles for the maintenance of an Indian society. Undoubtedly family gatherings and churches were major social centers for these people, but there was no evidence that these were Indian affairs, since the descriptions are not distinguishable from that of the rural non-Indian population of the time. The churches would presumably have had to have been exclusively Indian to preserve secrecy, but no evidence of the existence of such was presented. Given the almost universal intermarriage with people evidently not Indians, it is similarly questionable that family gatherings could have served as a secret vehicle of Indian organization.

Oral history descriptions of folk cures and people other than doctors as curers, methods and signs for planting crops, the making of furniture and other social customs are presented as examples of Indian culture. Again, there is no evident distinction from the rural southern culture of the time. Reports of the survival of the Creek language among the grandparents of group members could not be verified and there was no suggestion anybody at all speaks any today.

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A research trip was conducted from October 6 to October 12 in Cairo, Georgia, western Florida and Pensacola, Florida for the purpose of verifying and adding to the information submitted in the LMC petition.

GENEALOGICAL REPORT ON THE LOWER MUSKOGEE CREEK TRIBE- EAST OF THE MISSISSIPPI, INC. (Cairo, Georgia)


The Lower Muskogee Creek Tribe-East of the Mississippi, Inc., of Cairo, Georgia, initially submitted a petition for Federal acknowledgment in July, 1977 prior to publication of the final regulations (LMC 1977a). This petition was subsequently revised and resubmitted under the new regulations on April 9, 1979 (LMC 1978a). Supplementary information was delivered on August 7 to strengthen problem areas which had been noted by the staff during a preliminary review of the petition for obvious deficiencies and significant omissions. The year's active consideration period, which began on September 4, 1979, was extended for six months due to circumstances beyond staff control.

Research on the petition was designed to determine whether members of the group could establish Indian ancestry; to determine whether the members met the group's own membership criteria; and to corroborate genealogical information provided by the group using Federal, state and local records, and recognized published sources. In addition to research conducted in the Washington, D.C., area, field trips were made to the group's headquarters in Cairo, Georgia, and to repositories and agencies in the States of Georgia, Florida, and Oklahoma.

For the purpose of this report, the Lower Muskogee Creek Tribe-East of the Mississippi, Inc., will be referred to as "LMC."

SUMMARY OF FINDINGS

The LMC did submit a constitution and by-laws which contained the group's membership statement, as required by section 54.7(d) of the Acknowledgment regulations. This statement did not, however, specify requirements for inclusion on the membership list or explain how Indian ancestry was to be determined.

The group complied with that portion of section 54.7(e) which requires submission of a list of all known current members and copies of each available former list. The two lists submitted, which were prepared in 1977 and 1978, are remarkably dissimilar and indicate an apparent instability in the group's membership. 

Further, the petitioner did not conclusively establish the Indian ancestry of most of the LMC members, as required by 54.7(e) of the regulations. While a few members of the group appear to descend from established Creek ancestors, the majority of the group has been unable to definitively document their Indian ancestry. An undetermined number of members could probably document their Indian ancestry with additional research in order to share as individuals in Creek judgment awards. Based on evidence available, however, it appears unlikely that even with additional research, the LMC could qualify for Acknowledgment purposes as anything other than an historically unrelated collection of Creek descendants.

The membership of the LMC was found to be composed principally of persons who are not members of any other North American Indian tribes and, therefore, the LMC meets section 54.7(f) of the regulations.

Research relative to section 54.7(g) indicates the LMC is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship.

METHODOLOGY

Charts

Family tree charts were developed to illustrate how individual members descended from the claimed Indian ancestors. Though some members claimed to descend from more than one Indian ancestor, the ancestor used by the staff as the basis for the family tree was the one identified by the group's leadership. This provided the LMC an opportunity to specify the ancestors whom they felt they could document descent from most successfully.

The determination of which lines would be charted by the staff was based on the apparent number of members who were included in the line. The family lines having the most members were the ones charted first. When large lines could no longer be identified, an effort was made to insure that the lines of group and "clan" leaders were charted.

Eighteen family tree charts were developed, accounting for 969 (93%) of the group's 1,041 members. The table which follows lists fifteen of the eighteen family tree charts prepared and shows the distribution of 941 of the group's current members among these lines. (Note that the last entry in the table includes two ancestors which brings the total in the table to fifteen.) Three additional family lines (totaling 28 members) were also charted, but since each had less than 20 members they were not included in this table.

Distribution of Current Membership among Charted Family Lines

<u>Indian Ancestor of Charted Family Line</u>	<u>No. of Members who claim descent</u>
Semoice, John	185*
Walker, Jesse	88
Lovett, James	84
Kirkland, Mary	72
Robeson, John	71
James, Edward	70
Moniac, Sam	67*
McGhee, Lynn	62*
Coon, Jack	55
Brown, Tom	55
Miller, William	36
Weatherford, John	35
Freeman, William	27
McIntosh, Jane (9) <u>and</u> Taylor, Richard (25)	<u>34</u>
	941

* Family line includes members who shared in, or descend from persons who shared in, Indian Claims Commission docket 21.

Note: Three charted lines, totaling 28 members, have been omitted from this table.

In addition to family tree charts, some individual family charts were also prepared in an effort to bring together on one form information from a variety of sources.

The Genealogical Selection Process

Documentation of the LMC petition was handled in accordance with an August 30, 1979, policy letter (Mills 1979) which modified the procedure for handling the genealogical portion of petitions. These modifications were instituted to facilitate the submission and processing of petitions and to relieve the burden of providing genealogical documentation for every member of the tribe.

The petitioner was instructed not to send genealogical documentation (birth certificates, marriage certificates, and like materials). Following a review of the group's stated membership criteria, their present membership list, and their genealogical charts, a field trip was made by the staff genealogist to the Tama Reservation (headquarters for the LMC). Two days were spent reviewing documentation available in the files on specific individuals who had been preselected by the staff genealogist.

In each case, individuals for whom documentary evidence was requested represented a primary or core family on the family tree chart. These individuals were specifically chosen because it was anticipated that documentation would be available to carry information on the family line further back in time. When the specific document requested was not available for one reason or another, other documents were substituted. Documents specified initially were those of the greatest evidentiary value and substitutes were generally of lesser value.

For each family line charted, the petitioner was asked to identify the source document (refer to page 9) on which the original Indian ancestor was named.

Though an effort was made to include at least a few lines of the group's leaders, the primary emphasis was on verifying the family lines of the majority of the members in the most effective and reasonable manner.

Genealogical Sources

Genealogical data was obtained from many sources for comparison and validation. The following is a partial list of the sources used (order is not significant):

- Membership roll of the Lower Muskogee Creek Tribe-East of the Mississippi, Inc., dated December 10, 1978, provided by the petitioner (LMC 1978b);
- Genealogical charts showing the ancestry and relations of individual members, provided by the petitioner (LMC 1978c);
- Federal population census schedules, 1850 through 1900, National Archives and Records Service (NARS), Washington, D. C. (Census 1850-1900);

- World War I draft registration records, NARS Federal Archives and Records Center, East Point, Georgia (WWI 1917-8);
- Vital records certificates (birth, death, marriage), petitioner's files, Tama Reservation, Cairo, Georgia;
- Bible records and other personal papers, petitioner's files, Tama Reservation;
- Files of rejected applications for the Eastern Cherokee judgment awarded in 1910, Guion Miller Commission, NARS D.C. (Miller 1906);
- Indian Pioneer History (interview transcripts), Grant Foreman Collection, Indian Archives Division, Oklahoma Historical Society (OHS), Oklahoma City (Indian Pioneer 1937-8);
- Individual applications filed and evidence submitted in support of claims to share in judgment awards under Indian Claims Commission docket 21, Creek Nation of Indians (BIA 1968);
- Individual appeals arising from above claims filed under docket 21, Creek Nation of Indians (BIA 1969-1977);
- Applications and evidence submitted in support of individual claims to share in judgment awards currently being processed under Indian Claims Commission docket 275, Creek Nation of Indians (BIA 1978);
- Various published genealogies and local histories in the state libraries of Georgia and Florida, and public libraries in Atlanta, Cairo and Thomasville, Georgia, as well as the OHS Library, Oklahoma City;
- Letters and documents concerning Creek citizenship in the Creek Nation, ca. 1874-1910, Indian Archives Division, OHS, Oklahoma City (Creek Citizenship 1874-1910).

Field Research

Archival records were searched by the staff genealogist at the National Archives (NARS), Washington, D.C.; the NARS Federal Archives and Records Center, East Point, Georgia; archives of the States of Georgia and Florida; and the Indian Archives Division of the Oklahoma Historical Society, Oklahoma City, Oklahoma.

Land and cartographic records were searched in the Surveyor-General Department, Secretary of State, Atlanta, Georgia, and the Department of Natural Resources, Bureau of State Lands, Tallahassee, Florida.

Library collections were examined in Georgia in the State Library and the public libraries of Atlanta, Cairo, and Thomasville, Georgia; the State Library of Florida; and the Oklahoma Historical Society Library, Oklahoma City.

Tribal Operations personnel were consulted and applications to share in judgment awards under Claims Commission dockets 21 and 275 were examined at the Muskogee Area Office, BIA, Muskogee, Oklahoma.

SPECIFIC FINDINGS

25 CFR 54.7(f) The membership of the petitioning group appears to be composed principally of persons who are not members of any other North American Indian tribe.

A current membership roll for the Creek Nation of Oklahoma was not available for comparison with the LMC membership roll. Therefore, to determine if LMC members were enrolled in Oklahoma, a 1972 judgment fund roll was used (BIA 1972). This roll was prepared by the Bureau to distribute funds awarded the Creek Nation of Indians in Indian Claims Commission dockets 21 (paid to Eastern and Oklahoma Creeks) and 276 (paid only to Oklahoma Creeks). This roll contains the names of all Creek Indians who applied for payment. Although roll numbers were not assigned to individuals who shared in the funds, the roll number of the ancestor through whom eligibility was claimed is shown on the roll.

The names of all LMC members (maiden as well as married names) were compared with the names of Indians included on the judgment roll (BIA 1972). Only 97 of the LMC's 1,041 members could be identified on the judgment roll and all who were identified are shown as descendants of Eastern Creek ancestors. Since membership in the Oklahoma tribe is reserved for persons who can establish lineal descent from an Oklahoma Creek ancestor, this precludes enrollment of Eastern Creeks in Oklahoma. In addition, the Creek Nation of Oklahoma prohibits dual enrollment.

Forty-two (4%) of the 1,041 LMC members could be identified on rolls or affidavits submitted by other unacknowledged Eastern Creek groups: 28 LMC members were on the roll of the Creek Nation East of the Mississippi at Poarch, Alabama (Turner 1980); 10 appeared to be members of the Florida Tribe of Eastern Creeks at Pensacola, Florida (Waite 1978); and 4 were listed on the roll of the Principal Creek Indian Nation, East of the Mississippi at Florala, Alabama (Turner 1979).

Since the LMC appears to be composed principally of persons who are not members of any other North American Indian tribe, the group is determined to meet the criterion found in section 54.7(f).

25 CFR 54.7(g) The LMC does not appear on the current list of "Indian Tribes Terminated from Federal Supervision" (Simmons 1980a) or the list of "Terminated Tribes Restored to Federal Status" (Simmons 1980b). It is not now federally recognized and does not appear on the list of "Federally Recognized Indian Entities of the United States" (Simmons 1980c), nor has it been the subject of congressional legislation which expressly terminates or forbids the Federal relationship.

The Lower Muskogee Creek Tribe-East of the Mississippi, Inc., is, therefore, determined to meet the criterion found in section 54.7(g).

25 CFR 54.7(d) Membership Criteria

The group appears to be operating under a membership statement which defines voting eligibility and honorary membership, but does not specify the group's requirements for inclusion on the membership list or explain how Indian ancestry is determined.

Article X of the group's Articles of Incorporation gives "The Board of Directors (Council) of the corporation . . . the power to admit members to the corporation (LMC) in such manner, subject to such qualifications, and upon such terms and conditions and with such rights as may be provided from time to time in the by-laws of the corporation" (LMC 1978d).

Article IV of the Constitution and By-laws submitted with the petition (quoted below in its entirety) includes the only detailed written statement on membership submitted. Preparation of a more definitive membership statement is reportedly in progress.

ARTICLE IV - MEMBERS

IV. 1. VOTING-MEMBERS: Any person registered on the Muskogee-Creek Roll East of the Mississippi, twelve years of age or older, may be a voting-member of the tribe, upon the approval of the Board of Directors.

Voting-members shall elect the Board of Directors of the tribe from the voting-membership; except that the Georgia Chief of the Muskogee-Creek Indian Nation East of the Mississippi River (Chief Neal McCormick) (or his successor according to the Muskogee-Creek tradition) shall serve on the Board of Directors as President of the Tribe.

Voting-members entitled to vote and entitled to be eligible for election to Board of Directors must be members in good standing.

IV. 2. NON-VOTING: Any person with Muskogee-Creek ancestry (proven or otherwise) may become a non-voting member of the Tribe by filing a written application with the Board of Directors.

Non-voting members shall have the same rights and privileges as other members but shall not have the right to vote nor serve as an officer of the Tribe.

IV. 3. HONORARY MEMBERS: Honorary Membership in the Tribe may be bestowed upon certain persons from time to time, upon the approval of the Board of Directors.

Honorary Members shall have the same rights and privileges as other members but shall not have the right to vote nor serve as an officer of the Tribe. (LMC 1978e)

It is not clear which roll is intended by ". . . the Muskogee-Creek Roll East of the Mississippi. . . ." Two possibilities exist:

1. The roll of the Lower Muskogee Creek Tribe East of the Mississippi, Inc., prepared by the group itself, as of December 10, 1978 (discussed in detail below) (LMC 1978b); or,

2. The roll of descendants prepared by the Bureau of Indian Affairs for distribution of judgment funds awarded under the Acts of Congress approved September 21, 1968 (82 Stat. 855 and 82 Stat. 859) as a result of Indian Claims Commission dockets 21 and 276 (BIA 1972). It is doubtful that this roll was used, however, due to the lack of public accessibility.

During a field trip to the Tama Reservation, the staff genealogist was verbally informed that membership in the group is limited to persons who can document their Creek ancestry and that the entire council, by majority vote, will hear an individual's claim to membership and decide whether that person shall be recognized as a member.

The entire membership process for the group appears to be administered with little, if any, participation by the individual applicant. A separate membership file is maintained in the LMC offices for each member of the group. Genealogical information in these files is apparently recorded by persons on the LMC staff based on verbal discussions with the applicant. According to LMC leadership, no formal application form is actually filled in by the applicant and none were seen by the Acknowledgment staff. With no application form, however, there is little evidence of an individual's desire to be a member of the group other than the possible presence of a birth certificate issued by the State of Florida. (Florida will issue copies of the full birth certificate, which includes the names of parents, only to relatives.) The rest of the information and documents in the file could be obtained by someone other than the applicant. Each file contains originals or copies of documents considered necessary to establish the individual's claim to membership, i.e., vital records certificates, census reproductions, wills, deeds, etc. The files are generally well-researched and maintained. Individual files viewed by the staff genealogist contained no evidence of council action on a member's claim to membership.

The LMC is determined to meet criterion 54.7(d) of the regulations which calls for a copy of the group's present governing document describing in full the membership criteria and the procedures through which the group governs its affairs and its members. Membership provisions in their present form, however, are vague and ill-defined and include no specific requirements for establishing Creek Indian ancestry as a basis for inclusion in the group's membership list. The Constitution and By-laws do not detail procedures used by the group to determine membership.

25 CFR **Membership Lists**
54.7(e)

One membership list or roll was submitted with the revised petition (LMC 1978b). This roll, prepared as of December 10, 1978, contained the names of 1,046 members. Five duplicated names were struck from the roll reducing the total to 1,041—the number used for all percentage calculations based on this roll.

The 1978 roll had been carefully prepared and included the needed vital statistics on individual members and their parents. For the most part, arrangement of the roll was by family groups and addresses were provided for almost all members.

No former lists or rolls were submitted with or mentioned in the revised petition. One former list had been submitted by the LMC with an earlier petition prior to finalization of the Acknowledgment regulations (LMC 1977b). This list was retained with the knowledge of the LMC. The list bears no date, but shall be called the "1977 roll" because of the year in which it was submitted to the Bureau.

The 1977 roll contained 1,386 members after duplicate names and an unassigned number were eliminated. Arrangement was essentially by family groups though surnames were frequently omitted and the names and vital statistics of parents were not shown. Addresses were available for only a few persons listed. (It would have been impossible for the staff to work from this list without further revision.)

These rolls, though roughly 18 months apart, are remarkably dissimilar. For example, the 1977 roll contained 1,386 members; the 1978 roll, 1,041 members. In September 1980, the staff was verbally informed that the group's membership was then approximately 1,700--some 650 persons higher than had been initially reported in the petition.

Only 384 persons could be identified on both rolls (28% of the 1977 roll, 37% of the 1978 roll).

Some of the same ancestors claimed on the 1978 roll were also claimed on the 1977 roll; however, many other ancestors heretofore unmentioned were claimed on the 1977 roll as well.

It was impossible to determine if the members on the 1977 and 1978 rolls met the group's own membership criteria since the group's membership requirements are vague and poorly defined.

Conclusions drawn from these two rolls are that the group's membership appears to be most unstable and that there is little to suggest the maintenance of a cohesive community.

No documents or petitions signed by the members as a group or other lists of LMC members made for other purposes were found which could be utilized to define the membership prior to the 1970's.

Genealogical charts tracing the ancestry and relations of members were submitted for 40% of the members on the 1978 roll (LMC 1978c). Family tree charts were prepared by combining information provided on the roll with that provided on the genealogical charts. Additional ancestry charts were requested, and subsequently provided, for the group's known leaders as well as a few individual members for whom relationships were unclear.

25 CFR Establishing Indian Ancestry
54.7(e)

To meet the criterion found in section 54.7(e), a group must establish that its members descend from a tribe or tribes which existed historically and inhabited a specific geographical area.

At least two elements are key to initially establishing Indian ancestry: first, the identification of an acceptable source of Creek Indian ancestry; and second, the documentation of an individual's descent from the identified Creek Indian.

Sources of Creek Indian Ancestry

Numerous early sources are acceptable and available which identify Creek Indians by name. Of these early sources, the following were cited by the LMC:

- 1) Claims of Friendly Creeks (H.R. Doc. 200) (Office of Indian Affairs 1817);
- 2) Census of the Creek Nation, 1832/33 (Parsons and Abbott 1832/33);
- 3) An Act for the Relief of Samuel Smith, Lynn MacGhee, and Semoice, friendly Creek Indians (U.S. Congress 1836a);
- 4) An Act for the Relief of Susan Marlow (U.S. Congress 1836b);
- 5) An Act for the Relief of the Heirs of Semoice, a friendly Creek Indian (U.S. Congress 1852); and,
- 6) Roll of Loyal Creek Refugees, Freedmen and Soldiers (Office of Indian Affairs 1870).

Also used by the LMC, but of more recent origin, was the judgment award in 1968 to the Creek Nation of Indians under Indian Claims Commission docket 21. This award provided for a distribution to all Creeks regardless of whether they or their ancestors emigrated to the West or remained in the East. The Creek Indian lineage for these persons who shared in docket 21 had already been established by virtue of their having shared.

Another source used was enrollment applications for an Eastern Cherokee judgment award which had been rejected as "Creek Cases" (Miller 1906). These applications had been submitted to the Guion Miller Commission in 1906 and 1907 by persons who wished to share in the Court of Claims award paid in 1910. These applications are not acceptable as evidence of Creek ancestry. The reason being that classification as Creek was based on statements made by the applicant that his Indian name was Hollinger or MacGhee (Creek names) and not on proof that the individual was Creek or even a descendant. The Commission's decision to reject an application was, therefore, based on the fact that the applicant was not Cherokee--not that he was Creek.

Documenting Indian Ancestry

Ninety-seven of the group's 1,041 members were able to establish descent from an acceptable Creek Indian ancestor because they themselves had shared in docket 21 distributions and their ancestry had previously been established for that purpose. An additional 80 members appear to be lineal descendants of the 97 who shared. Thus, a total of 177 LMC members can or appear to be able to establish Indian ancestry using genealogical work done for docket 21.

Based on evidence available at this time, it appears that 17% of the group's members have already documented their Indian ancestry or are expected to be able

to do so. An additional 21% may be able to document their Indian ancestry with further research though evidence presented to the staff has not conclusively established this.

Evidence presented for 52% failed to definitively establish descendancy. For these members, the possibility of their establishing descendancy and Creek Indian ancestry with additional research cannot be ruled out entirely, however, though it is considered highly unlikely.

Ten percent of the group's members were not processed either because their family line contained too few members or because information provided on family relationships was unclear. Their ability to document descent from an Indian ancestor is, therefore, unknown.

Documentary evidence was requested for the descent claimed by approximately 105 individuals shown on the family tree charts. The ancestry of recent generations appeared to be well-documented. Evidence which would definitively document the relationships of one and sometimes two generations prior to the Creek Indian claimed as the ancestor was generally weak and inconclusive or non-existent.

Documents presented as evidence included official certificates of birth, death, or marriage; Federal population census schedules; Bible records; wills; deeds; rejected Eastern Cherokee applications; and other personal papers. Not all documentation presented was considered reliable, however. Unreliable documentation included such items as rejected Eastern Cherokee applications and delayed certificates of birth which had been issued based on evidence considered self-serving or insufficient. (Four of the charted family lines, accounting for approximately 17% of the LMC membership, claimed Indian ancestry based on rejected Eastern Cherokee applications.)

A discussion of the basis for the genealogical selection and how actual verification of the documents was accomplished will be found under The Genealogical Selection Process, page 3.

In summary, though the LMC has provided both a current list and a former list of members as required by section 54.7(e) of the regulations, it was impossible to determine if these lists were based on the group's own membership criteria since the group has not stated what the requirements are for inclusion in the membership list. These rolls bear little correlation to one another and appear to indicate a lack of stability within the group as well as the absence of a cohesive community.

Based on evidence available, it seems highly unlikely that more than half of the group's members could establish Creek Indian ancestry.

No prior rolls, group documents or petitions, or other lists of members were found to substantiate the group's claim to an existence prior to the 1970's.

No genealogical evidence was found which would support a claim to an historical tribal existence on the part of those few members who have or are expected to be able to establish Indian ancestry.

Therefore, the Lower Muskogee Creek Tribe-East of the Mississippi, Inc., is determined not to meet section 54.7(e) of the regulations which states that the membership must consist of individuals who have established descendency from a tribe which existed historically or from historical tribes which combined and functioned as a single autonomous entity after the 1830's.

GENERAL OBSERVATIONS

1. The original of the Holmes Valley Church record was examined by the genealogist during a field trip to the Tama Reservation. While the church record (which appears genuine) (Holmes Valley 1846) and the Ward family record (not seen in original form) (LMC 1978f) may mention a few ancestors of the current group, there is no evidence of their being Indian or of their having acted as a community for anything other than occasional religious or social functions.
2. "Clans" and "clan leaders," which were identified in the petition and in discussions with LMC leaders, seemed to vary from time to time. At least one "clan" identified by the petitioner had no members on the 1978 roll. Some "clans" were combined under one leader and not all "clans" had leaders.
3. Information available showing residents of early Creek towns showed no correlation between residents and ancestors of families in the LMC group.
4. Though selected households and families could be identified in the 1850-1900 Federal population census schedules of Georgia, Florida, and Alabama, no identifiable patterns were apparent (Census 1850-1900). Families living in the States of Georgia and Florida, which had laws that discouraged Indians from identifying as Indian, identified themselves as white and were apparently identified on sight by others as white.
5. Several families were located in early tax digests of a few Georgia counties (Georgia 1861-1930). All were shown in the white lists. None appeared there as "free persons of color." None appeared on the colored lists, either.
6. Geographical distribution of the membership of the LMC is centered in three states: 32% in Georgia, 30% in Florida, and 22% in Alabama (total, 84%). Of the remainder, 13% is scattered across the United States, and 3% have no address shown. (LMC 1978b)

SOURCES AND REFERENCES CITED

Bureau of Indian Affairs (BIA)

1968 Applications filed and documentary evidence submitted in support of individual claims to share in judgment funds awarded under Indian Claims Commission docket 21, pursuant to an Act of Congress approved September 21, 1968 (82 Stat. 855). Muskogee Area Office, BIA, Muskogee, Oklahoma.

1969-77 Individual appeals (processed between January 1969 and approximately April 1977 when the last Creek appeals were determined) arising from applications submitted under Claims Commission docket 21, Creek Nation of Indians, in custody of BIA, Central Office files, D.C.

1972 Creek Indian Judgment Roll, an alphabetical listing of all persons who applied to share in judgment awards under dockets 21 and 276 (paid only to Oklahoma Creeks), Creek Nation of Indians. Copy in Tribal Enrollment Offices, BIA, D.C.

1978 Applications filed and documentary evidence submitted in support of individual claims to share in judgment funds to be awarded under Indian Claims Commission docket 275, pursuant to the plan, which became effective on June 15, 1978, for distribution of the funds. Currently being processed by Muskogee Area Office, BIA, Muskogee, Oklahoma.

Census, Bureau of

1850-1900 Federal Population Census schedules 1850-1900, various years and locations. NARS, D.C., RG 29, (microfilm).

Creek Citizenship

1874-1910 Letters and documents concerning Creek citizenship, ca. October, 1874 to October, 1910, documents 23943-25415. Indian Archives Division, Oklahoma Historical Society, Oklahoma City, microfilm CRN 3 and 4.

Georgia, State of

1861-1930 Tax Digests, State of Georgia, various counties and years. Georgia Department of Archives and History, Atlanta, Georgia.

Holmes Valley

1846 Holmes Valley Church record. Original record obtained for review at Tama Reservation, Cairo, Georgia, September 1980. Photocopy, p. A52 In 1978 LMC petition.

Indian Pioneer History

1937-8 Indian Pioneer History Project (transcripts of oral history interviews) 1937-8, Grant Foreman Collection, Indian Archives Division, Oklahoma Historical Society, Oklahoma City.

Lower Muskogee Creek (LMC)

- 1977a Petition for Federal recognition of the Lower Muskogee Creek Tribe - East of the Mississippi, Inc., Neal McCormick, July 2, 1977. Copy in FAP files.
- 1977b Official Tribal Roll "1977 roll" In 1977 petition.
- 1978a Petition for Federal Acknowledgment of the Lower Muskogee Creek Tribe-East of the Mississippi, Inc. (revised), Neal McCormick, October 1978 (hand-carried April 9, 1979). Copy in FAP files.
- 1978b Membership Roll, prepared as of December 10, 1978, pp. A602-A687 (1978 petition).
- 1978c Genealogical charts (Ancestry & Individual History), pp. A1-A601 (1978 petition).
- 1978d Articles of Incorporation of the Lower Muskogee Creek Tribe-East of the Mississippi, Inc., filed in Grady County, Georgia Superior Court on February 23, 1973, p. 179 (1978 petition).
- 1978e Article IV In Constitution and Bylaws, p. 191 (1978 petition).
- 1978f Ward family record (1840-1971) In 1978 LMC petition, pp. A25-A36.

Miller, Guion

- 1906 Records of the Guion Miller Enrollment of Eastern Cherokees, 1906-11, includes applications submitted to share in award made by U.S. Court of Claims to Eastern Cherokees. NARS, D.C., RG 123, original records.

Mills, Sidney L.

- 1979 Letter to Petitioner and Interested Party, August 30, 1979. BIA, D.C.

Office of Indian Affairs

- 1817 Claims of Friendly Creeks paid under the act of March 3, 1817 (H.R. Doc. 200, 20:1, 1828). NARS, D.C., RG 75, Entry 98, Special File 52, Office of Indian Affairs 1807-1904, original record, also microcopy M574, roll 6.
- 1870 Roll of Loyal Creek Refugees, Freedmen & Soliders, prepared pursuant to article 4 of July 14, 1866 treaty with the Creeks, roll certified complete January 31, 1870. NARS, D.C., RG 75, Entry 906, original record.

Parsons, B. S. and Abbott, J. A.

- 1832/33 Census of the Creek Nation, 1832/33, made pursuant to article 2 of the treaty concluded March 24, 1832. NARS, RG 75, microcopy T275, roll 1.

Simmons, Patricia

- 1980a Indian Tribes Terminated from Federal Supervision, January 11, 1980. BIA, D.C.
- 1980b Terminated Tribes Restored to Federal Status, January 10, 1980. BIA, D.C.
- 1980c Federally Recognized Indian Entities of the United States, March 17, 1980. BIA, D.C.

Tureen, Thomas N.

- 1980 Petition for Federal Recognition of Poarch Band of Creeks (Poarch, Alabama), submitted by Thomas N. Tureen, Native American Rights Fund, Portland, Maine, January 10, 1980. Copy in FAP files.

Turner, Arthur R.

- 1979 Tribal Roll In Petition for Federal Acknowledgment of Principal Creek Indian Nation, East of the Mississippi (Floral, Alabama), Arthur R. Turner, July 23, 1979. Copy in FAP files.

U.S. Congress:

- 1836a An Act for the Relief of Samuel Smith, Lynn MacGhee, and Semoice, friendly Creek Indians (Statute I, 6 Stat. 677), July 2, 1836.
- 1836b An Act for the Relief of Susan Marlow (Statute I, 6 Stat. 678), July 2, 1836.
- 1852 An Act for the Relief of the Heirs of Semoice, a friendly Creek Indian (10 Stat. 735), August 16, 1852.

Waite, James E.

- 1978 Affidavits of members In Petition for Recognition of The Florida Tribe of Eastern Creek Indians (Pensacola, Florida), James E. Waite, June 2, 1978, Appendix A. Copy in FAP files.

World War I Selective Service System (WWI)

- 1917-8 Draft Registration Cards, PMGO Form (1917-8), various states. NARS Federal Archives and Records Center, East Point, Georgia, RG 163, original records.

HISTORICAL REPORT ON THE LOWER MUSKOGEE CREEK TRIBE- EAST OF THE MISSISSIPPI, INC.

Active consideration of the petition for Federal acknowledgment of this group began on September 4, 1979. Prior to this date, the group was advised by the Federal Acknowledgment staff of obvious deficiencies, specifically an historical gap extending from 1840 to 1971. The group was given the opportunity to submit additional documentation on this period. On August 7, 1979, the group forwarded documents. The items most germane to the historical deficiency problem were a family diary and a group of church records relating to western Florida. On August 29, 1980, the active consideration period was extended to March 4, 1981.

Findings

54.7(a) Based on the evidence submitted and additional research by the Federal Acknowledgment staff the Lower Muskogee Creek Tribe-East of the Mississippi, Inc. does not meet the historical criterion in that it has not established an existence from historical times on a substantially continuous basis as "American Indian," or aboriginal. The group appears to have no prior existence before 1972, when it was organized as an offshoot of an Alabama Creek group. It incorporated in 1973. There has been no identification by Federal authorities, State and local officials, or scholars of this group or an antecedent group as American Indian prior to 1972. This group has received a very limited State recognition since 1972. Extensive research on primary documents, secondary sources and other resource material by the Acknowledgment staff and an extensive analysis of material submitted by the petitioner has failed to find evidence that would substantiate the claims in the petition.

54.7(b) and (c) The group did not establish that it descends from the ancestral Creek Nation after its removal west of the Mississippi in the 1830s. No evidence was located of an earlier Indian group or groups in southern Georgia, southern Alabama or western Florida that could be identified as having historical ties to the present group. The lack of an identifiable historical group appears to indicate that the petitioner has not maintained political authority over its members in the past.

Methodology and Research

The research for this petition was designed to determine if the group met the historical portions of the mandatory criteria. It was also intended to verify the interpretations placed on the historical information submitted by the group in August 1979 and to locate and interpret any other data on this group that could be found at the Federal, State, local, and private levels. What information could be gathered about this group came from three main sources: materials submitted by the group itself; materials already contained in Bureau of Indian Affairs files; and materials located during the research period.

Historical Sources:

A wide search was made for any material that could provide information on both the petitioner and the history of the area in which it is located. The following is a list of some of the sources and depositories utilized.

I. Washington, D.C.

1. National Archives

Records of: Bureau of Indian Affairs
 Department of the Interior
 Department of Agriculture
 General Land Office
 War Department (Records of the Adjutant General and
 of the Continental Commands of the U.S. Army)
 Cartographic Archives

2. Library of Congress

Manuscript Division
 General Collections
 Local History Collections
 Music Division
 Newspaper Collections

3. Daughters of the American Revolution Library

II. Atlanta, Georgia

1. Georgia Department of Archives and History
2. Federal Records Center - East Point, Ga.
3. Georgia Surveyor General's Office

III. Montgomery, Alabama

1. Alabama Department of Archives and History
2. Records of the Office of the Governor - State Capitol

History of the Creek Nation

Documented Creek history begins with the Spanish expedition of DeSoto in 1541, although prolonged Indian-white contact did not begin until the 18th century. Through trade, the Creek Nation became deeply involved in the affairs of the southern British and Spanish colonies. The ancestral Creek Confederacy probably was in existence prior to the 1700's. After about 1715 the Creeks withdrew to the Coosa-Tallapoosa River region in Alabama and the area along the southern Alabama-Georgia border (Swanton, 1922; Corkran, 1967).

After 1783 the Creeks were caught between the Americans and the Spanish, and they attempted to continue their policy of neutrality. However, repeated demands for land and American pressures for acculturation brought on a devastating Creek

civil war in 1813-1814 that involved the United States. The war ended with the signing of the Treaty of Fort Jackson, August 9, 1814. The treaty ceded an immense amount of land to the United States, and confined the Creek Nation to Alabama and a small portion of Georgia.

Even before this time, there were Creeks or southern Indian groups living in Florida along the Georgia border. However, more drifted into the Florida panhandle between Pensacola and Perry after the War of 1812. One historian has thought that these were Creeks who took the place of earlier groups that had been driven out or reduced by war and disease (Dysart, n.d.). Federal policy toward these Creeks remained vague until the removal period (the 1830s). Under pressure from the Federal and State authorities, they exchanged their lands and migrated, with the Creeks in Alabama and Georgia, west of the Mississippi.

It is possible that some Creeks remained in the Florida panhandle, or drifted in from other areas after the removal took place. Some Creeks, for several reasons, did remain east of the Mississippi, but it would be an error to think that there were large numbers of them in well-defined communities. Indian removal continued in Florida down to the period before the Civil War. The petitioner stresses this Florida heritage as proof of its historical continuity with the ancestral Creek Nation. The statement as presented in the supplementary material provided in August 1979 asserts that in 1814 Conchatte Micco, or Red Ground Chief, migrated into Spanish Florida to escape from American troops. His town was called Okahiahatchee, supposedly located near modern Vernon, Florida. According to the petition, sometime between 1814 and 1818 a force of U.S. soldiers and militia destroyed this village and in 1818 killed Conchatte Micco.

The petitioner utilizes this story to prove that there were Creek Indians in the Walton and Washington County areas of the Florida panhandle, that they were driven into the swamps and hid there from soldiers, and that they formed a group that is ancestral to the petitioner and that avoided removal from Florida to Oklahoma. As the petition states, "This (the killing of Conchatte Micco) brought great fear to the Indians in this area but the mossy, dark swamp area served as their refuge and did so for generations."

A close examination of the origins of this story and the official documentation of U.S.-Indian conflict in the area shows that the Conchatte Micco story, and thus, much of the post-removal history contained in the petition is suspect. A close search of the records of the U.S. Army Adjutant General and the Continental Commands of the U.S. Army at the National Archives failed to locate any record of the 1814 expedition. Nor do the papers of Andrew Jackson, the overall military commander in that area, mention such a foray. There may have been a Major Uriah Blue, but his existence presents a puzzle. He is not listed as an American Army officer for any time. He may have been an officer in the various state militia which operated under Jackson's command, but in that case he would have been in Federal service, and carried on some muster roll or record. Moreover, his regiment, the 39th Infantry, was not created until after the Civil War.

Andrew Jackson did order and lead an expedition into West Florida in 1818 to attack Indians in the area, as well as to punish the Spanish and English who were

aiding them with supplies. On April 17, 1818 Jackson attacked the village of Chief Boleck on the Suwanee River, but "the reed huts were empty. The Chief and his people had scattered like quail into the swamps"(James, 1933). Boleck's village was slightly over 200 miles east of present day Holmes Valley, directly north of modern Gainesville, Florida. There is no evidence that Jackson ever operated in Holmes Valley.

Various parts of this story have been derived from three sources. Probably the main source was E. W. Carswell's local history, Holmes Valley: A West Florida Cradle of Christianity, published in 1969. However, Carswell may have based his account on local tradition, and his treatment of the facts is very circumspect. Another source, fuller and more assertive in tone, is found in a meeting brochure for a Creek gathering held in Chipley, Florida in 1975. The supplementary materials submitted by the Lower Muskogee group appear to have been a combination of these sources. The 1818 events are now melted in with local folklore that was believed to be valid history, and cited as evidence of historical continuity and continued presence in the Holmes Valley area. The evidence indicates that the events did not take place as the petitioner asserts.

Staff research has not resolved the problem of the existence of an historical gap extending from the 1840's to the present. Despite the submission of additional information by the petitioner and subsequent historical research, no conclusive evidence has been found that showed the petitioner had ties of historical continuity with the ancestral Creek Nation through an Indian community (or communities) that existed in southern Georgia and western Florida after the removal period.

The Ward Record and Holmes Valley Church Records

Submitted by the petitioner as evidence of the existence of an Indian community in Florida after removal, the Ward Diary and the Holmes Valley Church records consist of a record of family reunions and a number of church minutes, membership lists, and attendance records. The petitioner asserts that:

A major portion of the supporting documentation which clearly shows the Lower Muskogee Creek Indians did occupy the area from 1840 to 1973 is evidenced in the attached addendum . . . from the Holmes Valley Church . . . the names mentioned throughout the time frame of 1840 to 1973 are those identified by the tribal roll numbers assigned to them by the U.S. Government and by the United States census as being the same individuals Through the Ward Record and the Holmes Valley Church Record, the same names appear repeatedly. A cross-check of those named can readily identify them as Creek Tribal members having previously been certified as native Americans by the fact that they have established documented Tribal Roll Numbers (petition supplement, 1979).

The two documents were analyzed to determine if they substantively showed that there was an Indian community in Florida, ancestral to the present group and descended from the Creek Nation. Additional research was done on the history of the Holmes Valley area and its churches to corroborate, refute, or reveal new data

about Indian groups in that area. This research did not confirm the claim of the petitioner that the documentation in the supplement solves the problem of the 1840-1971 historical gap. Both the Ward family and the church records are too incomplete and fragmentary to be reliable as historical evidence. They contain contradictions with outside evidence that essentially negates any claim made for this material. It should be pointed out, however, that examination of this material by the Acknowledgment staff was done through the use of photocopied material. The historian did not see the original documents.

Fragmentary Evidence

The Ward Record, which appears to describe what took place at periodic family reunions, was submitted as proof of the existence of an ancestral Creek group existing in the Holmes Valley area of Florida after Creek Removal. However, it is not chronologically complete enough to be reliable as a source, and its factual statements cannot, in many cases, be substantiated by independent research.

The Ward Record contains gaps covering long periods of time. It is not a yearly chronological record, and consists of only eleven pages. Written on what appears to be a lined school composition book, the first page begins with p. 63 and ends with p. 74. The entries begin in 1840 and end in 1971. All are for October, except the initial one, dated simply, "1840." However, although it would appear on initial examination to be a record of 131 years; it actually has entries for only 24 years.

The diary has limited mention of events affecting Indians, and concerns itself largely with descriptions of religious revivals, family dinners, and the exchange of news. The few entries relating to Florida Indians concern Indian removal, which was taking place in Florida, although not in the panhandle area, during the 1850's:

October 1854: Our people are afraid to get together for any reason.

October 1859: More than 150 people in this part of Florida was sent West for a bounty . . . we no longer say the word chief.

After 1865, reunions came to be associated more with the local church, although the meetings seem to have had a less religious and more family reunion character beginning in 1911. At one time they may have been loosely connected with some of the churches in Holmes Valley, but this association seems to be very tenuous. There is only a minimum of correlation between the names of church officials and the so-called "moderators" who were "elected" at Ward reunions (called "monitors" in the petitioner's supplementary narrative). The reunions may also have been held on the grounds of one of the churches. By October 1940 attendance was limited to the older family members and some friends. The main events were usually dinner and a baseball game. The last entry, for October, 1971, states that "We still swap information and it is becoming a yearly genealogical workshop." The reunions appear to be merely family ones, which would be difficult to interpret as tribal meetings or the gatherings of a group that was Indian.

A year-by-year analysis and comparison of the Ward Diary and Holmes Valley Church minutes was done to discover any points of contact or correlation. A search was made for names which appeared on both records in identical years,

similar events, indications of cooperation or interaction between the Ward family and the church leadership, and evidence of a sense of community or self-identification as Indian. These documents do not provide enough information to construct a coherent picture of the settlements in Holmes Valley and their ethnic makeup. Certain observations can be made:

1. There is no mention of the Ward family or the reunion in the church minutes.
2. Although the petition attempts to give the impression that the Ward Reunion was a quasi-organizational part of the church, the latter's main organizational meeting was held the first week in August, while the former's was in October.
3. The term "moderator" is asserted by the petitioner to be synonymous with the position of "chief." However, use of the term moderator is common among Baptist and Methodist congregations, who elected the moderator to conduct church business meetings. The Ward Record does not indicate what the moderator's function was, nor is there chronological correlation between the two lists of reunion and church officers. It appears doubtful that the two bodies exchanged or shared leadership personnel. The church members did not see the moderator as anything but someone they had chosen to lead them in handling certain business.
4. There is a lack of self-identification as Indian or as an Indian community by the church members.
5. Factual discrepancies between the Ward and Church records show that these documents do not reflect the knowledge of such a subject that church members and long-term settlers in the area would have. Moreover, it is almost impossible to construct a coherent history of the churches in the area using the available records. One statement in the Ward record reveals that the author did not know that the Ebenezer and Moss Hill Churches were housed in the same structure, although he regrets the change in names of one of the churches. (Carswell, 1977)
6. A thorough search of U.S. Army records in the National Archives, as well as in local histories of Florida failed to disclose any record of the removal of a sizable group of Indians from the Florida panhandle area during the 1850's. Indian removals from Florida during that decade were of extremely small groups, and from southern Florida.

The fragmentary Ward and church records do not indicate that an Indian community existed in the Holmes Valley area that outsiders or members of the community identified as Creek, or even Indian. The correlations between the two sets of documents appear to be minimal and do not mutually support each other. They do not substantiate the contention that an Indian community existed in the west Florida area between the time of Indian removal and the present era.

Origins of the Cairo Group

Origins of the Cairo Group

The Lower Muskogee Creek group appears to have had its origins as a group in Alabama. In the 1940's Calvin McGhee, who lived near Atmore, gained prominence as the result of disputes over educational opportunities for Indians in his area. McGhee was also successful in gaining a share of Indian Claims Commission docket 21 award for Creek descendants east of the Mississippi. During the 1960's another Creek Indian group was established at Florala, and chartered by the State in 1970. Neal McCormick was listed as a vice-chief of the group in a 1972 request for Federal recognition.

In 1972 Arthur Turner, who was leader of the Florala group, resigned because of illness. J. Wesley Thomley and McCormick then left the group and set up a separate organization. Some individuals who were part of Turner's group have been associated at one time or another with the petitioner.

At the same time that the group formed and incorporated under the laws of Florida and Georgia, it held a conference with the Poarch group of Creeks at Atmore. At a February 16, 1973, meeting, Neal and Peggy McCormick reported that they had been members of Turner's Florala Council and that they had plans to establish a Creek center in Georgia, where they now lived. J. Wesley Thomley intended to establish a separate center in Florida. Their aim was to promote a unified Creek movement. Houston McGhee then appointed Neal McCormick "Chief of the Creeks of Georgia" and Thomley "Chief of the Creeks of Florida."

The 1970's

Between 1973 and 1978 the McCormicks were active in the Georgia-Florida area. They organized as a non-profit corporation, held a series of public meetings and fund-raising activities, achieved a degree of local and State recognition, bought land, and petitioned the Federal Government for acknowledgment of their group as an Indian tribe.

On February 23, 1973, seven days after Neal McCormick was named Chief of Georgia, the McCormicks registered as a non-profit corporation under the laws of Georgia and of Grady County. They filed for non-profit status in Florida in January (copies of incorporation papers in petition). The stated purpose of the corporation was "to acquire and administer funds and property which, after the payment of necessary expenses, shall be devoted exclusively to historical, education, literary, scientific and cultural pursuits." The group amended these papers on September 1, 1976, and expanded the group's aim to:

1. provide manpower, employment, and training services for Indians.
2. receive money "from whatever source" for American Indian aid.
3. receive and administer Federal contracts.
4. operate real estate belonging to the group.

The establishment of the McCormicks in Grady County, Georgia, followed soon after the group's incorporation. The McCormicks established a relationship with local government and business authorities soon after their arrival in the area. On

May 17, 1973 they led a delegation before the Cairo city council to explain that they wanted to hold an Indian "pow-wow" on July 3 and 4. They asked the city for the loan of a site. Although none was available, through the intercession of the local Chamber of Commerce, the group obtained use of the county livestock pavillion.

Cairo's business leaders supported the idea of the July gathering, and strongly backed it for several years. In this they were joined by the local government and the county's main newspaper. These people apparently viewed the pow-wow as a commercial device that would bring a large number of tourists and income to Cairo. As the Cairo Messenger editorialized, "For some time now the people of Cairo and Grady County have needed an annual event to celebrate and maybe McCormick has given it to us." (Cairo Messenger, 7.13.73) This attitude persisted during subsequent pow-wows. In 1974 the local newspapers gave the event several weeks of advance coverage and the Chamber of Commerce arranged a parade and horse show to coincide with the meeting. The entire three day affair was billed as "Old South Frontier Days" (June-July editions, Cairo Messenger). In 1975 the Cairo Messenger stated that it should "go the limit to exploit the July 3-5 Pow-Wow"

A great deal of organizational effort and planning is obviously expended on behalf of the July meeting. At first the Atmore group sent dancers to perform and participated in some of the initial planning, as the McCormicks did at Atmore (Cairo Messenger, 6.15.73), but that practice did not continue. The pow-wows have been well attended events, that drew from between 10,000 and 15,000 by local estimates. However, these do not appear to be annual tribal meetings, and there is no evidence that formal tribal business is conducted at them. Fund-raising is one aim of the meetings. An admission charge is levied, and the group maintains a monopoly on the merchandising of food, while renting space for Indian craft booths. Record albums, recorded at the group's own studio, are sold to visitors and also by direct mail (Walker, 1977; Goolrick, 1977).

Program schedules published by the group indicate the activities of the July 4 affair include country music performances, revivalist singing and preaching, and a conscious effort to blend Southern culture and religious fundamentalism with a pan-Indian appearance. The aim seems to be the widest popular appeal. In 1976 "Sounds of the Swamp," was introduced as the major event of the program. It incorporates both Creek Indian "legends" of the removal periods and fundamentalist Christianity (Walker, 1977).

On February 14, 1974 the McCormicks purchased a tract of land for \$40,000 on the west side of Cairo. The McCormicks probably used money raised at the pow-wows to buy the 102-acre tract of land. The group paid the balance of the loan off on May 1, 1978. The McCormicks call the site the Tired Creek Indian Reservation, but also use the phrase Tama Reservation. The name may be derived from that of an ancient Creek town, and Indian artifacts have been discovered on the land. The corporation owns the 102 acres, and Grady County lists the land as taxable. Family business enterprises operate from the Tama site. The Tama Recording Studio produces records of the McCormick Gospel Singers. At the Light Feather Trading

Post, handicrafts and souvenirs that advertise the group are sold (Walker, 1977; Goolrick, 1977).

Ownership of this site has been a decisive factor in the initial success of the Cairo group. It provides a secure base for their activities, a permanently available, rent-free location for meetings and fund raising, and has helped to focus attention on them as a group by creating the impression that a large group of Creek Indians live there.

In 1976 Neal McCormick visited the BIA to ask that the group be acknowledged as a tribe and that their land be taken in trust as a reservation. McCormick made several claims in his correspondence with the BIA. At various times he has stated that his group was a branch of the recognized Creek tribe in Oklahoma and, therefore, recognized (a view since discarded), and that his group had 7,264 members (Correspondence in FAP files).

The Lower Muskogee Creek group has not been recognized by the Federal Government as an Indian tribe, although the group has received grants from Federal agencies that were intended for Indian groups. In 1975 the U.S. Department of Labor awarded a training grant to the group. United Southeastern Tribes, Inc., administered the program. Its purpose was to fund arts and crafts classes in Pensacola, Florida. J. Wesley Thomley's Florida Creek group also participated in the project. Conflicting stories exist about the grant, but apparently USET withdrew the money when it learned that the craft product made by the classes "were sold... at arts and crafts shows in the Pensacola area, with the items advertised as the work of the clan of Thomley" (Tampa Times, 10.26.76). USET ordered the repayment of \$5,000. After an on-site investigation, Department of Labor officials determined that the group had no training program, and no capability of developing one (information provided by CETA officials to FAP). On September 4, 1979, they applied for technical assistance to the Economic Development Administration, U.S. Department of Commerce. It was to conduct a Product Manufacturing Feasibility Study, an investigation of the feasibility of manufacturing jewelry, rugs and quilts, and honey on the Creek Tama Reservation in Grady County, Georgia. The group received an award of \$22,038.

In 1977 the group unsuccessfully applied for a federal housing grant to build 150 units of low-cost housing on the Tama site. On May 18 the McCormicks asked the Georgia Indian Commission to review the application they intended to make to the U.S. Department of Housing and Urban Development. The commission had not authorized the Cairo Creek Indian Housing Authority. Federal law required the State to authorize the housing authority before aid could be extended. In addition, the Atlanta HUD Regional director informed the Georgia Commission on May 20 that they had no power under existing law to operate such an authority. The McCormicks also failed to prove that a need existed for the housing. A field investigation by HUD found only seven families living at Tama. This included the McCormicks and their adult children. HUD interviewed an off-site family the McCormicks identified as Creek, and they denied any intention to move to Tama. The McCormicks rejected HUD's advice to obtain written commitments from people willing to move to the reservation before they applied for a grant. This was apparently in direct contradiction to previous statements made by the group, in

which they stated that "We have almost 175 applications from Indians who want to live here." At this time the group also said that they were a federally-recognized tribe (Thomasville, Ga. Times-Enquirer, 1.20.78; HUD, 1977).

The relationship of the group with the Georgia State government is ambiguous. In 1973 the Governor recognized the Lower Muskogee Creek as "a tribe of people," an action that appears not to have a great deal of legal meaning under Georgia law. On May 6, 1975 the Governor of Georgia recognized the Tama site as an Indian reservation, and the state legislature did so the following year, an act which appears to be forbidden by the present Georgia constitution. However, this did not confer any type of trust status on the land or remove it from local tax rolls. The McCormicks played a major role in the establishment of the Georgia State Indian Commission, but have since left the commission, due to internal disputes. The State has not supported the acknowledgment petition, and neither have county or local governments in Georgia or Florida.

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- Music Division
- Newspaper Collections

c. Daughters of the American Revolution Library

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d. Georgia Department of Archives and History

- Collections relating to Georgia Indians and Indian Removal
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