

Native American Rights Fund

Petition File Copy

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Director
John E. Echobawk

Thursday, May 15, 1975

Morris Thompson
Commissioner
Bureau of Indian Affairs
Department of the Interior
Washington, D.C. 20242

Dear Commissioner Thompson:

The State of Alabama has offered to convey a tract of land at Poarch, Alabama, to the United States, in trust for the band of Creek Indians settled at Poarch. By this letter, the Council of the Creek Nation East of the Mississippi, as the organized governing body of that band, requests that the Department of the Interior accept the State's offer under the authority vested in the Department by 25 U.S.C. § 465. As discussed in the accompanying memorandum on the eligibility of the band for such Departmental action, that provision authorizes the Department to accept conveyances of land in trust for any organized band of Indians "for the purpose of providing land for Indians." The State of Alabama's offer presents an ideal opportunity for achieving this Congressional objective.

This band of Creeks is descended from the Friendly Creek Indians who fought beside the United States during the Creek Civil War of 1813-1814, and were thereby given the right to remain in this part of Alabama while the rest of the Creek Nation was removed to Oklahoma. The Treaty which granted them this right promised them the continuing protection of the United States, and Congress subsequently granted one of these Friendly Creeks a reservation at Poarch. The band's settlement grew around this reservation. (The history of the band is detailed in the accompanying memorandum concerning the eligibility of the band.) While many Creek descendants in the Southeast assimilated into the surrounding community, this settlement retained its Creek identity, largely because the federal government continued to assert its control over the reservation until the 1920's. Thus, as Theodore Taylor points out in *The States and Their Indian Citizens*, many Eastern Creeks were identified for Indian Claims Commission awards but only this group at Poarch "is considered an Indian community."

But a consequence of preserving their identity has been the Poarch Creeks' subjection to the same forms of discrimination faced by many native Americans. This was, ironically, one

result of the enduring federal involvement in the Poarch settlement. The most acute form of discrimination was in education. The Poarch Creeks were confined to a separate Indian school system (the land now offered by the State is the site of the former Consolidated Indian School). This Indian school system never included secondary education, and the leadership of the band had to wage an extended battle to obtain Creek access to the county high schools. Thus, three quarters of the adult Creek population at Poarch has at most an elementary education. The resulting pattern of poverty has made this Creek population even poorer than the typical American Indian population: 40% of the Creeks are below the poverty line and per capita income is only \$1166 (less than three-quarters of the average per capita income for the total American Indian population).

The Creeks now have a specific set of goals to relieve these conditions, and this land offered by the State is vital to their plans. Basic welfare and educational services are already provided by the State and County. The Creeks do hope to establish supplemental programs of adult, vocational, and Indian craft education; and they hope to develop an Indian Cultural Center which will both help to preserve and propagate their native heritage and develop a tourist industry to provide additional jobs and income. The site offered by the State, which includes the former school building and 18 acres of land, would provide a base for these programs. It is located in the center of the settlement and is the traditional center for community activity at Poarch. The band will probably seek federal assistance to secure financing for the cultural center undertaking and will also develop proposals for the several supplemental educational programs, but the actual cost of these programs would be minimal. The Creeks do not expect to propose any federal takeover of the basic services now provided by the State.

Besides for its functional uses, the school has been the cultural and communal center for the band for half a century. It lies in the section of land adjacent to the reservation land which was the source of the settlement. The land was initially the Episcopal Indian Mission at Poarch; in the 1930's the Church permitted the creation of an Indian school on the site. The County made this the Consolidated Indian School and in 1948 the State received the property to construct the present Indian school building. The school was closed due to federal court decisions in 1970. During this entire period, the school site served as the community center for public meetings, classes, recreation, the business of the band's Council, the site of the annual pow-wow, and even, for many years, the shelter during storms and disaster.

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The facility would thus function as the general community center and headquarters of the band, the site for supplemental educational programs, and hopefully the location for at least the pilot phase of the Indian Cultural Center. It could be the crucial turning point in the life of this Creek band. The band has negotiated long and hard to persuade the County Board of Education and the State of Alabama to voluntarily relinquish the site to the Government for this purpose. If the United States declines the offer, the site, and with it the band's major social resource, will probably be permanently lost to the Creeks. Because of both legal and political considerations, the County Board of Education would not consent to a direct transfer to the Creeks and might ultimately sell the property to private interests.

It is therefore apparent that Congress' objective of "providing land for Indians" will be ideally implemented by accepting the offer of the State of Alabama of this Poarch school land. The legal eligibility of the band is fully discussed in the accompanying memorandum. The Creek band at Poarch hopes that it can be confident that the Department's evaluation of their needs and of the Congressional policy will not be influenced by policy considerations concerning budgetary issues. The direct fiscal impact of this action would be negligible; even if the Creeks' proposals for a few supplemental educational programs were fully funded, the total cost of such limited programs for a total population of about five hundred Creeks would not be significant. Indeed, the specific request here is that the Department receive an asset worth approximately \$70,000, without any expenditure. The unique history of this band and its origin in federal treaty and statutory provisions mean that this decision is not related to the problem of non-federal and non-treaty tribes seeking initial federal recognition. Rather, this group is one of the last bands or tribes with a federal treaty history that is not terminated but is also not presently benefiting from the federal Indian program. The United States has, historically, been responsible for the present status and condition of this Poarch Creek band, both in its proud identity and in its real difficulties. The generous offer of the State of Alabama provides the opportunity to fulfill this historic trust.

We urge that prompt consideration be given to this offer so as not to frustrate the generosity of the State. Our office will be pleased to work with you by providing any additional information or material which might be useful.

Sincerely,



Thomas N. Tureen

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