



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

02 DEC 2024

CERTIFIED RECEIPT

Ms. Ann D. Tucker
278 Church Road
Bruce, Florida 32455

Dear Ms. Tucker:

The Office of Federal Acknowledgment (OFA) within the Office of the Assistant Secretary – Indian Affairs, Department of the Interior (Department), has completed a Phase II Technical Assistance (TA) review of the documented petition for Petitioner #032, a group named the Muscogee Nation of Florida (MNF). The OFA issues this Phase II TA Review letter in accordance with section 83.26 of Part 83 of Title 25 of the Code of Federal Regulations (25 CFR Part 83), "*Procedures for Federal Acknowledgment of Indian Tribes*" dated July 31, 2015.

Because the Phase I review determined that the petitioner has met the *Governing Document*, *Descent*, *Unique Membership*, and *Termination* criteria (§ 83.11(d–g)), OFA has reviewed the *Indian Entity Identification*, *Community*, and *Political Influence/Authority* criteria (§83.11(a–c)). Additionally, because the petitioner claimed previous Federal acknowledgment, OFA discusses previous Federal acknowledgment.¹

This Phase II TA Review letter is to inform the petitioner of deficiencies that would prevent it from meeting criteria 83.11(a–c) and proving previous Federal acknowledgment. Upon receiving this TA Review letter, the petitioner must submit a written response that takes one of the following actions: (1) withdraws the documented petition for further preparation; (2) submits additional information and/or clarification; or (3) asks OFA to proceed with the review (§ 83.26(b)(1)(i–iii)). Additionally, because “OFA cannot verify previous Federal acknowledgment during this technical assistance review, the petitioner must provide additional evidence” if it wishes to pursue that claim.² OFA recommends that the petitioner review the information provided below, as well as the third-party comments on the petitioner’s documented petition, in formulating its response. The regulations do not impose any limit on the amount of time that the petitioner may take to respond to technical assistance.³

¹ See 25 CFR § 83.26(b).

² 25 CFR § 83.28.

³ 80 FR 37862, 37877–8.

PHASE II TECHNICAL ASSISTANCE REVIEW

Contents:

[General Comments](#)

[Previous Federal Acknowledgment](#)

[§ 83.11\(a\) Indian Entity Identification](#)

[§ 83.11\(b\) Community](#)

[§ 83.11\(c\) Political Influence/Authority](#)

[Summary](#)

General Comments

In 1978, the Florida Tribe of Eastern Creek Indians (FTECI) submitted a petition for acknowledgment as a federally recognized tribe. In 2001, FTECI abandoned its petition and notified OFA that MNF (another group also comprised of FTECI members) would be the entity pursuing acknowledgment going forward, instead of FTECI.

Because many of the members of the MNF petitioning group were also members of the FTECI petitioning group, the social and political relationship between these two groups is unclear; however, they appear to be separate groups. According to MNF's chairperson, Anne Tucker, "[i]n 1978, the Northwest Florida Creek Indian Council, a state government appointed council, created the Florida Tribe of Eastern Creek Indians."⁴ By contrast, no state entity created MNF. Furthermore, MNF has defined its own membership, limiting it to only those individuals with a connection to the town of Bruce, Walton County, Florida.

The transition of the petitioning group from FTECI to MNF has presented unique challenges relating to the evaluation of the three Phase II criteria.

The administrative record includes documents relating to both FTECI and MNF, with documents submitted prior to 2000 presenting the claim that FTECI constitutes a continuously existing tribe, and documents submitted since 2001 presenting the claim that MNF constitutes a continuously existing tribe. While OFA has attempted to identify the narratives and supporting documents that concern specifically MNF and its claimed connection to the town of Bruce, the unclear relationship between MNF and FTECI has created uncertainty about the relevance or evidentiary value of certain materials, particularly those submitted before 2001.

For this reason, in addition to the specific technical assistance presented under each of the criteria examined below, OFA recommends that the petitioner do the following:

⁴ Anne D. Tucker (Tribal Administrator, FTECI), letter to Liberty County Board of County Commissioners, Jul. 20, 2000; submitted by petitioner.

- (1) The petitioner should clarify whether MNF is the same as or a successor to FTECI. If the petitioner claims that MNF is a successor to FTECI, then the petitioner should provide an explanation with supporting documentation of how MNF evolved from FTECI. The petitioner should also explain how FTECI evolved from a distinct social and political entity in existence since 1900.
- (2) If the petitioner claims that MNF is not a successor to FTECI, the petitioner should demonstrate through narrative and supporting documentation how MNF meets the three criteria as a continuously existing tribe from the period prior to the creation of FTECI through the organization of MNF in 2000. In doing so, the petitioner should discuss the ways in which MNF was identified as an Indian entity separate from the broader FTECI entity (§ 83.11(a)), constituted a community distinct from the broader FTECI membership (§ 83.11(b)), and demonstrated its own political influence and authority separate from that of FTECI (§ 83.11(c)). Please refer to the forms of evidence described in the regulations for some examples of how the petitioner may demonstrate that it meets each of these criteria, including for the period between 1978 and 2000, when MNF might have existed in parallel with FTECI.

Previous Federal Acknowledgment

Section 83.1 of the acknowledgment regulations defines “previous Federal acknowledgment” as “action by the Federal government clearly premised on identification of a tribal political entity and indicating clearly the recognition of a relationship between that entity and the United States.” Section 83.12(a) further clarifies that a “petitioner may prove it was previously acknowledged as a federally recognized Indian tribe, or is a portion that evolved out of a previously federally recognized Indian tribe,” by providing “evidence that the petitioner had” been recognized as an Indian tribe by the United States Government (for example, through evidence of “[t]reaty relations with the United States”).

In a letter dated December 3, 2016, MNF made “a formal claim of previous unambiguous Federal acknowledgement of the MNOF by the Federal Government.”⁵ As part of its claim, the petitioner contended it was unambiguously federally acknowledged through “land claim settlements for the benefit of Eastern Creek Indians,” as “adjudicated by the 1957 Federal courts” (presumably a reference to settlements overseen by the Indian Claims Commission (ICC), included in Docket 21). Specifically, the petitioner states that its members “were determined eligible to share in the original 1971 settlement as Eastern Creek Indians.”⁶

MNF members’ eligibility to receive funds under ICC Docket 21 does not appear to show that the Federal Government unambiguously recognized the petitioner as an Indian tribe. Departmental precedent indicates that eligibility for ICC judgment funds does not constitute evidence of unambiguous previous Federal acknowledgment if funds were paid to individual

⁵ Ann D. Tucker, et al. (Tribal Council of Muscogee Nation of Florida), letter to R. Lee Fleming (Director, Office of Federal Acknowledgment), Dec. 3, 2016.

⁶ *ibid.*

descendants,⁷ as opposed to a tribal entity.⁸ For example, in the final determination for Petitioner #012 (the Snohomish Tribe of Indians), the Department explained:

In 1956, the [Indian Claims] Commission allowed the current petitioner to seek claims as the successor in interest for the aboriginal Snohomish Tribe of Indians. . . . [S]uch action did not constitute an acknowledgment by the Federal Government that the group was tribal in character, only that it had standing as descendants to bring suit. From the 1950's to the 1970's, the BIA dealt with the group as a claims organization but did not recognize it as a tribal political entity.⁹

Here, there is no evidence in the record that the Federal Government dealt with MNF (or a predecessor to MNF) as a tribal entity during the ICC proceedings—or even as a claims organization—as opposed to as individual descendants of a “qualifying historical ancestor” eligible to receive funds.¹⁰ Indeed, the claims organization that participated in the ICC judgment was led by the Poarch Band of Creek Indians, a federally recognized tribe located in Alabama, and does not appear to have been an antecedent of the petitioner.

MNF also claims that “federal recognition has been demonstrated through grant monies and individual monies to this community” from various Federal agencies, over “some 50 years.” Before OFA can assess that claim, as a preliminary matter, MNF should clarify the relationship between FTECI and MNF, as discussed in the “General Comments” above. Additionally, please note that FTECI’s 1978 “Petition for Recognition” and corresponding absence from the Department’s list of federally recognized Indian tribes, first published in 1979,¹¹ undermines any claim of previous Federal acknowledgment since the late 1970s.¹²

§ 83.11(a) Indian Entity Identification

The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900.

⁷ See BAR, “Recommendation for Final Determination Against Federal Acknowledgment, Lower Muskogee Creek Tribe—East of the Mississippi, Inc.,” p. 6, submitted to the AS–IA, Sep. 17, 1981 (stating that “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 shows continuity of tribal political organization”).

⁸ See 25 C.F.R. § 83.12(a)(3) (valuing evidence that the petitioner had “[b]een treated by the Federal Government as having *collective* rights in tribal lands or funds” (emphasis added)).

⁹ OFA, “Summary under the Criteria for the Final Determination Against Federal Acknowledgment, Snohomish Tribe of Indians,” approved Dec. 1, 2003, p. 6

¹⁰ OFA, “Phase I – Positive Proposed Finding, Muskogee Nation of Florida, Petitioner #032, Prepared in Response to the Petition Submitted to the Assistant Secretary – Indian Affairs for Federal Acknowledgment as an Indian Tribe,” May 29, 2024, p. 16.

¹¹ 44 FR 7235 (Jan. 31, 1979).

¹² See BAR, “Summary under the Criteria and Evidence for Final Determination for Federal Acknowledgment of the Snoqualmie Tribal Organization,” approved Aug. 22, 1997, p. 3 (finding no previous Federal acknowledgment for a time period in which “the available documentation indicated the Snoqualmie were not recognized”).

Criterion 83.11(a) requires that the petitioner demonstrate that it has been identified as an American Indian entity on a substantially continuous basis since 1900. Evidence of observers identifying specific individual people—rather than an entity—as Indian does not meet the requirements of this criterion. Furthermore, the regulations require identifications “on a substantially continuous basis.”¹³

1. Evaluation period, 1900 to 1956

This evaluation period covers the decades between 1900 and the beginning of the pursuit of claims under the ICC Docket 21 judgment.

In an April 11, 1996, TA Review letter, the Department informed the petitioner (then FTECI) of deficiencies relating to this criterion.¹⁴ Following the transition from FTECI to MNF, the petitioner submitted TA response narratives in 2002 and 2004 specifically addressing criterion (a).¹⁵

OFA has reviewed the petitioner’s narratives and supporting documentation applicable to this evaluation period. The evidence submitted is insufficient to satisfy this criterion because it does not document identification of an American Indian entity. Rather, it documents identification of individual ancestors of current petitioner members. Moreover, in most instances, this documentation does not identify these individuals as members of an American Indian entity or as themselves having Indian descent.

For example, several documents name members of the Ward family:

- The petitioner cited and/or quoted numerous Florida newspaper articles mentioning Ward family members. These articles do not identify a contemporary American Indian entity or any individual as a member of an American Indian entity.¹⁶
- Jesse Josiah “J. J.” Ward (1870–1960), appears in the minutes of a 1913 meeting for the Board of Public Instruction from Walton County, during which he “came before the Board and asked for help to build a school house” in the town of Bruce, Florida. The Board gave him approval and assistance to build the school (known as the Bruce School).¹⁷ However, these minutes do not identify Bruce School or the surrounding

¹³ 80 FR 37863; *see also* 25 CFR 83.10(b)(2) (stating that, in an evaluation, the Department will “[t]ake into account historical situations and time periods for which evidence is demonstrably limited or not available”).

¹⁴ Harry A. Rainbolt (Acting Director, Office of Tribal Services), letter to John C. B. Thomas (FTECI), Apr. 11, 1996 (hereinafter cited as “1996 TA Review Letter”).

¹⁵ MNF, “Response to TA Review Letter, Petitioner No. 32,” 4 vols., received Mar. 19, 2002 (hereinafter cited as “2002 TA Review Response”); and James M. McClurken and Heather Howard, “Addendum to Muscogee Nation of Florida (Petitioner #32), Response to Office of Indian Affairs Technical Assistance Letter dated 11 April 1996,” dated Oct. 22, 2004 (hereinafter cited as “2004 TA Response Addendum”); both submitted by petitioner.

¹⁶ 2004 TA Response Addendum.

¹⁷ Walton County, Florida, Board of Public Instruction, meeting minutes, May 6, 1913, Defuniak Springs, Fla.; submitted by petitioner as “Exhibit 108(b).”

community (all or part of the town of Bruce) as an American Indian entity. The petitioner also provided copies of the student records for the Bruce School from 1915 to 1954. These records similarly did not identify the school as an “Indian” school or individual students as members of an Indian entity.

- The 2002 Response to the TA Review Letter claims that two documents relating to the administration of a 1947 estate show J. J. Ward “holding the estate of a Creek Indian ‘pending a settlement from the federal government.’”¹⁸ While the application for letters of administration does mention a “claim against U.S. Gov., am[ount] unknown,” the document does not identify the nature of this claim as relating to an Indian entity. Furthermore, neither the decedent, his heirs, the administrator of his estate (Ward), nor the sureties on the administration bond, are identified as members of an American Indian entity in the documentation.

Other supporting documentation is not specific enough to constitute evidence of identification of the petitioner as an American Indian entity. For example, the petitioner submitted William Harlan Gilbert’s 1948 study of Indian groups in the eastern United States, published by the Smithsonian. For Florida, Gilbert describes, in addition to the Seminoles, “certain other small mixed groups of possibly Indian descent.” More specifically, he notes that, “Around Pensacola are to be found the Creole mixed people of Escambia County and in the same area are certain groups of Creeks from across the border in Alabama.”¹⁹ It is not clear that Gilbert’s reference to “groups of Creeks” were in fact references to existing American Indian entities or that the petitioner was among any such “groups.” Without further corroboration from other sources, this reference is too vague to meet the criterion as an identification of the petitioner as an American Indian entity.

The petitioner presented numerous materials reviewed as possible evidence of Indian entity identification during the 1950s. However, none of those materials suggest that the petitioner was identified as an American Indian entity during that decade. For example, the petitioner claimed that “[t]here was an active Indian Woman’s Club from the early 1900s to the present time,” that “[t]he Bruce Women’s Club was given deed to the old Bruce School in 1954 for \$10.00,” and that the club held various events in the building. While the narrative identifies the club as either the “Indian Woman’s Club” or the “Bruce Women’s Club,” the cited deed refers to the grantees as “Trustees of Bruce Community Club.” While this building and the events held there may have been locally significant, the deed does not identify the petitioner as an American Indian entity nor any of the named trustees as members of an American Indian entity.²⁰

¹⁸ 2002 TA Review Response, 25. See Walton County, Florida, Judge, application for letters of administration and administration bond, J. J. Ward, admr. of George Washington Nichols, Dec. 22, 1947; submitted by petitioner as “Exhibit 45.”

¹⁹ William Harlan Gilbert, Jr., “Surviving Indian Groups of the Eastern United States,” *Annual Report of the Smithsonian Institution . . . for the Year Ended June 30, 1948* (Washington: GPO, 1948), 423.

²⁰ 2002 TA Review Response, 51. See Walton County, Florida, Official Records 75 (1955): 460–61, Board of Public Instruction of Walton County, Florida, warranty deed to Trustees of Bruce Community Club, Jan. 19, 1955; submitted by petitioner as “Exhibit 98.”

After reviewing the documentation submitted for this evaluation period, it does not appear that the petitioner has submitted evidence sufficient to constitute identification as an American Indian entity. In explaining the paucity of identifications of an American Indian entity by external observers, the petitioner explained that any shortcoming stems from the fact that its historical Creek ancestors had to migrate into northwest Florida “to escape the removal policies of the Federal Government,”²¹ limiting the availability of evidence. The petitioner contends that the Florida legislature’s 1853 “Act to Provide for the Final Removal of the Indians of this State, and for Other Purposes,” which “remained a part of the statutes of [Florida] until the federal Civil Rights Act superseded it in 1964,” “prevent[ed] the existence of a tribal body” and “preclud[ed] . . . an outside entity from documenting its existence” and “should be more than sufficient to explain any omissions [of required identifications] during this time period.”²²

In the absence of any identifications by external observers, please note that the acknowledgment regulations accept “[i]dentification as an Indian entity by the petitioner itself” as evidence under criterion 83.11(a). Therefore, the petitioner is encouraged to locate any documents created between 1900 and the late 1950s in which it identifies itself as an Indian entity.

2. Evaluation period, 1957 to 1977

This evaluation period covers the decades between the pursuit of claims under the ICC Docket 21 judgment and the creation of FTECI.

For this evaluation period, the petitioner submitted several affidavits and correspondence related to the pursuit of claims as descendants of Eastern Creek Indians under the ICC Docket 21. However, these documents primarily focus on demonstrating that claimed ancestors living in the 19th century were Creek Indians rather than identifying an American Indian entity in existence during the evaluation period. As such they do not appear to help the petitioner meet criterion 83.11(a). Some of the correspondence mentions the historical Creek Tribe or the claims organization called the Creek Nation East of the Mississippi that sued the ICC on behalf of the Eastern Creek Indian descendants. As noted above, this claims organization was spearheaded by the efforts of the Poarch Band of Creek Indians, a federally recognized tribe located in Alabama. The claims organization itself does not appear to have been an antecedent of the petitioner. Other correspondence identifies actions taken on behalf of “the Wards,” but not on behalf of a tribe.²³ In its response to this TA Review letter, the petitioner may wish to provide additional explanation and supporting documentation showing that actions taken in pursuit of ICC Docket 21 judgment funds were taken on behalf of an American Indian entity identified as such.

²¹ 2002 TA Review Response, 21.

²² 2002 TA Review Response, 23–24; 2004 TA Response Addendum, 10–11.

²³ C. Lenoir Thompson, letter to J. J. Ward, dated Mar. 9, 1956; submitted by petitioner with 2002 TA Review Response, as “Exhibit 53.” See also Phase I Proposed Finding at 21 (explaining that “an extended family group descended from one Indian ancestor . . . does not form a tribe” (citations omitted)).

For the 1960s, the record contains two letters from Federal Government officials, both addressing individual requests to participate in ICC judgment fund distributions. The letters did not mention the individuals' connection to any contemporary American Indian entity.²⁴

3. Evaluation period, 1978 to 2000

This evaluation period covers the decades between the creation of the FTECI and the reorganization as the MNF. For this evaluation period, please refer to the technical assistance provided in the "General Comments" section above. OFA recommends that the petitioner provide the information requested in that section.

4. Evaluation period, 2000 to present

This evaluation period covers the decades between the reorganization as the MNF and the receipt of the Phase I Proposed Finding, dated May 31, 2024. For this evaluation period, the petitioner has met criterion 83.11(a).

The petitioner has submitted sufficient supporting documentation that it has been identified as an American Indian entity on a substantially continuous basis. This documentation includes correspondence with the Department, newspaper articles, and documents from the Florida legislature. Most recently, in 2023 the petitioner submitted its response to the 2016 Phase I TA Review letter, in which it self-identified as an American Indian entity.

§ 83.11(b) Community

The petitioner comprises a distinct community and demonstrates that it existed as a community from 1900 until the present. Distinct community means an entity with consistent interactions and significant social relationships within its membership and whose members are differentiated from and distinct from nonmembers. Distinct community must be understood flexibly in the context of the history, geography, culture, and social organization of the entity. The petitioner may demonstrate that it meets this criterion by providing evidence for known adult members or by providing evidence of relationships of a reliable, statistically significant sample of known adult members.²⁵

Pursuant to § 83.27, OFA has conducted a preliminary review of the petitioner's submissions for evidence of distinct community. Evidence that the petitioner submitted includes, but is not limited to, newsletters and correspondence, interviews with members, newspaper articles, church records, and school records. The deficiencies discussed below would prevent the petitioner from meeting criterion 83.11(b).

²⁴ Ralph A. Barney (Chief, Indian Claims Section, U.S. Dept. of Justice), letter to John D. Crews, Dec. 6, 1966; Clyde Busey (Supervisory Claims Examiner, Bureau of Indian Affairs), letter to Zera Dension, Jun. 4, 1969. See also John D. Crews, letter to Ralph A. Barney, Dec. 1, 1966. All letters submitted by petitioner.

²⁵ Section 83.11(b)(1) also includes a list of forms of evidence that may "show that a significant and meaningful portion of the petitioner's members constituted a distinct community at a given point in time."

1. Evaluation period, 1900 to 1956

In its submissions since the transition to MNF, the petitioner has maintained that its current membership traces its descent from “Indians listed on the Methodist Church rolls in Bruce, Florida, between 1912–1922.”²⁶ Department researchers examined the Bruce Methodist Church roll currently used by the MNF to determine its membership. This document names 102 people, including a number of people who are ancestral to the present group members. However, many of the people listed on this document do not appear to have any relationship to the people who make up the current petitioning group, which calls into question the relationship between the church’s membership at that time and the present-day membership of MNF. None of the people listed on the Methodist Church roll are identified as “Indians” on the document itself. No other information in the record indicates that the Bruce Methodist Church was ever identified during this period as a church with a Native American congregation or that it was referred to as an “Indian” church until the 1990s.

The petitioner’s 2023 submission presents yet another definition of the petitioner’s claimed community during the early twentieth century. According to the petitioner, “The Tribal Council relies on the handwritten Bruce Church Roll *and the backup Roll from Pine Level School* to define Citizens of the MNF Community [*emphasis added*].”²⁷ The petitioner submitted a number of records from the Bruce School, which is also referred to in interviews and other petitioner-generated documents as the “Bruce Indian School.” The petition narrative describes the school as one “[a]ll children were welcome to attend . . . , although preliminary genealogical research suggests the majority were Indian.”²⁸ Notwithstanding the petitioner’s claim, contemporary documentation indicates that the school, from its opening as the Pine Level School in 1895 to its closure in 1954,²⁹ was identified only as a public school and not as an “Indian” school, even though some of the petitioner’s members and their ancestors attended the school, and some also served as teachers or administrators. The petitioner is encouraged to provide the “preliminary genealogical research” mentioned in its narrative, as well as any other subsequent research, that supports its claim that the majority of the students who attended the school were “Indian,” as the petitioner claims.

Alternatively, the petitioner may wish to clarify that it does not consider the school to be representative of its community during the evaluation period. If it does not, please clarify the distinction between the school and the petitioner’s claimed community during the time period in

²⁶ “Tribal Enrollment Ordinance” #04-01-00, Feb. 7, 2004.

²⁷ 2023 TA Review Response 1:32.

²⁸ Considering that the school operated in Florida before the 1954 *Brown v. the Board of Education* ruling, it is also incorrect to say that “all children” were welcome—it was a segregated school, so only children identified as “white” children would have been able to attend. Federal census records of Bruce indicate the presence of a number of children identified as “black” in the early 20th century, but it is not clear if they attended another school in the town.

²⁹ According to the petitioner, the Bruce School was known as the Pine Level school from 1895 until 1908, when its name was changed to the Bruce School. Children in the vicinity of Bruce also attended a school called Seven Runs from 1896 until 1926 (2004 TA Response Addendum, 28–29).

question. Ancestors of the current petitioner's members appear in the records of both the Bruce Methodist Church and the Bruce School; however, the petitioner has not provided a clear definition of its claimed "distinct community" as required by § 83.11(b). It is not clear whether the petitioner claims that all of the people listed on the church roll or in the school records are considered by the petitioner to be "Indians" or if only some undefined subset of these people are considered members of its distinct community.

Therefore, in its response to this Phase II TA Review letter, the petitioner may wish to do some or all of the following:

- (1) Clarify which of the specific individuals on the supporting documentation were members of a distinct community. In doing so, the petitioner may wish to include additional discussion and analysis of the Bruce Methodist Church and Bruce School records, demonstrating social relationships or interaction among the members of the community. The petitioner may also wish to use other contemporary records, such as the Federal censuses from 1900 to 1950, to document the members of the community during the time period. If necessary, this analysis may also include discussion of whether any members of the community during this period do not appear on the church or school records, providing supporting documentation for their inclusion and participation in the community during the period.
- (2) Clarify the distinction between members of the community and members of the surrounding non-Indian population of Bruce during the early twentieth century. This may include a discussion of how membership in the community was determined at that time (i.e., how members distinguished themselves from non-members of the community).³⁰ This may also include references to some of the documentation provided in support of criterion 83.11(a) ("Indian Identification"), if such documentation demonstrates that external observers identified an Indian community.
- (3) Provide additional discussion and supporting documentation concerning community activities during this time. Please refer to the forms of evidence outlined in § 83.11(b)(1) and (2) for some acceptable ways to document distinct community. For example, the petitioner may wish to describe the church's activities during this period, using any extant Sunday school records, church meeting minutes or annual records, and photographs or newspaper clippings of events such as picnics or outings. It appears that the group held both a Homecoming and a Ward Family Reunion at the Bruce Methodist Church; the petitioner may wish to further describe and document these or other community events during this period. Additionally, the petitioner may wish to consult the Methodist archives in Lakeland, Florida to see if any such records are on file there. The petitioner may also wish to further discuss and document how members of the community who transitioned from the Bruce School to larger area schools distinguished themselves as a group from the other students. Finally, the petitioner should discuss and document any

³⁰ See, e.g., § 83.11(b)(1)(vii).

other evidence of distinct community during this time period. For example, the petitioner may discuss the use, management, and maintenance of cemeteries used by the community.

- (4) For reference, the petitioner may wish to consult the collections of the University of West Florida, especially the “Creek Indian Project Records, 1817–1981” collection. The archive may contain useful information not currently in the record.

2. Evaluation period, 1957 to 1977

The petitioner submitted several letters regarding the preparation of claims applications under ICC Docket 21 by “J. J.” Ward, on behalf of members of the Ward family. As noted above, in the section on criterion 83.11(a), it does not appear that Ward acted on behalf of a tribal community, as opposed to his own extended family. The petitioner may wish to provide additional evidence that Ward’s efforts in this regard demonstrate the presence of a distinct community of Creek Indians in existence during this evaluation period.

The petitioner’s narrative also discusses the role of the Bruce Women’s Club, in serving as a place of engagement among the petitioner’s members or ancestors during this time period.³¹ The petitioner submitted two lists identifying the original 30 charter members of the organization and their elected leaders (35 names in total).³² One affidavit from 2002 describes the club as “originally created for Indian women” and “a place that the women could be together and could work for the good of our tribal people.”³³ However, the charter of the Women’s Club of Bruce does not indicate that it was originally an organization for Indian women. For example, it did not limit its membership to “Indian women,” specifying instead that it “shall be non-denominational and shall work with a social, religious and educational training in mind for the welfare and future of this community.”³⁴ Additionally, it is unclear how many of the petitioner’s ancestors or members participated in the club, such that social interaction within the club serves as evidence of community. The petitioner may wish to provide an analysis of the membership of the Bruce Women’s Club and discuss how it and its activities were important to the petitioner’s community.

In addition to the above suggestions, the petitioner may wish to consider any other evidence that might demonstrate the existence of a distinct community during the mid-twentieth century. The response to this Phase II TA Review letter may explain how supporting documentation demonstrates this distinct community. Please refer to § 83.11(b) for examples of forms of evidence that may be sufficient to meet the criterion during this time period (1957–77).

³¹ 2004 TA Response Addendum, 32–33.

³² Woman’s Club of Bruce Charter, Nov. 8, 1954; submitted by the petitioner.

³³ Billie Joe Ward, affidavit, dated Jan. 7, 2002; submitted by petitioner as “Exhibit 51.”

³⁴ Woman’s Club of Bruce Charter, Nov. 8, 1954; submitted by the petitioner.

3. Evaluation period, 1978 to 2000

The “General Comments” section of this letter describes how the petitioner should clarify its narrative regarding the relationship between FTECI and MNF. That clarification, in turn, may affect the analysis of criterion 83.11(b) for this evaluation period. Please refer to that section, as well as § 83.11(b)(1) and (2), for examples of evidence that may be sufficient to meet this criterion during this time period.

4. Evaluation period, 2000 to present

For the time period following FTECI’s transition to MNF in 2000, the petitioner may wish to supplement the record by providing an additional narrative and supporting documentation, demonstrating how the group has maintained itself as a distinct community from 2000 to the present. The petitioner is particularly encouraged to submit such documentation for the period from 2014 to the present. Such supporting documentation may consist of newsletters, newspaper reports, photographs of activities, or other records pertaining to the community in recent years. Again, please refer to the forms of evidence described in § 83.11(b) for some ways in which the petitioner might demonstrate the continuous existence of a distinct community.

§ 83.11(c) Political Influence/Authority

The petitioner has maintained political influence or authority over its members as an autonomous entity from 1900 until the present. Political influence or authority means the entity uses a council, leadership, internal process, or other mechanism as a means of influencing or controlling the behavior of its members in significant respects, making decisions for the entity which substantially affect its members, and/or representing the entity in dealing with outsiders in matters of consequence. This process is to be understood flexibly in the context of the history, culture, and social organization of the entity.³⁵

OFA has conducted a TA Review of the petitioner’s submissions for evidence of political influence and authority. The following deficiencies would prevent the petitioner from meeting criterion 83.11(c).

1. Deficiencies Relating to the Transition of Political Authority from FTECI to MNF

The “General Comments” section of this letter highlights some key, unresolved questions about the transition of the petitioning group from FTECI to MNF. Because of the political nature of this transition, OFA provides additional recommendations here to address those questions. In response to this Phase II TA Review letter, the petitioner should provide the following:

³⁵ The text of this criterion also includes a list of forms of evidence that may demonstrate that “the petitioner had political influence or authority over its members as an autonomous entity.”

- (1) For the period(s) from 1900 to the creation of the FTECI, please provide a narrative specifically addressing how the petitioner meets criterion 83.11(c), using any of the forms of evidence listed under that section or other evidence demonstrating political authority and influence, and documentation supporting the narrative. The discussion should explain how political authority and influence transferred to FTECI from a distinct social and political entity in existence since 1900.
- (2) For the period from 1978 to 2000, please provide a narrative explaining how the MNF group maintained its separate political authority and influence within FTECI (assuming that it did so). Please refer to criterion 83.11(c) for examples of acceptable evidence and provide supporting documentation.
- (3) For the period from 2000 to the present, please provide an updated narrative demonstrating how the MNF has maintained its political authority and influence. Again, please refer to the forms of evidence outlined in 83.11(c) and provide supporting documentation. For example, the petitioner may wish to provide additional evidence of the group's political activities by supplementing the meeting minutes and group newsletters from 1984 to 2001 with any additional documentation produced since then to bring the petition up to date.

2. Identified Political Leaders of the Claimed Community

In addition to, or as part of, its response to the deficiencies identified above, the petitioner should also address the following issues related to its identified political leaders from 1900 to the present.

The petitioner identified several members of the Ward family as leaders of a Creek Indian community in Bruce, Florida, during the 20th century. One of these was William Josiah “Diamond Joe” Ward (1830–1924). The evidence in the record regarding his leadership includes some oral and written family histories and depositions, though these were all created after 1978. Jesse Josiah (“J. J.”) Ward (1870–1960) was the son of “Diamond Joe” Ward. According to the evidence in the record, he resided in the town of Bruce throughout his life, held numerous public offices, and owned the local general store. During the 1950s, J. J. Ward wrote numerous letters to various attorneys and government officials inquiring about what types of documents might demonstrate his “Creek Indian” ancestry under the ICC Docket 21, though the letters did not indicate he was acting on behalf of or under the directions of any group other than “the Wards.”³⁶ Two of J. J. Ward’s children—Mazie (1903–2001) and Mano (1908–1973)—are also identified as leaders of a claimed pre-1978 community. For example, the petitioner claims the “Muscogee Nation community at Bruce organized itself as the Florida Tribe of Eastern Creek Indians in 1978 under the leadership of Mazie Ward Rossell.”³⁷

³⁶ C. Lenoir Thompson, letter to J. J. Ward, dated Mar. 9, 1956.

³⁷ 2004 TA Response Addendum, 55–56.

MNF has not yet provided sufficient supporting documentation to show that there is activity between leaders identified above and a broader membership “regarding issues that the petitioner’s membership considers important,” as required to show political influence or authority.³⁸ The petitioner may wish to locate contemporary records from the period before 1978 that identify the individuals above or other individuals as tribal leaders. However, please note that evidence of an individual serving as the head of a household or as the leader of a family group is not sufficient to demonstrate political authority under criterion 83.11(c).³⁹ The petitioner may wish to concentrate on locating additional evidence of group political leadership—formal or informal—from 1900 to 1978. This may include, for example, discussions of concerns the membership brought to the leadership and how those concerns were addressed by the leadership, any conflicts within the membership and how those conflicts were resolved, or a discussion of the political relationship between the claimed political entity and the surrounding population that was not part of the entity. Documentation used to support the petitioner’s claims under criterion 83.11(c) may overlap with that used to support the petitioner’s claims under criterion 83.11(b).

Summary

This TA Review is not a Phase II Proposed Finding on criteria 83.11(a), (b), and (c). Rather, the purpose of a Phase II TA Review is to notify a petitioner, prior to the issuance of a finding, of “any deficiencies that would prevent the petitioner” from meeting criteria (a) through (c) (§ 83.26(b)(1)). Additionally, because the petitioner claimed previous Federal acknowledgment, OFA discusses previous Federal acknowledgment.⁴⁰ As detailed in this letter, OFA identified evidentiary deficiencies that would prevent the petitioner from meeting the *Indian Entity Identification, Community, and Political Influence/Authority* criteria (§83.11(a–c)) and proving previous Federal acknowledgment.

This Phase II TA Review discusses the deficiencies known to OFA at the time of review. However, the petitioner’s submission of additional information or clarification in response to the TA Review, or other materials added to the administrative record, might raise additional deficiencies or other issues that OFA would have to address in the Phase II Proposed Finding. In addition, the petitioner should not assume it will meet these criteria by simply submitting additional information or clarification. The petitioner’s ability to cure the deficiencies in these criteria will depend on the content of those submissions and the results of OFA’s review. Finally, the petitioner should not assume OFA has made positive conclusions about claims and evidence not discussed in this letter.

³⁸ 80 FR 37871.

³⁹ See, e.g., BAR, “Summary Under the Criteria for the Proposed Finding on the Ohlone/Costanoan Muwekma Tribe,” approved Jul. 30, 2001, p. 31 (stating that a claimed leader’s actions on behalf of her own family “does not support the petitioner’s contention that [the claimed leader] acted for a number of families or represented a group”); BAR, “Summary Under the Criteria and Evidence for Proposed Finding Against Federal Acknowledgment of the Chinook Indian Tribe, Inc.,” approved Aug. 11, 1997, p. 9 (stating that, for the purpose of satisfying the *Political Authority* criterion, “[e]vidence that an individual provided leadership for her own family is not sufficient to demonstrate that she was a leader for the petitioner’s ancestors as a whole”).

⁴⁰ See 25 CFR § 83.26(b).

After reviewing this letter, you must submit a written response that (1) withdraws the documented petition for further preparation; (2) submits additional information and/or clarification; or (3) asks OFA to proceed with the review (§ 83.26(b)(1)(i–iii)). Additionally, because “OFA cannot verify previous Federal acknowledgment during this technical assistance review, the petitioner must provide additional evidence” if it wishes to pursue that claim.⁴¹

As noted above, the regulations do not impose any limit on the amount of time that the petitioner may take to respond to technical assistance, and the timetable for OFA’s Phase II review will be suspended while the Department awaits a response or additional information from the petitioner. OFA is also suspending review under § 83.31 in light of competing, time-sensitive priorities; however, upon receipt of your response to this TA Review letter, OFA will reevaluate the suspension and return to its review of the documented petition as soon as possible. See 25 CFR § 83.23(a)(1).

If you have any questions, please feel free to contact the Office of Federal Acknowledgment at (202) 513-7650, via email at Ofa_Info@bia.gov, or by mail at:

Department of the Interior
Office of the Assistant Secretary–Indian Affairs
Attention: Office of Federal Acknowledgment
Mail Stop 4071 MIB
1849 C Street NW
Washington, DC 20240

Sincerely,

A handwritten signature in black ink that reads "Nikki Bass". The signature is written in a cursive, flowing style.

Director, Office of Federal Acknowledgment

cc: Other individuals or entities that have requested to be kept informed

⁴¹ 25 CFR § 83.28.