

Wilford "Longhair" Taylor
Tribal Chief
MOWA Band of Choctaw Indians

Testimony
Before the Committee on Resources
Unites States House of Representatives

Hearing on the Federal recognition and acknowledgement process by the
Bureau of Indian Affairs
March 31, 2004

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Mr. Chairman and committee members: good morning. My name is Wilford “Longhair” Taylor and I am the elected tribal chief of the MOWA Band of Choctaw Indians. Thank you for granting me the opportunity to testify on the federal recognition and acknowledgement process by the Bureau of Indian Affairs (BIA).

The Choctaw Indians of Mobile and Washington Counties, Alabama (MOWA) are the descendants of American Indians who occupied this territory prior to European discovery. We selected the acronym, MOWA, to represent our modern day geographic location. We live in an area transected by the county line between south Washington and north Mobile Counties. Although the State of Alabama legislature officially recognized the MOWA Choctaw as a tribe in 1979, and an official recognition proposal was approved by a U.S. Senate committee in 1991, the Bureau of Indian Affairs later denied our petition for Federal acknowledgement.

The criteria for Federal acknowledgement which a petitioning group must satisfy were designed to provide a uniform and objective review. However, the immense latitude granted to and demonstrated by the agency in its evaluation of the evidence submitted has clearly yielded arbitrary and subjective decisions. One example is the radically different standards applied in evaluating the petitions of the MOWA Choctaw and the Jena Choctaw. The oral histories of our venerated elders were discounted as "allegations" while the oral histories of the Jena Choctaw were described as even more reliable than written records. Identical types of written documentation that we were required to produce for BIA were characterized as an impossible and unreasonable expectation for the Jena Choctaw. Our petitions were evaluated within just months of each other. In all fairness, the same criteria should have been applied.

The Federal recognition process was designed to take two years, but in reality, the process often places a petitioning group in an endless "loop" of research and expense that, for most tribes, is overwhelming. It took seven years for our initial petition to be processed. It took ten years for the final determination report. If you include the years needed to undertake the research the BIA requires for documentation and our continued fight today, my people are in the twenty-third year of this process.

Although it is obviously not practical for me to present to you today my tribe's entire struggle with the recognition process, it is spelled out in detail in my written testimony. Therefore, please allow me to share with you just a few comments of independent experts from across the country regarding our failed effort to achieve recognition.

In the words of the well-known and renowned Native American legal scholar and member of the Standing Rock Sioux, Professor Vine Deloria, Jr. writes “The Federal acknowledgement process today is confused, unfair, and riddled with inconsistencies. Much of the confusion is due to the insistence that Indian communities meet strange criteria which, if applied to all Indian nations when they sought to confirm a Federal relationship, would have disqualified the vast majority of presently recognized groups. He further writes, “The MOWA Choctaws have a typical profile for Southeastern Indians. Their credentials are solid and the historical data that identifies them as Indians extends back to the days when they were integral

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villages in the Choctaw Nation....the fragmentation of the Five Civilized Tribes before, during and after Removal makes their history a fascinating story of persistence and survival but certainly does not eliminate them from the groups of people that should rightfully be recognized as Indians.”

Dr. Richard W. Stoffle, Ph.D., an anthropologist from the University of Arizona wrote to me in response to the BIA decision to deny recognition saying, “I can only express my deepest disappointment in the BIA’s decision. As someone who has reviewed your petition at length and has talked with your elders, there is no just argument against recognizing your status as an American Indian tribe... After working for 27 years with more than 80 American Indian tribes, it is my considered opinion that the MOWA Choctaw people are a persistent tribal society. It is difficult for me to understand how that point could have been missed by the BIA.”

Dr. Kenneth York, Ph.D. and Member of the Mississippi Band of Choctaw Indians, after critical review of our evidence writes, “It is my belief as a member of MBCI that members of the MOWA Band are descendents of the Great Choctaw Nation which was disbanded by the U.S. Government during the Indian Removal Period. It is my professional opinion that the MOWA Band has provided documentation regarding the history, culture, and ancestral relationship as well, if not better, as any tribal petition in recent years.”

Dr. Loretta A. Cormier, Ph.D., an anthropologist at the University of Alabama at Birmingham recently wrote, “As you are well aware, I have had the opportunity to work among the MOWA Choctaw over the course of the last three years and have researched your cultural history. Let me say unequivocally that I have no doubt that the MOWA Choctaw are an American Indian community. I am astounded by the BIA’s denial of your Federal recognition and find the technical report they prepared to be seriously flawed in terms of its historical, cultural, and even logical analysis of MOWA Choctaw history.”

The work and words of these individuals, and many other informed professionals, should provide ample support to prove that the BIA’s recognition process is, flawed and riddled with inconsistencies. The Bureau of Indian Affairs, as a federal governmental agency, has a duty to make decisions on a rational basis, which are neither arbitrary nor capricious. I find it quite disturbing that the BIA can selectively “pick and choose” the evidence it uses to deny a petition and, at the same time, not even consider, or in fact, totally and completely disregard stronger, more solid and compelling evidence that it normally uses as support to acknowledge other tribes.

The federal acknowledgement process was originally designed to be fair, objective and neutral. Today, the process is dehumanizing and insulting. As American Indians, we are the only people in this country who have to prove to the United States government who we are. I strongly believe that as long as the BIA has the power to serve as judge, advocate or adversary, the issues we discuss today will never be resolved and the recognition process will continue to be widely held in contempt.

Thank you.

Introduction: The Choctaw of Mobile and Washington Counties, Alabama

We, the MOWA Band of Choctaw, are a community comprised of the ancestors of American Indians who escaped the 1830 Indian removal act and remained in our traditional homeland in southwest Alabama. We chose the acronym "MOWA" to refer to our location in the area bordering Mobile and Washington Counties.

Our credentials are solid and the historical data that identifies us as Indians extends back to the days when we were integral villages in the Choctaw Nation. Few people realize that not all people were removed when the Army marched our nation to the West. Our ancestors have been documented as a distinct American Indian community since shortly after the 1830 Indian removal act. In 1835, a government Indian School was built in Mount Vernon, Alabama and described in the Library of Congress Historic Building Survey as built for Indians by Indian labor (Russell 1935 [1835]). Census records, birth certificates, sworn court testimony, government correspondence, military records, and anthropological descriptions provide written documentation of our continuous history in the area. However, the strongest evidence of our American Indian ancestry is not found in written documents, it is found in our lives. Our ancestors passed to us our Indian identity and traditions, persevering and preserving our heritage despite a long history of injustice and persecution.

Our ancestors essentially became fugitives in their own homeland. After the Indian Removal Act of 1830, they retreated into heavily forested, marginally desirable land along the Tombigbee River, married amongst themselves, and maintained a separate community. It is critical to understanding the experience of our ancestors to know that such segregation was not only due to the amalgamation of our Indian ancestors who escaped removal: it was an imposed isolation. Isolation helped to spare our people from persecution, although not completely. Elders describe atrocities against our ancestors such as being hunted down and imprisoned; killed, dismembered and stuffed in a gopher hole; or taken West in periodic Indian round-ups by government-paid contractors. These types of events are well documented in the literature (e.g., Debo 1972 [1934] and Forman 1982 [1932], Matte 2002).

Non-Indian settlers to the area applied the term "Cajun" to our ancestors' community, a term borrowed from a nickname given to French-Canadian immigrants to the Gulf Coast area originating in Acadia, which our ancestors clearly were not. We consider the term a pejorative, but nevertheless, this is the term often used to document our community in the literature, including a 1948 Smithsonian Institute description of the Cajun Indians of southwest Alabama (Gilbert 1948:144).

Unfortunately, such erroneous descriptions of our culture have been the rule rather than the exception in our history. The ultimate irony is that the very isolation and persecution contributing to our bonding together as an Indian community have, even today, impeded our ability to receive acknowledgement that we are who we say we are. We were denied federal recognition primarily on the basis that the BAR found insufficient written documentation by outsiders to substantiate the reality of our history and our lives.

The second section of this document entails a critique of the BAR denial of federal recognition for our people. At this juncture, it is important to make the point that we did provide the BAR with substantial documentation of the type that is acceptable to them in these matters. We maintain that we provided clear evidence to them that should have been more than sufficient to prove by their standards that we are who we are.

In brief, the BAR accepts that Indians remained in the area inhabited by the MOWA Choctaw today

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after the 1830 Removal Act. They also accept that our MOWA Choctaw community demonstrates clear ancestry from late 19th century core ancestors with Indian traditions. The crux of the denial is that our ancestors from the mid to late 19th century who lived as a separate community with Indian traditions cannot provide a level of documentation of Indian ancestry written by the non-Indian peoples who persecuted them that is considered acceptable to the BAR. Logically, it defies reason that non-Indians of that time period would desire to voluntarily adopt Indian traditions that would only invite persecution. Even if such self-destructive individuals were to exist, then one would have to presume that another as of yet unidentified Indian community existed in the MOWA Choctaw area from whom these non-Indians would be able to acquire foreign traditions. This is a bizarre and irrational scenario. Our MOWA Choctaw ancestors had Indian traditions because they were Indian.

Our people are, and have always been, a self-governing community following traditional ways of our ancestors and not accommodating ourselves to the rigid institutional organization that the majority of the nation adopted. Traditional ways, our people rightly feel, are more precise and enable the community to meet the needs of our people whereas the institutional process serves only people who fit into rigidly defined categories of assistance. Thus the political and social profile of our MOWA Band of Choctaw Indians does not always fit into the neat and narrow categories required by the federal acknowledgment process. Although the Alabama legislature officially recognized the MOWA Choctaw as a tribe in 1979, as did a U.S. Senate committee in 1991, the Bureau of Indian Affairs denied our petition. Nevertheless, as our revered elder, Mr. Leon Taylor stated to Congress in 1985,

“Today, I am Choctaw. My mother was Choctaw. My Grandfather was Choctaw. Tomorrow, I will still be Choctaw.”

This abstract and timeline form the basis of the petitions and supporting documents submitted to the Bureau of Indian Affairs-Branch of Acknowledgement and Research in 1988, 1991, and 1996. A more in-depth treatment of the material summarized here can be found in Jacqueline Matte's, *They Say the Wind is Red: The Alabama Choctaw--Lost in Their Own Land* (2002, New South Books).

Critique of the BAR Technical Report

The following is a summary critique of the BAR Technical Report denying our federal recognition. Our critique addresses four key problem areas we see in their evaluation, 1) dismissal of written documents, 2) arbitrariness in evaluating oral history, 3) failure to appreciate the historical context of the MOWA Choctaw experience, and 4) procedural errors. It should be duly noted that space limitations for this testimony do not allow us to present to the Committee on Resources a complete description of the factual errors, erroneous interpretations, and inconsistencies in the BAR technical report of our people. However, we are fully prepared to present more extensive evidence and inaccuracies of the BAR report and, more extensive documentation demonstrating that we are a legitimate American Indian people.

1. The BAR Discounted Written Documents Presented as Evidence of MOWA Choctaw American Indian Ancestry

a. The Bar Discounted Written Documents of MOWA Choctaw Antebellum Ancestry

We presented extensive written documentation to the BAR of the continuous settlement of our people in the region we inhabit today from 1813 until the present. Included were letters of correspondence to representatives of the U.S. government between 1832 and 1859 which provide a continuous record of our

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presence for a time period that spans approximately 30 years after the 1830 Indian removal act (Exhibit 1: Choctaw Timeline). In our original petition, we described the segregation of our ancestors from the surrounding community in that they were not permitted to attend either “white” or “black” schools, and built their own. A record of the school exists in the Library of Congress that verifies that the school was built in 1835 “by Indians and for Indians” (Exhibit 2: Original Catalogue Record of Indian School). We presented to the BAR documentation of 120 records in the U.S. General Land Office from 1836 to 1936 of homesteads showing land occupation by the same names listed on the 1910 census who were described as mixed blood Indians (see Exhibit 1 for references for census data and Database of Land Records, 1836-1936). These records demonstrate 100 years of our continued occupation in the area from shortly after the Indian Removal Act until nearly the middle of the 20th century. We also provided the evidence of an 1855 “Census Roll of the Choctaw Indians” which describes Indians living in our present-day area as well as evidence of a “Choctaw Regiment” in Mobile county during the Civil War (see Exhibit 1: references for the Cooper Roll 1855, showing Choctaws in Mobile, Alabama and the 1862 Choctaw Regiment of Mobile, Alabama.)

The evidence above contradicts the conclusion of the BAR which states,

“the petitioner’s attempt to demonstrate the existence of a continuing American Indian tribal entity, or community, in southwestern Alabama in the first half of the nineteenth century was not documented” (Technical Report: MOWA Band of Choctaw 1994:72 [cited hereafter as TR-MOWA]).

Not only did we provide such evidence, it should be duly noted that BIA regulations under which the final determination was made do not require evidence of ancestry prior to 1900. The BAR required a burden of proof in violation of BIA standards and failed to acknowledge documentary evidence that indeed met the inappropriate standard they imposed upon us.

In addition, although the BAR relied most heavily on genealogical historical records, support for the material we presented is found in genetic research published in professional medical journals that characterize our contemporary MOWA Choctaw people as a community of Native American ancestry that have intermarried and been genetically isolated since antebellum times. Our community has been a subject of study by medical geneticists from the University of South Alabama due to the high frequency of Marinesco-Sjorgren syndrome, an extremely rare autosomal recessive genetic disorder. The community of these patients was described as,

“each patient was a member of an inbred population living in a well-defined area of South-Western Alabama. The **ancestry of this population is Indian**, with White and Black admixture” (Superneau et al. 1987:9).

“all come from a remote, rural area of southwest Alabama **that has been virtually isolated since before the civil war**” (Brogdon, Snow, and Williams 1996:461-462).

b. The BAR Discounted 1910 U.S. Census Evidence of American Indian Ancestry

The 1910 United States Census for Washington County, Alabama contained marginal notes which identify MOWA Choctaw families in the Fairford and Malcolm precincts of Washington County. The original identification of Indian was written over with the word “mixed.” The interlineations were written by an official taker of the United States Census. The note explains: “These people entered as mixed are composed of **Indian**, of Spanish, some of them French, some with White, and some with Negro. **The prevailing habits are Indian.** Called “Cajun” (see Exhibit 1 references to 1910 Census Identifying Indian People and Communities in Washington County).

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Despite this direct proof, the BAR concludes, “nor were the core ancestors identified as an Indian entity on the 1910 U.S. Census.” It should also be noted that the core ancestors were dead by the time of the 1910 census, and these would have been descendants of our core ancestors. Moreover, the BAR concluded that “**none** of the primary records demonstrate that the petitioner’s members descend from a historical tribe or tribes which combined to form an autonomous political entity” (Summary under the Criteria and Evidence for Final determination of the MOWA 1997:5 [cited hereafter as SCFD-MOWA]). We offered the report of Professor Richard Stoffle (1996) entitled, “A Persistent People: A Rapid Ethnographic Assessment of MOWA Choctaw Federal Acknowledgement Petition.” Stoffle, using an anthropological approach, concluded that we were operating as an Indian community at the time of the Treaty of Dancing Rabbit Creek in 1830.

Rather than respond to the substantive conclusions reached by Stoffle, the BAR suggested that we did not demonstrate that our core ancestors descended from persons listed on the Dawes Rolls. However, when the Curtis Act of 1898 directed the commission to enroll the Mississippi Choctaw (Mann 2003:293), some of our ancestors did make application for enrollment. They were rejected because they had no written documents to verify their Indian identity and were labeled “half-bloods.” Most of the applicants rejected lived in Alabama and traced their descendancy through Lofton and Byrd’s lineage. This information was submitted to the BAR. The basis for the exclusion from the list was not that the applicants were not Choctaw. Indeed they could speak the Choctaw language. No logical reason exists for anyone to speak the Choctaw language in 1898 in Alabama if they were not Choctaw. They were not permitted on the list because they could not supply *written documentation* and were deemed “half-bloods.” The BAR ignored this information.

In addition to the 1910 census, the 1920 census identified our people as “French and Indian” (see Exhibit 1 reference to the 1920 Census Identifying Indians in Washington County). We have also recently found Birth and Death Certificates from around this time period identifying our people as **Indian** (see Exhibit 1 references to Birth and Death Certificates Identifying MOWA Choctaw as “Indian”). Moreover, the 2000 U.S. census is unequivocal in its description of our people as Indian. In its “Race List Codes,” the MOWA Choctaw Indians are listed under the category “American Indian,” subcategory “Choctaw,” subcategory “C12-Mowa Band of Choctaw” (Exhibit 4: Federal Agencies Recognizing the MOWA Choctaw, U.S. Department of Commerce). We agree with the contemporary classification of our people as American Indian by the United States Federal government, and so should the BAR.

c. The BAR Discounted Sworn Testimony Related to the American Indian Ancestry of Core MOWA Choctaw Families

The MOWA Choctaws submitted minutes from “The State v. John Goodman and Jenny Reed,” dated 1881-1882 (Washington County, Alabama Circuit Court 1881-1882). We also presented a 1918 miscegenation case, “The State of Alabama v. Percy Reed and Helen Corkins [a.k.a. Calkins]” (See Exhibit 1 reference to 1920 Miscegenation Case of Percy Reed and Helen Caulkins). The BAR ignored direct evidence of Indian ancestry which arose out of these hearings and also intentionally refused to draw inferential conclusions from the trials.

First, we used the minutes from “The State v. John Goodman and Jenny Reed” to support the claim that Rose Gaines was half-Choctaw and half-white. The minutes indicated that Alabama prosecuted John Goodman and Jenny Reed under the miscegenation acts. The BAR concluded that the not-guilty verdict was non-supportive of Choctaw heritage. The BAR discredited sworn testimony of witnesses who stated that Rose was the daughter of Young Gaines and a Choctaw woman. Additionally, the BAR questioned the reference to burned records in our 1988 petition, “Initially, the petitioner claimed that ‘these [1880’s] court records were burned’ (FD-MOWA 1997:13). The 1988 petition was based on information available at the time. That the BAR would castigate us for dutifully supplementing its submission is inconceivable,

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unprofessional, and insulting. We did not know that the records existed because we were told in 1988 that some of the courthouse records had burned in 1907. However, some of the records had been moved and were later found in a storage closet in Chatom, Alabama.

At the trial involving John Goodman and Jenny Reed, testimony was offered that Jenny was American Indian. The BAR ignored this testimony, which was provided in prior submissions to the BAR. They took issue with the fact that Mr. Sullivan, the foreman of the jury, had testified similarly in the 1920's. However, that does not discredit the testimony, rather it supports the conclusion of Indian descendancy. The fact that the jury found the defendants not guilty in the Goodman and Reed case is strong proof that Jenny Reed was of Native American rather than African descent. This is the only defense that would have worked in the jury trial. The BAR completely and literally ignored this conclusion.

In addition, the specific reasons outlined by the BAR for not accepting this conclusion are specious. First, the BAR says that the testimony was given at a time greatly removed from the events being discussed. The BAR is acting as a super-jury in determining the Reed and Goodman case again. The original jury, hearing the evidence and seeing the witnesses, concluded that the defendants were not guilty of miscegenation. The only reasonable conclusion for that verdict can be that Jenny Reed was Native American. The credibility and weight accorded to witnesses' testimony is to be decided by the jury in **that** case and not decided by a reviewing agency some 115 years after the court hearing. The BAR does not, and should not, sit as a super-reviewing agency of previous court decisions. Finally, the BAR impugns the testimony of George Sullivan because he was 74 years old. Again, this is a matter which was weighed and determined by the jury hearing that case. The BAR does not have legitimate basis for declining to believe sworn testimony evaluated by a jury.

We also presented the 1918 case of “Alabama v. Percy Reed and Helen Corkins [Calkins].” Percy was the son of Reuben Reed and the grandson of Daniel and Rose Reed. Percy Reed was originally found guilty of miscegenation; however, the Alabama Court of Appeals reversed that verdict and concluded that the evidence presented at the trial was hearsay and that the trial Judge should have directed a verdict in favor of the defendants. The Court of Appeals concluded: “Judgment entry that court ascertained ‘that defendant is of Indian or Spanish origin’ significant that state failed to make a case of miscegenation (State of Alabama 1918),” the BAR did not accord this judicial conclusion any weight at all. In fact, the BAR ignored this direct evidence of Native American descent.

2. The BAR Demonstrated Bias, Arbitrariness, and Inconsistency in Evaluating MOWA Choctaw Oral History

Recording of oral histories is a key research methodology for both historians and anthropologists. It is also the traditional Native American means of transmitting family history and cultural traditions from generation to generation. Glaring problems exist in the BAR evaluation of information from oral history we provided to them. The BAR is inconsistent and arbitrary in its utilization of oral history information as evidence of Native American ancestry. Oral history information substantiating written documents is dismissed. The BAR reviewed the petitions of the MOWA Band of Choctaw and the Jena Band of Choctaw within several months of each other. However, similar types of oral history information were deemed superior to written documents for the Jena Choctaw, but judged as inadequate evidence for the MOWA Choctaw. Second, the requirement for extensive antebellum documentation of genealogy is an unreasonable expectation for a non-literate people whose cultural norms are based on preserving cultural heritage through oral tradition.

a. The BAR Discounted Oral History Information Substantiating Written Documents

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The BAR has completely dismissed our oral history as “vague and unreliable when tested.” The BAR refused to accept oral history “until verified from contemporary documentary sources.” As demonstrated with Nancy Fisher, contemporary documentary sources have been provided that have, for reasons beyond being described as frivolous, been discounted. The BAR concludes that oral traditions cannot be accepted at face value and must be evaluated where there are accuracy and reliability. The BAR refers to Rubicam, “consider and analyze all of the facts, regardless of the source, whether tradition or an official record, then decide if you should accept or reject those facts” (Rubicam 1980:48).

The BAR has ignored its own advice and refused to consider and analyze all of the facts. We have urged, on more than one occasion, that the strong common thread of references to Indian heritage, the 180 year-old story of our Indian ancestor who swam the river with the baby on her back and self-identification has to be given weight. Further support for the veracity of our oral tradition has been found in an 1816 Washington, D.C. newspaper which recounts the incident (Marschalk 1816). A transcript of the newspaper account is provided in Exhibit 3.

Jacqueline Matte has served as the primary historical researcher for our people. Over a twenty-year period, she collected every reference, published or unpublished, related to our ancestors. Each piece of this information has been sent to the BAR, some of it repeatedly, in the anticipation that gaps in chronology, incomplete documentation, and unanswered questions could be expected for a non-literate people. Those gaps, however, were used offensively by the BAR to deny recognition rather than to leave open the analysis for further consideration.

While we do not discredit the value of genealogical records, the BAR has not taken into account that our earliest ancestors were not literate in English. It is unreasonable to expect that they would have kept extensive genealogical records of themselves in a language they did not know. Vine Deloria, Jr. (Lakota Sioux, Professor Emeritus at the University of Colorado) has commented on this very problem in the federal recognition process, and specifically in reference to the MOWA Choctaw stating,

“Much of the confusion is due to the insistence that Indian communities meet criteria which, if it had been applied in the past, would have disqualified the vast majority of presently recognized groups” (Deloria 2002:10).

He refers to the “catch-22” in the federal recognition process. If our ancestors had assimilated, they would have been more likely to have left the types of written documentation the BAR requires to demonstrate Indian ancestry. However, such assimilation, by the BAR rules, would disqualify a community as a legitimate Indian tribe.

A recently discovered 1960 letter written by U.S. Representative Frank Boykin also demonstrates the veracity of our oral history. An excerpt follows below:

I’ll take care of him when he gets here, because we have a lot of wild Indians. You will remember that Aaron Burr was captured there on our game preserve at McIntosh in 1806; and then a little later, chief Geronimo, that great fighting chief, was captured here. Well, we sent them all to Oklahoma, after having them in captivity here a long time. Well, I still have a lot of them and they work for us. They can see in the dark and they can trail a wounded deer better than some of our trail dogs (Boykin 1960).

Boykin’s description of the MOWA Choctaw is that they are descendants of Indians who escaped removal and remained in the area that we currently inhabit. Although Boykin’s use of the term “wild Indian” is insulting, it is, nevertheless, an indisputable description of us as an Indian community.

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b. The BAR Applied Radically Different Standards in Evaluating the MOWA Choctaw and the Petitions of Other Tribes, Particularly in Terms of Oral History

The BAR has applied radically different standards in evaluating the petitions of the MOWA Band of Choctaw and other tribes. We have chosen to draw comparisons between the petition of the Jena Band of Choctaw with our own since they were evaluated within months of each other and both are Southeastern Indian groups with Choctaw ancestry. The BAR applied a higher standard for the MOWA Choctaw than the Jena, in some cases, requiring the MOWAs to provide information that was described as impossible to obtain for the Jena. They were particularly inconsistent in evaluating the oral history of these two groups. Similar types of information derived from oral history were accepted for the Jena and rejected for the MOWA Choctaw. In one instance where a discrepancy between oral history and census data existed for the Jena Choctaw, oral history was deemed more reliable. However, the exact opposite conclusion was drawn for the MOWA Choctaw for similar circumstances. We should be clear that we are in no way questioning the legitimate Indian status of the Jena band of Choctaw. Rather, we are making the point that we feel that in all fairness, the same standards should have been used in evaluating our petitions.

One example of this type of discrepancy in the BAR’s evaluation of the MOWA Choctaw and Jena Choctaw petitions involves the importance of oral history in establishing ancestral links. For the Jena, the BAR recognized that their earliest Choctaw ancestors would have logically had Choctaw rather than Anglicized names and established a linkage between 1830 Choctaw based on the oral history of their 1880 descendants among the Jena. The following citation from the Jena petition is lengthy, but important for it makes clear that the federal government acknowledged the impossibility of linking Choctaw names to anglicized names and further, argued that it was “fair and reasonable to assume” that 1880 persons living in traditional Choctaw territory who claimed descent from Choctaw ancestors through oral history, were, indeed, Choctaw:

After one commissioner visited Mississippi for several weeks, the Dawes Commission produced a roll of the Mississippi Choctaws and submitted it to the Department of the Interior in March 1899. Later in the year, however, the Commission asked that the roll be withdrawn and returned it. The roll contained 1,923 names (Dawes Commission 1899, 78; 1900, 18, 10; Commissioner of Indian Affairs 1899, 122; 1901, 157-158). The Commission had identified a Mississippi Choctaws all of the full-blood Choctaws who had appeared before it. The Commission noted **that it was impossible to prove that an individual’s Choctaw ancestors had made a good-faith effort to comply with the provisions of Article 14 of the treaty after 1830. The facts were not known to those living 60 years later, the Choctaws with English names could not be traced back to ancestors with Indian names**, the Government’s records were inadequate, and the investigations made after the treaty had demonstrated that Agent William Ward had refused to register Choctaws who sought to comply with the treaty’s terms. The Mississippi Choctaws, the treaty contended could not be reasonably expected to show that their ancestors had complied with the provisions of the treaty. It was “fair and reasonable to assume,” however, that the Choctaws who had remained in Mississippi had intended to declare their intention to do so and to use the treaty to assure themselves of a homestead ([Dawes Commission 1899, 78-79] from TR-Jena 1994:21). (Emphasis added).

We provided the BAR with similar documentation in the form of an 1851 petition signed by our Choctaw ancestors that was submitted to the Commissions of Indian Affairs on our behalf by John Seawell (mayor of Mobile) and Felix Andry (See Exhibit 1 references to Indians of South Alabama of the Choctaw Nation 1851 and Choctaws in Mobile). The BAR rejected this evidence on the grounds that 1851 Choctaw names could not be linked to Anglicized names, although this was described as an unreasonable and even “impossible” expectation for the Jena Band of Choctaw:

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Evidence was presented by the petitioner to indicate that some Choctaw Indians remained in Southern Alabama between the Treaty of Dancing Rabbit Creek in 1830 and the Civil War. However, no evidence was presented by the petitioner to indicate that either the Reed or the Weaver/Rivers/Byrd family associated as colleagues or witnesses with Felix Andry, who was married to a Choctaw woman named Nancy and who submitted claims to the Federal government on behalf of the Choctaw remaining in Alabama (TR-MOWA 1994:5).

It should be noted that one of the progenitors of the MOWA Choctaw described in our petition to the BAR has been traced to a person with an Anglicized name, Chief Tom Gibson (a.k.a. Eli-Tubbee, Elah, Tubbee, or Elatatabe). He lived in Washington County, Mississippi Territory (presently Washington County, Alabama) until 1813 when the influx of whites caused him to move to Killistamaha (English Town) clan of the Six Towns located in southeastern corner of the present boundary of the state of Mississippi, just miles from the current southwest Alabama location of our MOWA Choctaw community. John Gibson, James Gibson, and Betsy Gibson were in Mobile area in 1850 as shown in U.S. government correspondence and 1880 census. However, the BAR discounted this information because the 1860 census described her probable place of birth as Georgia, her father’s North Carolina, and her mother’s Virginia (TR-MOWA 1994:75-76). The BAR concluded that the link is “based on oral tradition only” (TR-MOWA 1994:75) rather than acknowledging that the census information itself was ambiguous.

The conclusion drawn here is particularly troubling given that when the Jena proposal contained ambiguous census date, oral history was described as more reliable than census data,

“The Dawes Commission testimony suggests that tribal members born before 1872 were born in Mississippi, while those who were younger than that were born in Louisiana during the 1880’s. Census data on individuals’ place of birth does not support this conclusion, **but the census is less reliable than personal testimony**” (TR-Jena 1994:16).

In multiple instances, the BAR discounts our oral history as legitimate evidence. In the first example below, it is belittled by stating that our petition “alleges” a family connection. In the second example, even sworn court testimony is treated as allegation and discounted because we were expected to produce additional written documents to support the testimony.

“The MOWA petition **alleges, also on the basis of oral tradition**, that a George W. Reed, supposedly the son of Hardy Reed and a Creek woman whose maiden name was Elizabeth Tarvin, was the brother of Daniel Reed, as were Amos Reed and Squire Reed, **but provides no documentation for the assertion, and the BAR researchers located none**” (TR-MOWA 1994:31).

“According to the witness in the 1920 trial, Mrs. Rush testified that Rose Reed, who had died in 1878, had told her that her mother was a “Choctaw squaw.” **This hearsay testimony was not documented by any contemporary evidence**” (TR-MOWA 1994:6).

The oral history of the Jena is treated with more respect and regarded as legitimate in terms of both historical dates and social relationships,

“In the oral history of group members, William Bill Lewis is remembered as the group’s leader from the time of his arrival from Catahoula Parish about 1917 until his death about 1933...as the eldest male among the Choctaw residents of the Jena area after the death of Bill Lewis, Will Jackson was expected to play the role of community leader...”(TR-Jena 1994:30).

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Another example of information that was accepted for the Jena Choctaw and rejected for the MOWA Choctaw is the presence of Indian Schools. The Jena Choctaw petition states,

“Local authorities and private individuals made efforts to create a school specifically for the Indian population. During the 1930’s the Penick Indian School operated with some funding from the Federal Office of Indian Affairs” (SUC-Jena 1994:4).

We provided the BAR with virtually identical information about a separate, federally funded Indian school for the MOWA Choctaw. In our original petition, we provided evidence of federal funding being sought in 1934, the same time period identified for the Penick Indian School of the Jena Choctaw (see timeline). Moreover, as previously described, the Indian school for the MOWA Choctaw ancestors was established **100 years earlier** than that of the Jena Choctaw. In addition, since 1965, we have received federal funding through the Title IV and Title IX Indian Education Programs (Exhibit 4: Federal Agencies Recognizing the MOWA Choctaw, Department of Education).

Another extraordinary example of the BAR applying wholly different criteria to the Jena Choctaw and the MOWA Choctaw is in their evaluation of *virtually identical* events involving a Choctaw family moving into the community around 1900. For the Jena Choctaw, the addition of the Choctaw Lewis family in the early 1900’s is described as a positive event which allowed a dwindling Jena Choctaw community to remain viable. For the MOWA, the addition of the Choctaw Laurendine family is described as irrelevant because they did not marry into the community until the early 1900’s. The BAR description of the Lewises states,

“Before the arrival in LaSalle Parish about 1917 of William Bill Lewis and his extended family from Catahoula Parish, the Trout Creek settlement may have shrunk to two families, those of brothers Will Jackson and Chris Jackson....At that time, the two Jackson families may have consisted of only eight people...The arrival of the Lewis family gave the Trout Creek settlement the potential to remain a viable community” (TR-Jena 1994:28).

But the description of the MOWA Choctaw states,

“The Mississippi Choctaw Laurendine family did not, apparently settle in Mobile County until after the Civil War....No Laurendine descendants married into the petitioning group until after 1900...”(TR-MOWA:87).

The inconsistency is incredible. The BAR completely dismisses the intermarriage of the Choctaw Laurendine family into the ancestral MOWA Choctaw community as anomalous because it did not occur until around 1900. However, for the Jena Choctaw, the intermarriage of the Choctaw Lewis family around 1900 is viewed as critical to the very existence of the Jena Choctaw today.

c. The BAR Placed little value on oral history as the traditional American Indian means of transmitting heritage.

Finally, it is disappointing that the BAR, as an Indian agency, places so little value on oral history. For all American Indians, oral history is the traditional Indian way of transmitting our heritage from generation. Disregarding these traditions demonstrates disrespect for our venerated elders and more generally, disrespect for Indian cultural traditions. Moreover, the very existence of our oral history, passed down through generations to multiple descendants could not be been motivated by any other logical reason except as a means to preserve our heritage. Cedric Sunray’s “MOWA Tribal Council Presentation” put it well,

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“When elder after elder recounts the same story in a relatively similar fashion...how can we discount it? How could an entire group of elderly people be convinced to lie and falsify such a long story? They would need to go against their own collective beliefs, have meetings to get their stories ‘on the same page’ and then, with a straight face, lie to anthropologists and BAR officials. No one could possibly believe that the senior population of the MOWA community organized to this level with the intent to mislead the BAR” (Sunray 2002:15).

3. The BAR failed to evaluate written documentation in its historical context

a. The BAR failed to recognize the widespread American Indian resistance to the Dawes Roll. The BAR equates the Dawes Roll (and similar registers) as a Native American census, failing to recognize both the widespread Native American Resistance to the Dawes Act, and the fraud and corruption in the Miriam Report of 1928 which led to its repeal.

b. The BAR failed to recognize racism and racial designations applied to American Indians in Alabama. The BAR has characterized the documents identifying MOWA Choctaw ancestors with Indian heritage as ambiguous. We have presented clear documentation that our MOWA Choctaw ancestors were described as Indian. However, the BAR describes this evidence as ambiguous pointing to terms such as “free person of color” and “mulatto” that have sometimes been applied to them. Such an attitude demonstrates a lack of awareness of not only historical racial categories in the region, but more importantly, it indicates a lack of awareness of the racism and prejudice that our people have experienced.

c. The BAR applied an unreasonable standard for the level of documentation required for non-literate antebellum American Indians. The requirement of the BAR for the MOWA to present extensive antebellum evidence is an unreasonable standard for an American Indian people who were not literate in the language. Applying such a standard indicates a clear failure to appreciate the cultural, historical, and linguistic history of the Indians who escaped removal in 1830.

4. The BAR deviated from BIA protocol in evaluating the MOWA Choctaw Petition.

a. By the BIA’s own admission, the Federal Recognition process is a confusing, ambiguous, expensive, and time-consuming process (Bureau of Indian Affairs 2001:3-4). One consequence of the confusion and delays is that we presented our petition under the set of guidelines in effect at the time but our petition was not evaluated until *seven* years later. The rules for federal recognition were changed just months before the BAR evaluated our proposal. We believe our petition should have been evaluated in a timely manner. Further, given that the BAR did not evaluate our petition within the recommended two-year time frame, that our petition should have at least been evaluated under the guidelines in effect when we submitted our proposal.

b. The BAR deviated from BIA protocol in requiring pre-1900 documentation. Much of the criticism in the 1994 BAR Technical Report is directed at their evaluation of our providing insufficient antebellum documentation of our ancestry. As we have already argued, we strongly disagree with this conclusion. But leaving that aside, as a matter of procedure, the requirement for antebellum documentation deviates from protocol. By the BIA’s own admission, the meaning of “historical” has been ambiguous and inconsistently applied for tribes seeking federal recognition. The BIA clarified the time frame in 1997 to mean “since 1900.” However, in the Final Determination, written **after** the BIA clarified the appropriate time frame, the BAR continued to apply an antebellum standard. We find it particularly unfair, frustrating, and inconsistent that the BAR applied outdated standards in the Final Determination given that our original petition was required to meet standards that had been changed only months before.

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c. The BAR deviated from the BIA protocol in failing to provide an objective evaluation of the MOWA Choctaw petition. The BAR failed to provide an objective analysis of our petition. We base this on (1) the adversarial tone of the BAR report; (2) evidence of racial bias by the BAR evaluator; (3) politics. Our experience has made it clear that the federal recognition process is rife with politics and bias. We were not evaluated objectively. Kevin Gover, the Assistant Secretary of Indian Affairs who signed off on the negative determination of our petition perhaps puts it better than we can. He is quoted in the *Hartford Advocate* as saying,

“The tribal recognition process should be ‘fair, open, objective, and neutral...our present system lacks these features and we need an impartial commission’...Today the tribal recognition process is ‘dehumanizing’ and ‘insulting’...” imagine have to prove to the government who you are.” (Miksch 2003, quoting Gover).

Concluding Remarks

With the exception of the Bureau of Indian Affairs, virtually everyone who has come into contact with our people recognizes that we are Indian. We have multiple letters of support from professionals that are all willing to provide expert testimony under oath. As previously described, we already have established relationships with numerous branches of the federal government who recognize us as Indian, even to the extent of our being given an Indian racial code for the purpose of compiling governmental statistical data. But more importantly that all of the letters and government documents that repeatedly substantiate our American Indian heritage, we simply are who we are.

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Exhibit 1: Timeline for Choctaw Indians in Alabama from 1813 to 2003

For references see: *They Say the Wind is Red: The Alabama Choctaw Lost in Their Own Land* by Jacqueline Anderson Matte, with foreword by Vine Deloria, Jr., Revised Edition, 2002, NewSouth Books, Montgomery, AL

- 1813** Forty-five Choctaw families join Creeks to fight against Americans in Creek War of 1813 (part of War of 1812)

Source: “John Pitchlynn, Ocktibbaha to Governor Blount, September 14, 1813,” Roll 6; “George Smith, Pitchlands, to A. Jackson, November 23, 1813,” Roll 7; “John McKee, Fort Smith Mr. Pitchlynn, to A. Jackson, January 6, 1814” and “John McKee, Camp Te Toote, Massatabbe east bank of the Black Warrior 85 miles above its junction with the Tombigby, to A. Jackson, January 26, 1814, Roll 8, Andrew Jackson Papers, Manuscript Division, Library of Congress; “Narrative, December 5, 1813,” John McKee Papers, Manuscript Division, Library of Congress; “David Holmes to Turner Brashears, August 3, 1813,” RG 2, Mississippi Territorial Governor’s Papers, 6:308, Mississippi Department of Archives and History; “John McKee, Mr. Pitchlynn’s to GS Gaines, January 2, 1814,” RG 217, Records of the Accounting Officers of the Department of the Treasurer, Records of the Fifth Auditor, box 1, account 475, National Archives; Gideon Lindecum, “Life of Apushimataha,” *Publications of the Mississippi Historical Society*, 9(1906): p. 479 (hereafter cited PMHS).

- 1819** Choctaw village in Mobile and inhabitants described March 31, by James Leander Cathcart, agent for U. S. Navy, in his daily journal.

Source: Jean Strickland and Patricia N. Edwards, *Residents of the Southeastern Mississippi Territory—Three Journals*, Book Four. “Records of the General Land Office, Journal and Report of James Leander Cathcart and James Hutton, agents appointed by the secretary of the Navy to survey timber resources between the Mermentau and Mobile Rivers, in accordance with an act of March 1, 1817, November 1818-May 1819,” pp. 48-49.

Daniel Reed worked for Young Gaines as a cattle drover. A notice in the St. Stephens, Alabama Territory newspaper, *The Halcyon and Tombeckbe*, proclaimed: “Lost, a red Morocco Pocket book containing a Due Bill on Mr. Young Gaines for \$60; which I forewarn all person from trading for the same. Daniel Reed. St. Stephens.”

Source: *Halcyon & Tombeckbe, March 10, 1819.*

- 1824** Choctaw families in Mobile described and interviewed by Gideon Lindecum, Botanist, who lived with Choctaw.

Source: Lindecum, “Life of Apushimataha,” *Publications of the Mississippi Historical Society*, 1906, p. 480.

- 1830** Treaty of Dancing Rabbit Creek to remove all Choctaw Indians West of the Mississippi River.

Source: Charles J. Kappler, ed., *Indian Affairs, Laws and Treaties*, 2:310-15.

- 1832** George S. Gaines reported “A **great number** of Chactaw [sic] Indians for many years past have resided with the corporate limits of this city during the winters and spring months, and many families remaining through the summer, to the annoyance of the citizens. . .”

Source: NARC, RG 75, Entry 201, Letters Received, 1831-36, Records of the Commissary General of Subsistence, June 30, 1832.

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- 1835** Indian Schoolhouse, County Road 96 (Old Saint Stephens Road), Mount Vernon, Mobile County, AL. Built approx. 1835; Owner: State of Alabama. Built for Government School for Indians by Indian labor. Description: Frame, one story, wood cypress siding, small porch on the front.”

Source: Historic American Buildings Survey (HABS), Library of Congress, Prints and Photograph Division, Washington, DC 20540, Card #AL0387. <http://memory.loc.gov/ammem/hhhtml/hhhome.html>

- 1836** James Gibson, descendant of Chief Tom Gibson (Eli- tubbee/ Elah-tubbe) listed on “Muster Rolls of Choctaw Indians,” and in Correspondence from Mobile.

Source: Records of the War Department, Office of the Advocate General, Alabama at war, 2nd Creek War, 1836, SG13379, Alabama Department of Archives & History. (ADAH)

1836-1936

Inclusive– **120 Land Records** show ownership and occupation by people with whose same names are listed on 1910 U. S. Census in Mobile & Washington counties as “Mixed . . . the prevailing habits are Indian.”

Source: General Land Office, Suitland Maryland.

- 1838** Investigation into fraudulent land claims. Testimony taken to establish claims by Choctaws; **7,000** who refused to move west.

Source: NARC, RG 75, Entry 270 Evidence, 1837-38, U.S. Court of claims, No. 12742, The Choctaw Nation of Indians vs. the United States.

- 1844** George S. Gaines reported “The south eastern Indians known as the Six Towns under the influence of Cpts. Oak-lah-be and Post Oak . . . number about **2,000**.”

Source: NARC, RG 75, M234, Letters Received, Choctaw Emigration, Roll 185, pp. 903-908, September 22, 1844.

- 1847** “Since the time of 1830 the Choctaws who remained . . . has been left to follow there own inclination, the greater part of them leading vagrant lives . . . in the southern part of **Alabama** and deriving a precarious subsistence by --hunting and fishing in swamps. . . about **3,000**, including 2 and 300 who have wandered off to the seashore between **Mobile** and New Orleans..”

Source: NARC, RG, 75, M234, Roll 188, fr. No. 226, Choctaw Agency, Emigration, April 27, 1847.

- 1851** “**Several hundred** Indians were determined to remain in vicinity of **Mobile**” 6 Nov 1851; reports that “**several hundred more** Indians have come to vicinity” 27 Nov 1851; “about **500** are assembled. . .” 15 Dec 1851; “petition signed by Choctaws: 60 men, 45 widows and 4 children.” 29 Dec 1851.

Source: NARC, RG 75, M234, Roll 171, Letters Received by OIA, Choctaw Agency, 1839-51, fr. no. 738 753.

- 1852** “Petition in behalf of all the Indians of south Alabama of the Choctaw Nation . . . over **400** Choctaws residing in **Southern Alabama** and near **Mobile**, who do not wish to emigrate but to remain where we are and become citizens. Signed in behalf of all the Indians of South Alabama of the Choctaw Nation.”

Source: NARC, RG 75, M234, Roll 172, Fr. no. 44-47, Letters Received, Choctaw Agency, August 17, 1852.

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1856 “Census Roll of Choctaw Families, Residing East of the Mississippi River and in the States of Mississippi, Louisiana and Alabama made by Douglas H. Cooper, U.S. Agent for Choctaws, July 26, 1856: Original manuscript: Six Town clan located in Jasper & Newton Counties, Mississippi and **Mobile, Alabama**; list of Choctaw names; recapitulation, showing number of men, women and children, number of families and places of abode. The Six Town Clan was comprised of 129 men, 191 women, 194 children for a total of 514 individuals or 96 families.”

Source: NARC, RG 75, Entry No. 260.

1859 “Gov’t has no intention to make any further removal of Choctaws . . .”

Source: NARC, RG 75, M234, Roll 175, Letters Received by OIA, Choctaw Agency, Frame No. 409-417.

1860 Response to series of letters requesting information on name and residence of Choctaw Agent, “No such agent has been appointed by the Department. . .”

Source: NARC, RG 75, M234, Roll 176, Letters Received by OIA, Choctaw Agency, Frame No.13-17 & 165-167.

1862 Choctaw ancestors of the MOWA remained in Alabama and were recruited for the Confederacy at the foot of Stone Street in **Mobile, Alabama**. The majority of the men were killed, leaving the women and children in south Alabama.

Source: “Major S. C. Spann, Commander Dabney H. Maury Camp, No. 1312, UCV, Meridian, Miss.”, Halbert Collection, Folder No. 178, ADAH; Muster Roll of this Choctaw Regiment is in Department of Archives and History, Jackson, Mississippi (cover only, roll missing).

1870 U.S. Census: Indians identified in Mobile County - 9.

1880 U. S. Census: Indians identified in Mobile County - 19; in Washington County - 2.

1890 U. S. Census (manuscript burned) population totals only available. Indians identified in Washington County - 0; in Mobile County - **402** (plus 384 Apaches).

1898-1914 MOWA Choctaw enrollment applications in Mobile and Washington Counties for Dawes Roll, generated in response to General Allotment Act, February 8, 1887. (U. S. Statutes at Large, 24:388-91).

Source: Applications for Enrollment of the Commission to the Five civilized Tribes 1898-1914, RG 75, M1301, roll 116, Mississippi Choctaw Roll no. 2556, MCR number 2189 and 2190.

1900 U. S. Census, Indians identified in Washington County - 0; in Mobile County - 5.

1907-1909 U. S. Agent, John Beck, enrolled **64** Choctaw families in Mobile and Washington Counties on Eastern Cherokee Roll (Guion Miller Roll). Ancestors of MOWA Choctaw Application Numbers 14393, 17390-17395, 41601-41750, 43551-43700 Eastern Cherokee Roll (a.k.a. Guion Miller roll).

Source: RG 75, Records Relating to Enrollment of Eastern Cherokees by Guion Miller, 1908-1910, M685; RG 123, M1104, Eastern Cherokee applications,

1909 – 1930s- Indians identified in Birth and Death Records, Vital Statistics,: Washington county – **12** births, **1** death; and Mobile County, **6** births, **0** death..

Source: Mobile County Probate Court, Archival Birth and Death Records; Birth and Death Records, Registration No. 651200, Vital Statistics, Records of Washington County, ADAH

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- 1910** U. S. Census, Indians identified in Washington County - 172; in Mobile County –7
Marginal notes designated clusters of families in Fairford, (Precinct 12) and Malcolm (Precinct 13), ED 14 as:
“These people entered as mixed, are composed of Indian, of Spanish, some of them with French, some with white, and some with Negro. **The prevailing habits are Indian**,. Called Cajun.” The original identification in column, “Ind” was written over with “mixed.”
- 1919** Choctaw Indians in Mobile and Washington counties “discovered” by Southern Baptists.

Source: The 39th Annual Session of the Mobile Baptist Association, Citronelle Baptist Church, 1919.
- 1920** U. S. Census, Indians identified in Washington County - 10; in Mobile County - 12.
- 1921 – 1955** Thirty-four years of Reports by Baptist Missionaries provide continuous written documentation to Mobile and Washington Counties to teach “American Indians of Choctaw heritage, under the overall program of missions to American Indians.”

Source: *Annual Reports of the Southern Baptist Convention*, 1922-1955.
- 1924** Governor W. W. Brandon’s report on “Cajan- Indians” in Mobile and Washington counties. Hilary Herbert Holmes, “The so-called Cajan Settlements in Southern part of Washington County, Alabama: A Survey made for Governor William W. Brandon, 1924.”

Source: Governors’ Papers (1920-27: Brandon), RC2:G156, Administrative files, folders: “Cajan,” ADAM .
- 1930** U. S. Census, Indians identified in Washington County - 0; in Mobile County - 50.
- 1930s-1990s** Several Master’s theses and “scientific studies” done on Choctaw Indians in Mobile and Washington Counties.

Source: Horace Mann Bond, “Two Racial Islands in Alabama,” *American Journal of Sociology* 36 (1931: 552-567; Laura Frances Murphy, “The Cajans of Mobile County, Alabama” (master’s thesis, Scarritt College for Christian Workers, 1935); Clatis Green “Some Factors Influencing Cajun Education in Washington County, Alabama” (master’s thesis, University of Alabama, 1941); Edward Thomas Price, Jr. “Mixed-Blood Populations of Eastern United States as to Origins, Localizations, and Persistence, (Ph.D. Anomalies in School Children of an American Triracial Isolate: A Frequency Study” (master’s thesis, University of Alabama at Birmingham, 1965); George Harry Stopp, Jr., “The Impact of the 1964 Civil Rights Act on an Isolated ‘Tri-Racial’ Group” (master’s thesis University of Alabama, 1971; Duane W. Superneau, Wladimir Wertelecki, Hans Zellweger, and Frank Bastian, “Myopathy in Marinesco-Sjogren Syndrome. *European Neurology* 26:8-16, 1987; B.G. Brogdon, R.D. Snow, and J.P. Williams, “Skeletal Findings in Marinesco Sjogren Syndrome,” *Skeletal Radiology* 25:461-465, 1996; “Circle of Life: University of Alabama Researchers look at how children with developmental disabilities fit into the Circular scheme of Native American World View,” *UAB Magazine*, Summer, 1995: 13-15.
- 1930-1965** Separate school system established for “Cadians” (Indians) in Mobile and Washington counties.

Source: Minutes of Mobile County Board of Education and Minutes of Washington County Board of Education.
- 1931-1966** Annual Reports of Mission Work Among the Cajan Communities 1931-66 to the Woman’s Missionary Society and Woman’s Society of Christian Service. Work among these communities identified by following names: Byrd’s Chapel, Work Among the Cajans, Methodist Community House, Aldersgate Mission, Mobile County Rural Center, Calcedeaver School.

Source: The United Methodist Church Commission on Archives and History, Alabama-West Florida Conference, Houghton Memorial Library, Huntingdon College, Montgomery, AL.

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1934 Mrs. Elvin Byrd sought federal aid for Indian schools.

Source: Indian Office File No. 55742-1934; file no. 150. Report on findings was submitted to the Commissioner of Indian Affairs by Dr. W. Carson Ryan, Jr., Director of Indian Education.

1940 U. S. Census - No statistics on Indians

1940-1941 School year. Miss Eva Crenshaw’s Sixth and Seventh grade students of Weaver School compiled a “History of Byrd Settlement,” “with the help of some of the oldest people . . . Mrs. Laura Byrd, Mrs. Irene Rivers, and Mr. Book Byrd.” The story of the “woman who swam the river with her baby” is included.

Source: “History of Byrd Settlement,” typescript., 1940-41. Copy acquired in 1991 from Miss Eva Crenshaw, former Methodist Missionary to South Alabama Indians, 1937-44.

1940s Indians from Mobile and Washington counties served in World War II.

Source: Cemetery Records, U.S. Military Identification cards, Discharge papers.

1948 “The 3rd major census of Indians in 1930 was the occasion for the ‘discovery’ of two more **Indian** mixed groups . . . These people are centered in the area of heavy woods and hills about Citronelle in upper Mobile and lower Washington Counties, and number **3,000** or more.”

Source: William Harlen Gilbert, Jr., "Surviving Indian Groups of the Eastern United States." Annual Report of the Board of Regents of the Smithsonian Institution for 1948 (1949): 407-438. See No. 18, Alabama.

1950 U. S. House of Representatives report lists all Indians in U. S. including the Cajans of Alabama [ancestors of the MOWA Choctaw] under category of “Siouans of the East.”

Source: “Compilation of Material Relating to the Indians of the United States and the Territory of Alaska, Including Certain Laws and Treaties Affecting Such Indians by Subcommittee on Indian Affairs of the Committee on Public Lands House of Representatives” H. Res. 66 (81st Cong., 2d Sess.) June 13, 1950, Serial No. 30.

1950 American Indians across the South, including MOWA Choctaw, joined “Kinsmen of Indians for Liberty, Reform and Instructions in Civic Affairs” (KILROI). As Descendants of the Creek Indians, East of the Mississippi River.”

Source: Docket 21, Indian Claims Commission, Bureau of Indian Affairs. Microfilmed copy of Register, Mobile County Public Library Local History Division.

1965 Secured federal assistance for Indian Education in schools. Title IV, Part A, Indian Education Program implemented in Reed’s Chapel School, McIntosh, Washington County, Alabama and Calcedaveer School, Mt. Vernon, Alabama. The Indian Education program continues today in Mobile and Washington Counties.

Source: “Statement of Jack Edwards, Member of Congress for Alabama 1965-1985” in Testimony in support of S.362 (S.282) Proposed Legislation for Federal Recognition of MOWA Choctaw of Alabama.

1976 Choctaws in Mobile and Washington Counties, **4,000**.

Source: Report of American Indian Policy Review Commission. Chapter 11, "Nonrecognized Tribes," p. 468,

1979 The MOWA Band of Choctaw Indians recognized by State of Alabama.

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Source: Legislative Act No. 79-228, H.313—Turner, Alabama Laws of the Legislature of Alabama, 1979, Vol. I, p.350.

1980 U.S. Census, Washington County, Alabama: Indians - **779**

Alabama Attorney General confirms that Choctaw Indians of Mobile and Washington counties retain their rights as a sovereign tribe.

1981 MOWA Band of Choctaw Indians sought help of the Bureau of Indian Affairs to provide assistance to be federally recognized. Alabama Humanities Foundation – awarded a study grant.

Letter from Eddie L. Tullis, Chairman, Poarch Band of Creek Indians to Framon Weaver, Chairman, MOWA Band of Choctaw Indians, June 20, 1981 requesting “in the spirit of Indian brotherhood, to support our efforts for Federal Recognition. . . . We as Native Americans must work together to protect our rights. I assure you that if you assist us with our struggle for Federal Recognition you can count on us to be there when your petition is ready for consideration by BAR.”

1983 MOWA Choctaw hired an Executive Director as a grants writer; applied for research grant from the Administration of Native Americans, which they received. Held organizational meeting for federal acknowledgment research team. Letter of intent to petition was sent to the Branch of Acknowledgment and Research (BAR), May 19, 1983.

1984-87 Data collection -- research, interviews, writing

1987 *S.1142, Shelby; H. R. 3107, Callahan, Nichols, Erdreich*

1988 Submitted FAP to BIA/BAR, April 28, 1988; up-dated tribal roll submitted

1989 *S. 381, Shelby, Heflin; H.R. 1562, Callahan*

1990 BIA/BAR reviewed FAP and sent Obvious Deficiency letter to MOWA Choctaw, February 15, 1990.

1991 *S. 362 Shelby, Heflin; H.R. 2349, Callahan*; BAR held technical assistance teleconference in September; MOWA Choctaw submitted response to Obvious Deficiency letter, November 8, 1991.

1992 Supplementary documentation showing Choctaws in Mobile area from 1832-1860 was presented to the BAR and reported as received in the BAR’s Proposed Finding. However, in a 1996 meeting with BAR officials (Virginia DeMarce, Kay Davis and Holly Reckord), they stated they did **not** receive them.

1993 *S. 282; Shelby, Heflin, Inouye; H.R. 3605, Hilliard*; supplementary documentation showing MOWA Choctaw ancestors’ Dawes Roll Applications and supporting evidence as to why they submitted applications for the Eastern Cherokee Roll (a.k.a. Guion Miller Roll).

1994 *S. 282, H.R. 4231, MOWA Band of Choctaw Indians Recognition Act; hearing May 17, 1994*; BAR sent Proposed Finding Against Federal Acknowledgment of the MOWA Band of Choctaw, December 16, 1994.

1995 Because a new chief was elected, MOWA Choctaw requested extension of time. We applied for and received Administration for Native Americans (ANA) Grant to complete Federal Acknowledgement Petition (FAP).

1996 New chief, research committee and tribal council met with BAR staff in Washington for technical assistance on March 1, 1996. Research committee met with anthropologist, May 7-8. On June 27, 1996, Chief Wilford “Longhair” Taylor submitted Report and up-dated tribal roll.

1997 BIA/BAR issued a negative Final Determination Technical Report.

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- 1998** MOWA Band of Choctaw Indians of South Alabama filed an Appeal before the Interior Board of Indian Appeals, U.S. Department of Interior. The appeal was denied.
- 2000** Kevin Gover, Assistant Secretary of Indian Affairs under President Clinton invited Chief Taylor to meet with him to discuss MOWA Choctaw Federal Recognition
- 2003** The School Board of Washington County returned Reed's Chapel School and property to the MOWA Choctaw. The first school was held in Reed's Chapel Church by missionaries. The school was built by ancestors of the MOWA Choctaw on land they donated for this purpose.

Exhibit II Indian Schoolhouse

[The Library of Congress](#)

AMERICAN MEMORY Historic American Buildings Survey/Historic American Engineering Record

Indian Schoolhouse, County Road 96 (Old Saint Stephens Road), Mount Vernon, Mobile County, AL

STATE ✓ ALABAMA	COUNTY MOBILE	TOWN OR VICINITY MT. VERNON	3P
INDEX NUMBER ALA 44-MOV 4	MONUMENT INDIAN SCHOOL, House		
REPRESENTED IN NEGATIVE FILE	H.A.B.S. SURVEY NO. ALA-125	HISTORY: Built approx. 1835	
PUBLISHED PHOTOGRAPHS	Owner; State of Alabama. built for Government School for Indians by Indian labor.		
PUBLISHED DRAWINGS	Description: Frame; one story; wood express siding; small porch to the front.		
		REFERENCES: E.W.Burkhardt, A.P.I. Auburn, Ala.	
*** 6-5300		HISTORIC AMERICAN BUILDINGS SURVEY ✓	

**1. Historic American Buildings Survey E. W. Russell, Photographer, April 23, 1935 FRONT (SOUTH) AND EAST SIDE
HABS, ALA,49-MOUV,4-1**



**Exhibit 3: Transcript of Washington Republican and Natchez Intelligencer
Newspaper Account of the Nancy Fisher Story**

**By This Morning's Mail
ST. STEPHENS, JUNE 7**

We learn from the most respectable authority that two of the murderers of Johnston and McGaskey have been given up, and that diligence is promised on the part of some of the chiefs in apprehending the balance of the party. It is stated that the Seminoles and some of the lower Creeks are determined on war and have embodied 1500 warriors to cut off the supplies and provisions ordered up the Appalachicola for the use of the U. S. Troops. The most stringent measures are adopted by the commanding general to ascertain their statement and intentions as to prevent the commission of outrages on the frontier. In consequence of the reports of the Indian

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unrest, the surveyors of the Creek lands have suspended their labors, but we understand, under security assumed by military force, they are about to recommencing them.

June 23

The following interesting part of a letter was communicated by our friend at Fort Stoddert dated **June 15, 1816.**

"Left Tuesday night, about the rise of the moon, five Creek Indians came to the home of **Mrs. Fisher**, about fifteen miles below this place on the eastern bank of the river. Three of them fired on a Chactaw, who had been at the same time about Fort Montgomery, engaged in hunting and who was then encamped near Mrs. Fisher's house. As soon as they had killed him, they fired at the door upon which **her daughter caught up a child escaped at the opposite door**, and the Indians rushed in and fell upon an old woman with clubs. Her cries only excited the taunts of the Indians, whose conversation, in the Creek language, was heard by her distracted daughter. **The old woman was left for dead; but the daughter got to a canoe and escaped, with the child, to the swamp on the western side of the river, where she soon saw the house buried in flames.** Mrs. Fisher, however, was not actually dead, but was enabled to have--from immediate destruction.

Mr. Myric in whose employ her son was, had them all brought up in a boat yesterday evening. I have just been to see them, but found the poor old woman dead. She had been disabled in her hip, her fingers were miserably mashed, and her head considerably fractured. The whole of their furniture, clothing, and provisions were destroyed with their house. Every family on the same side of the river is equally exposed. **Mrs. Fisher was a sister to the later Mrs. Stiggins. Her father was a Cherokee and her mother was one of the old Natchez tribe.** She has lived with the white people upwards of 20 years, and her husbands (both of who are dead) were white men. She had not seen a Creek Indian before since the commencement of the war, and had no idea who they were that killed her, except they were Creeks.

Marschalk, Andrew. 1816. By This Morning's Mail. Washington Republican and Natchez Intelligencer, Wednesday, July 10, 1816.

Exhibit 4: Federal Agencies Recognizing the MOWA Band of Choctaw Indians

1. U.S. Department of Commerce

The U.S. Bureau of the Census

The U.S. Bureau of the Census recognizes the MOWA Band of Choctaw as an American Indian group. The Bureau of the Census uses a racial classification code for generating statistical profiles of the American population. The MOWA Band of Choctaw is listed under the category, "American Indian," as a Choctaw group with the racial code number C12 (See Department of Commerce, Bureau of the Census, American Community Survey Race Code List:

<http://www.census.gov/acs/www/UseData/CodeList/SSAll/2000/Race.htm>). In addition, the Bureau of the Census has also generated a map of American Indian groups resulting from the 2000 Census, and the MOWA Band of Choctaw reservation in southwest Alabama is included (See http://www.census.gov/geo/www/maps/aiian_wall_map/aiian_wall_map.htm [map can be enlarged on-line]).

2. U. S. Department of Housing and Urban Development

Office of Native American Programs

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Indian Community Development Block Grant Program (ICDBGP)

The MOWA Band of Choctaw has received a federal grant (ICDBGP) through the Office of Native American Programs, U.S. Department of Housing and Urban Development. The criteria for receipt of the grant states,

Eligible applicants for assistance include **any Indian tribe, band, group or nation** (including Alaskan Indians, Aleutes, and Eskimos) or Alaskan native **village which has established a relationship to the Federal government** as defined in the program regulations. In certain instances, tribal organizations may be eligible to apply (<http://www.hud.gov/offices/pih/ih/grants/icdbg.cfm>)

MOWA Choctaw Chief Taylor is featured on the front cover of the June 2003 Native American Housing News, a publication sponsored by the U.S. Department of Housing and Urban Development.

3. U. S. Department of Health and Human Services

- a. Low Income Home Energy Assistance Program (LIHEAP)
- b. Administration for Native Americans
- c. Centers for Disease Control and Prevention

The MOWA Band of Choctaw have, in the past, received federal funding through the Administration for Native Americans (ANA) to assist them in researching their cultural history and are currently receiving federal funding through the Low Income Home Energy Assistance Program (LIHEAP). The LIHEAP grant is administered specifically to the MOWA Band of Choctaw with those eligible being, “eligible Choctaw households in Baldwin, Choctaw, Mobile and Washington Counties” (<http://www.ncat.org/liheap/Directors/Agreements/Alabama.htm>). In addition, the Centers for Disease Control and Prevention employ the same racial designation for the MOWA Band of Choctaw as does the U.S. Bureau of the census (American Indian, code C12).

4. U. S. Department of Education

Office of Indian Education
Title IV and Title IX

For almost 40 years, the MOWA Choctaw have received federal funding for Indian education through Title IV (beginning in 1965) and later Title IX programs through the U.S. Department of Education’s Office of Indian Education. If one considers the Indian School built for MOWA Choctaw ancestors in 1835, they have a 155 year history of government sponsored Indian education for the MOWA Choctaw people.

**Disclosure Requirement
Required by House Rule XI, clause 2(g)
and Rules of the Committee on Resources**

A. This part is to be completed by all witnesses:

1. Name: Wilford “Longhair” Taylor
2. Business Address: 1080 West Red Fox Road Mt. Vernon, AL 36560
3. Business Phone Number: (251) 829-5500
4. Organization you are representing: MOWA Band of Choctaw Indians
5. Any training or educational certificates, diplomas or degrees or other educational experiences which add to your qualifications to testify on or knowledge of the subject matter of the hearing:
6. Any professional licenses, certifications, or affiliations held which are relevant to your qualifications to testify on or knowledge of the subject matter of the hearing:
7. Any employment, occupation, ownership in a firm or business, or work-related experiences which relate to your qualifications to testify on or knowledge of the subject matter of the hearing:
8. Any offices, elected positions, or representational capacity held in the organization on whose behalf you are testifying:

Elected tribal Chief and CEO currently serving third four year term in office,
Delegate, life-time member, and former Area VP of National Congress of American Indians
Vice-Chairman State of Alabama Indian Affairs Commission
Chairman of the Alabama Inter-tribal Council

B. To be completed by nongovernmental witnesses only:

1. Any federal grant or contracts (including subgrants or subcontracts) which you have received since October 1, 2000, from the **Department of the Interior**, the source and amount of each grant or contract:

None

2. Any federal grant or contracts (including subgrants or subcontracts) which you have received since October 1, 2000, from the **Department of the Interior** by the organization(s) which you represent at this hearing, including the source and amount of each grant or contract:

None

3. Any other information you wish to convey which might aid the members of the Committee to better understand the context of your testimony

My tribe, MOWA Band of Choctaw Indians, received a final determination against Federal Acknowledgement by the Bureau of Indian Affairs

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Follow-up Address:

Chief Wilford “Longhair” Taylor
MOWA Band of Choctaw Indians
1080 West Red Fox Road
Mt. Vernon, AL 36560
251-829-5500