
(5) Federal Register Notice of Proposed Finding

- January 5, 1995

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Finding Against Federal Acknowledgment of the MOWA Band of Choctaw

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed finding.

SUMMARY: Pursuant to 25 CFR 83.10(e), notice is hereby given that the Assistant Secretary proposes to decline to acknowledge that the MOWA Band of Choctaw (MBC), c/o Mr. Framon Weaver, 1080 W. Red Fox Road, Mt. Vernon, Alabama 36560, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the MBC does not meet one of the seven mandatory criteria set forth in 25 CFR 83.7, specifically, criterion 83.7(e). Therefore, the MOWA Band of Choctaw do not meet the requirements necessary for a government-to-government relationship with the United States.

DATES: As provided by 25 CFR 83.10(e)(1) and 83.10(h) through 83.10(l), any individual or organization wishing to challenge the proposed finding may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 180 calendar days from the date of publication of this notice.

ADDRESSES: Comments on the proposed finding and/or requests for a copy of the report of evidence should be addressed to the Office of the Assistant Secretary—Indian Affairs, Bureau of Indian Affairs, 1849 C Street, N.W., Washington, D.C. 20240, Attention: Branch of Acknowledgment and Research, Mail Stop 2611—MIB.

FOR FURTHER INFORMATION CONTACT: Holly Reckord, Chief, Branch of

Acknowledgment and Research, (202) 208-3592.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The MOWA Band of Choctaw's petition for Federal acknowledgment claims that "the contemporary band of Mowa Choctaws of South Alabama are descendants of full and mixed blood Choctaws, Creeks, Cherokees, and Chickasaws who avoided removal West during Indian removal in the 1830s" (MOWA Pet Narr. 1988, 1). Upon examination of the petition, this claim was found to be invalid.

The problems with the American Indian ancestry claimed by the petitioner fall into the following major categories:

- (1) The petitioner's core ancestral families cannot document American Indian ancestry;
- (2) The families which are the actual MBC progenitors from 1880 have not been documented as descendants of the known removal-era, antebellum American Indians claimed as ancestors by the petitioner;
- (3) Many of the early nineteenth century persons claimed as members of their "founding Indian community" by the petitioner cannot be demonstrated to be Choctaw, or even American Indian.

The MOWA Band of Choctaw petitioning group is derived from two core families that were resident in southwestern Alabama by the end of the first third of the nineteenth century. All persons on the petitioner's membership roll descend from these two families. Neither of these families has demonstrated American Indian ancestry. Neither were the nineteenth century ancestors of these two families members of an historical American Indian tribe, or of tribes which had

amalgamated and functioned as a single American Indian entity.

One percent of the petitioner's membership can document American Indian ancestry through other ancestral lines than those going to the two core families.

A substantial body of documentation was available on the petitioning group. This extensive evidence does not demonstrate either the Indian ancestry claimed in the petition or other Indian ancestry. This extensive evidence either does not support at all, or in part disproves, Indian ancestry. Only approximately one percent can demonstrate Indian ancestry of any kind. Thus, no evidence was found to demonstrate that the ancestors of the petitioner were descended from a single historic tribe or tribes which combined and functioned as an autonomous entity. We conclude, therefore, that the MOWA Band of Choctaws clearly does not meet the requirements of criterion 83.7(e).

As provided by 25 CFR 83.10(h) of the new regulations, a report summarizing the evidence, reasoning, and analysis that are the basis for the proposed decision will be provided to the petitioner and other interested parties, and is available to other parties upon written request.

After consideration of the written arguments and evidence rebutting the proposed finding and within 60 days after the expiration of the 180-day response period described above, the Assistant Secretary—Indian Affairs will publish the final determination of the petitioner's status in the Federal Register as provided in 25 CFR 83.10(l).

Ada E. Deer,

Assistant Secretary—Indian Affairs
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