

**EVALUATION OF THE EVIDENCE FOR FEDERAL RECOGNITION OF THE
OKLEVUEHA BAND OF YAMASSEE SEMINOLE INDIANS OF FLORIDA
AND PROPOSAL FOR SUPPLEMENTARY RESEARCH**

Prepared for

The Oklevueha Band of Yamassee Seminole Indians

Orange Springs, Florida

April 8, 2000

Morgan, Angel, and Associates was contracted to evaluate documentation evidencing the eligibility of the Oklevueha Band of Yamassee Seminole Indians of Florida for Federal recognition. Morgan Angel was requested to judge the existing evidence in accordance with the standards set forth in Section 83 of Title 25 of the *Code of Federal Regulations* (25 CFR 83) as revised in 1994. These regulations govern the administrative process for Federal acknowledgment of an Indian tribe by the Secretary of the Interior, as administered and evaluated by the Branch of Acknowledgment and Research (BAR) of the Bureau of Indian Affairs (BIA) in Washington, D.C. Federal acknowledgment places a stringent and extensive evidentiary burden on petitioning tribes to prove that they meet the seven mandatory criteria of the regulations.

The Oklevueha Band first petitioned the BIA for Federal acknowledgment on February 12, 1990. The BAR evaluated these initial petition materials and informed the Band on April 24, 1990 of obvious deficiencies and significant omissions in its documentation. Morgan Angel researchers were also asked to evaluate progress that has been made by the Band in addressing these deficiencies and omissions.

Senior Researcher Michael Lawson and Genealogical Consultant Katherine April conducted an on-site evaluation of the Band's documentation at the tribal office on the

Cox-Osceola Indian Reservation in Orange Springs, Florida between April 28-30, 1997. They discussed the Acknowledgment requirements and the Band's existing evidence at length with Vice-Principal Chief, Allen "Little Buck" Buford, and with Sharon Cipriano, a consultant with Apex Consulting of Scottsdale, Arizona. Ms. Cipriano has assisted the Band in gathering documentary evidence over the past year. Dr. Lawson and Ms. April obtained copies of most of the documentation for further evaluation upon return to their offices. In addition, Ms. April interviewed Principal Chief Norman "Running Buck" Buford and tribal elder Patricia Ann "Red Grass" Johnson regarding membership requirements and procedures.

On May 1, 1997, Dr. Lawson and Ms. April presented an oral evaluation of Morgan Angel's preliminary findings to a meeting of Band representatives, attorneys, and financial backers in Maitland, Florida. As was explained at that time, the Morgan Angel evaluators found no fatal flaws in the existing evidence on its face. However, they did find critical deficiencies that would absolutely preclude Federal recognition if they cannot be corrected with additional documentary evidence. Accordingly, Dr. Lawson suggested that the supplementary research be conducted in three phases: the first to address the critical threshold issues of external identification of the Band since 1900 in Georgia and Florida (criterion (a) and linking the genealogy of the present Band through primary sources to the historical Seminole Nation in Indian Territory/Oklahoma (criterion (e)); the second to conduct a community study of the present Band to obtain further evidence for criteria (b) and (c) and conduct documentary research focusing on the historical tribe in Indian Territory/Oklahoma in the mid and late 19th century; and the third to link the genealogy of the tribe in Indian Territory/Oklahoma back to Florida and conduct further documentary research on the Yamassee and Seminole tribes in Florida during the late 18th and early 19th centuries.

What follows is a more detailed evaluation of the status of the existing evidence and of research that is needed to address remaining deficiencies and omissions. The evidence is evaluated below in relation to the seven mandatory Acknowledgment criteria. This evaluation is followed by a proposal for the first phase of research, which would address the most critical threshold issues.

Criterion 83.7(a), Identification as a Distinct Tribal Entity

Criterion (a) requires identification of the petitioning tribe as a tribal entity by external sources on a substantially continuous basis since 1900. These outside sources may include Federal, State, or local governments, anthropologists, historians, or other scholars, newspapers and books, other Indian tribes, or national, regional, or state Indian organizations. This evidence must focus on the identity of the Band as an Indian entity rather than on the Indian identity of its individual members. Although the regulations suggest that the criterion may be met by using only one of the six kinds of evidence specified, it is unlikely that the Band will have continued identity from only one source since 1900. Therefore it will be necessary to show evidence of a number of different kinds of external identifications.

In the early part of this century the Oklevueha Band was based primarily in Tift and Dooly counties in Georgia. In 1935 Band members began emigrating to the area of Ocoee, in Orange County, Florida. Ocoee was the primary settlement area for the Band until 1985, when the present tribal reservation was purchased near Orange Springs in Marion County, Florida. Criterion (a) requires that the Band be identified as a distinct tribal entity by external sources in all three of these settlement areas (Georgia, Ocoee,

and Orange Springs). The existing documentation includes some external identification of the Band since 1985 by State officials, leaders of federally recognized tribes in Florida, and in local newspapers. However, the present documents do not include any evidence of external identification of the Band in the Ocoee area between 1935 and 1985 or in Georgia between 1900 and 1935.

It is essential that external identification of the Band in the earlier settlement areas be thoroughly researched and that identification since 1985 be supplemented with further evidence. If substantial evidence cannot be found, it will be impossible for the Band to be acknowledged through the BIA's administrative process. It is likely that lack of this evidence would also preclude legislative recognition by Congress. Because of the critical need for criterion (a) evidence, a search for documentation is recommended as part of the first phase of additional research. This work should include research in local court houses, libraries, and historical museums and societies in Orange and Marion counties in Florida and in Tift, Dooly, and Pickens counties in Georgia for government records, local histories, newspapers and books, and church, school, and other records identifying the Band. In addition, research should be conducted in the State archives and record centers in Tallahassee and Jacksonville, Florida and in Atlanta, Georgia. Some local histories and newspapers are also available for research at the Library of Congress and the Library of the Daughters of the American Revolution (DAR) in Washington, D.C.

Criterion 83.7(b), Evidence of Comprising a Distinct Community Since Historical Times

Criterion (b) requires that the petitioning tribe demonstrate that it has maintained “consistent interactions and significant social relationships” within its membership and that its members are “differentiated from and identified as distinct from non-members.”

Since historical times means “dating from the first sustained contact with non-Indians.”

A petitioning tribe must demonstrate that it is more than just a voluntary organization composed of members who may have a common ancestry. It must also show that its contemporary community is the historical descendant of an earlier community or communities. Since the evidence required to demonstrate community usually cannot be found in documentation alone, this criteria really demands a community study based on interviews with current tribal members and with non-members familiar with relationships within the tribe.

The description of the community presented to the BAR should include past and present settlements and discuss the social bonds that help maintain a cohesive community. It must also describe how social ties are maintained with members who live away from the core community. For example, it will be necessary to show how the Oklevueha Band members in Georgia and in other parts of Florida interact with members who live on the reservation.

Social cohesion can be demonstrated by describing residence patterns, visiting patterns, and kinship or other social networks within the tribe. Descriptions of formal and informal group activities, significant social contacts such as weddings, funerals, powwows, etc., and the interaction among family groups are also needed in providing evidence of a tribal community. Descriptions of formal and informal lines of communication and intra-marriages can provide evidence of tribal cohesiveness. Also, descriptions should be included of other aspects of the tribe’s formal and informal organization including any political and/or kinship subdivisions, volunteer organizations, clubs, churches, gatherings, ceremonies, events, or cooperative organizations.

The Oklevueha Band claims that it was discriminated against by non-Indians throughout history to the point that members had to conceal their Indian identity. Such sharp social distinction from non-Indians is strong evidence of cohesion within the tribal community, since it has the effect of strengthening social interaction and relations within the group. However, this discrimination and cohesion has to be more strongly documented than it is at present.

The present documentation of the Oklevueha Band provides minimal evidence of its social community at present and in the recent past, including close kinship ties, community events such as powwows and Green Corn and naming ceremonies, and funerals. Some of this evidence is based on interviews with tribal elders. However, much more extensive data needs to be collected and interpreted. The best way to obtain this information is to have an experienced cultural anthropologist conduct a community study. Additional interviews with a cross-section of members and knowledgeable non-members would provide the kind of information necessary not only about the present community but also as far back as those being interviewed can remember. A community study should also yield information relevant to meeting criterion (c), political influence and authority.

Since a community study is not as urgent a priority as addressing the threshold issues regarding criteria (a) and (e), we recommend that this work be conducted during the second or third phase of research. Documentary information collected during each phase of the research should provide evidence relevant to meeting criteria (b) and (c), but the community study is critical.

The Band's existing documentation includes some good evidence from secondary sources regarding the social organization and relationships of the historical Seminole

Nation in Florida prior to removal. However, we recommend that an effort be made during the third phase of research to expand this information using primary sources, if possible. The existing documents contain little information regarding social interaction within the historical Seminole community in Indian Territory/Oklahoma. We suggest that this be one of the focal points of the second phase of research.

Criterion 83.7(c), Evidence of Political Influence and Authority Since Historical Times

A tribe is a separate political body and cannot be viewed as such without demonstration that it exercises political influence or authority. This is critical to Federal recognition because such recognition acknowledges the existence of a government-to-government relationship between the United States and the Tribe. That relationship and not minority nor poverty status is the basis of most Federal programs and privileges established specifically for Native Americans.

Criterion (c) requires a demonstration that a petitioning tribe does now and has in the past exercised some significant authority over its membership. It must be shown that there are leaders who have followers they influence, and that the followers are influenced by them in significant ways. In other words, that there is a bilateral political relationship between leaders and followers. It must also be demonstrated that the Tribe is able to make significant decisions and maintain consensus among its members.

A Tribe may demonstrate political influence or authority in a variety of ways. It may, for example, show that it apportions significant resources among tribal members, that it is also able to maintain a consensus on behavior standards, or can settle disputes

among its members. A Tribe may show that its leaders have been authorized to represent it to outsiders or to mediate with outsiders in matters of significance. Strong social cohesion among the membership, as demonstrated for criterion (b), is also important supporting evidence that tribal political authority is exercised and maintained. Significant political relations are more than those maintained in a social club or loose organization, where leaders have authority over strictly limited aspect's of an individual's life.

The definition of political influence or authority in the Acknowledgment regulations provide for taking into account the historical circumstances of the tribe, including the difficulties faced by unacknowledged tribes in maintaining political influence. Yet, the regulations maintain the fundamental requirement that political influence must not be so diminished as to be of no consequence or of minimal effect. It is essential that more than a trivial degree of political influence be demonstrated. It must be shown that leaders act in some matters of consequence to members or affect their behavior in more than a minimal way.

The Oklevueha Band has strong evidence of political influence and authority at present because its leaders control the reservation and some aspects of the behavior of its residents. For example, the Band's governing documents provide for control of drugs and alcohol on the reservation and place certain restrictions on parents, pets, hunters, solicitors, access to the reservation, use of televisions and stereos, flirting, landscaping and maintenance of land and buildings. We were also impressed by the careful wording and considerations contained in the Band's Child Welfare Ordinance. Under authority of the governing documents, the Chief and Tribal Council can impose sanctions such as removal from the reservation and/or the membership roll. The council is also authorized to resolve disputes on the reservation.

What is lacking is evidence of how this authority is exercised in specific instances and of actual political relationships between leaders and followers, not only on the reservation but also within and between the various sub-communities of Band members elsewhere in Florida and Georgia. The documentary evidence of this may be provided through minutes of Tribal Council meetings. The existing minutes were not available during our site visit. We requested that they be shipped to us, but we never received them.

Although the existing documents identify Band leaders prior to the reclamation of the reservation in 1985 and some examples of their influence and authority, much more information is needed regarding the Band's political organization and relationships throughout history. Essential information regarding tribal political influence and authority at present and going back perhaps to the time when the Band was primarily based in Georgia should be forthcoming from the community study interviews. In addition, relevant documentary evidence should be found during each phase of the recommended research.

Criterion 83.7(d)

The misunderstanding of Indian vernacular speech and naming patterns (i.e., Is the name a person's identity or office or dwelling place?) present a documentary dilemma for Indian genealogy when relying on secondary sources and others' interpretations of history. The genealogy for Criteria 83.7 (d & e) entails documenting with primary records the identification of these people of the Oklevueha Band of Yamasee Seminole as descendants of removed and dispersed Florida Indians through the four family lines of Buford, Cox, Lashley and Walker/Dillard claiming descent. The only way to accomplish

this is to go back to their geographic roots. There is no surprise that in view of the vicious "Indian removal era" in the Southeast that Indian groups had to break up into smaller movable bands in order to avoid "removal" to Oklahoma and remain alive. Federal Acknowledgement of Indian Tribes requires that the Oklevueha Band of Yamassees show how unity and political autonomy was actualized and what part does the current membership trace their Ancestry to these moving Bands of Indians. After very briefly reviewing the historical references from the Band's library, the Band's migration story is reasonable. Research of documented family's movements, their separating and reforming through Georgia, Florida, Alabama and across to the Oklahoma Indian Territory during the past two centuries is a key element of this genealogy to be accomplished.

Membership

Oklevueha Band of Yamasee Seminole 1986 Constitution's membership provisions state:

Section 1: No person shall be a member unless he or she can prove Indian blood line back to one of our ancestors by roll number or name sake.

At present there are no written procedures for membership. Drafting of such procedures for the Band's Council review and passage was suggested. Interviews with Band members yielded a description of a general process of checking ancestry charts submitted with blood quantum considered, followed by a trial period to ascertain that reservation residence rules and responsibilities are understood before membership is voted upon by the Council. The membership roll is discussed below:

MEMBERSHIP ROLL OF

OKLEVUEHA BAND OF YAMASSEE SEMINOLE INDIANS, April 1997.

This is a numerically line notation of certified birth certificates on every current enrolled member attached to the pedigree. Raised seal certificates are truly the only valid certificates. Tampering, illegibility or some point of possible confusion in the document should also be noted in the person's FTW file. Death Certificate information with informant name and any other pertinent information from the certificate should also be entered. Notation whether the person within the pedigree is an enrolled member or not should be cited in the FTW record. (Some notations have been entered under Fact 13 of the fact pages of the FTW record.) This is important since it can be confusing when some siblings of enrolled members are not affiliated with the Tribe at present. This basic editing and updating of the FTW pedigree is a must. The present citation of documentation is too inadequate to fully assess, therefore ancestry determination beyond the 20th Century remains in preliminary stages. Presentation of the genealogy should be clear and of course, direct. Completed documentation for each member needs to be done immediately for the first phase of genealogy research and can be accomplished by the Tribe with the Genealogists overview and verification of documents before criteria (d) & (e) can be adequately addressed in a Petition response.

Genealogy

Ancestry files provided by the Band contain various primary documents that were used to substantiate lineage to Indian Ancestry. No clear body of evidence provided supports direct line of Seminole, Creek or Cherokee ancestry at the present time. More collateral documentation needs to be collected that demonstrate members are connected to

Seminole rolls and entered into the FTW pedigree. Birth certificates, death certificates, baptismal, etc. along with personal family memorabilia, provide critical evidence and should be cited for easy reference for the BAR reviewer. Part of the shortcoming of the pedigree as it now stands is the citation format used. The pedigree needs verification with appropriate citations within the FTW records. As examples, several of the Bandís FTW files have been edited directly with expanded citations (but not necessarily complete) from Indian rolls and censuses in the Bandís ancestry paper files. Also included in selected files are comments and suggestions for the Bandís review and use. A disk with the edits will be returned to the Olkevueha Band of Seminole Indianís office directly.

The main family lines of Buford, Cox, Lashley, and Walker/Dillard lines were reviewed for evidence of direct line descent. Each have discrepancies that must be resolved. Birth certificates for Katie Lou Dillard and her mother Mary Lou (Walker) Dillard are critical to show direct line descent from ìDavid Walker.î The 1920 Census indicates that Mary Lou and her parents, David Walker and Cynthia Summler were born in Georgia; and the David Walkerís listing on the Creek Rolls shows him born in Indian Territory. The David Walker on the Creek Rolls b. Abt 1874 and Mary Lou Walker b. 1886, making David a father at 6 yrs. Descendency has not been established.

The Buford line has not claimed Seminole ancestry, but may have other Indian ancestry. This line needs to be further developed since this is the current Chiefís line.

The Cox line uses the 1850, 1860 and 1870 Census for Dooley County, Georgia. The 1850 Census shows two households living in close proximity with a John Cox as head with a William as son. The 1860 Census shows two households with James Cox vs. John Cox with same mates Elizabeth and Lydia--age consistency varies. Also, two W.J.

Cox and a Willis Cox are listed all about the same age 26y/27y. The 1870 Census extract contains ages and names that do not fit. Walter J. Cox's death certificate does not list his mother's name. Again, without birth certificates from current members and their immediate ancestors, it is impossible to verify direct line descent.

The Lashley line is presented as connected with the Seminole line through Benarus Lasley listed membership roll containing: Members, Community, Spouses of enrolled or deceased members, Deceased, Previously enrolled members and spouses, Misc/ honorary and adopted and Unassigned residents. It is organized by number, first, middle, Indian, maiden and last name. Birth, residential address and a code for the above identified member categories are included. The Band produced lists sorted by the coded categories from this master roll. Current membership that the Tribal Council recognizes as enrolled members lists separately adult voting members (53) and children (37).

Comment: Using the Tribal pedigree entered into Family Tree Maker (FTW), the current membership list was used to spot check for appropriate records citations that must normally accompany any establishment of lines of descent. It was noted that few if any notations were made of birth certificates on file. Current membership files were not able to be reviewed at the Tribal Office but the reviewer at the BAR will expect to see

Criteria 83.7 (d)

A copy of the group's present governing document including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.

Criteria 83.7 (e)

The petitioner's membership consists of individuals who descend from a historical Indian tribe or from historical Indian Tribes which combined and functioned as a single autonomous political entity.

Again, collection and review of valid vital statistic records for the members is the first resource to be gathered. itinerary A Report run from the current pedigree is attached to this report that was sorted for name, DOB, Place of Birth and Place of Death. This can be only be released with the Band's permission to interested parties.easier privileged

Conclusion

The first phase of the genealogical work is to collect raised seal birth records from the enrolled members, and analyze and verify the evidence within the pedigree. Further research sites can be pinpointed at that time to visit for data needed to answer gaps and discrepancies.

Constitutional provisions for membership needs to be clarified, rewritten for Council and Membership review, and then voted upon for final passage to amend the Band's Constitution. Governing procedures provided for within the constitution should also be reviewed of amendments, preferably with an attorney.

The second phase for the genealogy (the story of the pedigree) includes the research and integration of the historical, socio-economic and political data into pedigree framework followed by the writing of the genealogy and response to the Criteria (d) and (e). The third phase for the Genealogy Report is then to review drafts of the Historical and Anthropological Reports for consistency in evidence and presentation.