

June 18, 2014

Elizabeth Appel
Office of Regulatory Affairs & Collaborative Action
U.S. Department of the Interior
1849 C Street NW, MS 4141
Washington, DC 20240
Reverence – Docket ID: BIA 2013-0007, RIN 1076-AF18

Dear Ms. Appel:

We would like to begin this with a statement that we recognize that in today's world, everyone is operating in an environment of limited resources. We understand that even an organization as large as the Federal Government can be overcome with large quantities of demands and work, and that no office or department of the government has unlimited resources to respond to those demands. Time and personnel are the specific resources we refer to here, and because of that, we would like to thank you and your office for taking on this immense task. This process is one that should have been addressed long ago, and it is a credit to the President and his administration for taking it on. Because we are well versed in operating in a resource constrained environment, we are puzzled as to why there is a requirement for Office of Federal Acknowledgment (OFA) to notify the petitioner and "informed parties" when it begins review of a documented petition. We are concerned for two reasons, the primary of which is that "informed party" is not defined and appears to be anyone who desires to participate in a process that should be between the petitioner and one of the offices of their federal government. There appears to be no definition or standard outlined to determine if a party is "informed" on anything at all about the petitioner. Second, I am concerned about the level of access afforded to these

“informed parties”. Having unfettered access to the names, addresses, and phone numbers of decision making officials could expose them to malicious elements who may be violently opposed to a decision in favor of the petitioner. As personnel and time are limited resources, “informed parties” may demand that both resources be applied to the review of what they submit in a formal manner, with no limit to the number and occurrences of those inputs. It could take months for an individual to address the thousands of issues that could come in by phone calls alone, particularly if the third party is well resourced and has a history of activity in this area. Not only would your limited resources be allocated to responding to these third parties, but, in the online documentation, there is reference to allowing the petitioner the ability to respond to these inputs which would occupy the petitioner’s resources in the response, and your resources again in the analysis of the petitioner’s response. Third parties, or “interested parties” should be vetted and this kind of access limited to only vetted third parties. All other “interested parties” have the ability to request information through the freedom of information act which governs what they can and can’t have access to, and provides a timeline for responses through formal channels, not the unfettered access the providing of contact information §83.25 provides.

In the Southeast, we have federal and state recognized tribes and a long history of federally recognized tribes who are not from this region interjecting themselves into the affairs of others as they have publicly stated that they do not want more recognized tribes. This is understandable as they may perceive the recognition of tribes as additional competition for limited resources.

Based on the inputs you provide links to, this opposition is apparent, particularly in the remarks from the Principal Chief of the Cherokee Nation (CN). In his letter, Mr. Baker states an

objection to the process in that “Groups who do not have the historical relationship with the U.S. government that is necessary to support the government-to-government status”. This statement is without merit as there are many presidents established that prove a “Historical Relationship with the U.S. government” is not “necessary” to support a government-to-government relationship at all. The only thing that is necessary is a willingness to establish such a relationship and to work at that relationship. According to the Department of State, Vietnam, Laos and Cambodia: 1950, and more recently Kosovo; in 2008, have no previous historical relationship with the U.S. government, yet are currently supporting the government-to-government status with the U.S. without challenge¹. It also denies the well documented oppression of all non-whites in the Southeast that would have prevented the documentation, recognition, and open practice of such a status up to and through the Civil Rights Era in the Southeast. As the federal register as it pertains to this section defines historic as 1900, you can literally find over 50 sovereign nations that did not exist in 1900 who currently have a government-to-government relationship with our Federal Government. Statements such as this appear to be able to be interjected easily into the petition process without substantive proof by “informed parties” and would require research on the part of personnel to debunk the original statement. A commitment of limited resources which may, depending on the volume of such inputs, delay the process.

In that same letter, or single input, Mr. Baker makes a claim that he does not substantiate with facts that consideration of data from 1934 to the present “Negatively impacts the ability of any legitimate Indian petitioning groups who went ‘underground’ to protect their unique history

¹ Bureau of Intelligence and Research Fact Sheet: Independent States in the World, Published in Washington, DC, December 9, 2013

and culture to earn their Federal Recognition”. He makes a statement (Again) without presenting any corroborating evidence to lend validity to that statement. To the best of my knowledge, CN was not an underground organization, so facts to why this statement should be taken as valid are required, but are not given. The statement was easily written, but now the burden of making a decision as to the validity of the point is transferred to your staff. If the statement is not debunked, it will be passed to the petitioner I presume for a response, consuming their limited resources, then returned to our staff for consideration and further consumption of resources. There is also the denial of the fact that “Any legitimate Indian petitioning groups who went underground” would have done so around the time of the removal, and by definition, would have very little to no documentation of the fact because they were “Underground”. Hopefully this can depict the difficulties outlined in this process as stated.

Direct access to government officials with decision making authority also exposes employees to having to determine how much credence to give to the “interested party” as there are no provisions that I know of that restrict access to racist, ethnocentric, or discriminatory groups or organizations that see future tribes as a threat to their access to resources. The documented recent history of the Cherokee Nations views on other Tribes continues to make this position important. In a formal resolution with the Eastern Band of Cherokee Indians, the following statements appear²:

1. “The Cherokee Nation has been aware of the growing number of (what they define as) “non-Indian” groups organizing and attempting to gain federal recognition as a

² <http://taskforce.cherokee.org/Portals/3/Exhibits/Fabricated%20Tribes%20Resolution.pdf>

“Problem” (A problem they have dedicated resources to fight on both the federal and state level)

2. ”No other tribes or bands of Cherokee Indians exist aside from those already federally recognized, which includes the United Keetoowah Band of Cherokee Indians”,(which conveniently eliminates possible competition for resources or citizenry, and the need for Cherokee petitioners to ever enter the process).
3. CNO and EBCI “Denounce the state or federal recognition of any further Cherokee tribes or bands aside from those already federally recognized
4. That they are committed to “**eradicating** (Yes, a written, signed statement that they are committed to the ERADICATION of) any group which attempts or claims to operate as a government of the Cherokee people” (Apparently commitment to fight any petitioner who identifies themselves as Cherokee, regardless of the race, culture, history, and lineage of said petitioner).
5. ”The federal and state governments should stringently apply a federal definition of “Indian” that includes only citizens of federally recognized Indian tribes”, a position that I find alarming. If this were in place and I had a CDIB from the Federal Government of 100% as well as verifiable documentation of lineage to an Indian signatory of a recognized treaty and enumerated on a federal roll of Indians, but I did not want to subjugate myself to the governance of a federally recognized Tribe, I could not legally define myself “Indian”. This also ignores Saenz v. Department of Interior (2001), where The United States Supreme Court found that 'whether or not a particular tribe has been formally recognized for political purposes bears no relationship whatsoever to whether or not an individual practitioner is of Indian

heritage by birth or sincerely holds and practices traditional Indian beliefs. Of note is the wording “whether or not a particular tribe has been formally recognized for political purposes” which is clear to me that “a particular Tribe” can exist without recognition for political purposes in the eyes of the Supreme Court. Again, both interesting and contradictory to the CNO’s apparent positions.

Here is where I will request that a formal process be established to establish who is a legitimately “interested party” and what “interests” will allow that third party to have access to the system. Racist interests, Discriminatory interests, Financial interests, and Interest in restricting competition and access to resources should all be disqualifiers should the federal government determine, or the petitioner be able to show that these are part of what makes an “interested party” interested in the specific petition.

Principal Chief Baker contradicts himself in the attempt to state that CN is concerned with the changes in citizenship requirements to include people who “Do not share our heritage and culture should not be collectively recognized by the United States as an Indian Tribe”. The history, heritage, and culture of many Indian tribes IS one of decentralized government and inclusiveness, with intermarriages, mixing of bloods, and ADOPTIONS being a part of that heritage and culture since historic times. The CN’s own website, at the time of the creation of this letter, talks about a historic function of adoption being that delegated to one of the historic Cherokee clans³. As of the date on page one of this letter, written history and the testimony of tribal elders are cited attesting to this fact, again, on their own website⁴. CN has adapted to the

3 <http://www.cherokee.org/AboutTheNation/Culture/General/CherokeeClans.aspx>

4 <http://www.cherokee.org/>

changes that occur over time and grown away from their history and heritage to adopt a form of government that is not historically Cherokee. I can find no evidence of the historic town and clan governance relevant in the government depicted as current on their website or as outlined in there very modern constitution. Up until the early 1980s, when the Cherokee Nation administration amended citizenship rules to require direct descent from ONLY Cherokee ancestors listed as "Cherokee by Blood" (Which also means by race) on the Dawes Rolls, it was permissible for people who did not share their genetic tie to ancestors on those rolls.

Generations of what are now called Cherokee Freedmen by some were born as citizens of CN, raised with the knowledge of the heritage and culture practiced by CN. With the stroke of a pen, people whose parents were citizens of CN their entire lives and they themselves were born into the nation were no longer full citizens. This fact of CN history is not known to everyone, but occurred because times change and people change with time. There is nothing wrong with CN turning its back on its historical government, its heritage, and its culture in areas where they desire change, but it is hypocritical to say that other Indian tribes do not have the right to do the same just because they don't conform to the current version of Cherokee culture as defined by the Cherokee who's culture evolved as a result of confinement to reservations. To say that culture doesn't change over time is false, and to assume that environment doesn't effect that change is ludicrous. As stated, many Tribes allowed adoption which is well documented from the 1500's until present, and this is the heritage and culture from historic times, particularly in that of the Eastern Woodlands Tribes, not just since the Cherokee Nation decided to change their rules in the 1980's requiring written proof that you can trace through paper documentation to a roll created in a specific place and time by a government other than your own (Indians were not U.S. Citizens in the 1800's for the most part). Here is where I will again request that a formal

process be established who is a legitimately "interested party" and specifically what "interests" will allow that third party to have access to the system. Hypocrisy and an intent to establish criteria that one is exempt from but others must abide by should also be considered along with Racist interests, Discriminatory interests, Financial interests, and Interest in restricting competition and access to resources and be deemed disqualifiers to participation in this process should the federal government determine, or the petitioner be able to show that these are part of what makes an "interested party" I interested in specific petition.

I apologize for the wordiness of this response, but there has been opposition to federal recognition of Southern Indian tribes for a long time. No one wants to recognize that the oppression faced in the South by the African Americans that spurred the Civil Rights movement was oppression faced by all non-whites, not just African Americans. The indigenous people of this quarter of the country already have an un-level playing field because of this, particularly where written documents are concerned, and I would like to protest the further un-leveling of the field by "interested parties" and the potential for them to hinder the system to further their self-interests and not the best interest of the petitioners and their government.

By signing below I acknowledge that I request Dept. of Interior and all of its sub components consider all of the points brought in this petition. By affixing my signature of this petition I affirm that I agree with all of the points, issues, and concerns herein listed above. I also have full support of the Governing Body of the Echota Cherokee Tribe of Alabama, Inc.

Respectively ,



Stanley Trimm
Principal Chief
Echota Cherokee Tribe of Alabama

Principal Tribal Chief
Stanley Trimm



Tribal Chairman
Charlotte Hallmark

THE ECHOTA CHEROKEE TRIBE
OF ALABAMA, INC.
GOVERNING BODY

Stanley Trimm.....Principal Chief
Charlotte Hallmark.....Tribal Chairman
Rhonda Robbins.....Membership Sec.
Sue Warren.....Treasurer
Nancy Massey.....Recording Sec.
Robert Brasher.....Council-at-Large
Bob Bailey.....Council member for Deer Clan
Wayne Rasco.....Council member for Wolf Clan
Gene Godsey.....Council member for Bird Clan
Barber Martin.....Council member for Paint Clan
Gene Ruffin.....Council member for Long Hair Clan
[Inactive].....Council member for Wild Potato Clan
[Inactive].....Council member for Blue Clan

Echota Cherokee Tribe of Alabama, Inc.

<http://echotacherokeetribe.homestead.com>

Mail: P. O. Box 830, Vinemont, AL 35179 | Office: 630 County Road 1281, Falkville, AL 35622
Phone: 256-734-7337 | Fax: 256-734-7373

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