



Sample Guide A: Documented Petition Description with a Suggested Outline for Concise Written Narrative

The purpose of this document is to guide groups in preparing their documented petitions for state recognition as an American Indian group located in North Carolina. The state recognition procedures are codified as administrative rules in the North Carolina Administrative Code at Title 1, Chapter 15, Section .0200, “Legal Recognition of American Indian Group.”

Prior to submitting a Documented Petition, the group must submit a Notice of Intent to Petition for Recognition. Section .0207(a)-(b). The rules require that the Notice be signed by each member of the governing body and include the group’s name, address, number of members, geographic location of group’s members, and most important, the group’s historic origins. If the group is recognized by the Federal government or another state government, that information should be included. However, if a group is not recognized as a state or federal tribe, the letter will still be considered complete, but the Notice must contain the other required information. As evidence of Intent to Petition, it is suggested that the petitioning group attach a resolution by the governing body that reflects the group’s desire to petition for State Recognition. (See the attached Sample Notice of Intent letter.)

Documented Petition Description:

The rules define Petition to mean, “the presented documents and arguments made by a group to substantiate its claims that it satisfies the criteria identified in Rules .0203 and .0212” Under section .0209(6), the rules require a Petitioner to, “submit a fully documented petition to the Recognition Committee, including current membership rolls as defined in Rule .0202 . . . and all past membership lists of the group. The failure to submit these membership rolls is sufficient grounds to deny the petition.” .0209(6). Membership roll is defined under section .0202(5) as,

A list of those individuals who have been determined by a group to meet the group’s membership requirements. The membership roll shall list the names, addresses, date of birth, names of both parents (including mothers’ maiden names), and telephone numbers of the people and relate each one to their kinship ties. These kinship ties shall be consistent with the information documented in genealogy charts submitted in accordance with Rule section .0212(2).

Following the policy and practice under the Federal Rules of Acknowledgment, revised July 1, 2015, the Recognition Committee will recommend denial of tribal recognition, if the membership roll does not show at least 80 percent of the group’s current members linking to the tribe of their historic origins. This standard is referred to as the 80/20 percent standard. If the petitioning group is recommended for a denial for failing to meet this standard, it will be able to correct the deficiency within a 180-day time period under the rules. .0209(9).

To file a fully documented petition, the Petitioner should submit in paragraph form, a concise narrative, with numbered pages, that describes how the evidence submitted meets each section of the regulations. We suggest the concise narrative not exceed 100 numbered pages, excluding documentation of supporting evidence. To facilitate review, the group should submit copies of its governing documents to determine if the group's current members meet its membership requirements.

The rules require the original and 5 copies of the petition. Section .0209(5). This includes the concise narrative and documentation of supporting evidence. However, the genealogical evidence if submitted on GEDCOM¹, CD-ROMs, or USB Flash Drives, will not need to be in hard copy form, except for one original copy. Please note that all documents or other materials received by the Commission in connection to a petition for state recognition are public records and are subject to disclosure to third parties, upon request, pursuant to North Carolina public records laws, N.C. Gen.Stat. § 132-1 *et seq.*

Eligibility for the Petitioning Process:

Section .0203 states that, “only American Indian Groups located in North Carolina who can trace their historic origins to indigenous American Indian tribes prior to 1790 are eligible to petition.” **The Recognition Committee will be unable to determine the group's eligibility if the genealogy of the group, and its historic origins, are not fully documented or only partially documented. To be eligible to petition, the narrative must describe how the genealogy traces the petitioner to its historic origins through key historic family line(s). The Recognition Committee will not proceed with review of a group's petition unless the group is found eligible for the Petitioning Process.**

Splinter Groups:

Section .0202(9) defines “splinter group” to mean, “a political faction, community, or group of any character that separates or has separated from the main body of a state or federally recognized American Indian tribe, and has not functioned throughout history as an autonomous American Indian tribe.” Under section .0204, splinter groups are ineligible for State recognition. Groups considering whether to petition for State recognition should take into account the disqualification of “splinter groups” if the petitioning group is a political faction or community that has separated from another existing or historic American Indian Tribe. And, if so, it is suggested that the petitioner's narrative explain why it does not fall within the definition of a “splinter group.”

The Recognition Committee, following the policy and practice under the Federal Acknowledgment Rules revised July 1, 2015, **will find a group that can demonstrate it has functioned autonomously from ca 1900 until the present as a politically autonomous community and, therefore, not a “splinter group” of another state or federally recognized**

¹ GEDCOM, an acronym for GENEalogical Data COMmunication, is a specification for exchanging genealogical data between different genealogy software. A GEDCOM file is the most widely recognized file format standard for creating a family tree. The Commission of Indian Affairs uses RootsMagic as a genealogy program. A petitioning group may use any genealogy program it desires. We suggest a petitioning group export the genealogical data into a GEDCOM file.

tribe. The Recognition Committee, as a procedural review practice, will consider all facts and circumstances, when making a determination on historical autonomy. However, it is suggested that the petitioning group, in its narrative under section .0204, document its historical autonomy back to the early decades of the twentieth century or pre-modern times. The state or federal statutes that acknowledge the existence of historic tribes in various state counties does not prevent a petitioner from establishing that it has functioned as an autonomous faction of the tribe over a historic period of time.

Please note that if the petitioning group is found to be a splinter group and ineligible for recognition pursuant to section .0204(1), or ineligible pursuant to sections .0204(2) or .0204(3), then the Recognition Committee will discontinue review of the group's petition and the group will receive a preliminary finding noting this as a deficiency that would make the group ineligible. The petitioning group will then be given an opportunity under the rules to address this noted deficiency. Section .0209(9).

Criteria for Recognition:

The concise written narrative should also address section .0212(2)(a) through (h), referred to as the Criteria for Recognition as an American Indian Tribe, and apply section .0212(1) to each criterion demonstrating continuous American Indian Identity. We suggest that the narrative have sections for each of the criterion, in order (a) through (h), explaining the documentation used to meet each criterion. All evidence should be fully documented. For example, under section .0212(2)(h), if the petitioner has participated in a grant designated for American Indians only, then the petitioner should include a document that verifies it received a grant because it was identified as an American Indian entity. The Recognition Committee can then consider the grant as some evidence under this criterion.

The concise written narrative for this section should describe the community over time and document its historic and continuous American Indian identity. For periods of time where identification as an American Indian entity cannot be documented, the petitioner should submit an explanation for the lack of documentation of continuous American Indian identification. Section .0212(1).

The criteria set out in section .0212(2), (a) through (h), provides for specific types of evidence that can be used to establish a group's American Indian identity. In order for the Recognition Committee to effectively review the petition, this evidence should be documented and described within the appropriate paragraph. Some of this evidence may apply to more than one criteria. For example, both paragraphs, (b) and (e), seek genealogical evidence. If the same submitted evidence addresses more than one criteria, it is not necessary to duplicate. In such a case, a petitioner can reference evidence submitted in other paragraphs, as provided on electronic files or other data files. However, the evidence supporting each lettered paragraph should be fully described in the narrative and reference the submitted documentation. **Please note that eligible petitioning groups must satisfy 5 of the recognition criteria listed in section .0212(2)(a)-(h), to achieve State recognition.**

Outline of Petition Narrative:

This outline is not meant to be a formula for a positive decision; instead, this outline suggests a reasonable structure for the concise written narrative. If a petitioning group believes that other topics are important to its petition, then it should link them to the appropriate criteria and properly reference them and cite all of the supporting evidence in its submissions. We suggest the narrative include the following:

1. Introduction: Identify the historic Indian tribe (or, if more than one tribe, the tribes that combined) and the historical rolls or records naming members of the historic Indian tribe.
2. Description of the current membership roll (full names including maiden names, current residential addresses, and full birth dates) and an explanation of the circumstances surrounding the preparation of each, insofar as possible.
3. Description of the how the current membership meets the petitioning group's membership criteria. We suggest including a copy of the petitioning group's governing documents, or other evidence that describe its membership and enrollment criteria.
4. Description of past membership roll(s) and an explanation of the circumstances surrounding the preparation of each, insofar as possible.
5. Explanation of historical roll of members of the historic Indian tribe and how current members descend from members of the historic Indian tribe.
 - a. Identify specific members of the historic Indian tribe who are ancestral to the petitioning group's members.
 - b. Provide a breakdown of current members by their claimed ancestors in the historic Indian tribe.
 - c. Provide an explanation how the current members meet the 80/20 standard of linkage to the tribe(s) of historic origins.
6. Summary of #1 through #5.

[Numbers 7 through 10 will be the documentation to support/verify numbers 1 through 6.]

7. Provide current membership roll, past membership rolls, and current membership files including genealogical charts and other supporting documentary evidence, such as:
 - a. Copies of any historical tribal rolls.

- b. Copies of all current membership applications and membership files. If a member is currently affiliated or has been affiliated with another recognized tribe(s), such information should be included.
 - c. Ancestry Charts depicting each current member's descent from the claimed historical Indian tribal member(s). These charts may be provided in electronic GEDCOM format.
 - d. Individual History Charts for each member showing name, parents, spouse(s), children, and siblings.
 - e. Electronic genealogical database in its original format and in GEDCOM format. The database must include all of the current members and each previous generation linking members to the historic Indian tribe. The group may also include in its database, other members of the group who were important members of the community, but do not have descendants in the current group, such as important leaders. If a group submits genealogical and historical documents in the GEDCOM format, (CD-ROMs or USB Flash Drives) then it will not need to provide 5 hard copies of this evidence. However, one hard copy (**original**) of this evidence should be provided with the original narrative and other documentation.
8. Copies of vital records (birth, marriage, death) or other reliable records that verify each child-to-parent link between the current member and the historical Indian ancestor(s), may be supplemented with copies of Federal or State censuses, tax lists, church records, and other records. However, certified copies are not required.
9. If applicable, explain and provide supporting documentary evidence why the petitioning group does not fall within the definition of a "splinter group." Provide evidence identifying that the group has historically functioned autonomously. (Available tribal documents, as well as, outside evidence should be provided to support the Tribe is an autonomous faction of a historic tribe.)
10. In paragraph form, address each Criteria for Recognition: .0212(2)(a)-(h).
- a. Identify traditional North Carolina surnames that relate to the petitioning group and describe how they have been commonly identified as being American Indian since 1790 in the group's local and geographic area. If there are surnames that are common to the membership of the petition group, then provide a census of those surnames in the location of the group's historic geographic origin. If applicable, provide evidence of the petitioning group's migration from known historic locations to its current location.
 - b. Identify and provide documentary evidence of relationships the petitioning group has with other recognized American Indian Tribes. Describe historic blood and marriage kinship ties and community interaction, such as: participation with other known tribal communities in spiritual, educational, social or cultural institutions.

- c. Identify official records, which may include, birth, church, school, military, medical, local, or county government records and describe how these records assist in identifying the petitioning group's American Indian identity.
 - d. Describe any instance of historic government-to-government relationships between the petitioning group and the federal or state government. Provide any state or federal documents evidencing this relationship or identifying the group as American Indian.
 - e. Describe the petitioning group's anthropological, historical, or genealogical documents demonstrating the group's American Indian ancestry. (Cross reference documents described in other sections or provided in GEDCOM format, on CD-ROMs, or USB Flash Drives.)
 - f. Describe evidence supporting current or historic relationships with state or federally recognized American Indian tribes that further identify the petitioning group as American Indian. (Cross reference documents described in other sections in GEDCOM format, on CD-ROMs, or USB Flash Drives.)
 - g. Describe any other traditions, customs, or legends that uniquely identify the petitioning group's American Indian Heritage. (Cross reference documents described in other sections or provided in GEDCOM format, on CD-ROMs, or USB Flash Drives.)
 - h. Identify and provide documentation of petitioning group's participation in grants or programs that are designated for American Indians.
11. Summarize the Criterion for Recognition sections (a) through (h) above, and how the evidence demonstrates the petitioning group's historic and continuous American Indian identity. If applicable, provide an explanation for periods of time that lack documentation of the continuous American Indian identity of the community. Section .0212(1).
12. Bibliography: Provide a list of all supporting evidence, including historical and anthropological references cited that were unavailable for copying. This **excludes** genealogical evidence, such as: individual history charts, ancestry charts, and vital records submitted as genealogical evidence, i.e.: birth, marriage, death, etc.

As part of a fully documented petition, we have attached sample forms to assist with documenting current membership, family ties, and blood lines. We have also attached sample guides defining Primary Source and Secondary Source documentation that can help verify the connection of the group's current membership to its historic origins.

Sample Letters/Forms and Guides:

- Sample Guide A: Documented Petition Description and Suggested Concise Written Narrative**
- Sample Guide B: Guided Assistance for Petition Documentation**
- Sample Guide C: List of Primary Sources vs. Secondary Sources for Genealogical Documents**
- Sample Guide D: Genealogical Methodology Guide**
- Sample Guide E: Sources for Genealogical Assistance**
- Sample Form F: Ancestry Chart**
- Sample Form G: Individual History Chart**
- Sample Form H: Current Membership Roll Chart**
- Sample Letter I: Notice of Intent to Petition for State Recognition**
- Sample Letter J: Change of Address and Contact Information**
- Sample Letter K: Change of Leadership and Contact Information**
- Sample Letter L: Change of Group Name and Contact Information**

The NC Commission of Indian Affairs has links to the State Recognition regulations and sample letters/forms and guides on its web site:

<https://ncadmin.nc.gov/about-doa/divisions/commission-of-indian-affairs>