
(5) Federal Register Notice of Proposed Finding

- June 28, 1996

Bureau of Indian Affairs**Proposed Finding Against Federal
Acknowledgment of the Duwamish
Tribal Organization****AGENCY:** Bureau of Indian Affairs,
Interior.**ACTION:** Notice of proposed finding.

SUMMARY: Notice is hereby given that the Assistant Secretary—Indian Affairs (Assistant Secretary) proposes to decline to acknowledge that the Duwamish Tribal Organization, 107 Ranier Ave. So., Renton, WA 98055, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the Duwamish Tribal Organization does not satisfy three of the seven criteria set forth in 25 CFR 83.7 and, therefore, does not meet the requirements for a government-to-

government relationship with the United States.

DATES: 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 120 calendar days from the date of publication of this notice. Interested and informed parties who submit arguments and evidence to the Assistant Secretary should also provide copies of their submissions to the petitioner.

ADDRESSES: Comments on the proposed finding and requests for a copy of the report which summarizes the evidence and analyses that are the basis for the proposed decision should be addressed to the Office of the Assistant Secretary, 1849 C Street N.W., Washington, DC 20240, Attention: Branch of Acknowledgment and Research, Mailstop: 4641-MIB.

FOR FURTHER INFORMATION CONTACT: Holly Reckord, Chief, Branch of Acknowledgment and Research, (202) 208-3592.

SUPPLEMENTARY INFORMATION: This notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary by 209 DM 8 and pursuant to 25 CFR 83.9(f) of the previous acknowledgment regulations. Although revised acknowledgment regulations became effective March 28, 1994, the Duwamish Tribal Organization chose, as provided in 25 CFR 83.3(g) of the revised regulations, to complete their petitioning process under the previous acknowledgment regulations.

The petitioner, the Duwamish Tribal Organization, is an organization of Duwamish descendants that has existed since 1925. While the petitioner's individual members can trace their ancestry back to a historical Duwamish tribe, the petitioner has not existed as a tribal entity continuously since the time of first sustained contact between the historical Duwamish tribe and non-Indians. The petitioner has been identified by external observers as an Indian entity, but only since about 1940. The petitioner does not form, and has not formed, a distinct social or geographical community in western Washington. Its organization has functioned for limited purposes since 1925 and has exercised no meaningful political influence or authority over its members. Of the seven mandatory criteria for Federal acknowledgment as an Indian tribe, the petitioner has met criteria (d), (e), (f), and (g), but has failed to meet criteria (a), (b), and (c).

A historical Duwamish tribe was described as consisting of the Indians living at the confluence of the Black, Cedar, and Duwamish Rivers south of Lake Washington, as well as along the Green and White Rivers, around Lake Washington, and along the eastern shore of Puget Sound in the area of Elliott Bay. Federal negotiators combined the Duwamish with other tribes and bands into confederated "treaty tribes" for the purpose of making a treaty in 1855, and continued to deal with treaty-reservation Indians as the "Duwamish and allied tribes." The evidence indicates that a distinct Duwamish community has not existed since about 1900 and that political activity linked to residents of traditional settlements has not occurred since about 1916. The petitioner's organization came into existence in 1925 when eight men announced their "intention of forming" an organization. No contemporary evidence indicates that this new organization continued the activities of a previous group, and its membership was substantially different from the membership of a Duwamish organization which had been formed in 1915.

The petitioner has satisfied criterion (e), because the available evidence demonstrates that 386 out of the 390 members on the petitioner's 1992 membership roll clearly descend from historical Duwamish Indians. The petitioner has met criterion (d) by providing copies of the constitution and by-laws of the Duwamish Tribal Organization which were adopted in 1925 and are still in effect today. These governing documents also describe the petitioner's membership criteria. There is no evidence that a significant percentage of the petitioner's members belong to any federally-recognized tribe, or that the petitioner was subject to legislation terminating or forbidding a Federal relationship. Thus, the petitioner has met criteria (f) and (g).

The petitioner's current members do not maintain a community that is distinct from the surrounding non-Indian population. No geographical area of concentrated settlement provides them with a social core. The group's geographical dispersion is consistent with other evidence showing that members do not maintain, and have not maintained, significant social contact with each other. Before 1925, the petitioner's ancestors, primarily descendants of marriages between Duwamish Indians and pioneer settlers, had little or no interaction either with the Indians of the historical Duwamish settlements or with those Duwamish who moved to reservations. Since 1925,

the social activities of the petitioner's members with other members, outside the organization's annual meetings, took place within their own extended families, but not with members outside their own family lines. Because the petitioner has not maintained a cohesive community that is socially distinct from other populations in the area, it has not met the requirements of criterion (b).

The Duwamish Tribal Organization has not exercised political influence or authority over its members. Instead, it has limited itself to pursuing Federal acknowledgment and claims against the United States for its dues-paying members. The organization's annual meetings have generally consisted of a presentation by the chairman or chairwoman, a report by the group's claims attorney, and motions only to elect officers, accept new members, or endorse attorney contracts. No evidence shows that members were involved actively in making decisions for the group or resolving disputes among themselves. A decision to intervene in an important fishing rights case was made by a single individual, the chairman. Later, no members participated in completing the paperwork in that case which would have allowed members to utilize fishing rights temporarily. The available evidence shows that this organization has played a very limited role in the lives of its members, and there is no evidence of the existence of informal leadership or political influence within the group outside of the formal organization. Because the petitioner has not maintained tribal political influence or authority over its members throughout history, it has not met the requirements of criterion (c).

The petitioner has been identified intermittently since 1940 as an Indian organization by Federal officials. A historical Duwamish tribe, which existed at the time of first sustained contact with non-Indians, was identified by contemporary Government officials and American settlers, and by later ethnographers, historians, and the Indian Claims Commission. The existence of a Duwamish community at a traditional location near the junction of the Black and Cedar Rivers was identified by external observers as late as 1900. These various identifications of Duwamish entities before 1900 and after 1940, however, do not identify the same entity and do not link the modern petitioner to the historical tribe as an Indian entity which has continued to exist over time. Because the petitioner has not been identified as having a substantially continuous Indian identity from historical times to the present, it

has not met the requirements of
criterion (a).

Based on these factual
determinations, we conclude that the
Duwamish Tribal Organization should
not be granted Federal acknowledgment
under 25 CFR part 83.

After consideration of the comments
on this proposed finding, the Assistant
Secretary will publish the final
determination of the petitioner's status
in the **Federal Register** as provided in
25 CFR 83.9(h) of the previous
acknowledgment regulations.

Dated: June 18, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

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