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OCT 26 2013

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2013 OCT 26 AM 10:22

OFFICE OF THE
TIME SCHEDULE

Kevin K. Washburn
Assistant Secretary
Indian Affairs
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Assistant Secretary Washburn,

I understand the Department of the Interior is currently reviewing its procedures for determining which American Indian groups exist as Indian tribes and I urge you to consider eliminating the mandatory criterion that summarily denies recognition through your process to tribes subject to termination legislation.¹

Fairness and justice would be best served if American Indian groups claiming to be Indian tribes eligible for federal recognition are allowed to pursue recognition through the Department's processes, rather than through Congressional action. Congress is simply ill-equipped to make fair and accurate determinations as to which groups of people are Indian tribes that should be recognized by the federal government and which should not.

As you know, sixty-one Oregon tribes west of the Cascades were terminated in the Western Oregon Termination Act of 1954.² It is not clear whether all of them have been restored, since some of the tribes listed in the 1954 Termination Act may now be contained in other tribal entities (e.g. Siletz, Grand Ronde, etc.), and getting a clear picture of how many unrecognized tribes there are is difficult since recognized tribes are incentivized to oppose recognition of any currently unrecognized tribes that they perceive may, if recognized, compete with them for government resources. Moreover, your Department does not seem to have statistics on what happened to all the tribes that were terminated in 1954. This leaves members of Oregon's Congressional Delegation in an untenable position of having to either tell groups seeking recognition that we simply do not believe their claims or to champion restoration legislation based on incomplete facts or documents, the veracity of which, we cannot ascertain. The historians and anthropologists at Interior are best suited to review this evidence and make a fair determination based on the facts.

¹ 25 CFR Part 83.7(g)

² P.L. 83-588; 68 Stat. 724

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There are currently three groups in Oregon or with ancestral lands in Oregon that are currently seeking federal recognition – the Clatsop-Nehalem, The Chinook, and the Confederated Tribes of the Lower Rogue (a group that claims to be the Chetco and Tututui peoples), each of which is seeking a sponsor for restoration legislation. The sheer number of terminated tribes in Oregon means that this issue will likely persist long into the future and not be solved even after the three tribes currently seeking recognition are dealt with. I therefore urge you to remove the mandatory criterion making terminated tribes ineligible for your Department's recognition process. If you have any questions about this letter, please contact Cisco Minthorn in my office at 202-224-4971.

Thank you for your attention, and I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Ron Wyden". The signature is written in a cursive, slightly slanted style.

Ron Wyden
U.S. Senator