Indian Affairs - Office of Public Affairs

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WASHINGTON, D.C. – Acting Assistant Secretary – Indian Affairs Donald E. "Del" Laverdure today issued a final determination on a petition for federal acknowledgment, declining to acknowledge the Brothertown Indian Nation (Brothertown) as an Indian tribe under federal law. Brothertown is located in Wisconsin and first submitted its petition in 1980.

In the final determination on the Brothertown petition, the acting Assistant Secretary determined that the group previously had a relationship with the United States, but had its tribal status terminated by an 1839 Act of Congress. The Department's regulations prohibit the Assistant Secretary from acknowledging a petitioning group where Congress previously terminated the tribal status of that group. Only Congress may restore the tribal status of Brothertown and its government-to-government relationship with the United States.

"This decision was made after a careful review of the facts in the record," Laverdure said. "As our regulations prohibit us from acknowledging Brothertown through the Department's process, only Congress can restore the tribal status of Brothertown under federal law."

The Department's regulations require a petitioning group to satisfy seven mandatory criteria, including a requirement that the group had not previously been the subject of legislation terminating their tribal status or prohibiting a relationship with the United States. In this case, Brothertown could not overcome this requirement. Because Brothertown could not satisfy one of the seven mandatory criteria for federal acknowledgment, the Department did not look to the other criteria in making its final determination.

This determination will become final and effective 90 days after its publication as a notice in the Federal Register unless the petitioner or any interested party requests reconsideration with the Interior Board of Indian Appeals (IBIA) within that time period. The Assistant Secretary – Indian Affairs has responsibility for fulfilling the Interior Department's trust responsibilities and promoting self-determination on behalf of the 566 federally recognized American Indian and Alaska Native tribal governments. The Assistant Secretary also oversees the Bureau of Indian Affairs, which is responsible for providing services to approximately 1.9 million individual American Indians and Alaska Natives from the federally recognized tribes, and the Office of Federal Acknowledgment, which administers the federal acknowledgment process.

Copies of the final determination and Federal Register notice will be posted on the Department of the Interior website at https://www.bia.gov/as-ia/ofa/recent-acknowledgment-actions.