Indian Affairs - Office of Public Affairs

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WASHINGTON, D.C. – There is not enough evidence to meet the legal requirements for federal recognition of the Little Shell Tribe of Chippewa Indians of Montana, Acting Principal Deputy Assistant Secretary-Indian Affairs George T. Skibine said today. The Department of the Interior, therefore, has issued a final determination not to acknowledge the petitioner group as a federally-recognized Indian tribe.

"Though the Little Shell cannot meet the mandatory criteria for federal acknowledgment through Interior's administrative process, the U.S. Congress has the authority to recognize the Little Shell under pending legislation," Skibine said.

The petitioning group, made up of 4,332 members who live in Montana as well as out of the state, claims its ancestors originated as part of the historical Pembina Band of Chippewa Indians in the mid-19th century and then evolved into a separate group of mixed Indian ancestry in Montana by the early 20th century. In its review of all of the evidence in the record, the Department concluded that the Little Shell did not satisfy three of the seven mandatory criteria for acknowledgment, specifically the requirements that a tribe: ■

- has been identified as an Indian entity on a substantially continuous basis at least since 1900;
- comprise a distinct community since historical times and maintain significant social relationships and interaction as part of a distinct community; and
- maintain political influence over a community of its members or over communities that combined into the petitioner.

Federal acknowledgment of a group as an Indian tribe establishes a government-to-government relationship between the United States and an Indian tribe, making federal protection, services, and benefits available to Indian tribes by virtue of this officially recognized status.

The petitioning process dates back more than a decade. On July 21, 2000, the Assistant Secretary - Indian Affairs issued a proposed finding recommending acknowledgment of the Little Shell as an Indian tribe. In doing so, the Assistant Secretary explicitly acknowledged several contemplated departures from acknowledgment precedent and requested comments on whether the proposed departures were consistent with the regulations. The proposed finding also strongly encouraged the petitioning group to provide additional evidence to support its petition. The Department acknowledged that additional evidence could create a different factual record and provide more factual support to a final decision.

This final determination concludes, however, that the petitioner's response to the proposed finding does not present sufficient additional evidence or argument that justifies the proposed finding's contemplated departures from precedent.

The Little Shell met criteria 83.7 (d), (e), (f), and (g) of the acknowledgment regulations by demonstrating that it has a governing document, 89 percent of its members have descent from the historical Pembina Band of Chippewa Indians, its membership is not principally composed of members

of an acknowledged Indian tribe, and it is not the subject of congressional legislation forbidding the Federal relationship.

However, under criterion 83.7(a), the available evidence shows external observers identified the petitioner as an Indian entity only since 1935, not 1900, as required by the regulations. For criterion 83.7(b), the available evidence demonstrates the petitioner has not comprised a distinct community since historical times. Nor did the petitioner maintain significant social relationships and interaction as part of a distinct community since their migration to Montana. In the case of criterion 83.7(c), the available evidence did not demonstrate that the petitioner maintained political influence over a community of its members at any time or over communities that combined into the petitioner.

The determination announced today is final and effective 90 days after publication of a notice in the Federal Register, unless the petitioner or any interested party requests reconsideration with the Interior Board of Indian Appeals. See the Department of the Interior website at (http://www.doi.gov) for copies of the final determination.