Indian Affairs - Office of Public Affairs

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**For Immediate Release:** November 26, 2007
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**WASHINGTON** – Assistant Secretary – Indian Affairs Carl J. Artman today issued a proposed finding not to acknowledge the petitioner known as the Juaneño Band of Mission Indians, Acjachemen Nation, (Petitioner #84A) as an Indian tribe. This petitioner, located in San Juan Capistrano in Orange County, Calif., has 1,640 members.

The evidence in the record demonstrates that the petitioner does not meet four of the seven mandatory criteria for Federal acknowledgment as set forth in 25 CFR 83.7. In accordance with the regulations set forth in 25 CFR 83.7, the failure to meet all seven criteria requires a determination that the petitioning group is not an Indian tribe within the meaning of Federal law. Therefore, the Department proposes to decline to acknowledge the petitioner.

This proposed finding treats the Indian population at the San Juan Capistrano Mission in 1834 as the "historical Indian tribe." The regulations provide for acknowledgment of historical Indian "tribes or groups that have historically combined." The evidence in the record establishes by a reasonable likelihood that as a result of Spanish policy, the Indian population of the mission became an entity consisting of Indian tribes or groups that had combined. Therefore, the proposed finding evaluates whether the petitioner meets the acknowledgment criteria by demonstrating that it is a continuation of the Indian tribes that historically combined at the mission by 1834.

The four criteria the petitioner does not meet are criteria 83.7(a), 83.7(b), 83.7(c) and 83.7(e).

Criterion 83.7(a) requires that external observers have identified the petitioner as an American Indian entity on a substantially continuous basis since 1900. The available evidence demonstrates that external observers identified the petitioner as an American Indian entity on a substantially continuous basis since 1997, not since 1900.

Criterion 83.7(b) requires that a predominant portion of the petitioning group has comprised a distinct community since historical times. The available evidence does not demonstrate that the petitioner evolved as a distinct community from the historical Indian tribe that existed at San Juan Capistrano Mission in 1834.

Criterion 83.7(c) requires that the petitioning group has maintained political influence over its members as an autonomous entity since historical times. The available evidence does not demonstrate that the petitioner maintained political influence or authority over its members as an autonomous entity from 1834 until the present.

Criterion 83.7(e) requires that a petitioner's members descend from a historical Indian tribe. The available evidence shows that only two percent of the petitioner's 1,640 members demonstrated descent from the historical San Juan Capistrano Mission Indian tribe. The three criteria the petitioner meets are criteria 83.7(d), 83.7(f), and 83.7(g).

Criterion 83.7(d) requires that the petitioner provide a copy of its governing document.

Criterion 83.7(f) requires that the petitioner's membership be composed principally of persons who are not members of another Federally recognized Indian tribe.

Criterion 83.7(g) requires that the petitioner not be subject to legislation forbidding the Federal relationship.

The petitioner did not meet all of the seven mandatory criteria; therefore, it did not qualify for acknowledgment under the Department's regulations.

Notice of this proposed finding will be published in the Federal Register. As provided by 25 CFR 83.10(i), the petitioner or any individual or organization wishing to challenge or support the proposed finding shall have 180 days after the notice's publication date to submit arguments and evidence to rebut or support the proposed finding before any final determination is issued.

After the 180 day comment period, the petitioner will have an additional 60 days to respond to the comments from interested parties. After the response period closes, the Department will begin work on a final determination.

The Assistant Secretary – Indian Affairs has responsibility for fulfilling the Interior Department's trust responsibilities and promoting self-determination on behalf of the 562 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 1.8 million individual American Indians and Alaska Natives from the Federally recognized tribes, and the Office of Federal Acknowledgment (OFA), which is responsible for administering the Federal Acknowledgment Process.

Copies of the proposed finding and Federal Register notice will be posted on the Department of the Interior website at http://www.doi.gov

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