

(5) Federal Register Notice of Proposed Finding

- December 8, 1993

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Finding Against Federal Acknowledgment of the Ramapough Mountain Indians, Inc.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed finding.

SUMMARY: Pursuant to 25 CFR 83.9(f), notice is hereby given that the Assistant Secretary proposes to decline to acknowledge that the Ramapough Mountain Indians, Inc. (RMI), c/o Mr. Ronald VanDunk, 200 Route 17 So., Mahwah, New Jersey 07430-0478, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the RMI does not meet four of the seven mandatory criteria set forth in 25 CFR 83.7. Therefore, the Ramapough Mountain Indians, Inc. do not meet the requirements necessary for a government-to-government relationship with the United States.

DATES: As provided by 25 CFR 83.9(g), 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.

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

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Ramapough Mountain Indian (RMI) petitioning group is derived from families that formed part of non-Indian society in the 17th, 18th and early 19th centuries. These families lived in separate locations, had few demonstrable ties to one another, and had no firm identification as American Indian. They did not coalesce and become a distinct social group until approximately the 1850's. While identified as a distinct group after that point by scholars, journalists and others, the group was not identified as an Indian group. It was identified as a group of mixed racial ancestry. After about 1890, these identifications specifically included the attribution of partial Indian ancestry. There is no record that the RMI, as a group or as individuals, petitioned the Federal government for services or redress of grievances as an Indian community, or

had any contact with the Federal government as Indians. There is no record that they maintained relations with Indian tribes in the region. The RMI group was not identified as an Indian group until it was recognized by the State of New Jersey.

No evidence was found which links the RMI group to any of the various historical Indian tribes to which their origins have been ascribed from time to time by various sources. No evidence was found to link them to the Munsee tribes, the origin claimed in their petition. No evidence was found that the Munsee-related bands of New Jersey moved into and remained in the Ramapo Mountains after the 1758 Treaty of Easton. After this treaty the Munsee tribes removed to Pennsylvania. Similarly there is no evidence that the RMI are derived from other Indian groups that remained elsewhere in New Jersey after 1758.

The Ramapough did not exist as a distinct social community until approximately the 1850's. The ancestral families were living in Orange County, New York, and neighboring Bergen County, New Jersey, in the 18th century. They were not living in a distinct settlement or even in the vicinity of each other in the late 1770's. Instead, individual families were part of different communities, associated with Afro-Dutch as well as White families. Individual families moved into the general Mahwah area after 1770. They did not come as a group, and did not come from distinct communities, Indian or otherwise.

There was increasing intermarriage after 1800 between the families that became the RMI group, and by the 1850's a distinct settlement was formed. After that time, until the present, outside observers have reported the existence of a distinct social community. By the 1870's, the RMI had moved from the original settlement to eventually form three settlements in the Ramapo Mountains, which continue until today. Two of these were exclusively occupied by RMI families from the 1870's and the third, Ringwood, was exclusively RMI after the 1920's. These settlements continue to exist until the present day. There continues to be a high, though decreasing, degree of in-marriage between members of the group. There is no evidence that there have been significant cultural differences between the RMI and other populations in the area in the past or at present.

While forming a distinct community after 1850, the RMI community was not distinguished as Indian, but as a distinct racial group with a unique identity.

After the 1890's, these identifications included the attribution of partial Indian ancestry. The community was not viewed as American Indian until the RMI was recognized by the States of New Jersey and New York in 1980.

Since the RMI did not exist as a community until the 1850's, they are not a political community which is derived from a tribe existing at first sustained contact with Europeans until the present, and have not existed as a distinct political community derived from such a tribe since first settlement by Europeans in the area.

Although there is substantial evidence that the RMI were a highly distinct and socially cohesive community after the 1850's, there was little significant available evidence to directly establish the existence of leaders exercising political influence between the 1850's and the 1940's. The evidence that was offered concerning potential leaders did not demonstrate political influence, and evidence for this was not developed in the course of research to evaluate the petition. For the period between 1940 and 1978, no single leader with authority over all three communities has been identified. However, there is some evidence for this time period concerning political leaders who only exercised influence in the town in which they resided.

The RMI established an organization representing the entire RMI group only in 1978. The available evidence does not establish whether it has exercised significant political influence over the membership since that time.

The RMI petitioner submitted copies of its current governing documents, beginning with 1979 bylaws, as amended in 1990 and further revised in 1992. The bylaws, as amended, state the membership criteria and procedures for enrollment of members.

No evidence was found to substantially demonstrate Indian ancestry for the RMI membership which was derived from a historic tribe. It also could not be established that there is any Indian ancestry from isolated Indian individuals, and there is virtually no documentary evidence from historical records for such ancestry. However, the evidence did not entirely rule out the possibility that an Indian individual or individuals were among RMI ancestors.

Ninety-eight percent of the present membership can trace descent from at least two of the four major families associated with the RMI, who can be traced back to the late 1700's or early 1800's. The rest of the membership can be expected to trace ancestry to at least one of the four families. A thorough review of the ancestry of all four

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families did not provide acceptable evidence that adequately proves Indian ancestry nor specific tribal identification for any of the four families.

No evidence was found that any of the members of the RMI are members of any Federally recognized tribe.

There is no evidence that the Ramapough Mountain Indians, Inc., or its members, have ever been the subject of any Congressional legislation which has expressly forbidden or terminated the Federal relationship.

Based on this preliminary factual determination, we conclude that the RMI does not meet criteria a, b, c and

e in 25 CFR 83.7. Since the RMI do not meet all of the seven mandatory criteria, we conclude that the RMI should not be granted Federal acknowledgment under 25 CFR part 83.

As provided by 25 CFR 83.9(f), a report summarizing the evidence for the proposed decision will be provided to the petitioner and other interested parties, and is available to other parties upon written request. Comments on the proposed finding and/or requests for a copy of the report of evidence should be addressed to the Office of the Assistant Secretary—Indian Affairs, Bureau of Indian Affairs, 1849 C Street NW.,

Washington, DC 20240, Attention: Branch of Acknowledgment and Research, Mail Stop 2611-MIB.

After consideration of the written arguments and evidence rebutting the proposed finding and within 60 days after the expiration of the 120-day response period described above, the Assistant Secretary—Indian Affairs will publish the final determination of the petitioner's status in the Federal Register as provided in 25 CFR 83.9(h).

Ada E. Deer,

Assistant Secretary, Indian Affairs.

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