

(5) Federal Register Notice of Proposed Finding

- August 11, 1987

Bureau of Indian Affairs

Proposed Finding for Federal Acknowledgment of the San Juan Southern Paiute Tribe

August 4, 1987.

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. Pursuant to 25 CFR 83.9(f) (formerly 25 CFR 54.9(f)), notice is hereby given that the Assistant Secretary proposes to acknowledge that the San Juan Southern Paiute Tribe, c/o Mrs. Evelyn James, P.O. Box 2956, Tuba City, Arizona 86045, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group satisfies the seven mandatory criteria set forth in 25 CFR 83.7. Therefore, the San Juan Southern Paiute Tribe meets the requirements necessary for a government-to-government relationship with the United States.

Members of the San Juan Southern Paiute Tribe live on lands in north central Arizona which were traditionally and aboriginally Southern Paiute. Today's members are predominantly lineal descendants of the Southern Paiute Indians whose ancestors have inhabited this area since first sustained contact with Euro-Americans around 1850. Both historically and up through the present day, the petitioner has been repeatedly identified by scholars, local non-Indians, Federal officials, other Southern Paiute bands, and members of the Navajo Tribe both as Southern Paiute and as a distinct body of people. This has occurred even in contexts where close interaction with the Navajos and some acculturation to Navajo culture has been evident.

While the San Juan Paiutes once occupied a much larger portion of the land in the region than they do now, the previous broader occupation has diminished to two communities separated by approximately 90 miles—the southern community around Willow Springs, and the northern community around Paiute Canyon/Navajo Mountain. Owing to steady population increases and westward expansion among the Navajos in the late 19th century, San Juan Paiute lands were eventually absorbed and included within the Navajo Reservation. From 1908 to 1922 the San Juan Paiutes had their own reservation, but it too was ultimately annexed to the Navajo Reservation.

Today both San Juan Paiute communities, whose residents form a common kinship group, are located on

the Navajo Reservation, but are still explicitly identified as Paiute communities. Extensive economic cooperation in agriculture and grazing exists between family groups in both communities. The primary context in which social distinction occurs is one between San Juan Paiutes and Navajos. Although both are residents of the same geographical area and have social links and interactions between them, the San Juan Paiutes have not been incorporated into the kinship relations which are primary for traditional Navajo social organization. Moreover, separate economic resources for agriculture and grazing have been maintained between the two tribes. While there is some San Juan Paiute acculturation to Navajo ways—more in some families than in others—important social distinctions remain, with little evidence of Paiute acculturation to Navajo kinship patterns, political institutions, or central aspects of Navajo religion.

The San Juan Paiutes have maintained leadership and internal political decision-making processes, exercising tribal political authority since earliest sustained historical contact. This internal governmental process has operated independent of the control of traditional and modern political processes of the Navajo Tribe. While ethnographic data indicate that the San Juan Paiutes were a single socially unified and distinct body in the 1850's which considered of at least two political units with separate leadership, by 1873 the group had become a single political unit, and was so considered by a Government commission. Tribal leaders served as spokesmen for the entire tribe and were concerned with external affairs. The traditional system was based on consensus decision-making and non-coercive leaders who were influential because of their prestige, knowledge of Paiute culture, social maturity, and ability to gain the support of kinsmen for whom they spoke. Meetings were a central and indispensable part of the political structure. A written description of the governing process of the tribe and the formerly unwritten criteria for membership were submitted with the tribe's petition, in fulfillment of 25 CFR 83.7(d). Individuals on the tribe's membership roll met the stated criteria for membership, which include lineal descent from Southern Paiute ancestry and social participation in the tribe.

One-hundred nineteen of the 188 San Juan Paiutes who appear on the roll which the tribe submitted for Federal acknowledgment also appear on the Bureau's updated 1940 reservation-wide census which has been adopted by the Navajo Tribe as the "official roll of the

Navajo Tribe." These individuals have been determined not to be members of the Navajo Tribe within the meaning of "member of an Indian tribe" as defined in the acknowledgment regulations (25 CFR 83.1(k)). This is based on a detailed analysis of the circumstances surrounding the creation and maintenance of that roll and the appearance of the names of many of the Paiutes on it. This analysis is described in detail in the Bureau's technical reports accompanying this proposed finding. Accordingly, it has been concluded that the San Juan Southern Paiutes are not composed principally of members of another tribe and therefore meet the requirements of criterion f of the regulations.

No evidence was found to show that the San Juan Southern Paiute Tribe has been the subject of Federal legislation which has expressly terminated or forbidden a relationship with the United States Government.

Based on this preliminary factual determination, we conclude that the San Juan Southern Paiute Tribe meets all of the criteria in 25 CFR 83.7. We therefore conclude that the tribe should be granted Federal acknowledgment under 25 CFR Part 83.

Section 83.9(g) of the regulations provides that 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.

Under § 83.9(f) of the regulations, a report summarizing the evidence for the proposed decision will be available to the petitioners and interested parties upon written request. Comments and requests for a copy of the report should be addressed to the Office of the Assistant Secretary—Indian Affairs, 1951 Constitution Avenue, NW., Mail Stop 32-SIB, Washington, DC 20245. Attention: Branch of Acknowledgment and Research.

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, the Assistant Secretary will publish the final determination regarding the petitioner's status in the Federal Register as provided in 25 CFR 83.9(h).

Hazel E. Elbert,

Acting Assistant Secretary, Indian Affairs.
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