DRAFT

Documented Petition Description with a Suggested Outline for Concise Written Narrative

Any group within the contiguous 48 states seeking Federal acknowledgment as an Indian tribe must petition under the Department of the Interior's (Department) "Procedures for Federal Acknowledgment of Indian Tribes," Part 83 of Title 25 of the Code of Federal Regulations (25 CFR Part 83). On July 1, 2015, the Department issued a final rule regarding this administrative process. This rule became effective on July 31, 2015.

The 2015 Federal regulations require that a group provide a "documented petition" of "detailed arguments" about how the petitioner claims to meet the criteria. In addition, the 2015 regulations provide that a petitioning group include "supporting documentary evidence" that validates the petitioner's claims (§ 83.1). The purpose of this document is to guide groups in preparing their documented petitions for the Department's Federal acknowledgment process.

Documented Petition Description

Under § 83.21(a) of the 2015 regulations, the documented petition may be in any readable form and *must include the following*:

(1) a certification, signed and dated by the group's governing body, stating that the submitted materials constitute the group's official documented petition;

(2) a concise written narrative, with citations to supporting documentation, thoroughly explaining how each document is applied to the criteria in § 83.11. The narrative should describe in detail the group's continuous social and political existence from 1900 to the present and describes its descent from the historical Indian tribe;

(3) copies of supporting documentation cited in the written narrative which contain specific, detailed evidence that the group meets each of the criteria in § 83.11; and

(4) an official current membership list (with each member's full name, maiden name as appropriate, birthdate, and current residential address) with a statement describing the circumstances surrounding the preparation of the current membership list. The group's governing body should separately certify this list. In addition, the group should submit copies of past membership lists with statements describing the circumstances surrounding the preparation of the former membership lists, insofar as possible.

Privacy Information within the Documented Petition

As § 83.21(b) of the 2015 regulations requires, petitioners must identify and remove or "redact" (conceal) privacy or other protected information in their petition materials, which is protected

DRAFT

from release to the public under the Freedom of Information Act (FOIA). Privacy information is information about *living* individuals; it includes names, birth dates, family relationships, blood quantum, medical or personnel matters, home addresses, Social Security numbers, phone numbers, e-mail addresses, or other personal information that is not generally known. In addition to privacy information, material that FOIA protects that may be in the petition includes certain financial information (such as bank statements, consultant's fees, and grant applications) or privileged communications with the group's lawyer. If new or previous submissions contain privacy materials, the group must:

(1) redact them (conceal privacy information),
(2) provide un-redacted versions of the relevant pages, and
(3) provide explanations of the legal basis for withholding such information from public release.

The Department will not publicly release privacy information, but may release redacted information if it is not protectable under Federal law as required by § 83.21(b). The group does not need to redact membership lists and member files because the Department will automatically withhold this privacy information from release.

When OFA receives all the components of a documented petition required in § 83.21(a) and what is required under § 83.21(b), it will place the petitioner on the register of petitioners waiting for active consideration or request further documentation. The Department will place on the register only those petitions that meet the 2015 regulation's definition of a "complete documented petition."

The petitioner must provide a concise written narrative which thoroughly describes its continuous social and political existence from 1900 to the present and describes its descent from a historical Indian tribe. A group's claims applicable to the seven mandatory criteria must be supported by documentary evidence.

Suggested Outline for Concise Written Narrative

The following outline is a guide for creating the "concise written narrative." This outline describes several topics a group may wish to consider when providing the "concise written narrative." Suggested topics include, but are not limited to, the following: an introduction of the petitioning group, the claim of the historical Indian tribe, any claims of previous Federal acknowledgment if applicable, a presentation of how the group meets the seven mandatory criteria, and a bibliography. This outline is not meant to be a formula for a positive decision; instead, this outline suggests a reasonable structure for the concise written narrative. If a petitioning group believes that other topics are important to its petition, then it should link them to the appropriate criteria and properly reference, cite, and certify all its supporting evidence in its submissions.

DRAFT

SUGGESTED OUTLINE & SUPPORTING EVIDENCE

I. Introduction regarding petitioning group

A. Current official name of the petitioner and previous names, if applicable
   1. Name should appear in group's governing document
   2. If no governing document, then name should be included in written statement

B. Location/headquarters
   1. Street address, city, state, ZIP Code (not P.O. Box)
   2. County/counties/region/other geographic area
   3. Complete mailing address and, if different, the residential address of group leader

C. Other contact information
   1. Phone number
   2. Fax number
   3. E-mail address

D. Number of current living members (adults and minor children)

E. Full names of current officers and members of governing body together with dates indicating when each person's term began and will end

F. Names of attorney(s) and other non-members authorized to represent group before the Department

G. Statement of basic overall claim for Federal acknowledgment as an Indian tribe, summarizing the petitioner's continuous existence, from 1900 to present (one-to two-page statement)

II. Claim of historical Indian tribe

A. Description of the historical Indian tribe or historical Indian tribes that combined and functioned as a distinct social and political entity as it existed before 1900; note, it is important to provide more than simply an ethnic or linguistic description of a group. Historical documents describe Indian entities using various terms such as "tribes," "bands," "pueblos," "rancherias," "villages," or "communities." Your current group must link back to a specific Indian entity.

B. Location(s) of the historical Indian tribe prior to 1900
   1. Colony/territory/state
   2. County/counties/region/other geographic area

DRAFT

C. Description of approximate number(s) of individuals in the historical Indian tribe at point(s) prior to 1900 and names of individuals in the historical Indian tribe claimed as ancestors of current members

D. Brief explanation of historical (pre-1900) lists of members of the historical Indian tribe and indication of who on these lists have descendants in the current membership

E. Provide applicable supporting evidence
   1. Clear, legible photocopy or scanned electronic copy of each piece of supporting evidence
   2. Possible transcription and translation of supporting evidence
   3. Bibliographical reference of supporting evidence preferably on the face of the submitted copy, which would enable OFA to locate the evidence.

III. Optional: Claim of previous Federal acknowledgment (§ 83.12)

A. Explanation of how the Federal Government previously acknowledged the petitioner

B. Description of evidence to demonstrate previous Federal acknowledgment includes, but is not limited to:
   1. Treaty relations with the United States (includes treaty negotiations for unratified treaties)
   2. Denomination as an Indian tribe by act of Congress or executive order
   3. Federal Government treatment as having collective rights in tribal lands or funds
   4. Federal reservation of land held for an Indian tribe or its collective ancestors

C. Description of documentary evidence to show that current group is same group or evolved out of the Indian tribe that the Federal Government previously acknowledged

D. Provide applicable supporting evidence
   1. Clear, legible photocopy or scanned electronic copy of each piece of supporting evidence
   2. Transcription and translation of supporting evidence, if appropriate
   3. Bibliographical reference of supporting evidence preferably on the face of the submitted copy, which would enable OFA to locate the evidence.

IV. Seven mandatory criteria – ***thorough explanations of how cited supporting evidence applies to criteria***

A. **Criterion 83.11(a) – Identifications of Indian entity**
   1. Introduction – Provide a brief overview of how the petitioner meets criterion 83.11(a) from 1900 to present; the petitioner or its ancestral group, not individuals, must be identified as an Indian entity; external and self-identifications must be of the group as it existed contemporary to the time of the identifications. These identifications must be from 1900 to the present and should be no more

DRAFT

than 10 years apart (as shown below). For each time period, provide photocopies or image scans from sources that identify the petitioning group as an Indian entity as required by 83.11(a). Thoroughly explain how each piece of evidence meets this criterion.

2. 1900 to 1909
3. 1910 to 1919
4. 1920 to 1929
5. 1930 to 1939
6. 1940 to 1949
7. 1950 to 1959
8. 1960 to 1969
9. 1970 to 1979
10. 1980 to 1989
11. 1990 to 1999
12. 2000 to 2009
13. 2010 to present
14. Summary
15. Provide applicable supporting evidence for each decade
    a. Clear, legible photocopy or scanned electronic copy of each piece of supporting evidence
    b. Possible transcription and translation of supporting evidence
    c. Bibliographical references of supporting evidence preferably on the face of the submitted copies, which would enable OFA to locate the evidence.

B. **Criterion 83.11(b) – Distinct Community**

1. Introduction – Organize evidence in time periods that document the group's social and cultural events and activities from 1900 to the present. These periods vary for each petitioner based on its specific history and circumstances, but 20-year periods may provide a useful framework (as shown below). Indicate the events that mark each time period's beginning and end. Provide information for each period. First, describe the social group at different points in time by answering questions such as: Who are the actual group members? How are they related to one another and what is the group's composition? Where do they live, socialize, and celebrate life events? What social institutions (churches, neighborhoods, schools, social clubs, interest groups, cemetery, or economic pursuits) support the member's social interaction? Second, provide evidence describing what the members are doing with one another, particularly activities that distinguish its members from non-members. Some examples of social interaction include marriages between the group's members, seasonal celebrations, informal get-togethers, and group reunions. Demonstrate that the petitioner's membership participate in these activities. In addition, the petitioner may provide evidence of cultural practices specific to the group such as shared language, religious activities, or specific cultural knowledge and practices commemorating the group's historical heritage that are not recent interpretations. Thoroughly explain how each piece of evidence meets this criterion.
2. 1900 to 1919

DRAFT

3. 1920 to 1939
4. 1940 to 1959
5. 1960 to 1979
6. 1980 to 1999
7. 2000 to present
8. Summary
9. Provide applicable supporting evidence for each period
   a. Clear, legible photocopy or scanned electronic copy of each piece of supporting evidence
   b. Transcription and translation of supporting evidence, if appropriate
   c. Bibliographical references of supporting evidence preferably on the face of the submitted copies, which would enable OFA to locate the evidence.

C. Criterion 83.11(c) – Political Influence or Authority

1. Introduction – Organize evidence in periods that reflect the petitioner's political events and activities from 1900 to the present (as shown below). Indicate the events that mark each period's beginning and end. Include a description of the political issues, events, and activities of the group, identifying specific leaders, governing bodies, and notable members active during each period. Political influence or authority may change depending on the changing economic, cultural, and social environment confronting its members. Describe how a governing body or political processes (including formal and informal leadership, peer pressure, and factions) influence the behavior of members in significant ways. Describe in detail how the group has made decisions affecting its members and has resolved conflicts among its members. Discuss how the group has chosen its leaders. Give details of the succession of named leaders from 1900 to the present, and describe how leaders have represented the group and its members when dealing with outsiders in important matters. Provide specific examples that support statements made in the narrative. Thoroughly explain how each piece of evidence meets this criterion.
2. 1900 to 1919
3. 1920 to 1939
4. 1940 to 1959
5. 1960 to 1979
6. 1980 to 1999
7. 2000 to present
8. Summary
9. Provide applicable supporting evidence for each period
   a. Clear, legible photocopy or scanned electronic copy of each piece of supporting evidence
   b. Transcription and translation of supporting evidence, if appropriate
   c. Bibliographical references of supporting evidence preferably on the face of the submitted copies, which would enable OFA to locate the evidence.

D. Criterion 83.11(d) – Governing document

DRAFT

1. Introduction – Provide a brief overview of how the petitioner meets criterion 83.11(d)
2. Description of the group's current and past governing documents including documents' effective dates and the petitioner's membership criteria, or written statements describing membership criteria and governing procedures
3. Summary
4. Provide current and past governing document(s)

E. Criterion 83.11(e) – Descent of current members from historical Indian tribe or tribes that combined

1. Introduction – Identify the historical Indian tribe or tribes that combined and the historical lists or records naming members of the historical Indian tribe
2. Description of the current membership list (full names including maiden names, current residential addresses, and full birth dates) and an explanation of the circumstances surrounding its preparation
3. Description of past membership list(s) and, insofar as possible, an explanation of the circumstances surrounding the preparation of each
4. Explanation of historical lists of members of historical Indian tribe (*see* II.D. above) and how current members descend from members of the historical Indian tribe
   a. Identify specific members of the historical Indian tribe who are ancestral to the petitioning group's members
   b. Provide a breakdown of current members by their claimed ancestors in the historical Indian tribe
5. Summary
6. Provide current membership list, past membership lists, and current membership files including genealogical charts and evidence:
   a. Copies of any historical tribal rolls
   b. Copies of any tribal rolls directed by Congress or prepared by the Secretary on a descendancy basis
   c. Copies of all current membership applications and membership files – with each member's statement of affiliation or non-affiliation with other recognized Indian tribe(s) and voluntarily consent to be a member of this petitioner.
   d. *Ancestry Charts* (BIA-8304, OMB 1076-0104) depicting each current member's descent from the claimed historical Indian tribal member(s); alternatively, such charts may be generated from the petitioner's genealogical program
   e. *Individual History Charts* (BIA-8305, OMB 1076-0104) for each member showing name, parents, spouse(s), children, and siblings; not required if petitioner provides its genealogical database (*see* g. below)
   f. Family group sheets for each current member showing parents, spouse(s), and children including birth, death, and marriage dates and places; chart may be generated from the petitioner's genealogical program
   g. Electronic genealogical database in its original format and in GEDCOM format. The database must include all of the current members and each

DRAFT

previous generation linking members to the historical Indian tribe. The group also may include in its database other members of the group who were important members of the community but do not have descendants in the current group (such as, important leaders)

7. Copies of vital records (birth, marriage, death) or other reliable records that verify each child-to-parent link between the current member and the historical Indian ancestor(s); may be supplemented with copies of Federal or State censuses, tax lists, church records, and other records

F. Criterion 83.11(f) – Membership composed principally of persons not members of any federally recognized Indian tribe

1. Introduction – provide a brief overview of how petitioner meets criterion 83.11(f)
2. Provide written statement
3. Summary
4. Provide applicable supporting evidence such as members' signed statements asserting their affiliation or non-affiliation with other groups, petitioning groups, or federally recognized Indian tribes (*see* E.6.c.).

G. Criterion 83.11(g) – No congressional legislation that prohibits or terminated the Federal relationship. (OFA's responsibility; the group has the option of providing a written statement and any documents to support its interpretation)

V. Bibliography – Include information: Author, title, date, number of pages, publisher or location (in archives or personal/group collection; where OFA may view it if a copy cannot be made).

A. Works cited

B. Supplemental works