

BEFORE THE INDIAN CLAIMS COMMISSION

THE SAN JUAN TRIBE OF INDIANS,)	
)	
Petitioner,)	
)	
v.)	Docket No. 214
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: October 30, 1957

FINDINGS OF FACT

The Commission makes the following findings of fact:

1. Petitioners herein, The San Juan Tribe of Indians, bring suit for the following described area:

All of that area lying and being in Townships 34, 35, 36 and 37 North, in Ranges 1, 2, 3 and 4, West of Willamette Meridian, the same lying within and being the area known as San Juan County, State of Washington, and comprising the San Juan Islands.

2. The ethnological evidence introduced by both petitioners and defendant shows that there existed no such tribal entity as the San Juan Indians which had from time immemorial and up until the negotiation of the Treaty of Point Elliott on January 22, 1855 (12 Stat. 927), exclusively used and occupied either the area claimed or any other area in the Puget Sound country.

3. Dr. Wayne Prescott Suttles, petitioner's expert witness, stated (Tr. 2, pp. 41-45) that there had never existed a tribal entity known as the San Juan Indian Tribe prior to its formation in this century.

4. Dr. Carroll L. Riley, defendant's expert witness, wrote that "a distinct 'San Juan Tribe' of Indians does not seem to have existed in early settlement times." (Def. Ex. 1, p. II-4).

5. The consensus of opinion of both ethnologists is to the effect that what is presently known as the San Juan Tribe is composed of descendants of more than one group of Indians who resided in the general area, including Vancouver Island as well as the Bellingham Bay area.

6. Historically there is no mention of a San Juan Tribe in the area. The reports of early explorers fail to make any mention of such a group, although all of the other presently recognized groups were reported at one time or another.

7. The San Juan Tribe of Indians participated in the case of Duwamish, et al., v. The United States, 79 C. Cls. 530, as a non-treaty tribe. The issue of fact as to their identifiability was passed on by the Court in the following language:

The decision of the issue of fact (i.e., identifiability of the San Juan Tribe) is, if we are correct as to the status of the non-treaty tribes, unimportant. However, if we are not correct, the record does disclose such a preponderant doubt as to tribal status of these Indians that we would be unable to find that they constituted what was known as a separate and distinct Indian tribe, but acquired a name due more to location of their villages upon the San Juan Islands, in association with other tribes of the same locality, and it is not disputed that the San Juan Islands were within the territory ceded to the United States in the Point Elliott Treaty of 1855. We think the claim is without merit.

8. It appears from the evidence that the San Juan Tribe of Indians are composed, at least in part, of descendants and successors in interest of the Lummi Indians and the Samish Indians, both of whom have filed claims before this Commission. Those descendants of the Lummi Indians

are presumed to be eligible to share in any recovery which may be had under the findings and opinion rendered this day by the Commission in the case of The Lummi Tribe of Indians v. The United States, Docket No. 110.

Those San Juan Indians of Samish descent are presumed to be able to share any recovery which might be had under Docket No. 261, The Samish Tribe of Indians v. The United States.

9. Based upon the preceding findings and the evidence of record in the consolidated cases, Docket 110 and Docket 214, it is the finding of this Commission that petitioners in this case, Docket 214, The San Juan Tribe of Indians v. The United States, have failed to establish that they are the descendants or successors in interest of any identifiable tribe, band or group of Indians who, aboriginally and up to 1855, held Indian title to any definable area of land within or near the area claimed.

Edgar E. Witt
Chief Commissioner

Louis J. O'Marr
Associate Commissioner

Wm. M. Holt
Associate Commissioner