THE OFFICE OF FEDERAL ACKNOWLEDGMENT

Brief Overview
(as of 04/29/2011)

The Office of Federal Acknowledgment (OFA) within the Office of the Assistant Secretary - Indian Affairs of the Department of the Interior (Department) implements Part 83 of Title 25 of the Code of Federal Regulations (25 CFR Part 83), *Procedures for Establishing that an American Indian Group Exists as an Indian Tribe*. The acknowledgment process is the Department's administrative process by which petitioning groups that meet the criteria are given Federal "acknowledgment" as Indian tribes and by which they become eligible to receive services provided to members of Indian tribes.

Through the Department's Office of the Solicitor, OFA makes recommendations to the Assistant Secretary - Indian Affairs (AS-IA). The AS-IA has the authority to make the decision whether to acknowledge tribal existence and establish a government-to-government relationship or to deny acknowledging a petitioning group as an Indian tribe.

By applying anthropological, genealogical, and historical research methods, OFA reviews, verifies, and evaluates groups' petitions for Federal acknowledgment as Indian tribes. OFA makes recommendations for proposed findings and final determinations to the AS-IA, consults with petitioners and third parties, provides copies of 25 CFR Part 83 and its guidelines, prepares technical assistance review letters, maintains petitions and administrative correspondence files, and conducts special research projects for the Department. OFA also performs other administrative duties that include maintaining lists of petitioners and responding to appeals, litigation, and Freedom of Information Act requests.

Since 1978, 350 groups have stated their intent to seek acknowledgment through the administrative process. Of this number, 265 groups have submitted only letters of intent or partially documented petitions, and are not ready for evaluation. The remaining 84 have submitted completed petitions. Of this number, the Department has resolved 52 and 19 have been resolved by Congress or through other means; the current OFA workload consists of 9 petitions under active consideration, while 4 petitions are ready and waiting for active consideration. Two resolved decisions are in litigation in Federal court and one before the Interior Board of Indian Appeals.

3/29/02, revised 9/24/02, 11/26/02, 3/3/03, 10/1/03, 2/10/04, 7/1/04, 2/4/05, 2/3/06, 2/15/07, 11/28/07, 9/12/08, 3/18/09, 4/29/11

3. SUMMARY OF THE EVALUATION OF THE TUNICA-BILOXI INDIAN TRIBE BY THE CRITERIA IN PART 54 OF TITLE 25 OF THE CODE OF FEDERAL REGULATIONS

Included in 25 CFR 54 are seven criteria which petitioning groups must meet before acknowledgment can be extended. The following is a discussion of the Tunica-Biloxi in light of the criteria in Section 54.7. It is based on the four accompanying specialist reports and is intended to be read in conjunction with these reports.

> 54.7(a) A statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as "American Indian," or "aboriginal." A petitioner shall not fail to satisfy any criteria herein merely because of fluctuations of activity during various years.

The Tunica and Biloxi Indians have been identified by many sources as Indian and their community at Marksville, Louisiana, has been identified as an Indian community from historical times until the present on a substantially continuous basis.

All four tribes which are now fused into the group had extensive documented contact with French and Spanish authorities throughout the 1700's. A Tunica community has been maintained at the Marksville site since the Tunicas first migrated into the area in the 1770's. The Ofo and Biloxi migrated to the area around the same time. The Avoyel were located in this area at the time of earliest non-Indian contact. Thus all were located in the area before the Louisiana Purchase of 1803.

The Tunicas attempted to halt non-Indian encroachment onto tribal land in 1826 and during the 1840's. They participated in legal efforts in State courts and in hearings held by the U.S. General Land Office. A record of the tribe is provided by the court records. Other records of civil and criminal actions, land records, and reports from early anthropologists document the existence of the group well into the early 1900's. The Avoyelles Parish courthouse at Marksville, Louisiana, contains records relating to the political leadership of the group from 1910 until the present. Local authorities have never attempted to tax village lands whose title was quieted in an 1848 boundary dispute case.

The tribe sought Federal recognition in the 1930's. Although a BIA official was sent to study the group at one point, the Bureau declined to provide services apparently on the basis that the group was too small to serve.

The tribe made other attempts for Federal recognition in 1948 and 1949 through visits to the Choctaw Agency in Philadelphia, Mississippi, and the Chitimacha school in Louisiana.

In 1967 the tribe contacted the National Congress of American Indians (NCAI) seeking assistance to obtain recognition. NCAI supported their recognition

efforts and the tribe was a member of the organization for a time. They also received assistance from the Coalition of Eastern Native Americans and from an Indian advocacy group in Louisiana, "Indian Angels," during the early 1970's.

The group was recognized by Concurrent Resolution of the State of Louisiana Legislature in 1975 and is a member of the Intertribal Council of Louisiana. Louisiana Governor Edwin Edwards urged Federal recognition for the group in a letter to the U.S. Senate Select Committee on Indian Affairs.

We conclude that the Tunica-Biloxi Indian Tribe has been identified as an American Indian tribe from historical times until the present and that it has met the criterion in 25 CFR 54.7(a).

> 54.7(b) Evidence that a substantial portion of the petitioning group inhabits a specific area or lives in a community viewed as American Indian and distinct from other populations in the area, and that its members are descendants of an Indian tribe which historically inhabited a specific area.

The current tribe is the result of a gradual historical fusion of the four tribes, preceded by alliances in the 18th century. The Avoyel, Ofo and part of the Biloxi had probably fused with the Marksville Tunica village by around 1810. A second Tunica village in Avoyelles Parish was gradually incorporated into the Marksville village during the 19th century. A remnant of the Biloxi formed a separate but allied community near Marksville until the 1930's.

The community at Marksville has been maintained as an Indian community since its founding. Although the number of members actually residing on the Tunica tribal land has gradually decreased over the years until now only 15 of the tribe live there, 40% of the total tribe live on or near the land in Avoyelles or Rapides Parishes. This portion of the tribe has maintained close social contact. Another portion of the tribe migrated to Texas in the 1920's and 1930's in search of work. Nonetheless, they have consistently been considered members by those in the Marksville area and have maintained informal ties, returning at an undetermined frequency for tribal meetings, weddings, funerals and other events. There is evidence that some deceased, first and second generation residents of Houston have been buried in Marksville, some in the Tunica Indian cemetery.

The membership has remained stable and distinct from non-Indians. The presence of substantial numbers of descendants of at least five of the eight historical families has been confirmed. A few members of two additional families are also present, though relationships are unconfirmed.

We conclude that a substantial portion of the Tunica-Biloxi Indian Tribe forms a community viewed as American Indian and distinct from other populations, that its members are descendants of four tribes which historically inhabited the area and fused into one, and that the tribe has met the criterion in 25 CFR 54.7(b).

> 54.7(c) A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present.

Historically, the Tunicas have been led by a succession of powerful chiefs. There is clear documentation of the chiefs by name throughout most of the 18th and 19th centuries. The Tunicas have selected their chief by tribal election since at least the early 1900's and have recorded the results of such elections in the courthouse at Marksville. The chiefs represented the group in relations with outsiders, apportioned land among members, performed marriages and carried out other functions. The apportionment of the land later became a function carried out by community meeting. The group has acted as a community to defend its land, carry on group ceremonies and seek recognition. In 1974, the practice of electing chiefs ended when the Tunicas changed to an elected council form of government.

We conclude that the Tunica-Biloxi Indian Tribe has maintained tribal political influence and authority over its members throughout history until the present and that it has met the criterion in 25 CFR 54.7(c).

> 54.7(d) A copy of the group's present governing document, or in the absence of a written document, a statement describing in full the membership criteria and the procedures through which the group currently governs its affairs and its members.

Tribal affairs and membership are currently governed pursuant to the Articles of Incorporation of the Tunica-Biloxi Indians of Louisiana, adopted on October 26, 1974. This document was furnished with the petition. We, therefore, conclude that the tribe has met the criterion in 25 CFR 54.7(d).

> 54.7(e) A list of all known current members of the group and a copy of each available former list of members based on the tribe's own defined criteria. The membership must consist of individuals who have established, using evidence acceptable to the Secretary, descendancy from a tribe which existed historically or from historical tribes which combined and fuctioned as a single autonomous entity.

A total of four membership rolls were provided by the petitioner. The earliest roll was prepared in 1969, the second in 1978, and there have been two revisions since. The latest revision was approved by the tribal council on December 2, 1979. All rolls show substantially the same 200 members with a few additions and deletions resulting from subsequent births and deaths. The work of anthropologists in the late 1800's and early 1900's and a list prepared by a representative of the Bureau in the 1930's were used in conjunction with other recorded documents, the 1900 Federal Population census, and testimony from a 1915 civil court suit to establish Indian ancestry in the historical tribes.

We conclude that the membership of the Tunica-Biloxi Indian Tribe consists of individuals who have established descendancy from historical tribes which combined and functioned as a single autonomous entity and that the tribe has met the criterion in 25 CFR 54.7(e).

> 54.7(f) The membership of the petitioning group is composed principally of persons who are not members of any other North American Indian tribe.

The petitioner asserts that none of its members are enrolled in any other North American Indian tribe. The existing constitution forbids dual enrollment. The Federal Acknowledgment staff could find no members of the group enrolled with any other North American Indian tribe.

We conclude that the Tunica-Biloxi Indian Tribe is composed principally of persons who are not members of any other North American Indian tribe and that it has met the criterion in 25 CFR 54.7(f).

> 54.7(g) The petitioner is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship.

The Tunica-Biloxi Indian Tribe asserts in its petition that neither the group nor its members have ever been terminated or forbidden the Federal relationship. The tribe does not appear on the Bureau's official list of "Indian Tribes Terminated from Federal Supervision" or the list of "Indian Tribes Restored to Federal Status." Research revealed no legislation terminating or forbidding the Federal relationship.

We conclude that the Tunica-Biloxi Indian Tribe is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship and that the tribe has met the criterion in 25 CFR 54.7 (g).

TECHNICAL REPORTS

regarding

THE TUNICA-BILOXI INDIAN TRIBE

of

MARKSVILLE, LOUISIANA

Prepared in response to a petition submitted to the Secretary of the Interior for Federal acknowledgment that the Tunica-Biloxi Indian Tribe exists as an Indian tribe.

Evaluation Under the Criteria

54.7(a) This group meets criteria (a). The Tunicas were first identified as an Indian tribe in 1694, when the French established a mission at their village on the Mississippi River. They were later identified as an Indian tribe by Spanish and French colonial goverments, with whom they had a long standing alliance. In 1764 they led an attack on a British army regiment from their village on the east side of the Mississippi near the mouth of the Red River. During the 1770's and 1780's, the Tunica migrated across the Mississippi River to Avoyelles Prairie. They have lived in Marksville, Louisiana and the surrounding area since that time. During this time they were continuously identified as an Indian group, with distinctive customs and leadership by State and local authorities and by anthropologists and historians.

54.7(b) This group meets criteria (b). The Tunicas have lived in Avoyelles Parish since the 1780's. Evidence for this exists in Spanish and French colonial records, State and local court records, and works by historians and anthropologists. The Spanish government, the State of Louisiana, and the Federal government all recognized them as Indian or of Indian ancestry.

54.7(c) This group meets criteria (c). Information regarding the internal functioning of the historical group is imperfect. Historically, the Tunicas were led by powerful chiefs. When they settled at Marksville, this single leadership pattern persisted, and it is possible to identify specific Tunica chiefs and their approximate periods of leadership. How they were selected is not clear.

The following conclusions can be made. Court records and Spanish and French colonial documents show that Tunica leaders had authority over the tribal members, and over tribal land. This included the power to deal with whites and outsiders and to dispose of tribal land. Tunica land has always been held in common, and the present land holdings at Marksville have never been taxed. This land and the protection of the grant has been a major factor in holding the group together. In 1826 and in the 1840's the Tunicas acted as a group to prevent encroachment on land held by them in common. On both occasions they found an attorney to aid them and during the 1840's successfully resisted an attempt to claim the remaining acreage. Although the final court settlement in 1847 resulted in a sizable reduction in their land holdings, it had the effect of a de facto confirmation of of land title. Since the early 1900's the Tunicas have selected a chief by election. This man, and other leaders, sought aid for the tribe from the Federal government. In 1974 the practice of electing chiefs ended, when the Tunicas changed to a council form of government. The Tunicas have been, historically, a cohesive and distinct group, acting together, and having authority over each other within the context of the group.

The French Period: 1694-1763

The Spanish conquistador Hernando de Soto may have visited the ancestral Tunica town of Quizquiz in 1541, according to some archeologists. These authorities have identified Quizquiz as a Tunica settlement.(1) But the first documented contact with the Tunica Tribe was with French colonists in Louisiana. The tribe had shifted its location to a site near the mouth of the Yazoo River by 1694, when the French Jesuits established a mission under Father Antoine Daivon. When Father Jacques Gravier visited the tribe in November 1700, he found the Tunicas to be a gentle, friendly people. They had refused conversion to Christianity, but still befriended the Jesuits and tolerated their missionary efforts.(2)

Colonial records contain a great deal of information about the Tunicas, because of the relationship that developed between the Tunicas and the French and Spanish authorities.

A strong friendship developed between the Tunicas and the French colonists. They brought needed military assistance to the governor, Sieur Pierre D'Iberville. He built up a policy of making his government realize the necessity of courting the Indian tribes. Weak militarily, D'Iberville had neither the power to ignore nor the means to overawe his Indian neighbors. They also constituted a formidable barrier against English encroachment from Georgia. By mediating disputes and giving presents, he managed to resolve the inter-tribal conflicts and bind the Indians to French allegiance.(3) After 1700 the Tunicas drew closer to the French. As a result of pressure from the Chickasaws, they left their village and moved to the mouth of the Red River.(4) Here they joined the western Choctaw and several other small tribes as French allies.(5)

The French and the Tunica first fought as allies during the Natchez wars. The first war began when the Natchez tribe killed four Canadian trappers in 1714. During Governor de Bienville's campaign, he utilized the Tunica village as a base, but also sought to overawe them with French power. The war ended when the Natchez executed the Indians responsible for the killings.(6)

During the second Natchez war (1722-1724), the French made a more active campaign and mobilized colonial militia, regular troops, and Tunica allies, "the chief of whom, who was a Christian and a good warrior, joined the French with a party of his people, and followed them in this war."(7) In the assault on the Natchez village, the Tunica chief, Cahura Joligo, led the attack and was mortally wounded.(8) He was succeeded by the war chief, Brides les Bouefs. In 1729 the third and final war broke out. For a time the French believed that Baton Rouge and New Orleans would be attacked. Meanwhile, the Chevalier de Loubois, commander at Baton Rouge, rallied the small Mississippi tribes to the French side. Among these were the Tunicas, whose hatred of the Natchez had been growing.(9)

Once he had combined his army with the Indian allies, the French governor marched against the Natchez. The army had assembled at the bend of the Mississipp.. where the Tunicas had their village. There they were joined by a

large number of Choctaws. Faced with such an overwhelming array of military power, the Natchez abandoned their villages and split into three bodies. A group of them fled into the swamps where;

> The Tunicas, determined not to leave a single Natchez alive, went scouting and having learned that within three days journey from them there were twenty families of this nation who were working at planting their crops, had gone to reconnoiter the place exactly in order not to miss them.(10)

As a result of this raid, the French captured over 450 Natchez and sold them into slavery to the Santo Domingo sugar plantations. The main group of Natchez fled into northern Mississippi.(11) Louis XV ordered the presentation of a silver medal to the Tunica chief, and gave him the title "Brigadier of the Red Armies."(12) Although an anonymous French officer observed in 1739 that the Tunica "nation had much degenerated in the qualities which they had originally possessed for war", they still had enough internal cohesion and population to put between 90 and 100 warriors into the field.(13)

The Spanish Period: 1763-1803

The Tunicas, Ofos, and Biloxis resented the transfer of French authority to Great Britian in 1763. They had no desire to live under British sovereignty. After the end of the French and Indian War, the Tunicas began to move across the Mississippi into Spanish Louisiana, and settled in the Avoyelles Parish area. The Spanish welcomed them.(14) Before the migration took place, however, the Tunicas attempted to thwart British attempts to secure control of the Lower Mississipi Valley. When the British Army began to send troops up the Mississippi River, the Tunicas attacked them. On April 19, 1764, the Tunicas, Ofos, and Avoyelles united in the attack on the 22nd Infantry Regiment which was ascending the Mississippi to occupy the deserted French forts. The British resented this attack,* which delayed the expedition, and some officers urged that they be punished.

A regimental officer commented that:

> The Tonicas (sic) have not been punished either for having beat back the 22d Regiment that they may always expect to commit the same hostilities with impunity--I think, Sir,

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*The evidence linking this attack to the so-called "Pontiac's conspiracy is equivocal: British colonial and military sources suggest that the attack by the three tribes was caused by resentment at the transfer of authority to the British and heavy losses among the tribes from a smallpox epidemic apparently carried into the villages by British traders. For conflicting views, see Ernest C. Downs, "The Struggle of the Louisiana Tunica Indians for Recognition," in Walter L. Williams, ed., Southeastern Indians Since the Removal Era. Athens, Georgia, 1979, p. 74, and Robert Rea, "Assault on the Mississippi - The Loftus Expedition." The Alabama Review, Vol. XXVI, No. 3 (July 1973).

> it would not be improper to signify to them (that they) must expect to be all cut off should they for the future give reason to suspect their good intentions--nor do I think it would be wrong to punish them. (15)

The British, however, were hampered by inadequate troop resources and determined to keep the peace. In 1771 John Thomas, Deputy Superintendent of Indian Affairs, toured the Indian villages in an effort to maintain quiet. He spoke to the chief of the Tunicas, and noted that, despite Spanish efforts to move them to the west side of the river, the Tunicas had thus far resisted the pressure.(16)

After the 1760's the small tribes on the east bank of the Mississippi began to emigrate down the river and out of British territory into Spanish Louisiana. This movement was gradual and has led to a confused historical record. As the Biloxis, Ofos, and Tunicas traveled into Avoyelles Prairie, they settled in several areas.

A group of Biloxis established a village across the Coulee des Grues from the Tunicas. In addition to this site near Marksville, another group of the Biloxis moved to Rapides Parish and stopped in an area about thirty miles west of Marksville. This was in about 1797. By the 1840's they had lost any communally held land. Part of the Coulee des Grues land may have been abandoned, but in 1804 Joseph Joffrion bought land from Biloxi Indians led by Bossebout and Baptiste Tamplatevec. This site was southwest of the current Tunica village.(17) Bosra, identified in Spanish records as a Biloxi Indian, may have sold the land in 1807. The 301 acre site, now part of a land claim, lies between Joseph Carmouche's claim on the northeast and Hypolite Freon's on the southwest and contains parts of Sections 39, 30, 33, T.2N, R. 4E. This land was also south of the Coulee des Grues.

The group of Biloxi led by Mataha Cush Cush that moved to Rapides Parish, sold their land in 1802. However, Mataha was still living there in 1805, as a deposition signed by him attests. This group of Biloxi were still in the area in 1886.

Between 1779 and 1786 the Tunicas gradually moved into Avoyelles Prairie. Historical evidence shows that the Tunicas established two settlements, one at present-day Marksville and another on Bayou Rouge near the town of Goudeau. The latter village was in existence in the 1790's, because in 1791 Tanaroyat, a Tunica leader, sold land there. This settlement probably broke up due to land sales and encroachment by outsiders.(18)

The Tunicas established a close relationship with the Spanish colonial authorities. In April 1778 the Tunicas, along with the Ofos and the Biloxis, gave their English medals to the Spanish governor-general and requested Spanish replacements. This was a token of their transfer of allegiance.(19) The Governor-General, Baron Bernardo de Galvez, gave official recognition to the presence of the Tunica tribe and its leaders in Bayou Rouge:

> In consequence of the proofs of the Fidelity and friendship of the Indian named Panroy of the tribe of Thomicas (sic) and his union with his Catholic Majesty we have thought proper to name Condianacole as Captain for said tribe and we request all officers, soldiers and inhabitants under his Catholic Majesty to Respect and Protect the Rights of the aforesaid Indians.(20)

Between 1779 and 1786 the Tunicas obtained approximately a league square of land from the Spanish authorities. This was probably in the Marksville area. Governor-General Miro confirmed this in a command to Jacques Gognard, the commandant of Avoyelles Post. Miro ordered him to warn the whites that the land was Indian.

> Having informed myself of the Indians, about their abandonment of the land which you speak of in yours of the 20th of June last, they exclaim very much against it, saying that they have but a league of land, that consequently they have use for their land for their cattle. You will, therefore, tell M. Bordelon and M. Vitrine to look out for some other part to place themselves as the lands they demand belong to the Indians and that they have known rights which ought to be respected everywhere.(21)

Land

When Spain granted land, or conceded actual or possessory occupation of land to a colonist, the basis of measurement was generally a "league square." The Spanish league and lesser linear measurements were different in size from the English acre. A league square was equal to several thousand acres. In addition, Spanish surveying practices were based not on the English system of mathematically laid out plots, but on boundaries established in relation to the holdings of surrounding land owners. If there were no settlements, there were no reference points.(22)

Spanish land grants and concessions were of two types: they were either made in a district and the grantee was allowed to choose the site; or they were definitely located in a specific place. The former type, called a "running" or "floating" grant, was the more common type. Spanish procedure was not orderly, and seldom was it done with the proper supporting paperwork. Patents were seldom secured by the grantees and many persons occupied lands without the benefit of a formal grant at all. The Tunicas had a floating grant.(23)

The Tunicas and the United States; 1803-Present

The sale of the Louisiana Territory opened a new era for the Tunicas. Congress, which wanted to quiet land titles as soon as possible in the new land, took steps that inadvertently led to the reduction of the Tunica land. A court suit ultimately confirmed their title to a remainder of the tribal common land. During this time the Tunicas mantained a community at Marksville, continued to

choose tribal leaders, and were continuously recognized as an Indian community by local and state authorities, courts, the Federal government, and scholars.

The Tunica-Bayou Rouge Land Dispute

Directly affecting the Tunica land situation was the establishment of the Office of the Register of Public Lands in 1805.(24) There were basically two types of legislation: Louisiana land claims statutes and pre-emption acts. The former was to confirm and determine the rights of inhabitants holding land from the French and Spanish period. The latter gave people the right to claim land for which there were no existing property rights or title. Although Congress hoped that title could be quickly confirmed, the situation deteriorated until the backlog of work forced Congress to relax the standards. Between 1809 and 1819 Congress passed a series of laws that eased requirements "until the right of pre-emption was exterded to all bona fide settlers. The end result was a mass legitimazation of many claims that had no basis in law or custom."(25)

Under the 1805 statute a board of commissioners decided on all claims filed. Congress acted to confirm the decisions. All those who held imperfect titles were required to file claims. Francois Bordelon filed a claim for 1,000 arpents of land in Avoyelles Prairie. His first survey map, shows the "Indian village", as lying outside of the Bordelon land.* The land had been farmed and occupied, according to the claim, for thirty years prior to the filing date.(26) In 1825 Congress confirmed the recommendations of the land commissioners. However, by this time Bordelon's claim was a moot point, since he had either died or left the area.(27) Eventually the land passed to Celestine Moreau and was involved in the 1840's lawsuit.

The Moreau family, prominent land holders in the area, and the Tunicas came into frequent contact over land, beginning in 1812, and continuing until the mid-1840's. In 1794 this land had its title confirmed by private act of Congress in 1824. The confirmatory act stated

> That Celestin Moreau, of the County Rapide, in the state of Louisiana, be, and he is hereby, confirmed in his claim to four hundred superficial arpents of land, situate in the Baton Rouge Prairie, in the county aforesaid, agreeably to his notice of claim filed in the 30th day of July, 1812, with the Register of the Western Land District of Opelousas: Provided, that his confirmation shall only operate as a release of the title of the United States to the said tract of land, and not effect the claim of any other person to the same.(28)

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*The land in question was: fractional Section No. 25, N. E. ¼ Section No. 26, E. ½ of N. W. ¼ of Section 26 in T2S of Range No. 4 East and also west ½ of S. W. quarter of Section No. 19 and W. ½ of N. W. ¼ of Section No. 30 in T2SR5E.

Moreau's son, also named Celestin, developed a major interest in the Bayou Rouge land. In 1826 Moreau and several other whites disputed the Tunicas' claim to the Avoyelles Parish village site in Bayou Rouge, under the provisions of the Pre-emption Claims Act of April 12, 1814. Depositions were taken and the case heard before the Register of the Land Office, Opelousas District. The basis of the suit, which later formed the foundation for Moreau's claim, was that:

> Applications having been made at this office for sections numbered in Township No. 2 South in Range No. 4 East, by virtue of the settlement and occupancy of the said Indians, and their right to purchase, as foresaid, having been contested by Augustin Marcotte and Frederick-Kimball.(29)

What the Tunicas contended was that, at law, they owned the land these men were trying to buy; that they held a definite title from the Spanish and that it was, traditionally and legally, the tribe's land. The official who heard the case rejected both historical precedent and the testimony of witnesses. Pierre Goudeau, who had lived in the Bayou Rouge area for 28 years, had a dwelling about a mile from the Tunica village. He identified Pan Roy as the "head man," and testified that he was considered as having jurisdiction over the land claimed.' (30)

Goudeau agreed that the location of "the Indian cabins" of the village, as shown on the survey map, was accurate. Those structures and fields

> have been made and cultivated for at least sixteen years; that the other cabins and settlements of the Indians above and to the eastward thereof and in the township No. 5 east were also Indian settlements.(31)

John Woods, another resident of Avoyelles Parish, testified that;

> the tribe of Indians now in the prairie of Baton Rouge has constantly inhabited and cultivated the spot where they are now settled ever since the witness has lived in the prairie.(32)

The Tunicas also secured the support of George Gorton, an attorney of Opelousas. Gorton wrote to the Registrar to explain the Tunica case:

> I deem it my duty as an attorney for the Tunica tribe of Indians, to state to you that these Indians are the occupants of the land in the province of Baton Rouge. Time out of mind they have been recognized by the Spanish government for the guarantee of the right of these harmless Indians, their lands are now advertised to be sold for the benefit of that government. . . whereas an individual holds his title from the government for the protection of his rights, the Indians were conscious of their good title and of their power as a nation to hold their lands.(33)

Gorton urged that the sale be stopped until the Federal government could be consulted.

The decision of the Federal Register and Recorder on September 26, 1826 was adverse to the Indian claim. The official stated that "the spirit and intentions of the law does not exclude them as Indians but it certainly does as savages. . . ." (sic) The argument was made that the Tunicas were not using the land as Providence had decided; for farming. They were "not reclaimed from their savage mode of life." Unless they were "of the chosen," having "subdued their original propensities and evidenced a determination to live and cultivate the ground as white men do, their claims are dismissed."(34)

After the 1826 land dispute contacts between the Tunicas and the parish government were minimal during the 1820's-1840's period. The police jury, which was the parish governing body in Louisiana, ordered road inspection "from Bayou Rouge to the Indian Village," on June 3, 1833. On June 5, 1832, the jury resolved "that the Sixth District of public roads be so directed as to comprehend the bridge in the swamp this side of Deshantville, and continue on towards the Indian Village. . . ." However, the Tunicas took no part in parish government.(35)

The 1826 land dispute confirms that the Tunicas had lived in Avoyelles Parish for a considerable time, and that they were still living there in 1826 as a group. Its significance is that it places the Tunicas in the Bayou Rouge area during this time, and identifies their chief. Moreover, it is indicative of the fact that the Tunicas had a leader or chief, recognized by both the white and tribal community, and that he had the power to dispose of tribal land.

Moreover, they were regarded by white settlers there as Indians, distinct from the surrounding community and with some type of political authority over their members. Local courts, state and Federal land offices, and other local officials repeatedly identified Tunicas as a tribe.

Tunica Land Title Secured to 130 Acres

Continuing friction over the title to the Tunica land during the 1840's was the *main reason for contact between the whites and the Tunicas.** The Moreau family clashed in court with the Tunicas over the disposition of the land title.

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*The police jury did nothing that would have identified the Tunicas as a hostile group, or as one that required a permanent watch in order to keep the peace. While it is true than Celestin Moreau (either Sr. or Jr.) was named "Captain of the Patrol," this was not established to watch the Tunicas. Avoyelles Parish had one of the highest slave-white ratios in the southern United States and this was the standard slave patrol which slave states had, either required by law or organized by local custom. See Works Progress Administration, Transactions of Parish Records in Louisiana, No. 5, Avoyelles Parish Police Jury Minutes, Vol. I, 1821-1843. Louisiana State University Library, 1940; Allan Nevins. Ordeal of the Union. Vol. I: Fruits of Manifest Destiny, (New York,1949).

known locally as the Bordelon tract. In 1841 he began to erect a fence to include what he considered to be his land. Malancon, the Tunica chief, intervened and, according to tribal oral history, was murdered by Moreau. During this time the Tunicas decided to send Malacon's infant son away. According to Mother Superior Hyacinth of the Order of the Daughters of the Cross, Zenon la Joie, the son of Malancon, was secretly named chief, and the fact of his existence kept secret until he came of age, perhaps in the middle 1850's.(36)

The conflict between the Tunicas and Moreau climaxed in 1842 in a case for trespass. The Tunicas continued to gather wood in the land Moreau claimed, and in that year he filed suit for the purpose of having the Tunicas ejected from 718.52 acres of land and having the title confirmed. The case was filed as Celestin Moreau vs. Madam Valentine, et. al.(37) Although the suit never went to trial, depositions were taken and witnesses testified to the following facts about the history of the tribe. When the Tunicas came to Avoyelles Prairie, their chief was Mingo Falaza. Two witnesses agreed on this and following leadership points. He was followed by one Valentine, and then by one Thomas (exactly where the deceased Malacon enters in is uncertain). The Tunicas used their land for grazing, as a source of wood, as a hunting and fishing preserve, and possibly to grow vegetables. They held land in common (on this all were agreed) and the Coulee des Grues was the southern boundary of the land. It separated the villages of the Tunicas and the Biloxis.(38)

The Tunicas argued, through their attorney, Ralph Cushman, that their title had long ago been perfected when the Spanish governor granted them the league square. They had lived on Avoyelles Prairie since 1779, asserted Cushman.

In order to establish the definite boundary of the Tunica land, Cushman requested the Surveyor General for Louisiana to have a new survey made of Section 65, T2N, R4E. Celestin Moreau opposed it on the basis that the official had no right to order a new survey and that he had not given him a chance to oppose the action. The Indian title would remain unperfected, Moreau argued.(39) Cushman urged that the survey be conducted.

> Celestin Moreau, the present occupant and pretened owner of said tract of land, often committed trespassed upon the Tunica tribe of Indians, and many of them cruel and oppressive, in their character, instituted some three years since to oust the Indians from their possessions. . . . Though I believe that the state courts have no jurisdiction in the matter, I have their plea and filed an answer for them, which. . . will be fully supported by the evidence which I shall be able to produce upon the trial of the cause. (sic)
>
> Our courts have decided that for the location of an Indian village no such thing as formalities and unwritten proceedings were in use in this country--and order from

> the Governor to that effect was sufficient. By the laws. . . the Indians . . . could hold land as well as other people, and alienate it with the permission of the government. We can show by more than twenty old and living witnessed that they have actually occupied their present location for more than sixty years; that their village at that time of the purchase of Lousisiana consisted of between 50 and 60 cabins. If it is evident then that, under the customs and usages and laws of Spain, they were entitled to a league square around their village, and all grants that were made that conflicted and void under the government.(40)

Albert G. Phelps, the deputy surveyor, described the Bordelon tract and its border with the Tunica village in a later survey that was approved on April 5, 1847:

> A certain tract of land situated in the woods north of the land of Dominque Coco, and more particularly, in approximate conformity with the civil custom of the area, the same is: Starting from a gum tree on the side of the Coulee des Grues, from thence run toward a forked china ball tree approximately five arpents, then to the thorn tree, from thence diagonally to a red oak, in a manner so as to give this certain line form the gum tree to the red oak a length in the neighborhood of fourteen arpents, from the red oak run directly to the Bayou of the Village on a line in the neighborhood of five and one half arpents until you hit the gum tree that is found on the lines of division between the lands of the said Celestin Moreau and that of Louis H. Joffrion--from thence run directly toward the South in the neighborhood of ten arpents to the line north of the line of Dominque Coco, from there running toward the west on the line of Division between the said Dominque Coco and the Indians to the gum tree and the point of departure.(41)

The Tunicas and Moreau signed an Arrangement on December 23, 1848, which settled the case out of court. This document included a diagram of the land boundaries, and matched those of the Bordelon claim. Both Moreau and the Tunicas were confirmed in their land titles, although the approximately 130 acres left in the hands of the Tunicas was much less than the leaque square to which they had laid claim. On October 6, 1849, the case was dismissed.(42)

Evidence regarding leadership of the Tunicas during the 1840-1880's period is sketchy and inferential. However, the fact that a group existed that was cohesive enough to find an attorney and prosecute a land claim suit is indicative of some type of political community. Zenon la Joie, Melacon's son, was chief in 1867 (see below), and prior to this the tribe may have been led by the Madam

Valentine and the group of eleven that were defendants in the lawsuit. Although local opinion respecting the Tunicas during that time may have been hostile, there is absolutely no evidence that the group scattered.

During this time the Tunicas were identified as Indians by anthropologists, historians, state and Federal officials. In 1886 Alfred Gatschet, an ethnographer for the U. S. Bureau of American Ethnology, visited the Tunicas at Indian Creek, west of Marksville, and John Swanton directly visited Marksville between 1907 and 1911. Evidence gathered by these men implies a population of between fifty and sixty. Gatschet described their economic condition as poor.

The Tunicas were continually regarded by state and local authorities as being a unique, separate, self-governing community that had customs distinctly different from the surrounding whites. Two court cases in which Tunicas were major participants are strong evidence of this distinctiveness. On April 24, 1896, Fulgence Chiqui, a member of the tribe, attacked Ernest Pierrite, and was indicted on a charge of assault with intent to kill. During the trial evidence was produced that revealed that no officer of the police went into the village, but dealt with the chief, and the defense moved to dismiss, arguing that the State lacked jurisdiction over the village. Both sides stipulated the following:

1. Both parties were members of the Tunica tribe and were Indian; 2. "that the crime or offense charged to have committed, if commmitted at all, was within the reservation allotted to said tribe, by the United States Government"; 3. that the authorities chose until now not to notice crimes committed on the reservation; 4. that the tribe has a duly organized government.(43) Chiqui's attorney then moved to dismiss the indictment, the judge agreed, and the state appealed.

The Louisiana Supreme Court was reluctant to accept the assertion that the land was an Indian reservation at face value and inquired with the Department of the Interior. Justice Samuel D. McEnery wrote to the Secretary of the Interior on November 23,1896, asking for information about the status of the Tunicas and their relations with the Federal government. On December 9, 1896, Commissioner D. W. Browning replied:

> I have the honor to acknowledge the receipt. . . of a letter. . . requesting information concerning the relation of the Tunica Indians with the federal government, it being claimed that the remnant of this tribe is now located on a reservation, situated in the parish of Avoyelles, set apart for them by the federal government. In reply, I have the honor to report that this office does not have any knowledge of any land in Louisiana set apart for Tunica or any other Indians for an Indian Reservation. . . The Federal government does not have jurisdiction over any Indians in Louisiana.(44)

Although the Supreme Court had found for Chiqui, it reversed and remanded the case back to Avoyelles for disposition. However, it never reached trial, because Fulgence Chiqui was killed by a train shortly afterward.

Evidence from a private lawsuit reinforces the distinctiveness of the Tunica community. In 1915 Arsene Chiqui, the mother of Sesostris Youchican, was killed by a locomotive of the Texas and Pacific Railroad, at a crossing near the Tunica village. Sesostris sued the railroad for damages. At the trial, held on June 11 and 12, 1917, a witness, Sylvanne Laurent, testified that he had lived among the Tunica since he was five, although he was not an Indian. Moreover, he testified that the Tunicas held their property in common, with the chief dividing the land among them. He identified Zenon La Joie as chief, and said that he had performed a marriage ceremony "under Indian Laws," between Arsene Chiqui and Sosthene Youchican; that the Tunica language, or at least a language the witness could not understand was used. Another witness, Christophe Williams, gave the same testimony.(45)

The district court in Avoyelles Parish ruled against Sesostris, and he appealed to the State Supreme Court. The Court ruled that he had no standing to sue. Under the Louisiana Civil Code, the "right of action" is granted children of the person who was killed, defining children as those born within wedlock. The court found that Youchican's parents were members of "the Tunica Indian Tribe," and that "no marriage ever took place between his parents except according to the marriage rites among the Tunicas." The wedding ceremony, "celebrated in the Indian language," was performed by the chief, Zenon La Joie. The court ruled that the Tunicas had no "official recognition that would segregate it from the rest of the population of the state, "and called the marriage ceremony "unofficial." The court did not rule against the distinctiveness of the Tunica, but maintained that the facts of an illegal common law marriage and a point of civil law peculiar to Louisiana were more important.(46)

Tribal leadership of the tribe remainded remarkably regular during this period. Although there is no information on the existence of a council, there was a steady line of chiefs, recognized both by the tribe and the outside community. Zenon La Joie was chief by 1870, and may have been in 1866.(47) John Swanton found, in 1911, that Valsin Chiqui had become chief, although he resigned the office in 1911 when he became blind. At this time the Tunicas began registering the election of chiefs at the Marksville Court House, the Tunicas appeared before James H. Ducote, an Avoyelles notary public, and attested to their acceptance of the resignation and the appointment of Sesotris Youchican, to "act as Chief of aforesaid Tribe of Tunica Indians, as well as on and over the above described tract of land or reservation belonging to said Indian tribe." Ten Tunicas signed the June 24, 1911, document.(48)

Ernest Perrite succeded Youchican in 1921, and was followed by Eli Barbry. During Perrite's time as chief, the Tunicas and Biloxis formally joined. On October 9, 1924, the Biloxis recognized Eli Barbry, then a Tunica sub-chief as the leader. They also authorized Barbry to bring about a union of the Biloxis with the Tunicas.(49) By 1936, Eli Barbry had succeeded to the chieftainship. On April 27, the members of the Tunica Tribe assembled at the parish courthouse and elected Barbry, with Horace Pierrite as sub-chief. Thirteen Tunicas signed the instrument of election.(50)

During the 1930's the Tunicas twice sought Federal recognition and aid. Commissioner of Indian Affairs C. J. Rhodes told a congressman in 1932 that the Bureau was aware of "a few Tunica Indians about Marksville, in Avoyelles," but he did not think that the Federal government would be able to provide services to them.(51)

William A. Morrow, a Louisiana attorney acting for the Tunicas, approached Commissioner of Indian Affairs John Collier in 1933, suggesting that the government either use a 240 acre tract the Tunicas held as a security for a badly needed loan, or buy the land outright from them.(52) Morrow also wrote to U. S. Senator John Overton, suggesting that the government buy the land, located near Baton Rouge Prairie. Overton then wrote Collier on July 23, 1934.(53)

Collier took the same position that the Sibley report had indicated: that the Tunica were dying out. Moreover, there was no procedure by which the Federal government could loan money to the Tunicas, hold land as collateral, or take land back into the public domain.(54)

Collier did attempt to obtain more information about the Tunicas. He sent Ruth M. Underhill, the Associate Director of the Indian Education Office, on a tour of Louisiana Indians between October 15-25, 1938. Her conclusions on the Tunicas confirmed that they were the "remnant of the ancestral group." She described them as racially mixed.(55)

They had moved to western Louisiana between 1784 and 1804, and they were desirous of leaving Marksville and moving to Texas. She felt that such a move would be best for them. Underhill's report merely served to reinforce some mistaken conclusions and start new ones. She did not understand the Tunica-Biloxi relationship, nor did she understand much about Tunica history.

On September 12, 1938, Eli Barbry and Sam Barbry (Tunica), Clarence Jackson (Choctaw), and Horace Pierrite (Biloxi), traveled to Washington and called on Fred H. Daiker, an assistant of John Collier's. At the meeting they repeated the allegations about Spanish land grants and the illegal land claims at Avoyelles.

Two years later, Corrine Saucier, a Louisiana historian working on a book about Avoyelles Parish, visited the Tunicas. She talked with Horace Pierrite and Eli Barbry, both of whom she identified as "one-half white." Barbry had told her that he was Valsine Chiqui.(56)

Daiker told them that their situation would be investigated and a report made to them, but he urged them not to build up false hopes. "With such a small group it was doubtful if in the minds of the Washington representatives whether any official should be sent there to make an investigation and as to whether or not he should endeavor to do anything for these people." This attitude was reflected in Underhill's report when she wrote that "conclusions have been that most of the people concerned are too mixed to be considered Indians from a government standpoint and too scattered for effective work."(57)

Daiker reported to Eli Barbry that tracts 64, 65, and 66 were private land claims of Pierre Leglise, Francois Bordelon, and Joseph Joffrion, Jr. The last two did not have formal patents. Bordelon recived one, Daiker said, on June 30, 1896. This was the final statement of Bureau policy toward the Tunicas.(58) Not until 1949, did a Bureau official again meet with the Tunicas. In February, 1949 Chief Horace Pierrite and sub-chief Joseph Pierrite twice discussed the possibility of Federal aid with A. H. McMullen, the Superintendent at the Philadelphia, Mississippi Choctaw Agency. McMullen declined to take a position, after he admitted that

> I am not in the position to make any recommendations pertaining to this group, both in the nature of them getting recognition by the government or to the solution of their problems, other than to state that there is certain documentary evidence, and a factual living opinion by the people of La., that these people are Indian, and no doubt from the appearence from these two gentlemen that I have had the opportunity to see on two occasions they have within their veins more Indian blood than many of the now recognized Indians that our government now has jurisdiction over.(59)

During the termination period, the Tunicas were unable to obtain either attention or services. Not until the 1970's did they actively resume their attempts to gain recognition. Toward this end, "the Tunica-Biloxie Tribe of Indians of Louisiana" (sic) incorporated on October 26,1974. Its purpose was:

> to further the economic development of the tribe by confering upon the said tribe certain corporate rights, powers, privileges, and immunities; to secure for the members. . . an assured economic independence and further, in order that the tribe can become eligible for the receipt and benefits from the Federal Government .. .(60)

The organizers were Joseph Pierrite, Jr., Horace Pierrite, Jr., Sam Barbry, Jr., and Rose Marie Gallardo. The articles and by-laws were approved by an election on October 26, 1974. Joseph Pierrite became the chairman and registered agent.

This activity was coupled to an increasing effort to gain both state and federal recognition. The former was achieved in 1975, when the Louisiana legislature recognized the tribe as an Indian tribe by passing a concurrent resolution. Governor Edwin Edwards, in a letter to the Chairman of the U.S. Senate Select Committee on Indian Affairs, urged federal recognition of the tribe.(61) The Tunica-Biloxi filed for federal acknowledgment in 1977.

Notes--Tunica

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6. Swanton, Indian Tribes, p. 197-198.

7. Swanton, Indian Tribes, p. 211.

8. Swanton, Indian Tribes, p. 214.

9. Swanton, Indian Tribes, p. 235; Dunbar Roland and A.G. Sanders, Mississippi Provincial Archives, 1729-1740: French Dominion. Jackson: Press of the Mississippi, 1927, II, pp. 202-206, 360-364.

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12 Roland and Sanders, Mississippi Provincian Archives, III, pp. 551-552.

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15. C. C. Alvord and J. Carter, eds., The New Regime. Illinois Historical Collections. Springfield: Illinois Historical Society, 1915, XI, p. 232; Robert R. Rea, "Assault on the Mississippi-the Loftus Expedition." The Alabama Review, Vol. XXVI, No. 3 (July, 1973). Loftus was attacked just above the mouth of the

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17. Corrine Saucier, A History of Avoyelles Parish. New Orleans: The Pelican Press, 1943, p. 460.

18. A. S. Gatchet. Unpublished field notes in the National Anthropological Archives, Smithsonian Institution, Washington, D. C., esp. No 1347. Biloxi and Tunica. Letter to the Director of the Bureau of American Ethnology, October 24, 1886.

19. Lawrence Kinnard, "Spanish Treaties with Indian Tribes," Western Historical Quarterly, Vol. X, No. 1 January 1979, p. 39.

20. Confidential Dispathces of Don Bernardo de Galvez to Don Jose de Galvez, November 5, 1779. Works Progress Administration, Survey of Federal Archives in Louisiana, Dispatches of the Spanish Governors. Baton Rouge: Louisiana State University Library.

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37. Celestin Moreau v. Madam Valentine, et. al., Sixth Judicial District Court, Parish of Avoyelles, April 18, 1843, Indian Land Claims, pp. 14-15.

38. Indian Land Claims, pp. 15-16.

39. Indian Land Claims, pp. 15-16.

40. Indian Land Claims, pp. 6-7.

41. Survey of Albert G. Phelps, Deputy Surveyor, January 13, 1847, approved April 5, 1847, State Land Office, Baton Rouge, Louisiana; Indian Land Claims, p. 14.

42. Avoyelles Parish Alienations Book, p. 112, December 23, 1840.

43. State v. Chiqui, 49 La. Ann. 131, 21 So. 51 (1897).

44. D. W. Browning to S. D. McEnery, December 9, 1896, Letters Sent, Land, Vol. 172, pp. 112-13, Record Group 75, National Archives.

45. Sesostris Youchican v. Texas and Pacific Railway Company, 86 South 551, November 3, 1920.

46. Sesostris Youchican, pp. 71-72.

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48. Tunica petition, p. 78.

49. Book A-71, Folio 568, No. 50,602, copy attached to Tunica petition, p. 81.

50. Book A-71, p. 81.

51. C. J. Rhoades to N. Montet, Januarary 4, 1932, Education Files, No. 68776-1931-800, Record Group 75, National Archives.

52. William A. Morrow to John Collier, May 16, 1933, Education Files, No. 307.3-1925-78634, Record Group 75, National Archives.

53. John Collier, acting on the basis of past policy, believed that the Tunicas were under state jurisdiction.

54. John Collier to John H. Overton, February 12, 1934, Education Files, No. 307.3-1925-78634, Record Group 75, National Archives.

55. Education Files, No. 307-3-1925-78634, Record Group 75, National Archives.

56. Corrine Saucier, A History of Avoyelles Parish. New Orleans: The Pelican Press, 1943, p. 7.

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ANTHROPOLOGICAL REPORT ON THE TUNICA-BILOXI INDIAN TRIBE

Evaluation Under the Criteria

a. The group has been identified as Indian throughout its history. It was dealt with by English, Spanish and French colonial authorities as a tribe, and has been identified as Indian at times by the Federal government. It is currently recognized by the State of Louisiana and has been identified as Indian by other Indian tribes and groups at various points in its history.

Local authorities have dealt with the group as Indian since its earliest settlement in the early 1770's in Avoyelles Parish, near the present town of Marksville, Louisiana. In 1848, an agreement with local authorities acknowledged that an area of 130 acres was tax free Indian land. This arrangement has been honored since then and the settlement has been known locally as the "Indian village" or the "Indian Reservation." Local authorities from time to time have sought federal assistance for the group as an Indian group.

Throughout the 18th century, previous to their movement to the area, all four tribes which are now fused into the group had extensive dealings with French, Spanish and British authorities. In this period their alliance was actively sought. The Tunicas have some documentation that the Spanish acknowledged the title to their land at their land at their settlements in Avoyelles Parish.

Contact with Federal authorities was limited until the 1930's. One agent in 1806 declared there were only a few Tunicas left. An 1826 appeal for federal help with land was evidently ignored. In 1896 the Federal Government advised local authorities that the Federal government had no responsibility for or jurisdiction over the group or its land, or knowledge of the group. The group's efforts to obtain Federal help and recognition during the Depression of the 1930's led to investigations in which the Bureau of Indian affairs identified it as an Indian community but declared that it could not provide assistance. A similar result occurred in 1948 contacts with local Bureau agencies in the South. The community at Marksville and the associated community formerly at Indian Creek in Rapides Parish have been clearly identified by anthropologists since 1886 as Tunica and Biloxi, respectively. Visits by anthropologists from the Bureau of American Ethnology of the Smithsonian were made in 1886, 1892, 1893 and between 1907 and 1911. Other anthropologists worked in the community in the 1930's and later.

The state of Louisiana recognized the group in 1975. The group was a member of the National Congress of American Indians between approximately 1965 and the early 1970's and received assistance from Vine Deloria, the director of NCAI. It was also aided in its recognition efforts by the Coalition for Eastern Native Americans and by the Indian Angels, a local Louisiana group. It has recently been accepted for membership by the Inter-Tribal Council of Louisiana. Other Louisiana Indian groups have acknowledged that the group was Indian, although some regard it as relatively acculturated. It has historical social ties with other Louisiana Indian communities, such as Coushatta and Jena Choctaw.

b. The current Tunica-Biloxi Tribe, Incorporated is the result of the historical fusion of four tribes, the Tunica, Biloxi, Ofo and Avoyel. The fusion occurred gradually, preceded by alliances between the tribes in the 18th century. The Ofo and Tunica migrated from the Mississippi River to the present location of the group in central Louisiana probably in the 1770's. The Avoyel were in the general area at the time of first European contact. Most of the four tribes had fused into one village by around 1810. A remnant of the Biloxi formed a separate but allied community near the Marksville community until the 1930's. Some other Biloxis left the area during the 19th century. A second Tunica village in Avoyelles Parish was gradually incorporated into the Marksville village during the 19th century.

The second Biloxi community, known as "Indian Creek," was closely socially allied with the Marksville Tunica. An attempt at formal unification was made in 1924. They are considered included under the current constitution. The Indian Creek community ceased to exist as a community in the 1930's. A large portion of its members or their descendants are included in the current Tunica-Biloxi membership. Many of these are related by blood to the Marksville community.

The Marksville community was relatively small, with less than 100 population from the early 19th to the early 20th centuries. The population has expanded considerably since 1900. The number of distinct family lines has decreased considerably, with three recognized today (plus one from Indian Creek). However, there are descendants from six lines recognized earlier represented in the current membership.

An Indian community has been maintained on the land at Marksville since the first Tunica migration to the area until the present. The number resident on the land has gradually decreased and there are presently only three occupied houses with approximately 15 residents. About 45% of the Tunica-Biloxi live in Louisiana, on the Marksville land or nearby, in neighboring Rapides Parish, or elsewhere in the state. This portion of the group has remained reasonably socially cohesive. A large proportion of the group lives in Texas, near Louisiana. This portion is a result of migrations during the 1930's Depression. Individuals living in this area were not able to maintain constant and regular contact with the Marksville area, but did maintain some level of contacct and have continued to be considered tribal members by those in Marksville. They are close relatives of those who remained in Marksville and include 18 who were born in the Avoyelles-Rapides Parish area or nearby. A number have become very active in tribal affairs since 1977. Two have moved to the area from Texas and another Texan has become a tribal council member.

The Tunica-Biloxi remained clearly culturally distinct from non-Indians until at least 1940, retaining some command of Tunica language, distinctive religious and other beliefs and a community ceremonial. The "core group" of the present Tunica retains some limited cultural distinction from surrounding non-Indians. It no longer maintains a social distinction from non-Indians insofar as marriage. Some marriage with whites has occurred since the 1880's, and it increased gradually until only a few of the current membership is married to an Indian.

The group has maintained a strong distinction from blacks and has excluded from membership members who married blacks.

c. The group has maintained political continuity with a definite leadership throughout its history. The traditional Tunica culture had a formalized chieftainship which was more highly organized and centralized than most American Indian cultures. Although the information for some periods of the 19th century is limited, it indicates that the Tunicas have maintained the office of chief thoughout their history. Chiefs could be identified for all periods, although there was some difficulty in specifying their relationships and succession between 1770's and 1841. There was clearly, however, a community and "chiefs" with authority to sell land in the name of the group. The period with the most limited information is that between the death of chief Melancon in 1841 and 1896, by which time Volsin Chiki was probably chief. There is reasonably good evidence, however, to support the conclusion that a functioning community with a chief existed throughout this period.

The office of chief was maintained until the death of the last chief in 1976. A incorporated government based on a written document and run by a charirman and council was instituted in 1974.

The community has continually exercised control over the land, as evidenced by a system of control of village land assignments to particular families. This was initially done by the chief and later by community meeting. The Tunica acted successfully as a group in 1841-48 to resist legal and physical threats to take over their land. The group has survived despite a relatively poor economic base for the past 200 years or more. A communal ceremony, a green corn festival, functioned until around 1940. Community efforts were made to seek recognition in the 1930's.

The community has suffered from a severe factional division, partly corresponding to family and tribal lines, since the 1920's. The conflict appears to be one within the political system of a community rather than a break in the community. In the past, orderly transitions of chieftainship and also the appointment at times of a subchief, have been used to deal with the factional problem.

d. A copy of the group's 1974 articles of incorporation, its current governing document, was included with the petition.

e. Not examined.

f. No information was obtained to indicate that any community members were part of any other American Indian tribe, recognized or unrecognized.

g. Not examined.

Traditional Culture and History Before Migration to Avoyelles Parish

The current Tunica-Biloxi tribe of Marksville, Louisiana is the descendant of the Tunica, Biloxi, Ofo and Avoyel tribes of the 18th century, or portions of them.

The Tunica

The earliest European contact with the Tunica may have been by the Desoto expedition in 1541. Brain (1977) and Swanton (1911) identify the towns of Quizquiz and others mentioned by DeSoto on the Mississippi north of the mouth of the Arkansas river as being Tunica, although this identification is disputed by others.

The earliest definite contacts are in the 1680's. At that time the Tunica were established in several villages about 80 miles farther south of the location of Quizquiz, on the Yazoo River, with another village on the Ouachita (Swanton 1946).

From this point forward, the Tunicas were strongly involved in the conflicts between European powers in the region and the associated Indian-Indian and Indian-European conflicts. They were also heavily involved in trade relations with the Europeans and other Indian tribes as well. In 1698 the Tunica were visited by French missionaries and the next year allowed a missionary, Father Davion, to remain among them. He stayed until 1719 or 1720 (Swanton 1911). While Davion evidently had little success in making actual conversions, he was apparently instrumental in getting the Tunicas to align with the French (Brain 1977). The Ofo were found with the Tunica at this point in time, apparently allied with them. Already subject to Chickasaw slaving raids instigated by the English, the Tunica were probably anxious to seek allies. In 1706 the pressure of these raids caused them to move south along the Mississippi to an area near the mouth of the Red River, considerably closer to the French settlements. This put them between the Natchez, with whom they were or shortly would be in conflict, and the French. Previously they had been north of the Natchez, the most powerful tribe in the area. According to one account, the Tunicas moved into a village of the Houmas, and shortly thereafter massacred most of that tribe. The Ofos stayed behind until 1730, when they rejoined the Tunicas permanently (Swanton 1946).

From 1709 to 1730 the Tunica were perhaps at their height. In this period the Natchez were at war with the French. The Tunica participated in a number of battles against the Natchez. The Tunica chief Cahura Joligo was highly honored by the French, the king sending him a "brevet of Brigadier of the Red Armies (Le Page Du Pratz 1774)." Cahura Joligo was killed by the Natchez in 1731, and shortly thereafter the Tunica moved a few miles further downstream. There they established a new village (Brain 1977). With the decline of the Natchez, the Tunica became less important to the French, and French records show a corresponding decline in gifts to them (Downs 1976, Brain 1977).

Tunica strength was not derived solely from military relations with the French. They were aggressively involved in trade relations. One major item was the salt

trade, which probably predated the Europeans. The sources for this were in northwestern Louisiana. As early as 1721 they are mentioned as being a major supplier of horses to the Europeans. This also involved them in northern Louisiana, since the source of their supply was the plains tribes to the west. Their position at the head of the Red River close to French settlements and on main trade routes was an advantageous one for control of trade (Gregory 1978).

By the 1760's, the Tunica were reported to have declined in their ability to make war. They were under increased pressure at the same time because they were former French allies in what had become British territory in 1763. Spain replaced France in 1769 in Louisiana, just across the Mississippi River from the Tunica settlements.

In 1764, the Tunicas, together with Ofo, Avoyel and Choctaws, attacked a British part moving upriver. According to French documents, the party had been warned that the tribes upriver were part of Pontiac's rebellion to the north. This is the first direct evidence of alliance with the Avoyels. Two Tunica chiefs, Latanache and Brides le Boeuf (successor to Cahura Joligo) and an Ofo chief, Perruguier, "apologized" at the behest of the French representative handling the transition of governments (Brain 1977). In the succeeding 20 years, the Tunicas were the subject of a tug of war between the British and the Spanish, with the Spanish "showering gifts" upon them and other Indians formerly loyal to the French and urging them to move across the Mississippi.

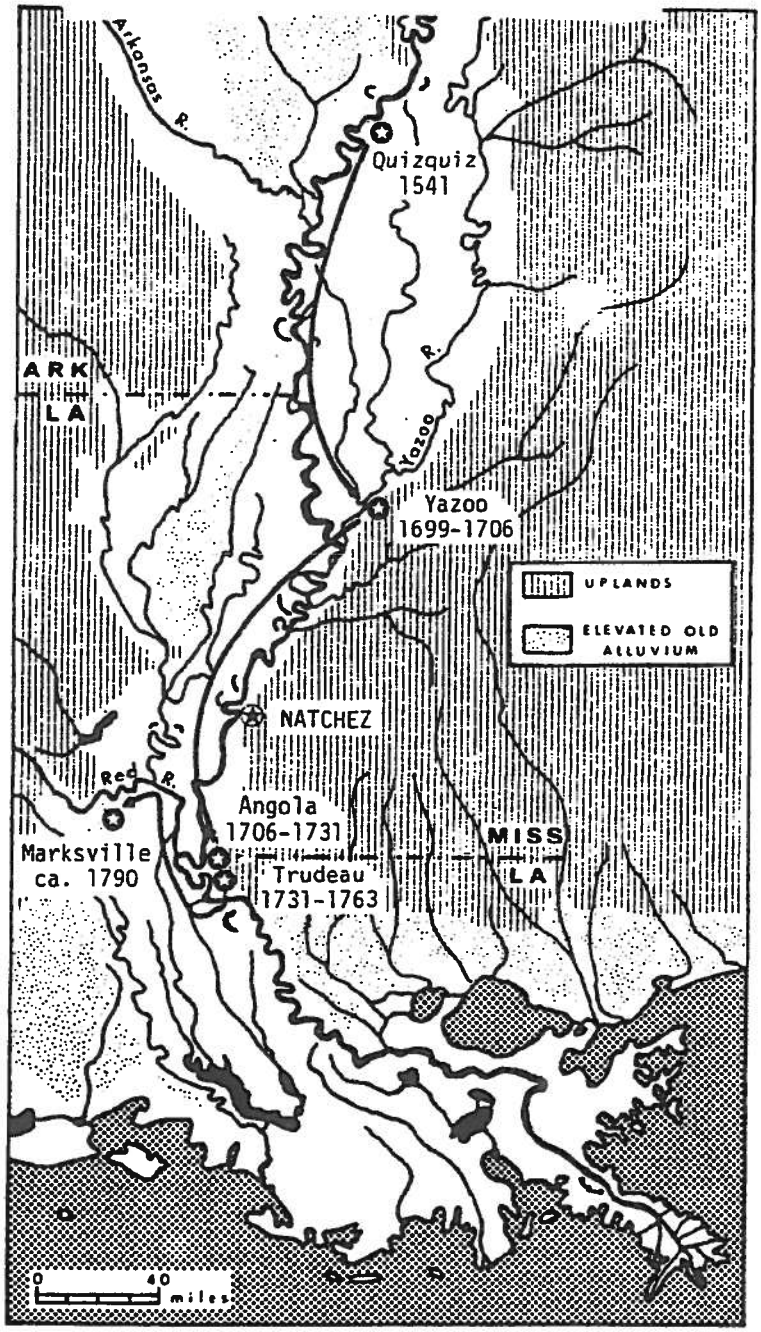
The Spanish made the greater effort to seek allies. In 1778 the Tunicas' Ofo allies under chief Perruguier warned the commander of the Spanish post across the river from the Tunica and Ofo settlements of an attack by Choctaws and other tribes allied with the British. Also in 1778, the Tunicas contacted the Spanish governor Galvez and requested Spanish insignia from him, giving up similar English tokens. In 1779 Galvez, "in consequence of the proofs of the fidelity and friendship" of a Tunica named Panroy, named a "Captain" for the tribe and cautioned all to respect the rights of those Indians (WPA 1940a). Other sources identify Panroy as a chief. Tunica oral tradition is that this was in reward for Tunica assistance to the French, although the general desire of the Spanish for alliance with them seems clearer and more direct.

Although the Tunica's language was unrelated to that of most of the tribes of the region, their organization was similar to others in an area characterized by relatively strongly organized groups with centralized governments under a definite chief. According to Swanton (1946) there was a "great chief" who was a civil or "peace" chief, and also a war chief. This division was common among eastern Indians. The tribe was composed of several villages under the "great chief." There were important group ceremonials involving the entire tribe, as was characteristic of eastern agricultural tribes. The economy of the tribe was agricultural to a greater degree than most in the area, as indicated by the unusual custom of the men rather than the women being the main agricultural workers.

Archaeologists have excavated parts of both of the Tunica settlements at the mouth of the Red River, the Angola site they occupied until 1731 and the Trudeau

Map 1

From: Brain: 1977



Migrations of the Tunica.

site they occupied subsequently. The latter contains the so-called "Tunica Treasure," whose ownership is currently in dispute. The materials at these sites and at a site excavated at Marksville dating from 1804, demonstrate the heavy Tunica involvement in European trade and particularly a heavy use of European technology (Brain 1977, Gregory 1978). The materials found were largely grave offerings. The materials included vast quantities of firearms, European metal and pottery vessels, coins, as well as metal hoes and carpentry tools. Although the Tunica were nominally Catholics, there does not seem to have been substantial acculturation to European culture before 1800 other than in the material culture noted. Livestock raising began in the 1780's, judging from the early accounts of the Indians after they had moved to Avoyelles Parish.

Swanton (1911) estimated there were 1575 Tunica in 1698, and with them 263 Ofo, although other sources suggest less. In 1719 they were estimated to have 460 and in 1758 were reported to have 60 warriors, which would suggest no more than 200 or so, a substantial decline.

The Biloxi

The Biloxi were first encountered by Europeans in 1699, when they were located on the Gulf Coast of Mississippi, in close association with the Pascagoula and Moctobi (Hodge 1907-10). After several moves, they settled in 1763 on the Mississipp.., across the river from the Tunica. They were apparently seeking to avoid the British who at that point had taken over the territory east of the Mississippi as a result of the French and Indian war. The presumption is that they had formed an alliance with the Tunica, although they did not participate in the latter's attack on a British party the following year. There were about 150 Biloxi around 1700 (Swanton 1911).

Migration to Avoyelles Parish and After

The exact dates and circumstances of the movements of the four tribes to Avoyelles and Rapides Parish cannot be determined, but close approximations can be made.

The Tunica

The Tunica probably moved west to Avoyelles Parish in the early 1770's, presumably as a result of their alliance with the Spanish and pressures from their conflicts with the British. It is likely that the movement occurred over a period of time rather than as a single migration of the entire tribe. In 1779 they participated with the Spanish governor, Galvez, in an attack on Baton Rouge, led by the chief of their Ofo allies, Perruguier. Tunicas were still reported on the river in 1784, and Downs (1979) cites sources that indicate some Tunicas were still in that area as late as 1824.

Two distinct settlements show in the records, one at Marksville, and the other some 10 miles south on the Bayou Rouge near the present town of Goudeau. This may have been parallel to their division on the Mississippi River between "Grand" and "Petite" Tunica villages. There is also a reference to a land

purchase by whites in the Red River area, citing a deed by "Dn. Louis, chief of the Tunica Indians on that part of the Nation (WPA 1940a)." There was no evidence to determine who this individual was or what connection he or his community had with the two main Tunica settlements. A few Tunicas are also mentioned as being with the Biloxi and Choctaw encouraged by the Spanish to settle on the Bayou Boeuf area in Rapides Parish in the 1790's (de Grand Pre 1796).

According to tribal oral history, the Tunicas purchased their land at Marksville from the Avoyel (Swanton 1946). Testimony given in the Moreau suit of 1848 against the tribe placed them in Avoyelles Parish as early as 1771. A witness who had moved to Avoyelles Parish around 1768, and who stated he and his father were the first white settlers, said that the Tunicas had settled about three years later. Two years after that, i.e., approximately 1773, they were given the lands of which they currently retain a portion, on the basis of "titles and orders" from the Spanish government (NARF 1979).

The Spanish established a post (Avoyels Post) no later than 1783 for the protection of the Indians (Saucier 1943). The post was near the Marksville Indian land, probably on the Old River. In 1786, the Spanish Governor Miro instructed the post commander to tell two non-Indians to quit the Indians' land, as the lands belonged to the Indians and they "have known rights that ought to be respected everywhere (WPA 1940a)." The Indians had protested the encroachment of these men, saying they had but one league square and needed it for their cattle. The land in question may have been the Marksville land. According to the petition, a major part of post correspondence dealt specifically with the Tunica, Avoyel, Choctaw and Biloxi. The town of Marksville was founded in 1809 by Marc Elishe. According to local white tradition he bought the land from the Tunicas, settling there in part because of the friendly attitude of the Indians (Pilcher 1917).

The Bayou Rouge settlement is difficult to date. The earliest clearly establishable date is a land sale in 1791. The Galvez letter concerning Panroy, however, may indicate that they came around 1779, the period in which they were aiding the Spanish against the British. The Moreau case testimony does suggest they came around the same time as the Marksville group. Two other sales in 1795 are also cited. Thus it is clear there was considerable white settlement by the 1790's and with it the diminishment, through a series of sales, of the Indians' land base. Although the Tunicas' movement to the area presumably predated most of the white settlers, considerable white settlement came soon after. Pressure, and perhaps population decline, may have been the reasons for the sales of land reported.

According to the Moreau case testimony, the chief of the Marksville group when they came was Mingo Falaza, although one person stated that land was delivered to a "Parawah." The testimony was contradictory concerning whether Mingo Falaza was succeeded by "Thomas" and then by a chief named Valentine, or whether Valentine succeeded directly (NARF 1979). In 1812, a survey stated that the Marksville village chief was named Valentine (McCrimmin 1812). Valentine may be the same as or an ancestor of Chief Melancon who was killed in 1841, since Madame Valentine, who was one of the original Tunica settlers at Marksville, is identified also as a Melancon.

The Bayou Rouge leadership was distinguished from that of Marksville, a Moreau case witness stating, "Panroi was the chief of a Tunica tribe settled in the prairie of the Bayou Rouge." The witness gave no date for this settlement. Panroy is named in the often quoted 1779 letter from Galvez. Documents relating to Bayou Rouge describe Panroy as having been headman, to whom disputes and questions were brought, and from whom land was purchased on behalf of the group. Specifically cited in the testimony of Pierre Goudeaux is a single sale to his father of nearly one-half the Bayou Rouge Prairie around 1794 by Panroy. There is also a record of a 1792 sale of Bayou Rouge land by a chief named Tanaroyat (WPA 1940a).

The name of another, later chief at Bayou Rouge is mentioned in the land claims documents. Pierre Goudeaux stated that Jean Baptiste, "the chief" in 1826, had been paid 50 dollars in cash and 150 dollars in goods which he "divided among all the Indians," for a sale around 1810 to 1815. Having initially sold the land to two individuals who evidently could not or would not pay for it, the Indians entered their own claim in the land office. They then sold the land to Augustin Marcotte, whose claim the Indians contested in 1826. Jean Baptiste was one of the claimants in 1826 (WPA 1940a). It could not be determined when he became chief and whether he directly succeded Panroy.

The Bayou Rouge Tunicas were able to engage an attorney, George Gorton, to fight their claim. Gorton styled himself as "Attorney for the Tunica Tribe of Indians and proper claimants of Panroy, the former chief of said tribe...." A Jean Panroy, presumably his son, was one of the six individual claimants named in the complaint (WPA 1940a). It is not possible to determine if the Marksville group was involved in this suit.

The depositions, which are probably directed at discrediting the Indians' claims, stated that there were only one or two Tunicas in the village, the rest being Biloxi, Choctaw, Ofo and Alabama. Though this is probably a distortion, it suggests some mixing and shifting of tribal populations at the time. The Ofo were probably closely allied and probably came in with the Tunicas. By this time there had been fifty years of movements by different Indian tribes in the region. This may have resulted in various individuals from other tribes coming into the by now well settled region. One possible source is the Bayou Boeuf area, where Biloxi and Choctaw had sold their land a few years earlier.

This claim of the Tunicas was denied on the general grounds that the Indians had "not been reclaimed from their savage mode of life." This ignored a good deal of the law at the time. These conclusions do not present an accurate picture of the probably economy of the Indians at the time. The Tunicas had been intensively agricultural even when first encountered, and, as discussed above, were quite strongly involved in the European economy and technology well before this period. This conclusion is supported by the observations of a geographer who visited one group of Tunicas in 1813 and wrote that "they have adopted the manners and customs of the French...(Darby 1818)." The survival of major cultural institutions past this period suggests that the changes were mostly economic and technological. Both European and Indian-style names appear in the records.

Cushman in 1843 stated that the Tunicas had 50-60 cabins at the time they came, which suggest perhaps 250 people (WPA 1940a). He appeared to refer only to the Marksville settlement. Jefferson estimated 50-60 people in 1803, and Sibley cited a similar figure (Swanton 1911). These latter figures appear to be a little low, while the Cushman figures appear a little high, but there was insufficient information to determine definitely.

There was little evidence to determine for certain the relationships between the various chiefs named in the period between 1770 and 1826, particularly whether there was still a single "grand chief" of all the Tunica covering the two Tunica settlements in Avoyelles Parish and those who may have remained on the Mississippi. The Moreau testimony distinguished Panroy in a way suggesting the Bayou Rouge group was fairly distinct. There is a seemingly separate succession of chiefs at the two settlements. However there is no evidence that the Tunicas did not at least continue to have close ties, with their leaders allied with each other.

The Biloxi

The movements of the Biloxi are difficult to sort out. As late as 1784, the Biloxi were still reported on the Mississippi near the mouth of the Red River, across from the area where the Tunica had been. With them were the Pascagoula (Swanton 1946). The Moreau case testimony indicated that Biloxis had been granted a village at the same time that the Marksville Tunica were, just across the Coulee des Grues from the Tunicas. Thus Biloxi movements, like those of the Tunicas, may have taken place over a period of time, with a considerable number of locations eventually involved.

In 1804 a sale of land "by a group of Biloxi Indians, headed by Bossebout and Baptiste Tatamplatevec," is reported to have been made to Joseph Joffrion (Saucier 1943). The land, stated to be "on the other side of the Coulee des Grues," is, judging by later surveys and the description, a section which is south and southwest of the current Tunica "reservation." Located on this site is an archaeological grave site (the Neitzel site) which Gregory (1978) has identified as Biloxi.

According to tribal oral history, the Biloxis lived in the Coulee des Grues area across from the Tunicas. Intermarriage with the Biloxis was probably occurring by 1800. One of the defendants in the 1843 suit is listed as the wife of a Biloxi (Pierre Biloxi). Belizaire Pierite, born in 1822, was at least part Biloxi, though most defendants in the suit seem to have been Tunicas. The petition maintains he was a descendant of the Biloxi Bosra (discussed below).

Another area of Biloxi land remained nearby after 1804 just west along the Coulee des Grues from that which had been sold. A claim was registered here by "Bosra, an Indian of the Biloxi Tribe, (WPA 1940a)," who cited Miro's 1786 letter. His claim was approved as a private, i.e., individual grant. In proceedings concerning this area in the 1870's, it was indicated he had sold the land in 1807 (the deed reading "Bosserou Biloxi"). Because the sale predated the confirmation, it was declared invalid and his legal representatives declared the owners

(Downs 1979). A Sophie Bosra Pierite is claimed in the petition and in a 1938 affidavit in the petition to be the sole heir of Bosra and the ancestor of the Pierite family. Local oral tradition is that the Pierites were in fact determined to be Bosra heirs in 1879, when the claim was investigated as a result of a dispute between two non-Indians over the land.

There was little information about Biloxi leadership in this area, other than the reference to them in the 1804 land sale. The petition refers to Bosra as a chief, but there was no documentary evidence to indicate whether or not he was a leader, nor how much of a distinct Biloxi community remained in the area after the 1804 sale.

Another group of Biloxis is reported to have settled about 1796-7 on the Bayou Boeuf in Rapides Parish, about 30 miles west of Marksville. They settled on land that, according to a Spanish surveyor, a group of Choctaws who had come there about 1785 held under a Spanish grant. Coming with the Biloxi or soon after was a group of Pascagoulas. The Biloxi and Pascagoula sold "all" their lands there in 1802. A Biloxi deposition on the subject in 1805 was signed by "Mataha, Grand Chief of the Biloxi," among others. About $2,600 was paid to the two groups, but much of this went to non-Indians to whom they owed money (WPA 1940a). There is no indication that the Indians left, and it appears likely that the "Indian Creek" Biloxi-Choctaw community discovered by the ethnologist Gatschet in 1886 is the descendant of this group. Swanton (1946) takes this position. The latter was located in the pinewoods about 5-10 miles west of the Bayou Boeuf site.

According to Hodge (1907-10) and Swanton (1946), the Indian Creek group of Biloxi originally came from Marksville, going first to Bayou Rapides and thence to the mouth of the Rigolet Bon Dieu, before settling at Bayou Boeuf. If this is so, the group represents a splitoff from the Marksville Biloxi group before either of the two land sales noted. Oral history attributes a move of this kind to a conflict between the Biloxi and Tunica over hunting grounds (F.D.). There were other movements of the Biloxi, probably after this period, since some were reported later in Texas in Angelina County (Biloxi Bayou) and in 1829 Biloxi, Pascagoula and Caddo were reported living near each other on the Neches River in Texas. Some Biloxi have been reported in the 20th century to still be in Oklahoma and Texas (Hodge 1907-10).

The Avoyel and Ofo

The Avoyel were already in the Red River area in 1699, essentially from earliest French contact, although not necessarily on the exact spot near Marksville where they were later found. Not much is known about their culture, but in 1719 they, like the Tunica, were serving as middlemen in the horse trade, and otherwise trading and acting in the conflicts of the region. They were reported then to have "40 warriors (Swanton 1911)."

The Avoyel were reported in 1794-8 as having a village with 40 men, suggesting that they did not immediately merge with the Tunica when the latter came (Swanton 1911). Sibley (1832) is widely quoted as saying in 1803 that only two or three Avoyels women survived then, living with the French in Ouachita. Swanton

around the turn of the century, Medford (1974), and current informants report individuals who claim Avoyel ancestry. It seems likely that Sibley's figure is low, and that at some point in the early part of the century the remaining Avoyels joined the Tunicas at Marksville.

The Ofos survived separately longer than the Avoyels. A separate village is reported on the west bank of the Mississippi in the vicinity of the Tunicas by Hutchins in 1784. According to Hodge (1907-10) the Tunicas remembered them as neighbors until "40 years ago," which would imply to 1877 if the reference point is the publication date. There is no evidence that a separate village survived that late, but the last speaker of the language died in 1915. She learned it from her grandmother, who died when she was 17, which would be around 1860. This suggests an Ofo speaking family or possibly several, two generations back, or perhaps to 1820. There are still individuals of Ofo descent in the group today, from the same family line as the last surviving speaker (Medford 1974).

History between 1826 and 1911

It is not clear whether the Bayou Rouge community was forcibly dispossessed after their land claim was denied in 1826. Eventually the community or what was left of it probably merged with that at Marksville. There is evidence that some Indians remained in the Bayou Rouge area until at least the 1890's. Sesostrie Youichigant, a chief in the 20th century was born at his grandfather, Capitaine Youchigant's, place. Sesostrie's mother, from Marksville, married Sosthene Youchigant, Capitaine Youchigant's son. In 1917 witnesses at a trial referred to this area as having been at Indian Bayou, which is on the Bayou Rouge prairie just north of the land claimed in 1826 (Avoyelles Parish 1915). The exact location could not be determined although it was near Cottonport. The towns of Crackville and Enterprise, which do not appear on current maps, were both mentioned. In the 1860 U.S. census, an Indian named Capitaine is listed as owning real estate valued at $1,000 and personal property worth $400, large amounts for the period. If this is the same man as Capitaine Youchigant, it would confirm he owned land as the oral history indicates. Evidence indicates they may have occupied the land as late as 1890, or at least lived in the area that long. According local tradition, the land was eventually lost in a tax sale. Capitaine Youchigant is listed in 1873 as a delinquent taxpayer (Avoyelles Republican 1873). Sesostrie Youchigant in the 1930's evidently considered that the Indians still owned land down on Bayou Rouge, since he attempted to have the government buy it to provide funds for the Marksville Reservation (BIA 1925).

There is a slight indication that more than one family might have remained. Saucier's (1943) history reports the statements of a man from Plaucheville, just east of Cottonport, who remembered playing with the Indians as a boy. He also remembered institutions such as the ball game and the corn feast, and individuals named Sostene, Picore (?Picote) and Capitaine, and a chief named "Clabe." The man would have been a child no earlier than 1860, suggesting his reference was to between perhaps 1860 to 1880, depending on his age. However, he stated that the Indians were Choctaw and Biloxi, while Sesostrie Youchigant is considered to have been a Tunica. It was stated that the Indians had a town on Old River, well to the west of Bayou Rouge, with a few families at Hickory, which is on the Bayou Rouge Prairie near Indian Bayou.

There is relatively little direct evidence about the Marksville Tunica village between the pre-1810 land sales and 1840, although there is no question as to its existence. A land survey in 1812 indicated the Indian village in its present location (McCrimmin 1812). Minutes of the Parish Policy Jury make passing reference to it in 1832 and 1833 (WPA 1940b).

A critical event in the history of the Tunicas occurred in 1841 when the chief at Marksville, Melancon, was shot by a man named Celestin Moreau. There is no direct written record of this, but the incident survives very strongly in the oral history of the tribe. According to these accounts, Moreau had been encroaching on the village land and attempted to set up a new fence line which enclosed part of the village line. Melancon followed him and his workers as the fence posts were put in, and removed them. Moreau then shot him. A subsequent suit in 1843 between Moreau and the Tunicas over the land does mention "repeated and cruel trespasses by Moreau." The story appears as part of a larger body of stories and attitudes which stress the Tunica feeling that the non-Indians have continued to gradually encroach upon and nibble away at the Indian land.

The result, according to the Tunica Chief Eli Barbry in 1940, was that the "Indians scattered" and there was no chief until his uncle Volsin Chiki was appointed 20 years later (Saucier 1943, Neitzel 1938-40). This accords with the current oral history. The petition, and a recent article by Chuck Downs (1979), who wrote the petition, state that the "government" was driven underground for 20 years. The petition but not the article cites two letters from the 1850's where a nun from a nearby convent attended the funeral of a chief and states that Melancon's small son was named secretly as chief and that he later took office. The petition identifies this person as Zenon La Joie.

The actual sequence of events seems to be somewhat different, although in some ways implying a greater continuity than does the petition or Downs' article. If the Indians did scatter, it was evidently only temporarily, because in 1843 Moreau filed suit in state court for trespass against five Tunica Indians, including one Madame Valentine ("so-called Melancon") who is claimed to have been there when the village had originally been obtained from the Spanish.

The case materials indicated that Moreau had managed to enclose and occupy at least part of the village land, but the suggestion is clear that enough Indians were around to challenge his occupancy (WPA 1940a). The case and its outcome is still referred to locally by non-Indians as the one with the "five old women," supposedly referring to the main defendants. The petition cites a total of 11 individuals as named in the suit, including several males. No good population estimate exists for this period, although 50-60 would seem minimal. None of the current membership could be traced genealogically to the 11, although Belizaire Pierite, the ancestor of the larger part of the current Pierite line, was born in 1822 and presumably was in the village at the time.

Other evidence that a village and government continued to exist there, after a compromise was reached in 1848, is in testimony by a non-Indian individual in a 1915 court case. This man testified that he had lived in the village since he was five years old (Avoyelles Parish 1915). From his age this would place the village

back to 1850. The village's existence can also be established by it's presence on a survey in 1870 (Downs 1976). Gatschet (1886) and Dorsey (1892-3) interviewed a man, William Johnson, whose life history indicates he lived in the Tunica village from 1864 to 1874.

Two witnesses at the 1915 trial stated that they were present at a wedding ceremony performed by the village chief, which one identified as Zenon La Joie. The wedding would have been around 1867. This is the only reference to La Joie, and his name is evidently not preserved in the oral history. Volsin Chiki's birth date was 1850, and it seems unlikely therefore that he would have become chief 20 years after the shooting. He was chief in 1907, when the anthropologist John Swanton first contacted him. There is no other evidence on when the transition between chiefs took place or if there were other leaders between these.

A report for the Bureau of Indian Affairs in 1938 by Ruth Underhill stated that the government lapsed after Melancon was shot and was not resumed until 1924 when the Indian Creek Biloxis were formally incorporated into the tribe. Underhill's conclusion is not at all supported by the other evidence available.

The Tunicas had obtained the services of a local lawyer, who took the case for nothing because they were too poor otherwise to obtain counsel. Poverty may explain why they did not sue originally, since as plaintiff in this case, Moreau was liable for court costs.

The case was settled by a written agreement whereby the Tunicas were acknowledged to own the area around their village, approximately 130 acres (Downs 1976, 1979). This area has been carried as tax-free "Indian reservation" on county surveys since then. Moreau's petition had cited a claim to 718.5 acres, which he claimed to have occupied for 50 years. The Tunicas had counter-claimed that they had their land by Spanish grant, and were entitled to a league square around their village, evidently considering it to be north of the Coulee des Grues, acknowledging the former Biloxi territory to the south. They claimed the league square area beyond their village was being used for fishing, hunting, and grazing (WPA 1940a). The trespass conflict appears to have centered, however, on the immediate village area, where residences and fields existed. It is approximately this area for which the settlement was made. The area is approximately that shown on early surveys.

Strong evidence of a functioning village and culture is available for the period after 1886. In the year, Alfred Gatschet, an ethnographer for the Bureau of American Ethnology, visited the Indian Creek settlement and also interviewed William Eli Johnson, a Tunica-Biloxi who had been partly raised at Marksville. Johnson, who has been identified by some as Felicien Chiki, was related to the Chiki and Youchigant families at Marksville (Haas 1953). His mother was an Indian Creek Biloxi and his father a Tunica from Marksville, probably from the Chiki family (Swanton 1930-31). Gatschet was followed in 1892 and 1893 by James Dorsey, and then, between about 1907 to 1911, by John Swanton, both also famous ethnographers from the Bureau of American Ethnology. Evidently only Swanton directly visited the settlement at Marksville. Their particular interest was in studying the languages. They found there were still Tunica and Biloxi speakers and one old woman who spoke Ofo.

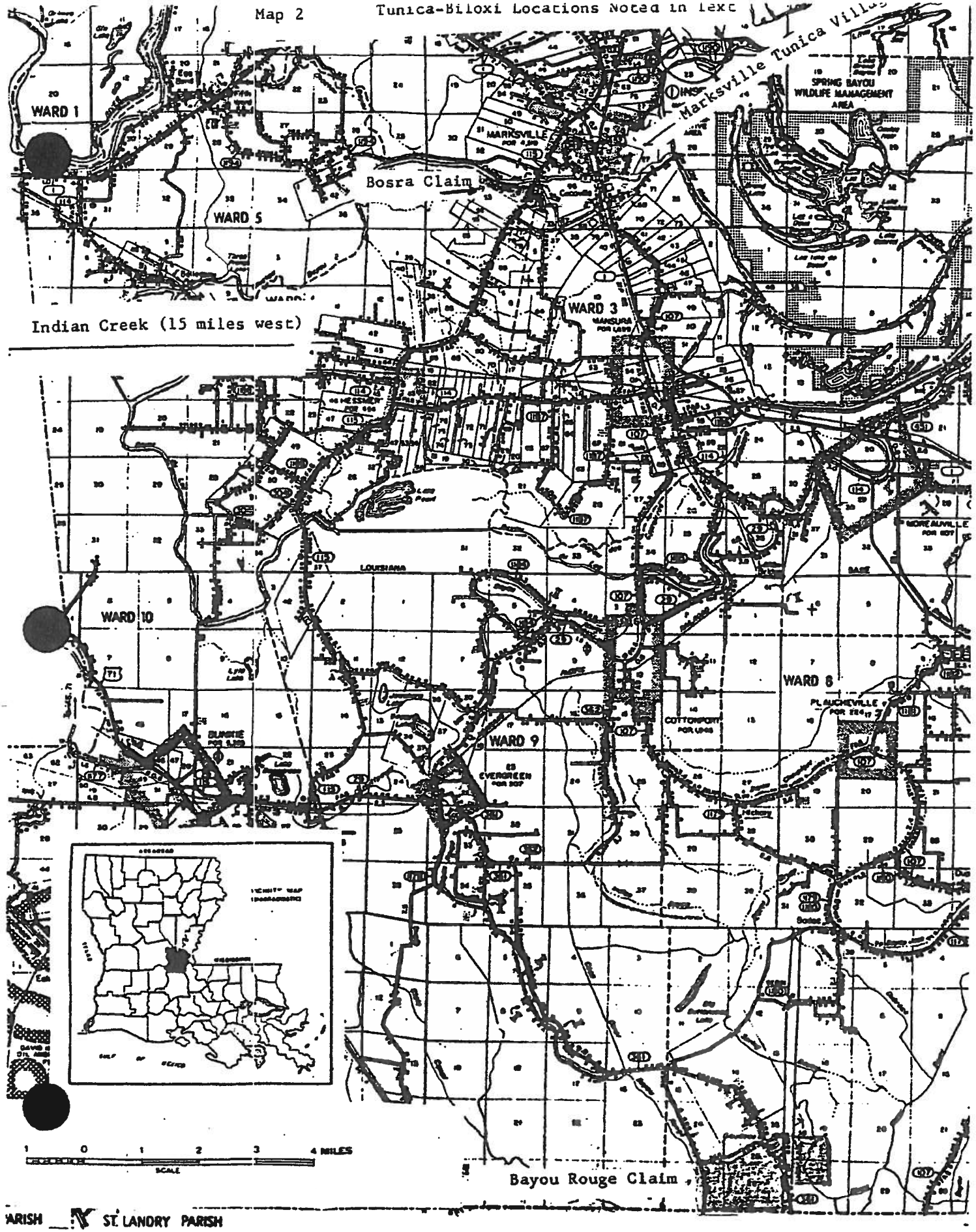
Johnson provided a description of the Marksville village in 1886, giving the population as 30. He depicted the Tunica as being greatly reduced, lamented that the old people had died, and portrayed them as very poor. They "plant corn...cotton...potatoes, they raise hens...hogs (Swanton 1930-31)." Oral history suggests some other economic resources, including fishing and hunting, selling baskets, and working as laborers for whites. Johnson's estimate of the size may be a bit extreme, since most of the main family lines are known to have been present then. Swanton (1911) estimated a population of 50 in 1908.

The survival of traditional culture is shown by the fact that the three ethnographers were able to record numerous myths and stories, especially in Tunica, and to gather considerable information about cultural practices. Pilcher (1917) implies that the Fete du Ble, the green corn ceremony, had survived to this point, and was well attended by whites. Other sources indicate this community institution continued well after this time (Saucier 1943). On the other hand, both languages were definitely losing ground at this point. Marriage with non-Indians had already begun, perhaps because of the small population. Eli Johnson had lamented that he couldn't find an Indian wife (Swanton 1930-31).

As noted, Dorsey and Gatschet visited the Biloxi community in Rapides Parish which is commonly referred to as the "Indian Creek" community. Dorsey (1893) lists about 16 people as associated with it. Current informants provided numerous stories which relate to this period or even earlier, describing that it was closely associated with the Marksville community. According to these stories, informal visits were exchanged. There were also visits to participate in the green corn festival and ballgames, traditional Indian vehicles of intergroup "exchange." Intermarriage between the two communities is also claimed, and certainly several such marriages occurred in the twentieth century. At least one earlier such marriage can be verified, that of the parents of William Ely Johnson, who would have been married prior to 1850. Johnson was the only individual in the Indian Creek community who is described as being of Tunica blood, suggesting either intermarriage was limited, or the movement was all towards Marksville. The Indian Creek community was mixed with Choctaw, however. Whether this derived from the original Choctaws of the Bayou Boeuf area, or from later movements from Mississippi or within Louisiana could not be determined. The community had kinship ties with other Louisiana Choctaw settlements.

There is little indication of any leadership structure in the Indian Creek settlement. One possible piece of evidence is a reference to a chief, Cascalla, and second to him, John Baltese, in an Indian village on Indian Creek around 1850 (Northrup 1853). The writer identified this settlement as Chickasaw or Chickopee, however.

According to oral history, the land in the pinewoods or swamps west of Lecompte was not owned by the group, which the 1900 census tends to confirm. Gatschet's (1886) and Dorsey's (1892-3) notes suggest that the land, and a house on it, were owned by a Mrs. Martin, with those plantation the Biloxis seem to have been associated at the time. Gatschet (1886) notes about 20 as the population, and that "those now at Mrs. Martin's" were "from Grand Isle des Cotes," which is just west of Marksville.


Map 2
Tunica-Biloxi Locations Noted in Text
Marksville Tunica Villa
WARD 1
WARD 5
WARD 3
WARD 10
WARD 9
WARD 8
SPRING BAYOU WILDLIFE MANAGEMENT AREA
MARKSVILLE
Bosra Claim
Indian Creek (15 miles west)
LOUISIANA
BUNKIE
EVERGREEN
COTTONPORT
PLAUCHEVILLE
MORE AVILLE
1 0 1 2 3 4 MILES
SCALE
Bayou Rouge Claim
ARISH
ST. LANDRY PARISH

There were probably some other groups, roughly in the mid-1850's and probably earlier, in the areas between Marksville and Indian Creek. Gatschet (1886) provides a map and notes about these, based apparently on information from Eli Johnson who in turn got it from his mother, who died in 1876. The Biloxis in the 19th century apparently moved around somewhat, possibly in search of work. Some movement back and forth from the communities in Texas is likely also.

Gatschet cites Grand Isle des Cotes which appears to correspond with the Biloxi area marked "Carcosson" and also with the area south of the current Belldeau on his map. The latter, which has a Biloxi archaeological settlement site (Gregory 1979), is vaguely remembered today as a place where a few Indians had lived and an area utilized for hunting and fishing. The date is difficult to specify. Gatschet also notes a settlement of seven to eight families around 1830 at Egg Bend, a few miles north of Belldeau. Gregory (1978) also identifies a site here. Between the two, at Isle des Cotes, Johnson's mother reported there was a settlement of 20 Biloxi families, with no date being cited (Gatschet 1886).

This same source notes a Tunica settlement, evidently existing only for two years, before 1830, on the Bayou des Glaize just east of Cottonport. This is on the northern fringe of the Bayou Rouge Prairie, just north of where the Youchigants were thought to have lived.

A fairly good picture can be developed of the role of the chief at the village at Marksville in the late 19th century. As noted earlier, it wasn't possible to determine when Volsin Chiki became chief and whether he had directly replaced Zenon La Joie. Chiki was chief when Swanton first visited in 1907 (the petition claims 1901). An 1896 court case (Louisiana Supreme Court 1896) has a stipulation to the existence of a chief, though unnamed. Volsin Chiki was not listed as a witness. Testimony in this case and the one in 1915 did indicate that a functioning chieftainship with some powers existed and that local authorities did not exercise jurisdiction on the reservation. In the 1915 case (Avoyelles Parish 1915), the witness who said he had lived in the village since 1850 also said that the village was ruled by a chief, that "all the people had to go under him" and that the chief divided up the land (among the membership). Later materials suggest that, at least at a later date, the land division was more of a communal decision (see discussion of land). The court testimony paid considerable attention to the role the chief played in performing marriages. This power is still cited today, and possibly continued into the 20th century.

The 1915 trial testimony also stated that no officer had the right to go in the village, that if they had any affairs, it "was with the chief they settled." In the 1896 suit, the Marksville authorities, in their appeal brief, had stipulated that local authorities had never before "taken cognizance of crimes within the reservation, and that the tribe had "a duly selected chief," although it could not be determined whether the chief ever punished anyone.

The 1896 suit does appear to have been a deviation from previous practice. Fulgence Chiki, widely descried in the oral history as a very violent man, was charged by members of the tribe with attacking Ernest Pierite. They sought help from the local authorities, perhaps because Fulgence Chiki was beyond their

ability to control. Chiki's defense was that the court didn't have jurisdiction. The local judge agreed, and was upheld on appeal, although the initial judgment had been based on the idea that it was a federally established reservation. The Interior Department replied to the court inquiry that the Federal Government had no responsibility (Louisiana Supreme Court 1896).

1911 to the Present Day

Beginning with Sesostrie Youchigant in 1911, the Tunica village maintained a rather formal system with an elected chief whose election and succession was recorded in the county courthouse. Because we do not know how chiefs were formerly chosen, it is not clear how much of a change this represents, other than the recording on paper. The court record testimony taken in the 1915 case implies that chiefs in the 19th century had also been "elected." In the "elections" in the 20th century, meetings were held, according to informants, and someone selected. Two of them are listed as being unanimous and one, involving a conflict (cf. below) was by majority. There does not appear to have been any kind of council, nor alternative informal leaders to the chief, except for a subchief designated in some cases. Each of the recorded documents carefully lists those who elected the chief and specifically states he has authority over the village land, which is carefully described.

Informant accounts indicate that the chief's office was strongly established and had a great deal of legitimacy in the community, even though a particular incumbent was strongly disliked by some and serious factional conflicts developed.

The chief represented the group to outsiders, and in the 1930's, organized community efforts toward seeking recognition. Eli Barbry is reported to have collected money from the village, and even in Texas, for this purpose. Beyond this, there was little information on the role of a chief in this period. The marriage function was no longer active, and land division, was done in community meeting. Meetings were not held regularly, but for purposes such as land or when going someplace to tend to tribal business (F.D.).

In 1911, Volsin Chiki resigned as chief, citing his blindness and other infirmities. His nephew Sesostrie Youchigant was selected (Tunica Indians 1911). Volsin was reputedly very knowledgeable in the culture and able to lead ceremonies. Youchigant, judging by his role as anthropological informant, was also quite knowledgeable, although not known to be a ceremonial leader. Ten adult males including Chiki and Youchigant signed the transition document. A limited examination of the evidence indicates that this was all or almost all of the adult males in the community at the time.

Youchigant in turn resigned, in 1921, giving no reason (Tunica Indians 1921). He remained active much longer, however, making contact with anthropologists and seeking to sell land at Bayou Rouge (cf. below) to help the Marksville village. Ernest Pierite was elected chief and a subchief, Eli Barbry, Youchigant's half-brother, was named as well.

Only six men signed the 1921 transition. Some names of community members appear to be missing, specifically several of the younger Barbrys. An exact determination is difficult because there is no indicated rule about the age at which someone was entitled to vote. In this as in all of the transitions recorded, only actual residents are signers of the documents, suggesting that residence was a requirement in order to vote. During Ernest Pierite's time as chief, according to informants, there were no community meetings held.

The election of the subchief as well as a chief probably reflects the beginning of the emergence of the family-based factionalism which persists today. The division is between the Barbry line, which is derived from part of the Chiki family, and is Tunica oriented, and the larger Pierite family, which has basically three branches and is considered Biloxi. According to informants, the subchief was supposed mainly to act for the chief when the latter was absent. This was made explicit in a 1947 transition. People however speak of the need for a go-between when Horace Pierite was subchief and Eli Barbry was chief in 1936, suggesting that cooperation between the chief and the subchief was necessary in some fashion. The subchief also supposedly succeeded the chief when the latter died. There have been two such cases, plus one other where the subchief was the next elected chief. Although factional considerations played a role in the later chief selections, Tunica or Biloxi affiliation per se does not appear to be significant.

In 1924, Eli Barbry attempted a formal unification of sorts of the Tunicas with "the Biloxi tribe" (meaning the Indian Creek settlement) and the Choctaws "in different parts of the state (evidently mostly the Jena Choctaw) (Biloxi Tribe et al 1924)." Barbry was clearly an activist chief, as indicated by his efforts at pushing recognition in the 1930's and his attitudes toward improving education and economic conditions. He is known to have made efforts to contact many of the remnant Indian groups throughout the state. The unification document, signed at Woodworth (near Indian Creek) appointed Barbry "as our own chief" with the duty and authority to seek attention to all financial and material matters, and to retain counsel as well. The signatures were only those of Indian Creek residents and some Choctaws.

No corresponding action by the Tunicas was recorded. The attitude of the Marksville community, judging by current informants, was not so much that they opposed this but that Barbry, who was only subchief, was overstepping himself. The Indian Creek community's status as a closely socially allied group presumably remained unchanged. As discussed below, most of the members of the current group who derive from Indian Creek are also related by blood with the Tunica. The Choctaw link seems to have been ignored. No other formal actions occurred as a result of the unification. One Indian Creek member, married to a Marksville village member, voted for the chieftainship selection in 1947. The remnants of the group are considered to be included under the current constitution.

The economy of the Tunica village probably remained much the same up until around 1930 as it had been around the turn of the century. The land in the village was farmed mostly for subsistence, but some cotton, garden crops and chickens

were raised for sale. Pecans were also harvested on the reservation for sale (Underhil. 1938, F.D.). At one point, some families at least were farming land off-reservation as well. One informant stated this was the source of the money to build the houses on the reservation. These houses are quite old, being originally built around 1910. Hunting and fishing were also still important. Some wage work was done on non-Indian farms or in town by the women. In general the Tunicas were still very poor, up through the 1930's, as they had been in 1886.

Beginning in the 1920's individuals and families began to leave the Marksville area in search of work. One major source was with sawmills, some of which had once been a source of work in the Marksville area, and which the Tunicas in effect "followed" when they closed in the area (F.D., Downs 1979). Most of the movement following the mills was westward to western Louisiana and east Texas, a path many Louisiana Indians followed at the time. Two families doing migrant labor in the midwest ended up in the Chicago area. A few eventually ended up in New Orleans. According to one informant who moved during this period, this was the first time people had left the Marksville area looking for work. It was a major change for the group. No exact figures for the number who left were found, but as many as 12 adults shown on current genealogy charts remained permanently away from Marksville. Some individuals eventually returned. At least half the village probably left, possibly more, since the total village population in 1933 and 1938 was estimated at around 30, being, in effect, those left behind. Informants stated that the maximum number of houses they remembered in the village was 12 to 14.

The settlement at Indian Creek ended in the 1930's as a result of the Depression, when the local sawmills closed. Some of the few remaining families followed the sawmills into Texas as the Marksville people did. Some families or parts of them joined Biloxi and Choctaw relatives in Oklahoma. There remain a few individuals from one family intermarried with Tunica who live in Lecompte, near Indian Creek.

Ruth Underhill, an anthropologist working for the BIA, visited the village in 1938 and reported that the young people were anxious to move to Texas, where economic opportunities were better. The denial of education to them locally was a factor as well. Much of the movement west had already occurred by this point. She reported that the group wanted to sell their land, by inference to help make the move. Oral history accounts however, indicate that there was a conflict at this time over the issue of selling the land, and the broader question of moving away and getting educated. Chief Barbry and the Barbry faction evidently put heavier stress than the Pierites on "getting ahead" at the expense of retaining the old ways, and of remaining in the home area. This orientation is still evident in the current factionalism. More than a proportionate number of the Barbry family who left the village in the 1930's have remained away.

Some degree of traditional culture remained in the 1930's. Underhill's report (1938) did not comment on traditional culture, but gave no indication that she questioned the Tunica's identity as Indian. Anthropological studies were made by two other anthropologists in the 30's, Mary Haas, a linguist who visited between 1933 and 1939, and Stuart Neitzel, an archaeologist who had come to the area to

dig a nearby archaeological site. Neitzel was gathering ethnological materials for Frank Speck of the University of Pennsylvania. He was able to gather numerous tales and mythology and record details of ceremonies (Neitzel 1938-40). Some traditional crafts such as making the racquet ball sticks were still being practiced. Haas recorded an even larger body of mythology and linguistic material, but worked less broadly, primarily with Sesostrie Youchigant, who had been one of Swanton's informants. There was little Biloxi spoken by this time, but still considerable knowledge of Tunica. The corn festival was still conducted, and probably continued until the 1940's. It gradually became a more family-oriented than group-oriented affair and eventually ended (F.D.). Tunica dress and housing long had not been distinct from whites. Marriages probably had not been performed by the chief since before 1900. Indian doctoring and medical beliefs survived to at least the 1940's (Neitzel 1938-40).

Although discrimination against the Indians had long existed, the question became an issue in the 1930's because of the poverty and particularly because the Tunicas were excluded from the schools. The Indians refused to go to black schools and were excluded from white schools. Consequently they received little or no education until at least the late 1940's. A few managed to obtain a little education, since some signatures are found on the documents of chiefly succession. One such individual reported he persuaded a retired teacher to give him some lessons. The Tunicas also objected, apparently successfully, against being drafted as "colored (F.D.)."

The Tunicas, under pressure of the Depression conditions of the 1930's made efforts to seek aid and thus recognition from the Federal Government. These efforts were capped by a visit of a tribal delegation to the Bureau of Indian Affairs in Washington and the subsequent visit to Marksville by an agent of the Bureau, Ruth Underhill. There is an earlier inquiry in 1925 on record from a citizen of Marksville to the local Congressman inquiring about the tribe's status, particularly the status of their land. Upon inquiry, the Commissioner of Indian Affairs replied to the Congressman, citing a General Land Office report, stating that the Tunica had no land claim, and that only the Chitimachas had properly filed for a land claim dating from Spanish and French times (Bureau of Indian Affairs 1925).

Another local Congressman's inquiry in 1932 elicited the opinion that there were a few Indians there but it was doubtful the Bureau could help them (Downs 1979). There followed in 1933 and 1934 an inquiry by a local lawyer, William Morrow, at the behest of Sesostrie Youchigant, to whom Morrow refers as Chief. Youchigant's plan was to sell what the letter calls "the other reservation or tract of land granted to them at Bayou Rouge Prairie," referring to it as a 240 acre tract that the tribe owned. The money was to be used to improve the Marksville land (Bureau of Indian Affairs 1925). The status of this land has been discussed elsewhere in the report. There was no information on whether Youchigant was acting on his own or not. To this and to a similar request made through the Louisiana Senator John Overton, Commissioner John Collier replied that the status of the land was unknown and that the "sale" couldn't be made.

In 1938 a delegation from the tribe traveled to Washington and presented its case to officials of the Bureau of Indian Affairs. Informants indicated that community resources were mobilized to provide money to send this delegation. There is also a feeling that it ultimately failed because they were unsophisticated and hadn't written ahead, and therefore, having no appointments, didn't get to see everybody they should. They did meet with F. H. Daiker, the assistant to the Commissioner, D'Arcy McNickle, and several others (Daiker 1938). The delegation laid out the problem of the diminishment of the Marksville land, evidently seeking to press a claim for the lost lands. They were more generally seeking economic help so that the Texas families could return, and also sought schooling help. The onsite visit by Bureau anthropologist Ruth Underhill followed.

The delegation consisted of Chief Eli Barbry, and Sam Barbry, Clarence Jackson, and Horace Pierite Sr., who was subchief (Daiker 1938). Informants indicated Joseph Vilmarrette, a local county official, had accompanied them. The members of the delegation evidently identified themselves by separate tribal affiliation, i.e., the Barbrys as Tunica, Horace Pierite as Biloxi, and Jackson as Choctaw, although the latter was the child of an Indian Creek Choctaw-Biloxi and a Marksville Biloxi. Jackson at the time had been living in Texas six years.

Underhill's visit in 1938 was a result of Eli Barbry's efforts at recognition and on the recommendation of the anthropologist Frank Speck. Roy Nash (1931) of the Bureau had previously already dismissed them as too few and too scattered for the Bureau to bother with. Underhill did a little historical research and among other things advised the group they did not have title to the Marksville land and therefore couldn't sell it. Her report favored their moving to Texas (the balance that remained), and she felt there were too few to provide a school for them.

In 1936, Eli Barbry had been elected chief and Horace Pierite Sr. had been elected subchief. According to informants, Barbry had already succeeded as chief in 1932 when Ernest Pierite died. Saucier (1943) quotes Barbry as saying he had been chief since 1922, but this appears to be incorrect. The transition document (Tunica Indians 1936) states that the election was by a vote of the entire membership. Thirteen men signed it, which appears to have been all the adult men resident in the village at the time. No one from Indian Creek signed, nor did any of the adults known to have been living in Texas or elsewhere away from Marksville at the time.

In 1947 Eli Barbry resigned and Horace Pierite Sr. was elected chief, in a transition well remembered as being forced by objections to Barbry's policies. The general issues expressed were that Barbry wanted to sell the land and have the group move to Texas. The transition document itself indicates that Barbry was away from the area too much (Tunica Indians 1947). According to informants he was in Texas seeking support for these efforts. Barbry resigned, according to the document, "being out of the premises from time to time and knowing the need for a chief at all times" and stating that the assistant chief had "expressed a desire to be an active chief." The two transition documents contained a provision that the subchief would act as chief if the chief was absent. (It is unclear if this meant he was to succeed permanently.) Only a majority was

claimed to have voted, and it was noted that Eli Barbry and three other Barbrys did not attend the meeting. Eli Barbry did, however, sign the document, confirming, in effect, his forced resignation. Ten men signed it, including Barbry and also Henry Jackson, a Biloxi Choctaw from Indian Creek. Joseph Pierite, Sr. was elected subchief.

Another effort to obtain Federal Government assistance (it was phrased in these terms rather than as recognition per se) was made in 1948 and 1949. Chief Horace Pierite and subchief Joe Pierite visited the Choctaw Agency in Philadelphia Mississippi once or twice and also wrote and/or visited the Chitimacha School in southern Louisiana. The Chitimacha visit may have been first. A January 19, 1948 letter to Chief Horace Pierite from someone at the Chitimacha Agency stated that the writer had written to the Philadelphia Agency and that the superintendent there, A. H. McMullen, said he would send someone to visit and survey the Tunica settlement to learn their history and blood degree (Delahaussaga 1948). Superintendent McMullen wrote Chief Pierite in August 1948, telling them it would be necessary for the Secretary of the Interior to recognize them, but stating he would have the agency educational supervisor visit the Tunica. In 1949, McMullen wrote Commissioner of Indian Affairs Zimmerman. He did not make any recommendations, but stated there was documentary evidence and local opinion that they were Indian and that from their appearance they had more Indian blood than many recognized Indians. Nothing further came from these efforts. Interestingly, the initial 1948 visit must have come within a week or two after Eli Barbry was ousted from the chieftainship, supporting the idea that the community objected to the idea of leaving the area, and preferred to seek help to stay where they were.

In 1955 Joe Pierite, Sr. succeeded as chief when Horace Pierite, Sr. died, with no election being held. No subchief was elected. Joe Pierite continued as chief until he died in 1976. His son, Joe Pierite, Jr., was elected chairman in 1974 under the constitution adopted in that year.

Latter day efforts at seeking recognition were begun around 1967 by Chief Joe Pierite who made contact with Vine DeLoria Jr., then the Director of the NCAI (Downs 1979). This had been preceded by letters from Pierite to the Government seeking assistance, which had been rejected. The letter to Deloria led to a series of events which brought the isolated Tunica to the attention of the wider Indian world. Pierite attended Indian organization meetings throughout the country, and Tunica became a member of NCAI. With Deloria's help, assistance in writing a petition was eventually gained.

Two other organizations also played a role in the push for recognition and in the formal reorganization of the group in 1974. An initial impetus to organize was through an organization of Louisana Indians known as Indian Angels, Inc. Created in 1969 "to aid in the welfare of the American Indian in Lousiana (Alexandria Town Talk, 1971)," it acted as a pressure group in the state. A branch office of some kind was set up in Marksville. It was at the suggestion of this group that the first tribal roll was drawn up in 1969 (White 1979).

A major influence was the Coalition of Eastern Native Americans, which was active in helping "submerged" eastern Indian groups organize and get assistance. A series of meetings was held in 1973 and 1974 (Tunica-Biloxi Tribe 1973-74). CENA's thrust was to get a formal tribal organization with a written organizational document. CENA staff members worked directly in the community to covince tribal members and obtain signatures of agreement to the organizational document (F.D.).

An initial seven member council or steering committee was elected to work toward recognition in August 1973 (Baton Rouge Morning Advocate 1973). This group drafted the "constitution" which was adopted in 1974 by a vote of the membership. The document, which incorporates the group as the "Tunica-Biloxie (sic) Tribe," evidently follows a format CENA used elsewhere, suitably adapted for the Tunicas. The initial council that was elected had Joe Pierite, Jr. as Chairman, Horace Pierite, Jr. as Vice-Chairman, Sam Barbry, Sr. as Councilman, and Rose Marie Pierite Gallardo as Secretary-Treasurer. This composition gave it some distribution across the divisions within the community. Accounts of the efforts to organize indicate severe factional conflict preceded it, with some tribal members quoted as challenging the legitimacy of Joe Pierite, Sr. as chief (Baton Rouge Morning Advocate 1973).

The Contemporary Tunica-Biloxi

The current tribal government functions, and represents the group in relations with the state and other Indian groups, despite the factional conflicts. The 1974 articles of incorporation make it a nonprofit corporation (Tunica-Biloxi Tribe 1974b). They set forth a long list of enumerated powers, presumably following the format developed by CENA, including negotiating with the Federal and other governments, control of land, employment of counsel, etc. The articles call for a chairman, vice-chairman, and an undetermined number of councilmen. In practice the group has had two councilmen, one of whom has served as secretary-treasurer.

The governmental functions are carried out without a highly developed struture. There are no formal programs or tribal employees, and no office for the group. The group has had two grants from HUD for purposes of community development. The group's community center was financed by these. It has no regular source of funds or CETA positions or similar suport. Some money for tribal use was raised recently by donations and a raffle (F.D.).

In 1975, the Lousiana State legislature recognized the Tunicas. Recently the group has applied for and been granted membership in the Lousiana Inter-Tribal Council. The group is no longer an active member of NCAI (F.D.).

The factionalism that has existed since at least the 1920's is very strong today, dividing the Tunicas between the family of the late Chief Joe Pierite, Sr. and a few others, and the Barbry family, led by Earl Barbry, the current chairman. Aligned currently with the Barbrys are a number of families from within the Pierite group, and many of those Texans now active in the group, many of whom of course are Barbrys. The Pierites aligned with the Barbrys are from a line which at ar earlier period served as an intermediary between factions.

The Barbry group took over the chairmanship and control of the government in 1979 when Joe Pierite, Jr. withdrew from the chairmanship as the end point in a series of conflicts and charges between the two sides. Other family members also withdrew from the council (F.D). The details of this conflict have been omitted here as not relevant to the occurrence of the political transition. Part of the general situtation was phrased by the opposition in terms of needing a "more educated leader," which is similar to issues in earlier conflicts between the two sides. The Pierite family challenges the legitimacy of the transition, on technical grounds, and, consequently, subsequent council actions. They do not currently participate in the government.

There remains some degree of cultural distinction between the older members of the group and the surrounding non-Indians. A few of the older members have a fragmentary knowledge of the language. Many have a strong and detailed knowledge of the group's history and former customs. According to Gregory (1978), there is a considerable degree of retention of less visible beliefs in spirits, magic, and the like, and some customs associated with the care of the family cemeteries. The interpersonal behavioral style of some older and a few younger members appears distinct from that of non-Indians. Beyond this, there was little to culturally distinguish even this core group from non-Indians. A number of the older, more traditional members have died within the past few years.

The immediate Marksville Indian community, (those living on the land or nearby), and those living elsewhere in Avoyelles or neighboring Rapides parish, are socially cohesive in the sense of frequently interacting with each other and being highly attached to and identified with each other as distinct from local non-Indians. Many of those living elsewhere in Louisiana can be similarly characterized. Residents of New Orleans, which is a four hour drive, have been able to maintain close contact. One such resident is the former chairman of the tribe. Altogether 45% of the membership lives in Louisiana. The degree of social contact is evidenced in the sense of identity and in the level of knowledge of each other and of their families and actions. The sharp factionalism of the group suports rather than contradicts this conclusion since it is an old struggle and one which is played out within the boundaries of a common system.

The people that live away from the Avoyelles-Rapides Parish area are in large part derived from the migrations of the Depression era. Their level of contact and identity varies as it does in any Indian group. Besides those within Louisiana, a large proportion of the Tunica, 45%, lives in various cities in southeast Texas along the Gulf Coast from Brazoria eastward to Orange on the Louisiana state line. They have not formed a separate, cohesive group in Texas and generally have not participated in Indian affairs there. Fifteen people, representing the families of two siblings, live in Chicago. There are only four members living elsewhere in the country.

Various Tunica-Biloxi families left Marksville for various periods between the 1920's and the 1940's because of the desperate economic conditions there. Some of these later returned to the Marksville area and some settled more permanently in the locations discussed. Of the 90 members now living in Texas, about 11 were born (and for the most part raised) in Avoyelles or Rapides Parish. Seven

others were born in Elizabeth, Louisiana, which is a few miles outside Rapides Parish. Those living in Texas are of course close relatives of those living near Marksville, e.g., siblings, children, or nieces and nephews.

Because of the distance, in an era when roads were poor, and their poverty when they first settled in Texas, the families living in there were unable to maintain constant and regular contact with the Marksville group. There was some contact maintained, however, although the level could not be determined, e.g., visits were made for funerals and similar kinds of occasions, and some level of knowledge and identity has been maintained through these family ties. The 1938 delegation which went to Washington included Clarence Jackson, who at the time had apparently been living in Texas for six years. The events surrounding Eli Barbry's ouster as chief in 1947 show that he had a high degree of involvement with families living in Texas, although this was not the reason for his ouster. His funeral in the 1950's was another occasion that brought contacts with Texas members. According to the petition, Chief Joe Pierite's funeral in 1976 brought most of the tribal members together. Medford in 1974 noted that the Texans,"do visit from time to time."

The group at Marksville evidently continued to consider these families as members. Most of them are listed in a 1965 letter written by Chief Joe Pierite, and they are also listed on the first tribal roll, compiled in 1969.

In recent years, since about 1977, the Texans have become more active in tribal affairs and have been coming regularly to tribal meetings. Two individuals who were born in Texas have moved recently to the Marksville area and are active in tribal government. In 1979, a Texas resident was elected to the council. As was the case with the rest of the group, some of those from Texas are very actively involved with the tribe and others are not.

In general the Texans' knowledge of the area is through family stories which the first generation born in Texas heard from their parents. This excepts, of course, those surviving migrants who grew up in Marksville. Those adults who are second generation Texans appear correspondingly less strongly oriented to Marksville than those of the first generation. Similarly, the Texas-born members are "new" to the local people in the sense of not being well acquainted with each other.

Although the Indian Creek community went out of existence in the 1930's, some of the descendants of this community are included in the membership of the current Tunica-Biloxi and on the previous roll. Some of course are descendants of intermarriages between the two communities. There are at least 20 on the current roll from Indian Creek who are not directly related by blood to the Marksville group. The current constitution is considered to include the Indian Creek group as well. Not all of the original families from Indian Creek have been incorporated in the Tunica-Biloxi. Some families joined Biloxi and Choctaw relatives living in Oklahoma and Texas or went elsewhere.

Composition of the Tunica-Biloxi

Since at least the 1880's the Tunica have been a small group, with a population ranging from perhaps 30 to 75 within the Marksville area. An increase in population in the 1920's and 1930's was siphoned off by migration to Texas and other locations in Louisiana.

At the same time that the population was increasing, the number of family lines that were regarded as distinct decreased sharply from approximately seven at the turn of the century. Gregory (1978) confirms this. Today there are two main recognized family groups, the Barbrys and the Pierites, with one surviving individual from the Picote line. These figures do not take into account the Jackson family, which is derived from the Indian Creek community. Although fewer distinct family lines remain, there are descendants of six of the family lines distinguished at the turn of the century still represented among the current membership.

Although the two main families are sharply distinguished as a result of the factionalism, they are linked in several ways by kinship ties. The Barbry family is derivec from the earlier Chiki family line, which is also represented among some of the Pierites. The Pierites and Barbrys have intermarried at several points in recent generations. The Indian Creek Jackson family is linked by virtue of several marriages with Pierites. The common ancestor of the Pierite family is as many as five generations back, and there are now several branches of it. This discussion does not reflect earlier 19th century family lines and intermarriages, of which we have little knowledge.

Although technically the ancestry of members is often mixed tribally, there is a current tendency to identify either as Tunica or Biloxi in response to the Barbry-Pierite factionalism. Thus the use of the name "Tunica-Biloxi Tribe" in the 1974 incorporation. References are still made to the Pierites in terms of the origins of the Biloxis on the other side of the Coulee des Grues. This appears to reflect a very old aspect of Tunica-Biloxi relationships within the group. Medford (1974) and White (1979) indicate that there are a few individuals who retain knowledge of Avoyel or Ofo ancestry, which is consistent with earlier anthropological reports.

The group now is extensively intermarried with non-Indians, which they explain as having occurred because people had become too closely related to marry within the group. This seems a reasonable explanation in view of the small size of the group and the reduction in the number of distinct family lines. Older informants, however, recall little resistance within the group in the past to marrying whites, suggesting that this is quite an old phenomenon.

Two early intermarriages are known, both around 1880. One was by Belizaire Pierite, the common ancestor of much of the Pierite family, who was born in 1822. The other was by Arsene Chiki, the mother of Eli Barbry, the ancestor of the Barbry line. Arsene Chiki was born in 1850. William Eli Johnson complained in 1886 that there were no Indian women for him to marry (Swanton

1930-31). In succeeding generations, intermarriage with non-Indian women became quite common, with about half of Belizaire's children (by both wives) marrying non-Indians. More of the Barbrys married non-Indians, probably as a result of moving to Texas. The general picture is of a gradual rather than a sharp increase, with a few of the current generation married to Indians. The group previously had good connections with other Louisana Indian communities besides Indian Creek, and a few marriage partners were found there, but more, it would seem, among local non-Indians.

The maintenance of a probition against intermarriage with a specfic group is one measure of the social cohesion of a group. On the basis of currently available genealogy and fragments of historical and ethnographic information, it appears that the group has generally maintained this kind of social boundary in relation to blacks. There have in the past been a number of conflicts over black spouses attempting to live on the reservation. Occasional temporary exceptions have allowed some social association with part-black Tunica descendants.

Membership Requirements

The current tribal constitution calls for a membership requirements of ¼ degree Indian blood (of any kind), though this does not appear to be currently operative. This CENA recommended charter probably reflected the idea at the time that a ¼ blood degree was what the Bureau wanted. It has become an issue of tribal politics. The Barbrys are in general of lower blood degree, with some of the latter generation of Texans 1/8 or less. The view of some of them is that it is the blood tie, not the degree which counts. The counterargument is that the high Pierite blood degree is due to their intermarriage with the Choctaw (actually some Choctaw-Biloxi from Indian Creek) and further that they are Biloxi, not Tunica.

The issue of whether to lower the blood degree has been put off until the recognition process has been gone through, when it will be taken up again. It is by no means decided, and doen't entirely follow factional lines. However, few younger individuals are married to Indians and many in the current and the next two generations of children will be less than ¼ Indian.

The current membership is about 200 (Tunica-Biloxi 1979). During their earlier efforts at recognition around 1970, Chief Joe Pierite had claimed a membership of 600 (New Orleans Times-Picayune 1976). Whether this reflects an exaggeration, or a wider body of individuals with ancestry from the village could not be determined. Some of the difference may be accounted for by children of current members not eligible to enroll under the current requirements. The roll is currently closed until the recognition process is finished, but the current leadership is willing to enroll in the future anyone who can document that they meet the requirements, even through they are not known locally and are essentially out of contact with the tribe (F.D.).

Land

The land at Marksville is still referred to as the Indian village or the Indian reservation. The current map of the tax assessor (map no. 4) shows it as "Indian

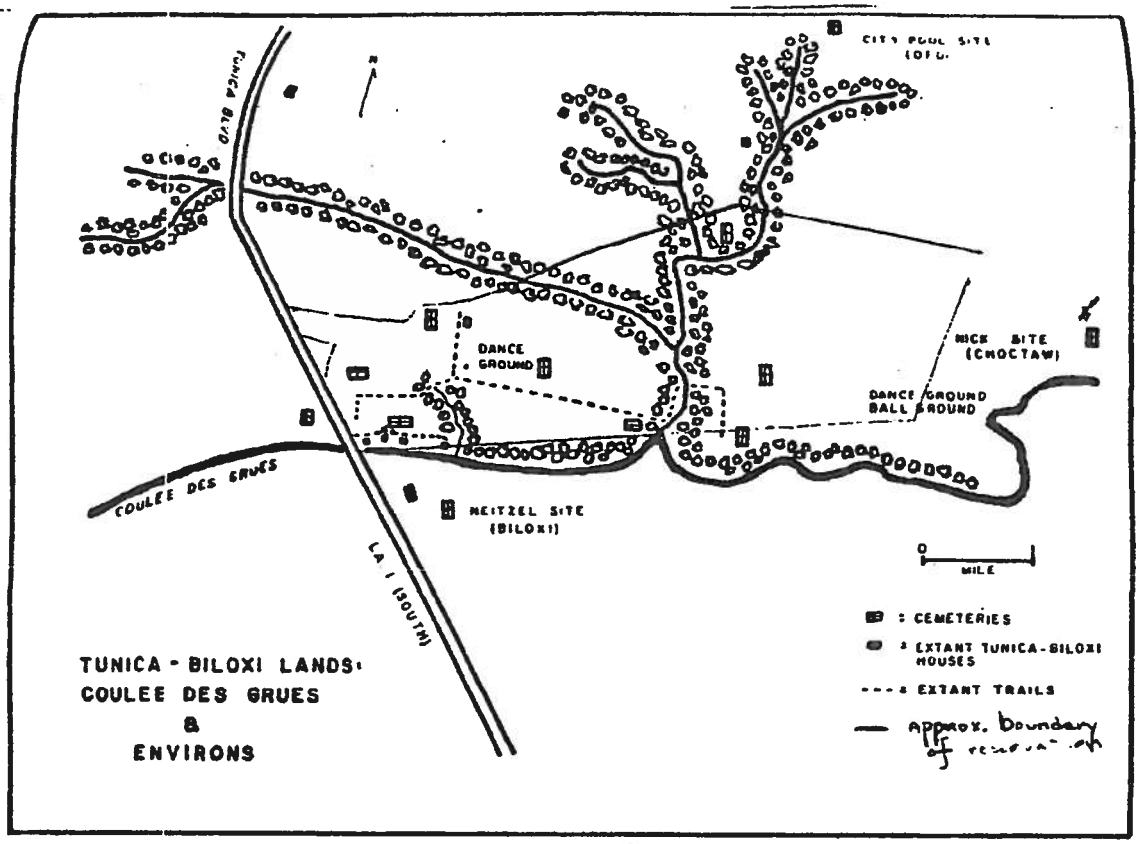
Reservation" and it is not taxed by local or other authorities (Avoyelles Parish 1979). The 1848 compromise on which the current status is based is supposed to be recorded in the courthouse. No copy was provided with the petition, but portions were quoted in a recent report concerning the tribe (NARF 1979).

No exact figure for the size of the reservation was available. The figure of 130 acres is most commonly use by the Tunicas, although 1930's Bureau correspondence refers to 127. A small section of land was taken by the state in 1967 for the widening of a highway (Downs 1979). The money for it remains in a bank account because the court involved evidently stated that it could not determine to whom the money was to be paid. According to the Tunicas, a process of slow encroachment has continued, hence the boundaries shown on the tax map may no longer accurately show actual occupation. Currently there are three occupied houses left in the village, and one unoccupied one. All of the occupied houses are at the "front" along the highway. In 1974 there were six occupied houses (Medford 1974). A double-wide trailer for use as a commmunity center, with attendant facilities, has recently beeen placed on the land. The land has not been farmed by group members for some years, but has been leased out.

Nineteenth century reports, discussed above, indicated that the land, which was clearly communally held, was parceled out by the chief to families for use in farming. Hunting rights were in common. Pecan trees for harvesting were held individually. Gregory (1978) reports there were nonfarming areas set aside as dance and ceremonial grounds. Families also held small areas as family cemeteries. Those were evidently held permanently. At some undetermined later point, probably in the late 19th century, land division was determined through an agreement made in a community meeting of some kind. Informants speak of the division in effect until recently as having been made long ago, but it appears that is was adjusted from time to time as needs dictated. Underhill (1938) reported a division into five parts, among Sesostrie Youchigant, Eli Barbry, one of Barbry's sons, Joe Pierite, Sr. and Horace Pierite, Sr. Youchigant was probably granted land in the late 19th century when he moved up from Bayou Rouge. These are viewed as family "assignments." It appears that in later years at least, not all families participated in the land assignments.

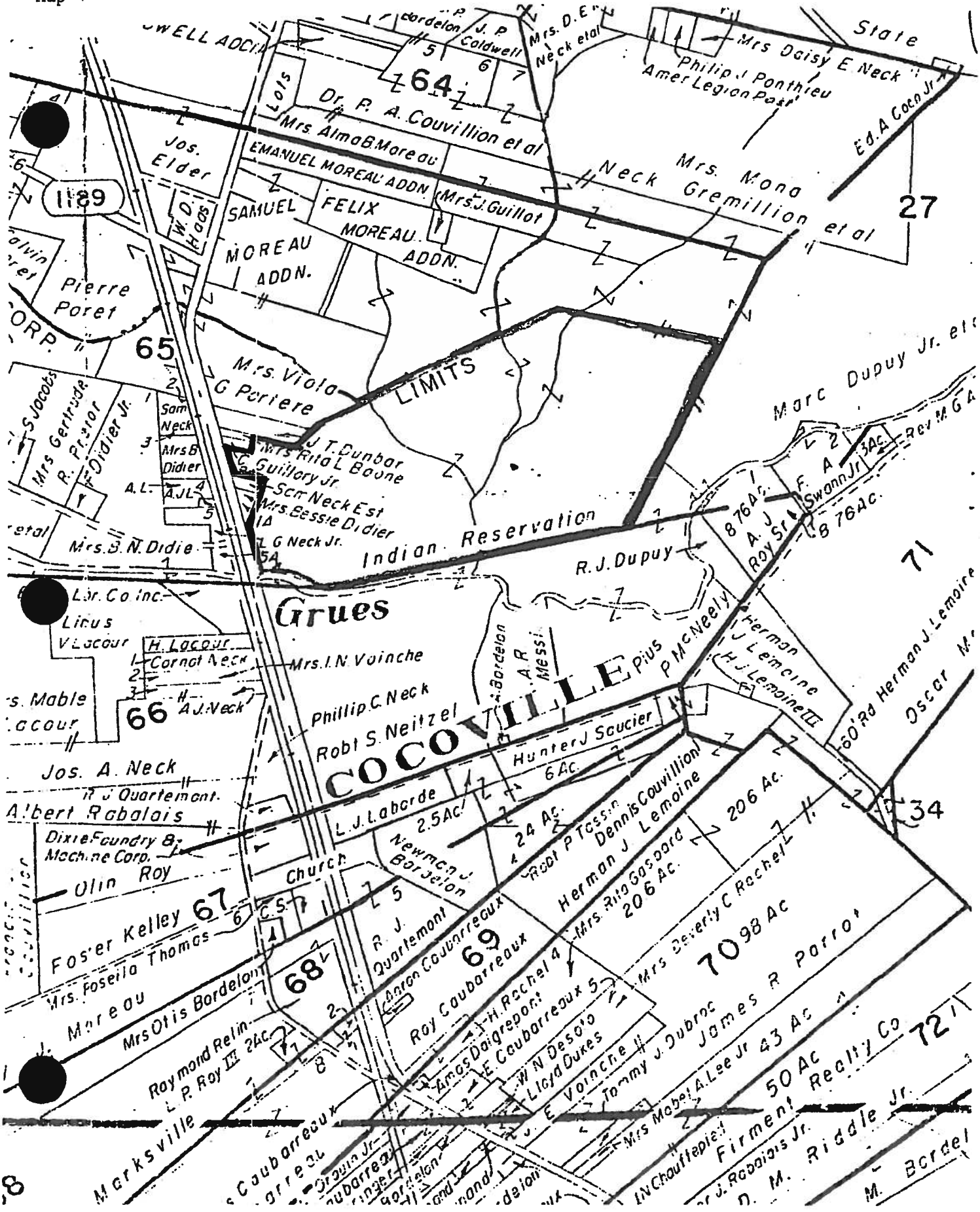
In recent years, the families holding the areas have leased them individually, collecting the lease money. In a 1979 tribal council action, the "assignments" were revoked and the council asserted it would do the leasing and distribute the money to needy older members.

Map 3



From: Gregory 1978
(Approximate boundary of reservation added)

Map 4 From: Current Tax Assessor's Map, Avoyelles Parish, Louisiana



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Field Data (F.D.)

The Tunica-Biloxi community at Marksville, Louisiana was visited on November 2-7, 1979 for the purpose of verifying and adding to the information submitted in the Tunica-Biloxi petition.

DEMOGRAPHIC REPORT ON THE TUNICA BILOXI INDIAN TRIBE

INTRODUCTION

The purpose of this report is to provide some general demographic data on the Tunica Biloxi Indian Tribe regarding the group's present socio-economic status. Included is a discussion of the group's present day membership, education, housing, economic activities, language and land.

SOURCES

Most of the information included is obtained from a review of secondary source literature including: Overview: Louisiana Economy (hereafter cited "Louisiana Economy') by Louisiana Department of Commerce, Office of Commerce and Industry, 1978; Statistical Profile of Avoyelles Parish, (hereafter cited as "Statistical Profile"), by Public Affairs Research Council of Louisiana Inc. 1973; Louisiana Indian Community Development Grant, (hereafter cited "Indian Affairs") (Final Report), by Louisiana Division of Indian Affairs; Indians of Louisiana, (hereafter cited "Indians"), by Louisiana Division of Indian Affairs, Department of Urban and Community Affairs, 1977; Economic Survey of American Indians in Louisiana, (hereafter cited Roy and Leary), by Ewell P. Roy and Don Leary in the "American Indian Journal," January, 1977; The Elderly Indians of Louisiana and Their Needs, (hereafter cited "Elderly Indians") December 1, 1975 by the Louisiana Health and Human Resources Administration, Office of Indian Affairs; Federal United States Census data of 1970, information provided by the Inter-Tribal Council of Louisiana and the petition for Federal acknowledgment of the Tunica-Biloxi Indian Tribe.

The source most frequently used is the "American Indians of Louisiana: An Assessment of Needs," (hereafter cited as GSRI Survey) by the Gulf South Research Institute, Baton Rouge, Louisiana, 1973.

No attempt is made to evaluate the methodology or findings of the sources cited. This report is limited to a review of the research which is available regarding the present-day character of the group.

NOMENCLATURE

The name of the petitioning group is the Tunica-Biloxi Indian Tribe. The group is incorporated as the Tunica Biloxi Indians of Louisiana, Inc.

MEMBERSHIP

Two hundred and three names were originally submitted with the petition as members of the Tunica-Biloxi Indian Tribe. Of those two hundred are included in this report. Three names were excluded because of being listed twice or being

erroneously listed. Later those three names were deleted by the group. An additional five names which were submitted by the Tunica-Biloxi at a later date were not included in this report.

Membership requirements are set forth in Article VII of the Articles of Incorporation. According to the petition, the membership rolls were frozen on May 7, 1978, "until after action is taken on the Federal recognition petition." Although the petition includes 200 names as members of the Tribe, the "Indian Affairs" report estimates 350 members and the Roy and Leary report estimates there are approximately 600. We are unable to determine the reason for the discrepancy.

The Tunica are listed as one of five major Indian communities in the State by the State's Office of Indian Affairs in the "Elderly Indians" report. Other groups listed include the Chitimacha, Coushatta, Choctaw and the Houma.

The total number of Indians in Louisiana is estimated by different sources: the 1970 Census, 5,294; GSRI Survey 6,000-7,000; and the "Indian Affairs" report 9,000.

According to Roy and Leary the Tunica-Biloxi Tribe represents 3.7 percent of the total Indian population counted in the 1970 census. Ninety-one (91) members of the Tribe live in Louisiana; 90 in Texas; 15 in Illinois. Four live in other states.*

Most of the tribal members live in Louisiana and Texas and migration from these two areas appear to be quite limited. Of the ninety-one members residing in Louisiana, fifty-nine or approximately 65% live in either Avoyelles or neighboring Rapides Parish. The major focal point of the Tribe is located in the Marksville-Mansura area in Avoyelles Parish with varying reports of between 2 and 7 families residing there.

Of the 199 members listing place of residence, 143 or 73% live in counties which are considered to be within standard metropolitan statistical areas in and around cities. Membership information from the petition, GSRI Survey and 1970 census indicate the number of Indians reported residing in Louisiana. Strong similarities appear for Avoyelles Parish and a wide discrepancy for Rapides. The census and GSRI Survey information is limited, however, as both were compiled in earlier years and neither makes a distinction between tribal affiliation, rather as Indian residents in those locations. The GSRI Survey includes approximately 60% of the Indian population counted in the 1970 census, but claims to be representative of the entire Tribe. A total of 63 Tunica-Biloxi Indians residing in Louisiana were sampled in the Survey.

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*Two members in California, one in Washington and one in Florida.

Parish in Louisiana	1970 Census	GSRI Survey	Tunica-Biloxi Petition
Avoyelles	33	32	34
Rapides	121	5	25

Of the 90 members residing in Texas, 53 or approximately 59% live in Harris County in the City of Houston or surrounding communities. 56% of the total membership reside in Avoyelles and Rapides Parish in Louisiana or in Harris County in Texas.

Unlike other Indians and non-Indians in Louisiana there appears to be more males in the Tunica-Biloxi Indian community than there are females. This conclusion is supported by both the membership list and the GSRI Survey.

A breakdown by sex of the Tunica-Biloxi tribal roll can be compared with the GSRI survey of Tunicas, with a survey of Indians in Louisiana, and with the total population of the state as follows:

	Tribal Roll	GSRI Survey	Indians in Louisiana	Total Population of State
Males	54.27%	58.73%	49.44%	48.63%
Females	45.73	43.27	50.56	51.37

The median age of the Tribe is 36 years. The Roy and Leary report also notes the highest incidence of elderly people (60 years of age and over) is found among the Coushattas and the Tunica-Biloxi members living in Louisiana.

According to the petition, the age breakdown of tribal members is as follows:

AGE GROUP	NUMBER OF PERSONS	PERCENTAGE OF TOTAL POPULATION
0-5 yrs	3	1.5
6-10	8	4.0
11-15	16	8.0
16-20	31	15.5
21-30	27	13.5
31-40	42	21.0
41-60	49	24.5
Over 60	20	10.0
No Age Specified	4	2.0
Total	200	100.0

Explanation for the high median age for members may be that membership rolls were closed from May 7, 1978, until the Federal recognition process is complete

and children born since that time are not included on the rolls. Another explanation may be a delay by adult members in enrolling their children. Some children of enrolled members may not be eligible for membership because of blood degree requirements for membership. Other factors may be lower birth rates in recent years and there are actually fewer young members.

Comparing the membership rolls to the GSRI Survey, the petition indicates 13.3% of the Tribe are 15 years or younger and the GSRI Survey lists 33% of the Tribe as 15 years or younger. A factor which may contribute to the discrepancy include the membership list was submitted in 1978, and the GSRI Survey was completed in 1973. It is not clear if those included in the GSRI Survey are limited to enrolled members of the group, or if it includes children of enrolled members who are not actually listed on the membership rolls.

The GSRI Survey indicates that the average tribal household contains 3.25 members as compared to 4.17 per household for other Indians in Louisiana and 3.54 for the total Louisiana population. This may be a result in part due to the large number of Tunica-Biloxi persons which are reported as living alone.

EDUCATION

The average education levels of all persons residing in Louisiana is far below national averages. The median years of education for all persons in the United States is 12.1, 10.8 for all persons in Louisiana and 8.6 for those living in Avoyelles Parish.

Literacy is low among the Tunica-Biloxi adults. Approximately 32% are incapable of either reading or writing. According to the Roy and Leary report, of the Indian groups in Louisiana studied, the Houmas, Coushattas and the Tunica Biloxis are the least skilled in reading and writing abilities and "these skills are closely related to the school facilities, discrimination against, and rurality of the respective tribes."

A large percentage of the Tribes membership has not received any kind of formal education and is, in part, reason why the median educational level is below other groups in the United States. The GSRI Survey provided the following information about the tribal members with no schooling:

PERCENT OF TOTAL POPULATION
WITH NO FORMAL SCHOOLING

Tunica-Biloxi Members	40.0 %
Avoyelles Parish	6.0
Louisiana	3.9
United States	1.6

The GSRI Survey reported the educational levels of heads of households of members of the Tribe. Fifteen heads of Tunica-Biloxi households were surveyed in Louisiana. The results of the survey are as follows:

Amount of Education	Number of Respondents
Attended grade school	10
Attended high school	3
Attended vocational-technical school	2
Attended college	0
	15

The GSRI Survey indicates only 60% of the Tribe has any kind of formal education and 48% of the adult Indian populations in Louisiana has a formal education at levels higher than grade school.

The Indian community in Marksville has received Indian education funds through the Title IV Part A, Indian Education Program to conduct the business of an Indian Parent Committee. These funds are used to assist Indian children enrolled in the schools in Marksville where approximately 30% of the tribal members reside. Some members of the Tribe participate in these meetings. A grant application for these funds was also made in Harris County, Texas, were approximately another 27% of the membership reside. In order to qualify for assistance, an Indian Parent Committee must be formed to work with the local school board. The grant is awarded to the school district. Thus, the extent of involvement and services received by the tribal members has not been determined. Neither of these grants under Title IV are granted to the local Indian community.

The Louisiana Division of Indian Affairs obtained an Indian Personnel Training Program grant for improving Indian management capabilities, administrative and accounting skills for purposes of improving the ability of Indians in Louisiana to manage their own affairs. The extent of involvement by the Tribe has not been determined, but these kinds of programs can be beneficial to the Tribe. Some members of the Tribe are participating in adult education courses.

HOUSING

Housing conditions for tribal members in Louisiana were surveyed in the GSRI report. The average family size is 3.25 members. Forty-three percent of all Indian residents in Louisiana stated they felt their homes were inadequate according to the GSRI Survey, while only 8% of the Tunica- Biloxi consider their homes to be adequate.

The average number of rooms per dwelling for members of the Tribe is 4.08 compared to all Indians in Louisiana of 5.28. The ratio of rooms per person for the Tribe is 1.25 compared to 1.26 for all Louisiana Indians.

According to the GSRI Survey 12 heads of Tunica-Biloxi households, or 52% of the 23 persons reporting housing information own their own homes, while the remaining 11 heads of households or 48%, rent their housing. This is the lowest incidence of home ownership among any of Louisiana Indians.

The Roy and Leary report indicates the Tunica-Biloxi is the most disadvantaged in the area of housing and tend to rent smaller houses for lower rent than other Indian communities in Louisiana. Since this report was completed inn 1973, the Tunica-Biloxi have made application for funding in fiscal year 1977 for a Housing Rehabilitation Program through the Community Development Block Grant Program. A grant of $65,000 was awarded. An estimated 10-15 substandard dwellings were scheduled to be rehabilitated in accordance with building codes. The project is geared towards homes within the reservation but also includes homes of members who reside in surrounding areas. Low income occupants, unable to finance repairs on their homes, are eligible for assistance up to $5,000 on each dwelling. According to reports by the Tribe, only one family actually qualified for the housing rehabilitation. We were unable to obtain information concerning plumbing, heating facilities, weatherization, kitchen facilities and other housing conditions for the Tribe.

ECONOMIC ACTIVITIES

The personal per capita income in Louisiana ranks 41st in the nation with an average estimated per capita income in Louisiana during 1977 of $5,950. The average age of persons in the labor force in the State of Louisiana is younger than the rest of the nation at 26 years compared to 28 years, according to the "Louisiana Economy" report.

The median income as reported in the 1970 census in 1969 for all residents in Marksville is far below other population groups:

Population	Median Income in Dollars
UnitedStates	$9,590
Louisiana	7,530
Avoyelles Parish	4,435
Marksville	4,422

Eighty percent of those Tunica-Biloxi reporting income earned $3,000 or less annually. Low income levels of the Tribe in Louisiana can be known as follows:

Income Class	Number of Respondents
under$3,000	20
$3,000 to 4,999	2
$5,000 to 6,999	2
$7,000 to 8,999	-
over $9,000	1

The status of the labor force in Marksville is reported in the 1970 census as 88% of the entire labor force being employed and 12% unemployed.

Of the 63 persons included in the sample of the Tunica-Biloxi Tribe, 27 were identified as income producers. Fourteen were employed and 12 were unemployed. No reason is given for the discrepancy for the figures of 27 income

producers and the status reported on 26. The unemployment rate is extremely high. Forty six percent (46%) of the labor force is unemployed.

No information is available as to the source of reported incomes, (public assistance, gainful employment, part-time, seasonal or full-time employment). The only information available as to the types of employment possessed by tribal members is in the Roy and Leary report which states occupational skills of the Tribe include handicrafts such as weaving baskets and selling some arts and crafts. The GSRI report indicates the "lack of education compounds and prolongs the economic deficiencies occurring among Indians in Louisiana."

In Avoyelles Parish where the largest concentration of the tribal members reside, the major sources of employment are:

Industry	Percentage of Total Population
Agriculture (Forestry & Fisheries)	14.6
Construction	13.8
Manufacturing	8.9
Education	8.2

The basic goal of the group according to this report, is for the group to obtain recognition and assistance to alleviate their economic situation.

No other information appears available as to the types of occupations possessed by those surveyed, length of employment, distances traveled to work or perceptior by tribal members of discrimination in employment.

LANGUAGE

All of the tribal members speak English or French. Some of the Tunica language is remembered by some of the elders of the Tribe.

LAND

The Tribe holds in common approximately 130 acre tract near the corporate limits of Marksville, Louisiana in Avoyelles Parish. Avoyelles Parish has acknowledged the Indian title and exempts this land from property taxes.

A community center is located on the tribal land and the group received a community development block grant in fiscal year 1977 for the construction of recreation facilities adjacent to the center. The Tribe also received grants to hard surface the existing road leading to the community center.

SUMMARY

The Tunica-Biloxi Indian Tribe appear to have characteristics of other disadvantaged groups. Incomes are low, housing is substandard and low education levels prevent upward movement in the job market.

The Tribe is a small group with approximately 200 members living in two general areas in Louisiana and Texas with the Marksville-Mansura area being considered as the tribal homeland. There are more males than females and the median age appears to be high.

The Roy and Leary report recommends the following for improvement of the socio-economic condition of the Indians in Louisiana.

1. Better articulation of their problems by Indian people actively expressing their needs.

2. Better recognition and identification of Indian problems by police juries, school boards and public agencies (local, parish, state and federal).

3. Better preparation in applying for and receiving state and federal loans, grants and other assistance.

4. Increased self-help projects for Indian people and cooperation among tribes.

The GSRI Survey suggest that the socio-economic problems of Indian people in Louisiana can be alleviated by making the public more aware of the Indian population in the state and their status in society, advancing economic development of the groups by assisting groups in obtaining grants and by increasing the State Indian Commissions responsibilities in state wide planning for Indian groups. The report indicates a need to collect more complete and comprehensive data in areas such as housing and education and increase the size of the staff of the State Indian Commission.

GENEALOGICAL REPORT ON THE TUNICA-BILOXI INDIANS OF LOUISIANA

Active consideration of the petition for Federal acknowledgment of the Tunica-Biloxi Indians of Louisiana began on February 2, 1979. At that time it was noted that none of the information needed to process the genealogical portion of the petition had been received. In spite of assurances that the information would be forthcoming promptly, substantial delays were experienced in receiving the materials. These delays necessitated the extension of the consideration period.

Research was designed to determine whether the group met the genealogical portions of the seven mandatory criteria; to corroborate genealogical information provided by the tribe using Federal, state and local records and recognized published sources; and, to determine whether the members met the group's own membership criteria. For the purpose of this report, the Tunica-Biloxi Indians will be considered collectively rather than through consideration of the various bands which have historically associated with the group.

FINDINGS

The Tunica-Biloxi Indians of Louisiana are determined to have met each of the mandatory criteria found in Sections 54.7(d)-(g) of 25 CFR 54, as well as that portion of 54.7(b) which relates to the descent of members from a historical tribe or tribes which inhabited a specific area.

Tribal affairs and membership are governed by the Articles of Incorporation of the Tunica-Biloxie Indians of Louisiana, Inc., adopted October 26, 1974. Articles VII and VII(I), specifically relating to tribal jurisdiction and membership, are quoted below.

Article VII - Jurisdiction

> The jurisdiction of the Tunica-Biloxie shall extend to any parish where any Tunica-Biloxie tribal member may reside and particularly to any lands held or hereafter acquired by or for the Tunica-Biloxie Indians of Louisiana, Inc.

Article VII(I) - Membership

> The membership of the Tunica-Biloxie Indians shall consist of:
>
> 1. (a) All Tunica-Biloxie Indians who are living in the territorial limits as defined by Article VII and who at the time of the ratification of this document, possesses one-fourth (¼) or more Indian blood, including any persons on the tribal roles at the time of the ratification of these articles.
>
> (b) Any child of one-fourth (¼) or more Indian blood born to any enrolled member of the tribe after the approval of this constitution shall be entitled to membership.

2. The tribal council shall have the power to pass ordinances governing future membership, loss of membership, and the adoption of new members.

3. The burden of proof rests upon the applicant to establish his eligibility for enrollment.(1)

No ordinances governing future membership, loss of membership, or the adoption of new members were submitted to the Acknowledgment staff for consideration.

The Tunica-Biloxi petition did not contain sufficient genealogical information as initially submitted. This deficiency was noted in a letter to the petitioner when the petition was placed under active consideration on February 2, 1979.(2) Specific items missing were genealogical charts tracing the ancestry of individual members and a membership roll which included some means of identifying members listed.

A total of four membership rolls were provided by the petitioner. Two rolls were initially submitted with the petition. The earliest, prepared in 1969,(3) contained 207 members and was divided into two sections:

Avoyelles Parish (Tunica-Biloxi-Ofo-Avoyel)	142 members
Rapides Parish (Biloxi-Choctaw)	65
	(207)

Based on the headings, the first assumption is that all of the 142 members shown as Tunica-Biloxi-Ofo-Avoyel were living in Avoyelles Parish in 1969. Such was not the case as some listed were actually residing in Texas and Illinois as well as other Louisiana parishes. The second interpretation, and the one finally adopted by the staff genealogist, was that these designations were used to classify members by descent from historical Indian blood lines and to identify the community or parish origin of these Indian blood lines. It should be noted that Avoyelles and Rapides parishes share a common boundary.

The second roll, prepared in July 1978, contained 199 members.(4) This roll appeared to have been prepared from the 1969 roll by simply adding and subtracting subsequent births and deaths. Both of the above rolls were inadequate for genealogical purposes because they contained only the names of individual members and no other means of identification.

Two revisions to the 1978 membership roll were submitted. The first revision, dated January 1, 1979, and received in July, was inadequate in the following areas:

No address	152 members	76.0%
No birth date	98	49.0
No parents	21	10.5
No given name or sex	9	4.5

(Note: Percentage calculations are based on 200 members)

The second and final revision was received on January 8, 1980. This revision, approved by the tribal council on December 2, 1979, contained several additions and deletions from the earlier revision, but was essentially complete in all areas.

"In a meeting on May 7, 1978, the membership standards as printed in the articles of incorporation were reaffirmed by the tribal council. At that time, it was determined that the tribal rolls would be frozen as they stand, until after action is taken on the Federal recognition petition. . . ." (5) For the purpose of this report, a total membership figure of 200 has been used. This figure takes into account all of the deletions but none of the additions subsequently made to the July 1978 roll. (All percentage figures used are based on a total membership of 200, unless otherwise noted.)

Genealogical charts tracing the ancestry of individual members were not included in the initial petition. Charts for 31 of the group's 200 members were received in July. Eleven additional charts were specifically requested by the staff. Of these, eight were received on January 8 and three on March 11, 1980, bringing the total members charted to 42 (21%). The lack of charts would have presented a greater problem if the second revision of the membership roll had not included so much vital information on members and their parents.

Four elements are basic to a determination that the Tunica-Biloxi Indians have met the mandatory criteria relating to genealogy: 1) that they are Indian; 2) that they descend from a tribe or tribes which existed historically and inhabited a specific geographical area; 3) that their descent can be substantiated using evidence acceptable to the Secretary of the Interior; and, 4) that the members meet the tribe's own membership criteria. Elements one and two are so closely tied to one another that they, of necessity, are dealt with together under the heading of "Indian Ancestry." Elements three and four are discussed under "Documentation" and "Membership Criteria," respectively.

Indian Ancestry

Five sources were available which identified current tribal members, their relations, and/or ancestors as Indian: Ruth M. Underhill's "Report on a visit to Indian groups in Louisiana, Oct. 15-25, 1938"(6); James Owen Dorsey's list of "Biloxis in Rapides Parish, La." of 1892 and 1893(7); the 1900 Federal Population Census; pre-1900 church records submitted as genealogical documentation; and, testimony taken in the Sesostris Youchican v. Texas and Pacific Railway Company court case in 1915(8).

All of the above were used together to determine the Indian ancestry of current members. The fact that all sources are substantially consistent with one another has added credibility to each.

The Underhill report (prepared by Ruth M. Underhill, then Associate Director, BIA Office of Education) lists the names of 28 Indian children and adults interviewed in Marksville, Louisiana, in October 1938. This list contains first and last names only and the order in which the names appear is not always representative of individual family groupings. In an effort to validate the list, an

approximate age was determined for each person listed and whether one or more individuals of the same name might have been present in the tribe at that time. Twenty-four of the 28 names listed could be reasonably identified as current members or their ancestors: twelve are still living and on the current roll; eight are deceased; four are presumed dead based on estimated age. The remaining four names could not be identified with any degree of certainty and were, therefore, not used in the study.

Anthropologist James Owen Dorsey's list of "Biloxis in Rapides Parish, La." (hereinafter referred to as the Dorsey report) was based on research conducted for the Bureau of American Ethnology between January 21 and February, 1892 and February 4-25, 1893. This list includes the names of 16 Biloxis. At least three of the 16 names can be reasonably identified as ancestors of currently enrolled members. Mr. Dorsey's research confirmed information collected in 1886 by anthropologist Dr. Albert S. Gatschet. This information was also later substantiated by research conducted in 1907, 1908, and 1910 by anthropologist Dr. John R. Swanton.

Contrary to a statement which appears on page 99 of the petition, all members could not "prove descent from one of the Indians on the Underhill list." One hundred and thirty-four of the current 200 members could prove descent from the Underhill list; another 52 could prove descent from the Dorsey list. Of these, some persons are old enough to have actually been included in the lists while others can be expected to trace descent directly to an ancestor who appeared or to the ancestor's sibling.

The 1900 Federal population census was particularly useful in identifying Indian ancestry since separate enumerations (Indian schedules) had been made of families composed mainly of Indians. Predominantly non-Indian families were reported entirely on the general schedules.

The significant difference between the Indian and the general schedules lies in the nature of the additional questions asked of Indians. For each Indian enumerated, information was recorded regarding his native tribe as well as the native tribe of each parent; whether he had any white blood and, if so, how much; if married, was he living in polygamy; was he taxed; the year in which he acquired citizenship and how; and whether he was living in a fixed or movable dwelling. Answers to these special inquiries were judged reasonably accurate since there were more disadvantages than advantages to being identified as Indian in 1900.

Ten Indian households, totaling 32 Indians and 5 non-Indians, were enumerated in the 1900 Indian census schedules for Avoyelles Parish Precinct 1 and six totally Indian households (25 persons) for the Spring Hill District, Ward 4 of Rapides Parish.(9) Six of the eight early or historical families discussed below are clearly visible among those enumerated as Indian in 1900.

Historical families were identified from the mid-1800's to the present using court testimony, reports prepared by anthropologists and historians, recorded documents, and the 1900 Federal population census. Families present in 1980 are

essentially the same as were present in 1900, with the exception of one line which does not appear to have descendants among the current group. As shown in the chart below, descendants of at least five of the eight historical families are still present in substantial numbers within the group's current membership.

Distribution of Descendants
of Historical Families

Surname	No. Descends.
Pierite	28
Chiqui/Chiki	97
Jackson	70
Barbry	53
Constant/Constance	44
LeSeur/LeSore	6*
Picote	1*
Youchican(t)	unknown

*unconfirmed

Of the total membership of 200, approximately 39 members are expected to be able to establish descent from at least four historical families, another 29 from three families, and yet another 81 from two families. For 14 members, insufficient information was available making it impossible to speculate on the extent of their descent. The balance of the membership is expected to be able to establish descent from at least one historical family.

Intermarriage among tribal members appears to have been more common around the turn of the 20th century and just before. By the 1930's, marriage to non-Indians was more frequently the case, though several members did intermarry with Indians of other tribes. Intermarriage among at least seven of the eight early historical surnames can be reasonably substantiated. Some surnames have married within the tribe more often than others (i.e. Pierite 9 times, Jackson 7, Chiki 6, Barbry 4, Constant 2, Youchican(t) and LeSeur 1 each).

Documentation

Most of the documentary evidence submitted took the form of official certificates of birth (10), death (9), and marriage (2) issued by state and Federal agencies. Church records accepted included eight baptismal certificates and one marriage record. Other evidence included an application for burial from a cemetery, three affidavits from tribal members, and an extract from the 1910 Federal population census prepared by the Department of Commerce. In several cases, the party or parties involved had been identified in the record as Indian, though no designation of tribal affiliation was included.

The records received from three separate Catholic churches in Avoyelles Parish were especially interesting and represent an area where additional research would undoubtedly uncover considerably more genealogical data. Baptisms documented by these records occurred between 1895 and 1920.

All of the documents discussed above represent specific materials requested by the Acknowledgment staff in accordance with an established genealogical selection procedure. For a detailed discussion of this procedure and its application to the Tunica petition, refer to page 9 of the Methodology section of this report.

Membership Criteria

The jurisdiction of the Tunica-Biloxi Indians of Louisiana, as defined in Article VII of their present governing document (adopted October 26, 1974), extends "to any parish where any Tunica-Biloxie tribal member may reside. . . ." Parish as used in Article VII, is interpreted to mean anywhere within the United States. While the word "parish" is unique to the State of Louisiana, it is the equivalent of a county found in other states. Evidence that the group intended this broad interpretation is substantiated by the following documents:

(a) 1969 membership roll, prepared prior to the approval of the governing document, which includes members living outside the State of Louisiana (pp. 114-119 of the petition). (This roll is described in greater detail on page 2 of this report.)

(b) letter to an unidentified Mr. Dogget from Chief Joe A. Pierite, dated July 2, 1965, which identifies tribal members living within the State of Texas (pp. 120-122 of the petition).

Section 1(a) of Article VII(1) extends membership to " . . .any persons on the tribal roles at the time of the ratification of these articles. . . ." Eligibility for membership was based on being on the group's roll as of October 26, 1974, when the governing document was ratified. The 1969 membership roll was in effect at the time of ratification; variations between it and the current roll, dated January 1, 1979, and certified by the tribal council on December 2, 1979, can be traced to births or deaths which have occurred in the interim.

Section 1(b) extends membership to children of one-fourth or more Indian blood born to enrolled members subsequent to the approval of the constitution. Though the Acknowledgment regulations do not include a requirement relating to blood degree, the subject is discussed here because Section 1(b) of the group's constitution raises the question.

Eligibility based on one-fourth or more Indian blood could not be verified with available information. The tribe has the authority to determine its own membership and the membership roll certified by the Tunica's tribal council did not include blood degree information. Since the tribe had never been actively involved with the Federal Government, there were no Federal rolls or other records which could be considered reliable for the purpose of verifying blood degrees of tribal members. The explanation offered by the group's attorney for the lack of this information was that "Blood quantum estimates have not been shown, because there is considerable dispute within the tribe over the blood quantum of certain key people. A number of the members married Mexicans of Indian descent, and the tribe has not yet determined how to calculate the blood quantum of the offspring of these marriages. . . ."(10)

Observations

There appears to be no correlation between the member's place of residence and the tribe's ability to provide genealogical information on the member. A review of the addresses of members for whom no charts were submitted shows that charts were missing for almost as many Louisiana members as Texas members.

Ninety-one of the tribe's 200 members live in Louisiana (59, close to tribal lands, in the adjacent parishes of Avoyelles and Rapides). Slightly more than half of the tribe (109) lives outside the State of Louisiana: 90 within the State of Texas (55 in the Houston area); 15 in the Chicago, Illinois, area (two siblings and their families); 4 elsewhere in the United States.

Statistics show that the parent(s) of two-thirds (59) of the 90 members now living in Texas were born in Avoyelles or Rapides parishes. Twenty-three of the 59 members were themselves born in Louisiana: 11 in Avoyelles or Rapides parishes; 7 in Elizabeth (Allen Parish), approximately two miles from the Rapides Parish boundary; and 5 elsewere in Louisiana. The majority of those residing in Texas are the descendants of members who were born in or near Marksville, who moved to Texas in the 1930's and raised substantial families which have remained in Texas. Though only one of the 15 members living in Illinois was born in Marksville, these people represent the descendants of two siblings (both born in Marksville), only one of whom is still living. Two of the four members living in other parts of the United States were born in Louisiana (one in Marksville).

Three of the four elected council members reside in Avoyelles or Rapides parishes; the fourth lives in Texas. Of these same council members, three were born in Marksville; the fourth in Elizabeth, just across the Rapides Parish line.

A cursory review was made of major family lines in order to determine whether entire families or portions of families had emigrated from the Marksville community. While a few families appear to have left as a group, other families appear to have split with some children moving to Texas or Illinois while others in the same family remained in the Marksville area or moved elsewhere in Louisiana. In at least one family, two siblings born in Texas in the 1930's, have moved back to Marksville.

The death certificate of a Texas Tunica (born in Marksville, died in Houston, and buried in Marksville) suggests that family ties between non-resident and Marksville members were strong. Other obituaries, which appeared in the local newspaper (Alexandria Daily Town Talk), further indicate this. Due to the nature of the deadlines for consideration of this petition, however, this question was not pursued further. Notwithstanding this, the result of such a search would not significantly affect the determination for the existence of the Tunica-Biloxi tribe.

METHODOLOGY

Charts

Extensive family tree charts were developed by the staff genealogist to illustrate family lines and the intertribal relationships of almost all members on the petitioner's roll. Additionally, twenty individual families were separately charted in an effort to localize vital information for further study.

Genealogical data was extracted from a variety of sources and entered on the charts for comparison and validation. The following sourses were utilized:

- Membership roll of the Tunica-Biloxi Tribe, dated January 1, 1979, *certified by Tribal Council December 2, 1979;*
- Genealogical charts provided by petitioner;
- Kinship charts prepared by Ernest C. Downs in conjunction with H. F. Gregory;
- Underhill report, 1938;
- Dorsey report, 1892-93;
- Indian schedules of 1900 Federal population census, Avoyelles and Rapides parishes;
- Albert S. Gatschet's notes, 1886;(11)
- Dorsey & Swanton, A Dictionary of the Biloxi and Ofo Languages, BAE Bulletin 47, 1912;(12)
- Swanton's Indian Tribes of the Lower Mississippi Valley. . ., BAE Bulletin 43, 1911;(13)
- Swanton's *The Indians of the Southeastern United States*, BAE Bulletin 137, 1946;(14)
- Haas' Tunica Dictionary, 1953;(15)
- State of Louisiana v. Fulgence Chiqui, 1896;(16)
- Sesostris Youchican v. Texas & Pacific Railway Company, 1915;
- Claude Medford's "TUNICA-BILOXI Marksville, Avoyelles Parish and THE BILOXI CHOCTAW Lecompte, Rapides Parish LA," 1974;(17)
- Wes White's letters regarding the Tunica-Biloxi Indians, July 7, 1979, and March 4, 1980;(18)

- Miscellaneous affidavits and other information contained in the Tunica-Biloxi petition;
- Ernest C. Down's "The struggle of the Louisiana Tunica Indians for Recognition," 1979;(19)
- Consultations with Ernest C. Downs;
- Personal interview with several members of the Pierite family;
- Frequent consultations with staff anthropologist;
- H. F. Gregory's "A Historic Tunica Burial at the Coulee des Grues Site in Avoyelles Parish, Louisiana;"(20) and,
- Corrine L. Saucier's History of Avoyelles Parish, Louisiana, 1943.(21)

The Genealogical Selection Process

Documentation of the Tunica-Biloxi petition was handled in accordance with an August 30, 1979, policy letter(22) which modified the procedure for handling the genealogical portion of petitions. These modifications were instituted to facilitate the submission and processing of petitions and to relieve the burden of providing genealogical documentation for every member of the tribe.

The petitioner was instructed not to send genealogical documentation (birth certificates, marriage licenses, and like materials) until requested by the staff. Following a review of their stated membership criteria, their past and present membership lists, and their genealogical charts, they were asked to provide specific documentation for selected family lines. Five of the seven historical family lines still present in the tribe were verified using three separate selection requests for genealogical documentation.

The first selection request(23), made in October, was limited to charts for specific individuals or families for whom relationships were unclear or for whom additional data was needed. Though no attempt was made to choose members to be charted based on their residence away from Marksville, most of those selected happened to live in Texas. At this time, a request was also made for a revised membership roll which would provide addresses as well as some information on the date and place of birth and the parents of each member since the two lists contained in the petition included only names, but no other identifying information.

The second genealogical selection(24) was requested in January following receipt of the revised roll and nine of the 11 charts which had been requested in October. This selection gave special attention to verifying and documenting areas considered vital to the petitioner's claim that its membership descends from an Indian tribe or tribes which existed historically and inhabited a specific area. Of particular interest were parental and sibling relationships to ancestors identified

as Indian on the Underhill and Dorsey reports; the lineage of several members of the current tribal council; early marriages within the tribe; and family relationships claimed by the petitioner and selected members. Twenty-two documents, primarily birth and death certificates and a few marriage certificates, were initially requested.

The third and final selection was made by telephone in March after receipt of most of the above documents. This selection requested five baptismal records. These records were selected to verify conflicting information received as a result of the second selection, to validate 1900 census data, and to confirm descendancy.

For a discussion of specfic documentation received in response to the above genealogical selection requests, refer to page 5.

Field Trip

A field trip was made to Louisiana during the week of November 4-8, 1979. This trip included research in Marksville in the Avoyelles Parish Courthouse and an interview with several members from the Pierite family line; research in Baton Rouge in the Louisiana State University library and archives, the State Archives and Records Commission, and the Division of State Lands.

Research in the courthouse at Avoyelles Parish was directed primarily toward obtaining a legal land description of the Tunica Reservation, verifying the presence or absence of recorded tribal election documents, and an unsuccessful attempt to find a more complete copy of a March 26, 1949, affidavit which had been submitted with the petition.

No legal land description was found identifying the current boundaries of the Tunica Indian Reservation. The parish Assessor's Office stated that because the land is tax exempt, it does not appear in tax records and no separate listing is maintained of tax exempt properties. The Assessor provided a xerox copy from the current tax map of the section which includes the Tunica Reservation and identified the boundaries of the reservation based on neighboring properties. When asked how long the reservation had been tax exempt and on what basis it derived this status, the reply was that "it's always been an Indian Reservation and, therefore, does not show up in our records." Records in the Assessor's Office are extant from 1922. A review of the indexes to conveyances and plats showed no direct references to actions transferring ownership of the land to or from the Tunicas.

Additional Research

Additional research was conducted in the Washington, D.C., area in the libraries of the National Society of the Daughters of the American Revolution and the National Genealogical Society for information specific to individual families, the geographic area, and the Tunica-Biloxi and its component bands.

The membership rolls of the Mississippi Band of Choctaw Indians,(25) the Chitimacha Tribe of Louisiana,(26) and the Choushatta Tribe of Louisiana(27) were searched for the names of persons on the Tunica-Biloxi roll. The only name recognized on any of the above rolls was that of a member's wife. The wife is an enrolled, fullblood Mississippi Choctaw. Her name does not appear on the Tunica-Biloxi membership roll.

The petitioner asserts that neither the group nor its members have ever been terminated or forbidden the Federal relationship. They do not appear on the current list of "Indian Tribes Terminated from Federal Supervision" or the list of "Indian Tribes Restored to Federal Status."(28) They are not now federally recognized and do not appear on the list of "Federally Recognized Indian Entities of the United States,"(29) nor have they been the subject of congressional legislation which expressly terminates or forbids the Federal relationship.

FOOTNOTES

1. Articles of Incorporation of the Tunica-Biloxie Indians of Louisiana, Inc., adopted October 26, 1974, pp. 87-95 of petition.

2. Letter from Theodore C. Krenzke to Tunica-Biloxi Indian Tribe, February 2, 1979.

3. Membership roll of 1969, pp. 114-119 of petition. This roll bears handwritten date of 1959 in upper right corner, p. 114. Date was entered by Wes White in error per his letter to the Commissioner of Indian Affairs, July 7, 1979.

4. Tunica-Biloxi Tribe of Louisiana, Incorporated, Membership Rolls, July 1978, pp. 124-128 of petition.

5. Tunica-Biloxi petition, p. 110.

6. Ruth M. Underhill, "Report on a visit to Indian groups in Louisiana, Oct. 15-25, 1938," pp. 37-45, 47 of petition.

7. James Owen Dorsey, "Biloxis in Rapides Parish, La." from Dorsey Papers. Notes taken "from Jan. 21, 1892 to Feb. 1892, and Feb. 4-25, 1893," p. 111 in petition.

8. Sesostris Youchican v. Texas & Pacific Railway Company, Fourteenth District Court, Avoyelles Parish, Louisiana, No. 2915, filed August 24, 1915.

9. National Archives, RG 29, Federal Population Census 1900, T623 Louisiana, Avoyelles Parish (roll 558) p. 70, and Rapides Parish (578) p. 162.

10. Letter from Lawrence A. Aschenbrenner to John A. Shapard, Jr., January 7, 1980.

11. Albert S. Gatschet, Unpublished field notes dated October 22, 1886, manuscript No. 1347, in National Anthropological Archives, Smithsonian Institution, Washington, D.C.

12. James Owen Dorsey and John R. Swanton, A Dictionary of the Biloxi and Ofo Languages. . ., Smithsonian Institution, BAE Bulletin 47. Washington: 1912, pp. 4, 8, 9, 12, 14, 169.

13. John R. Swanton, Indian Tribes of the Lower Mississippi Valley and Adjacent Coast of the Gulf of Mexico, BAE Bulletin 43. Washington: 1911, plates 15-18.

14. John R. Swanton, The Indians of the Southeastern United States, Smithsonian Institution, BAE Bulletin 137. Washington: originally published 1946, reprint 1979, p. 198.

15. Mary R. Haas, Tunica Dictionary, University of California Publications in Linguistics, Vol. 6, No. 2, pp. 175-332. Berkeley and Los Angeles: University of California Press, 1953, p. 175, 179.

16. State of Louisiana v. Fulgence Chiqui, Supreme Court of Louisiana, No. 12,288, opinion December 14, 1896.

17. Claude Medford, "THE TUNICA-BILOXI Marksville, Avoyelles Parish and THE BILOXI-CHOCTAW Lecompte, Rapides Parish LOUISIANA," transmitted to Dr. Stanley of Smithsonian under cover letter dated July 26, 1974.

18. Letters to Commissioner of Indian Affairs from Wes White, July 7, 1979 and March 4, 1980.

19. Ernest C. Downs, "The Struggle of the Louisiana Tunica Indians for Recognition," in Southeastern Indians Since the Removal Era, ed. Walter L. Williams. Athens: University of Georgia Press, 1979, pp. 72-89.

20. H. F. Gregory, "A Historic Tunica Burial at the Coulee des Grues Site in Avoyelles Parish, Louisiana," in The R. K. Harris Festschrift, Special Bulletin of the Texas Archaeological Society.

21. Corrine L. Saucier, History of Avoyelles Parish, Louisiana. New Orleans: Pelican Publishing Company, 1943, p. 7.

22. Letter from Sidney L. Mills to Petitioner and Interested Party, August 30, 1979.

23. Letter from Raymond V. Butler to Earl J. Barbry, Sr., October 18, 1979 (first selection request).

24. Documentation Request for Tunica-Biloxi Petition, prepared by staff genealogist, January 29, 1980 (second selection request). Request was transmitted to petitioner's attorneys in a meeting in the Acknowledgment offices on January 30, 1980.

25. Choctaw Indian Agency, Mississippi, Choctaw Reservation Census Roll, January 1, 1940.

26. Unofficial tribal roll of Chitimacha Indians, dated June 1959.

27. Tribal register used for Contract Medical Program for Coushatta Tribe of Louisiana.

28. List of "Indian Tribes Terminated from Federal Supervision," dated January 11, 1980, and list of "Terminated Tribes Restored to Federal Status," dated January 10, 1980, both prepared by Patricia Simmons, BIA.

29. List of "Federally Recognized Indian Entities of the United States," dated March 17, 1980, prepared by Patricia Simmons, BIA.