Indian Affairs - Office of Public Affairs

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WASHINGTON – Acting Deputy Assistant Secretary for Policy and Economic Development – Indian Affairs George T. Skibine today announced the publication of a Notice of an Amended Proposed Finding declining to acknowledge that a group known as Pointe-au-Chien Indian Tribe in Louisiana is an Indian tribe according to federal law. This finding determined that the petitioner does not meet three of seven mandatory criteria for federal acknowledgment under the regulations governing the federal acknowledgment process at 25 CFR Part 83, and therefore does not meet the requirements for a government-to-government relationship with the United States.

The Pointe-au-Chien Indian Tribe (PACIT), petitioner #56b, claims to be the continuation of a historical Indian community that settled in the mid-19th century on the boundary of Terrebonne and Lafourche Parishes. It has described its members as descendants of the Chitimacha, Acolapissa, Atakapa, Choctaw, and Biloxi Indian tribes. It does not claim to descend from the Houma tribe, although its members and ancestors have been called "Houma" Indians since at least 1907. The PACIT has never had a treaty or other formal relationship with the federal government.

Most of the PACIT's 682 members were part of the United Houma Nation (UHN), petitioner #56, in 1994, when it received a proposed finding declining acknowledgment. The PACIT organized separately and submitted a letter of intent to petition for federal acknowledgment in 1996. The Department told the PACIT in 1997 that it would issue an "amended Proposed Finding" after the PACIT had responded to the UHN proposed finding as it applied to their petition. The Department also told the PACIT that it would evaluate them "as a petitioner with a proposed finding."

The PACIT petitioner meets criterion 83.7(a) requiring petitioners to be identified as an American Indian entity since 1900. The PACIT finding concluded that identifications of a "Houma" population or group and other identifications of Pointe-au-Chien as a "Houma" settlement demonstrated continuous identifications of the PACIT as an Indian entity since 1900

The petitioner also meets three other criteria. It meets criterion 83.7(d), which requires petitioners to submit its governing documents, and criterion 83.7(f), which requires that a petitioning group be composed principally of persons who are not members of any already acknowledged Indian tribe. It also meets criterion 83.7(g), which prohibits the Department from acknowledging petitioners with congressional legislation forbidding a government-to-government relationship with them. The petitioner has not been the subject of such legislation. The petitioner also meets three other criteria. It meets criterion 83.7(d), which requires petitioners to submit its governing documents, and criterion 83.7(f), which requires that a petitioning group be composed principally of persons who are not members of any already acknowledged Indian tribe. It also meets criterion 83.7(g), which prohibits the Department from acknowledging petitioners with congressional legislation forbidding a government-to-government relationship with them. The petitioner has not been the subject of such legislation.

The PACIT petitioner does not meet three criteria. It does not meet criterion 83.7(b) requiring the petitioning group to comprise a distinct community from historical times to the present. The evidence does not show that the petitioner's ancestors lived together in a community before 1830. After 1830,

the PACIT meets criterion 83.7(b) during all periods. Between 1830 and 1940, it meets this criterion based on the 1994 UHN proposed finding, and after 1940, it meets it based on available evidence. Because the PACIT failed to meet criterion 83.7(b) before 1830, it has not demonstrated that it meets the requirements of this criterion.

The PACIT petitioner does not meet criterion 83.7(c) requiring that the petitioner show political influence and authority over members from historical times to the present. The PACIT has not demonstrated that it maintained political influence over its historical ancestors before 1830, but it meets this criterion between 1830 and 1940 based on the 1994 proposed finding on the UHN petitioner. For the period since 1940, the evidence available is sufficient to demonstrate the PACIT meets this criterion only since 1988.

The PACIT petitioner does not meet criterion 83.7(e) requiring that petitioners submit an official membership list and demonstrate that its members descend from a historical Indian tribe or tribes that combined and functioned as an autonomous political entity. The petitioner submitted a membership list of 682 members. An analysis of selected members showed most of them descend from at least one of two historical “Indians,” but those two individuals have not been shown to be part of a historical Indian tribe, or tribes that combined.

The Notice of Proposed Finding on the group known as the Pointe-au-Chien Indian Tribe will be published in the Federal Register. As provided by the acknowledgment regulations at 25 CFR 83.10(i), the petitioner or any individual or organization wishing to challenge or support the proposed finding has 180 days after the notice’s publication date to submit arguments and evidence to rebut or support the proposed finding before a final determination is issued.