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 Biloxi, Chitimacha Confederation of Muskogees, Inc., of Louisiana is an Indian tribe according to federal law. This finding determined that the petitioner does not meet four of seven mandatory criteria for federal acknowledgment under the regulations governing the federal acknowledgment process at 25 CFR Part 83, and does not meet the requirements for a government-to-government relationship with the United States.

The Biloxi, Chitimacha Confederation of Muskogees, Inc. (BCCM), petitioner # 56a, is a confederation of three subgroups, which claim to be the continuations of historical Indian communities on bayous in Terrebonne and Lafourche Parishes. The subgroups are the Bayou Lafourche Band, Grand Caillou/Dulac Band, and Isle de Jean Charles Band. They claim descent from historical Biloxi, Chitimacha and other Indians. They do not claim descent from the Houma tribe, although BCCM's members and ancestors have been called "Houma" Indians since at least 1907. Neither the confederation nor its subgroups have had a treaty or other formal relationship with the federal government.

Most of the BCCM's 2,545 members were part of the United Houma Nation (UHN), petitioner #56, in 1994, when it received a proposed finding declining acknowledgment. The BCCM organized separately and petitioned for federal acknowledgment in 1995. The Department told the BCCM that it would issue an "amended Proposed Finding" after the BCCM had responded to the UHN proposed finding as it applied to their petition. The Department also told the BCCM that it would evaluate them "as a petitioner with a proposed finding."

The BCCM petitioner meets criterion 83.7(a), which requires that a petitioner be identified as an American Indian entity since 1900. The BCCM meets two other criteria, including criterion 83.7(f), which requires that a petitioner be composed of persons who are not members of any already acknowledged North American Indian tribe, and criterion 83.7(g), which prohibits the Department from acknowledging petitioners with congressional legislation forbidding a government-to-government relationship with them. The BCCM has not been the subject of such legislation.

The BCCM petitioner does not meet four other criteria. It does not meet criterion 83.7(b) requiring the petitioning group to comprise a distinct community from historical times until the present. The evidence does not show that the petitioner's ancestors lived together in a community before 1830, but between 1830 and 1940 they constituted one or more communities identified as meeting this criterion in the 1994 UHN proposed finding. Since 1940, evidence shows that only Isle de Jean Charles, not all BCCM subgroups or the confederation, meets the criterion.

The BCCM petitioner failed to meet criterion 83.7(c) requiring that groups show political influence and authority over members from historical times to the present. The evidence did not show that the BCCM met this criterion before 1830. The BCCM met criterion 83.7(c) from 1830 to 1940, based on the 1994 UHN proposed finding. For the period after 1940, Isle de Jean Charles subgroup met the criterion only since 1990. The other two subgroups did not meet the criterion for any of that period. Although the

record contains significant evidence concerning the political influence and authority in communities on the two bayous they claim to represent, the subgroups' memberships do not appear to encompass the actual memberships of these communities.

The BCCM petitioner does not meet criterion 83.7(d), which requires petitioners to submit governing documents. The three BCCM subgroups submitted governing documents, but the confederation did not submit governing documents, and thus, failed to meet this criterion. The BCCM 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 three subgroups of the 2,545-member BCCM provided separate membership lists, but the BCCM governing body did not certify them. This analysis of selected members showed that more than half 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 which combined.

The Notice of Proposed Finding on the Biloxi Chitimacha Confederation of Muskogees, Inc., petitioner 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.

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