

(7) Federal Register Notice of Final Determination

- May 31, 1995

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Final Determination for Federal Acknowledgment of the Jena Band of Choctaw Indians

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Final Determination.

SUMMARY: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs (Assistant Secretary) by 209 DM 8.

Pursuant to 25 CFR § 83.10(m), notice is hereby given that the Assistant Secretary acknowledges that the Jena Band of Choctaw Indians (Jena Choctaw), c/o Mr. Jerry D. Jackson, P.O. Box 14, Jena, Louisiana 71342-0014, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group satisfies the criteria set forth in 25 CFR § 83.7.

DATES: This determination is final and will become effective 90 days from publication of the final determination, pursuant to 25 CFR 83.10 (l)(4), unless a request for reconsideration is filed pursuant to 25 CFR 83.11.

A notice of the proposed finding to acknowledge the Jena Choctaw was published in the *Federal Register* on October 31, 1994 (Vol. 59, pt. II, No. 209, pp. 54496-7). The 180-day period provided for in the regulations for comment on the proposed finding closed April 29, 1995. This determination is made following a review of the public comments on the proposed finding to acknowledge the tribe.

The Jena Choctaw submitted a new membership roll during the comment period. There were no substantial comments or evidence submitted by interested parties or informed parties during the comment period. A letter supporting the proposed finding and recognition of the Jena Choctaw was submitted by the Mississippi Band of Choctaw Indians. Limited comments, not containing substantive new evidence or arguments, were received from two other parties. None of the comments refuted the proposed finding. The comments were considered but were determined to have no effect on the findings of fact or the decision to acknowledge the tribe. The Jena Choctaw by tribal council resolution of April 29, 1995, stated they had no response to the comments received and requested that the BIA waive the 60-day

response period provided under 25 CFR 83.10 (k).

The proposed finding to acknowledge the Jena Choctaw determined that the petitioner fully met all seven of the criteria. The final determination affirms the proposed finding. It is based on the extensive evidence submitted by the Jena Choctaw or generated by the Branch of Acknowledgment and Research in the conduct of its own research in preparing the proposed finding and on a consideration of the new membership roll.

The Jena Choctaw directly descends from Choctaws who left the historic Mississippi Choctaw tribe and settled in Catahoula Parish, now LaSalle Parish, in the vicinity of Jena, Louisiana, prior to 1880 when they were first identified by the Federal census. The linguist Albert Gatschet reported finding three Choctaw families living in log huts on Trout Creek, Catahoula Parish in 1886. They were known locally as the Eden Indians, the Choctaw Indians on Trout Creek, and the Whatley Indians in reference to their residences or to the land owners with whom they were associated. After World War II, most of the tribe moved into the nearby town of Jena, Louisiana. They formally incorporated in 1974 as the Jena Band of Choctaw Indians, but usually refer to themselves as the Jena Choctaw. They have been identified as an Indian entity throughout their history until the present by the Federal Government, the State government, local authorities, scholars, the Mississippi Band of Choctaw, and other sources.

The Jena Choctaw maintained a separate and distinct Indian group through a high degree of in-group marriage. Before 1950, 85 percent of the marriages of members were to other members, and 50 percent of the existing marriages in 1959 were between members of the tribe. The Choctaw language was used almost exclusively by members of this Indian community until the late 1930's. The use of the Choctaw language continued in many households until the late 1950's, sustained in part by the high degree of in-group marriage. Close family ties, living in close proximity to one another, and shared community activities such as maintenance of the Indian cemetery have demonstrated that the group maintained a distinct, cohesive community in the last three decades to the present.

A traditional leader or chief conducted the affairs of the Indian community, led the group in burial practices, and conducted marriages until the late 1930's. Although the traditional leader's role was less active

after World War II, he continued to organize community support to meet the needs of the membership. In addition, informal leaders exhibited political influence within the Choctaw community during the 1950's and 1960's which continued after the death of the last traditional leader in 1968. Since 1974, the Jena Choctaw have elected their leaders and members have continued to participate in the governance of the tribe.

The Jena Choctaw have a constitution and by-laws which define the membership and reflect how they govern themselves.

The revised membership roll submitted during the comment period has an additional 32 members who were not listed on the membership roll dated October 1993, which was used for the proposed finding. The additional individuals are the children and grandchildren of individuals on the previous roll. All members on the October 1993 roll had ¼ or more Choctaw blood quantum. All of the new members have ½ or more Choctaw blood quantum, and thus they meet the membership requirements prescribed in the Jena constitution.

Every member descends from at least one ancestor who was identified as a Choctaw Indian on the Federal censuses and/or who was identified as a full-blood Mississippi Choctaw on the 1903 preliminary roll of the Dawes Commission. Thus, they continue to meet the requirements of the regulations for descent from the historic tribe.

Although the new list increases the membership by approximately 20 percent (from 157 to 189), it does not change the basic community of the Jena Choctaw. Of the 32 new members, 9 are children born since October 1993, and 13 more are children under the age of 21. The other 10 are grandchildren of members listed in 1993. Sixty-five percent of the new members live in Jena and the surrounding area.

Under 25 CFR 83.12(b), the revised roll dated April 3, 1995, and approved by the Jena tribal council, will be considered as the base roll of the Jena Choctaw for Federal funding and other administrative purposes.

Members of the Jena Choctaw were not found to be members of any other acknowledged Indian tribe. Neither the tribe nor its members have been the subject of Congressional legislation which has expressly forbidden a relationship with the Federal Government.

The Jena Choctaw has met all seven criteria under 25 CFR 83.7 for Federal acknowledgment as an Indian tribe.

This determination is final and will become effective 90 days from the date of publication, unless a request for reconsideration is filed pursuant to § 83.11. The petitioner or any interested party may file a request for reconsideration of this determination with the Interior Board of Appeals (§ 83.11(a)(1)). The petitioner's or interested party's request must be received no later than 90 days after publication of the Assistant Secretary's determination in the Federal Register (§ 83.11(a)(2)).

Dated: May 18, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

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