

**(5) Federal Register Notice of Proposed Finding**

- December 22, 1994

## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

**Proposed Finding Against Federal Acknowledgment of the United Houma Nation, Inc.**

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed finding.

**SUMMARY:** Pursuant to 25 CFR 83.10(h), notice is hereby given that the Assistant Secretary proposes to decline to acknowledge that the United Houma Nation, Inc. c/o Mrs. Laura N. Billiot, Star Route, Box 95-A, Golden Meadow, Louisiana 70357, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the tribe does not meet three of the seven mandatory criteria set forth in 25 CFR 83.7. Therefore, the United Houma Nation does not meet the requirements necessary for a government-to-government relationship with the United States.

**DATES:** As provided by 25 CFR 83.10(i), any individual or organization wishing to challenge the proposed finding may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 180 calendar days from the date of publication of this notice. As stated in the new regulations, 25 CFR 83.10(i), interested and informed parties who submit arguments and evidence to the Assistant Secretary must also provide copies of their submissions to the petitioner.

**ADDRESSES:** Comments on the proposed finding and/or requests for a copy of the report of evidence should be addressed to the Office of the Assistant Secretary—Indian Affairs, 1849 C Street, N.W., Washington, DC 20240, Attention: Branch of Acknowledgment and Research, Mail Stop 2611-MIB.

**FOR FURTHER INFORMATION CONTACT:** Holly Reckord, Chief, Branch of Acknowledgment and Research, (202) 208-3592.

**SUPPLEMENTARY INFORMATION:** This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The petitioner maintains that they are the descendants of the historical Houma Indian tribe. There is no evidence supporting this contention. The historical Houma Indian tribe continued to live near present-day Donaldsonville, Louisiana throughout the years the petitioner's antecedent community first formed on the lower bayous (between 1810 and 1830). There are no

documented genealogical, social, or political connections between this tribe of Indians and the petitioner. There is also no evidence that the petitioner, as a group, descends from any other historical tribe, or from historical tribes which combined and functioned as a single autonomous entity.

There is no evidence that the petitioner's ancestors constituted a social community, Indian or non-Indian, before 1830. Because of this, the petitioner has also failed to meet criterion 83.7(b), maintenance of social community, and criterion 83.7(c), exercise of political influence, prior to 1830. Lacking the evidence for an ancestral community prior to 1830, there is, of course, no evidence for the exercise of political influence prior to 1830. The Federal acknowledgment criteria 83.7 (b) and (c) require the petitioner to provide evidence that they fulfill criteria 83.7 (b) and (c) *from the time of first sustained contact with Europeans to the present.*

The migration of the UHN ancestors, the majority of whom were non-Indian (primarily French, Acadian, German, and African) frontiersmen, to the founding Bayou Terrebonne settlement (north of present-day Montegut) started in the 1790's. Among the settlers on Bayou Terrebonne, some of whom became ancestors of the UHN, were the three Indian progenitors of the group. They moved there independently of each other; there is no indication that they were related to each other socially, politically, or genealogically, before moving to the bayou settlement. The tribal affiliation of the three Indian progenitors is not certain. One was quite possibly a Biloxi medal chief; the other two are identified in the earliest historical records only as "Indian women," with no specific tribal affiliation mentioned. There is no evidence that these three individuals descend from the same historical tribe or from historical tribes which combined and functioned as a single autonomous entity.

It is important to note that, for the first two generations that the founding UHN community was forming on Bayou Terrebonne (1790 to 1830), the petitioner's Indian ancestors and their descendants tended to marry non-Indians. In spite of this early marital pattern, and the fact that there are more non-Indian than Indian progenitors for the petitioner, the available evidence indicates that about 84% of the UHN's current members have Indian ancestry. The Indian ancestry originates from the three individual Indian progenitors mentioned above, the result of six generations of group endogamy between

1830 to 1950. It is not the result of descent, as a group, from a historical tribe.

By 1830, the petitioner's ancestors, the majority of whom were non-Indian, formed an identifiable separate and distinct community on Bayou Terrebonne. From 1830 to 1940, the limited evidence submitted by the petitioner indicates that they tended to marry each other more frequently than they married outsiders. The strongest evidence for social community from 1830 to 1880, however, is that more than half of the petitioner's ancestors lived in an isolated, exclusive settlement.

In the 1840's, the petitioner's ancestors started forming satellite settlements further south along Bayou Terrebonne, on Bayou Lafourche, and on other bayous toward the west. No contemporary descriptions of the petitioner's settlements between 1840 and 1880 were found. But based on the geographical isolation of the community on Bayou Terrebonne, we conclude that the petitioner did maintain a distinct settlement which encompassed 50% or more of its members, from 1830 to 1880. Under the revised regulations for Federal acknowledgment, this is considered sufficient evidence that the petitioner meets both criteria 83.7 (b) and (c) for that period as a single community.

By 1880, the limited evidence presented by the petitioner suggests that its members' ancestors had divided into several (six or more), socially and politically distinct, satellite communities, and no longer lived in a single community. From 1880 to 1940, the petitioner's ancestors maintained social integrity in these satellite communities, based on the evidence that 50% or more of them lived in geographical isolation. Within these relatively isolated communities, there is some limited evidence that political influence was exercised through the extended kinship structure, by elders known as *noncs* 'uncles' and *tantes* 'aunts'. This system of political influence may have been used effectively to control the behavior of individual community members, though the evidence is limited and sketchy.

From 1880 to 1940, there were some individuals who provided leadership on an *ad hoc* basis for individual communities, but never for the petitioner as a whole. One of the issues that brought forth leaders was in the fight to establish separate Indian schools for the children of UHN ancestors. Because the petitioner appears to have been composed of separate communities from 1880 to 1940, each of which may

have had its own leaders, rather than a single community with a comprehensive authority, the petitioner has not met criteria 83.7 (b) and (c) from 1880 to 1940, as a whole.

From 1940 to the present, the petitioner's members have emigrated from the lower bayou communities in greater numbers, especially to the suburbs of New Orleans. There has also been a continuous increase in out-marriage from 1940 to the present. Currently, two-thirds of the UHN members reside outside of the lower bayou communities. There is no evidence that indicates a social or political relationship between those who have emigrated and those who continue to reside in the bayou communities. There is also no evidence that the emigrants are related socially or politically among themselves. There is some limited evidence that emigrants from specific bayou communities may maintain political and social relations with relatives who remain in their natal bayou communities. Therefore, the petitioner has not met criteria 83.7 (b) and (c) from 1940 to the present as a whole.

The petitioner has not proven that it descends from a historical Indian tribe. In fact, there is no evidence for an antecedent community, Indian or non-Indian, prior to 1830. Since the UHN did not exist as a community until 1830, they are not a political community which is derived from a tribe existing at first sustained contact with Europeans until the present, and have not existed as a distinct political community derived from such a tribe since first settlement by Europeans in the area.

There is the possibility, though not well-documented at this time, that some or all of the component communities on

the lower bayous may meet criteria 83.7 (b) and (c) from 1880 to the present, as separate communities. But the petitioner has not established any connection to a historical tribe prior to 1830. Nor did the petitioner submit its petition as a confederation, but rather as a single entity. For these combined reasons, there is no need to further evaluate the continued existence of separate communities from 1880 to the present, at this time.

There remains the possibility, however, that if the required connection is made to a historical tribe, the Assistant Secretary may wish to investigate further the possibility of acknowledging all or several of the component communities that comprise the UHN. This issue would only need to be investigated if the connection to a historical tribe is proven.

Since 1900, the petitioner's community has been identified consistently by anthropologists, state and Federal government representatives, residents of south Louisiana who are not members of the petitioning group, missionaries, journalists, and others, as "Indian" or by other terms which indicate at least some Indian ancestry. There is no evidence that anyone denied that the UHN were an Indian community since 1900. They therefore meet criterion 83.7(a), identification by outsiders as an Indian community since 1900.

The petitioning group has provided a copy of its governing document, which describes its membership criteria. Evidence indicates that the group is following its membership criteria satisfactorily.

No evidence was found that any of the members of the UHN are members of any federally recognized tribe.

No evidence was found that the petitioner or its members are the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship.

Based on this preliminary factual determination, we conclude that the UHN does not meet criteria b, c, and e in 25 CFR 83.7. Since the UHN does not meet all of the seven mandatory criteria, we conclude that the UHN should not be granted Federal acknowledgment under 25 CFR part 83.

As provided by 25 CFR 83.10(h) of the revised regulations, a report summarizing the evidence, reasoning, and analyses that are the basis for the proposed decision will be provided to the petitioner and other interested parties, and is available to other parties upon written request. Comments on the proposed finding and/or requests for a copy of the report of evidence should be addressed to the Office of the Assistant Secretary—Indian Affairs, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, Attention: Branch of Acknowledgment and Research, Mail Stop 2611-MIB.

After consideration of the written arguments and evidence rebutting the proposed finding and within 60 days after the expiration of the 180-day response period described above, the Assistant Secretary—Indian Affairs will publish the final determination of the petitioner's status in the Federal Register as provided in 25 CFR 83.10(1).

Ada E. Deer,

Assistant Secretary—Indian Affairs.

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