

Regular Session, 2004

SENATE CONCURRENT RESOLUTION NO. 105

BY SENATOR DUPRE

A CONCURRENT RESOLUTION

To recognize the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogeans ("BCCM"), the Bayou Lafourche Band of the BCCM, the Grand Caillou/Dulac Band of the BCCM, known collectively as the "BCCM Tribes" and the Pointe-au-Chien Indian Tribe ("PACIT").

WHEREAS, state recognition is required in order for students to be eligible for participation in Title VII Federal Indian Education Funds funded by the United States Department of Education, Office of Indian Education; and

WHEREAS, the parishes of Lafourche and Terrebonne have lost federal education funds because the students who are members of the Pointe-au-Chien Indian Tribe and the tribes collectively known as the "BCCM" tribes are not considered as members of state recognized tribes; and

WHEREAS, in order to apply for a formula grant under the Indian Education Program, a student's school must determine the number of Indian children enrolled and the parents of the students must complete a Title VII Student Eligibility Certification to be returned to the school; and

WHEREAS, in order to qualify for the funds a child must meet the definition of an Indian, which is defined in the form as any individual who is a member of a federally recognized tribe, a state recognized tribe, a tribe terminated since 1940, and those who are a member of an organized group that received a grant under the Indian Education Act of 1988 as it was in effect October 19, 1994; and

WHEREAS, the Pointe-au-Chien Indian Tribe and the BCCM tribes have been previously recognized by the state as members of the United Houma Nation pursuant to Senate Concurrent Resolution No. 124 of the 1990 Regular Session of the Legislature; and

WHEREAS, the Houma Tribe, which was incorporated in 1972, and the Houma Alliance, which was incorporated in 1974, were recognized as Indian communities of Louisiana in existence in the vicinities of Galliano and Dulac, Louisiana since the nineteenth century pursuant to House Concurrent Resolution No. 97 of the 1977 Regular Session of the Legislature; and

WHEREAS, in 1979, the Houma Alliance and the Houma Tribe merged to become the United Houma Nation; and

WHEREAS, the United Houma Nation was recognized as an Indian community of the state pursuant to Senate Concurrent Resolution No. 124 of the 1990 Regular Session of the Legislature; and

WHEREAS, it was acknowledged in Senate Concurrent Resolution No. 124 of the 1990 Regular Session of the Legislature that communities of the Houma Indian Nation have existed in the vicinity of Grand Caillou, Dulac, Golden Meadow, Isle de Jean Charles, Lower Pointe-aux-Chenes, Lower Montegut, and Bayou Dularge since the eighteenth century; and

WHEREAS, the United Houma Nation filed a petition with the Bureau of Indian Affairs seeking federal acknowledgment; and

WHEREAS, in December, 1994, the Bureau of Indian Affairs issued a proposed negative finding against the United Houma Nation, finding that the tribe as a whole failed to satisfy certain social and political criteria required for federal acknowledgment, but that there was evidence of several distinct communities that could meet the necessary criteria; and

WHEREAS, the Pointe-au-Chien Indian community and members of the BCCM maintained separate communities despite being part of the United Houma Nation and in 1993, the Pointe-au-Chien Indian community filed separate Articles of Incorporation; and

WHEREAS, in 1994, the Pointe-au-Chien Indian community filed a petition with the Bureau of Indian Affairs following the issuance of the negative proposed finding against the United Houma Nation; and

WHEREAS, in 1995, the Grand Caillou/Dulac Indian community, the Isle de Jean Charles Indian community, and the Bayou Lafourche Indian community established the Biloxi-Chitimacha Confederation of Muskogees, Inc., and they have also submitted a petition to the Bureau of Indian Affairs on behalf of the three bands; and

WHEREAS, in 2001, the chairman of the Bayou Lafourche Indian community was informed that his members were ineligible for participation in Indian Education Programs and in the fall of 2003, the principal of Pointe-aux-Chenes Elementary was informed that the members of the Isle de Jean Charles Band of the BCCM and the Pointe-au-Chien community would be ineligible to receive federal funds if they did not receive state recognition during the legislative session; and

WHEREAS, other schools affected by the loss of federal funding include Montegut Elementary, Montegut Middle, Bourg Elementary, Grand Caillou Elementary, South Terrebonne High School, Ellender High School, and Grand Caillou Middle School; and

WHEREAS, the communities of Pointe-au-Chien and the BCCM have sought state recognition in both the 1999 and 2001 Regular Sessions of the Legislature; and

WHEREAS, Indian communities of the Biloxi, Chitimacha, and Choctaw have existed in the vicinity of Grand Caillou, Dulac, Isle de Jean Charles, and Bayou Lafourche since the earliest settlement of these areas to the present; and

WHEREAS, the Indian community of Lower Pointe-au-Chien has also existed since the earliest settlement of this area to the present; and

WHEREAS, ancestors of the Indians were residing in the area consisting of Louisiana at the first contact with Europeans and have continued to reside in the area of Louisiana since that time; and

WHEREAS, extensive genealogical and historical research has been accomplished and clearly identifies the core ancestry of these tribes as Biloxi, Chitimacha, and Choctaw Indians; and

WHEREAS, the policy of the state of Louisiana provides for recognition of Indian tribes within its borders, to support their tribal aspirations, to preserve their cultural heritage and improve their economic condition and to assist them in the achievement of their just rights; and

WHEREAS, unless these tribes are either formally recognized by the state during this regular session of the legislature, or the members of these tribes have their Indian ancestry reacknowledged by the state, more federal Indian education funds will be lost in the parishes of Lafourche and Terrebonne.

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that the state of Louisiana formally reacknowledges the Indian ancestry of members of the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogees ("BCCM"), the Bayou Lafourche Band of the BCCM, the Grand Caillou/Dulac Band of the BCCM, known collectively as the "BCCM Tribes" and the Pointe-au-Chien Indian Tribe for the sole purpose of qualifying for Indian education and health care benefits due these Native American citizens.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES