

Proposed Finding
Against Acknowledgment of the

Grand River Bands of Ottawa Indians
(formerly "Grand River Band Ottawa Council")
Petitioner #146

Prepared in Response to the Petition
Submitted to the Assistant Secretary – Indian Affairs
for Federal Acknowledgment as an Indian Tribe

2-22-2023

Date



Wizipan Garriott
Principal Deputy Assistant Secretary – Indian Affairs¹
Exercising by delegation the authority of the
Assistant Secretary – Indian Affairs

¹ "The Assistant Secretary – Indian Affairs has recused himself from this matter, and the Principal Deputy Assistant Secretary – Indian Affairs is issuing this Proposed Finding pursuant to the authority delegated to him. See 209 DM 8.4(A); 110 DM 8.2."

TABLE OF CONTENTS

ACRONYMS AND ABBREVIATIONS ii
HISTORICAL TIMELINE SINCE FIRST SUSTAINED CONTACT WITH NON-INDIANS . iii
MAPS..... v
INTRODUCTION 1
 Regulatory Procedures 3
 Administrative History..... 5
SUMMARY UNDER THE CRITERION 8
HISTORICAL BACKGROUND 10
CONCLUSIONS UNDER CRITERION § 83.7(b)..... 20
 Evidence for the Period of 1855 to 1908 22
 Evidence for the Period of 1909 to 1947 32
 Evidence for the Period of 1948 to 1983 51
 Evidence for Modern Community 1984 to Present 70
SOURCES USED 97
APPENDIX A: EVALUATION OF PETITIONER MEMBERSHIP LISTS 104
APPENDIX B: MICHIGAN “GRAND RIVER” OTTAWA ORGANIZATIONS, 1948–2000
..... 107

ACRONYMS AND ABBREVIATIONS

ARCOIA	Annual Report of the Commissioner of Indian Affairs
AS-IA	Assistant Secretary – Indian Affairs
BAR	Branch of Acknowledgment and Research
BIA	Bureau of Indian Affairs
CFR	Code of Federal Regulations
DOI	Department of the Interior (“Department”)
FD	Final Determination
FR	Federal Register
GRBDC	Grand River Band Descendants Committee
GRBOI	Grand River Bands of Ottawa Indians, Inc.
GRBON	Grand River Bands of Ottawa Nations, Inc.
GRBOC	Grand River Band Ottawa Council
IBIA	Interior Board of Indian Appeals
ICC	Indian Claims Commission
IRA	Indian Reorganization Act
LRBOI	Little River Band of Ottawa Indians
MBPI	Match-e-be-nash-she-wish Band of Potawatomi Indians
NARA	National Archives and Records Administration
NMOA	Northern Michigan Ottawa Association
OCDC	Ottawa and Chippewa Descendants Committee
OCIC	Oceana County Inter-Tribal Council, Inc.
OFA	Office of Federal Acknowledgment
PF	Proposed Finding
RG	Record Group
SOL	Office of the Solicitor, Department of the Interior
TA	Technical Assistance
UPFA	Unambiguous Previous Federal Acknowledgment

**HISTORICAL TIMELINE
SINCE FIRST SUSTAINED CONTACT WITH NON-INDIANS**

1600s–1800s	Native peoples residing in the Grand River area of Michigan encountered European fur traders entering and taking up residence in the area.
1782	The British Indian Department at Mackinac compiled the first census of region.
1805	Michigan Territory established.
1821	“Ottawa, Chippewa, and Pottawatamie, Nations of Indians” signed the Treaty of Chicago.
1836	“Ottawa and Chippewa nations of Indians” signed the Treaty of Washington (“1836 treaty”).
1837	Michigan statehood established.
1839–53	Annuity payments made to Ottawa and Chippewa peoples under 1836 treaty provisions.
1855	“Ottawa and Chippewa Indians of Michigan” signed the Treaty of Detroit (“1855 treaty”).
1858	Indians from Grand River area began relocating to other parts of Michigan. Many Ottawa peoples moved to allotments in Oceana and Mason Counties.
1872	Final annuity payments made to “Ottawa and Chippewa Indians” (including “Grand River Band”) under 1855 treaty provisions.
1905	“Ottawa and Chippewa Indians of the State of Michigan” filed petition in U.S. Court of Claims.
1907	U.S. Court of Claims issued a judgment in favor of “Ottawa and Chippewa Indians of the State of Michigan.”
1908–09	Special Indian Agent Horace B. Durant conducted field surveys to compile a roll of descendants of the 1855 treaty-signatory bands (“Durant Roll”), based on 1870 annuity payment rolls.
1910	Durant Roll completed and payments initiated.
1918	Various Michigan Indian descendants granted Jacob Walker Cobmoosa and Sampson Robinson separate Powers of Attorney for purposes of pursuing claims against the U.S. Federal government.
1934	U.S. Congress passed the Indian Reorganization Act (“IRA” or “Wheeler-Howard Act”).
1936–40	Various individuals filed claims for reorganization under IRA on behalf of Ottawa and Chippewa Indians of Michigan.
1946	Indian Claims Commission Act passed by U.S. Congress.
1948	“Ottawa Council” formed by the Northern Michigan Ottawa Association.
1958–59	Cobmoosa commemoration and reunions occur.
1968	Indian Claims Commission (ICC) Docket 40-K judgment issued.
ca. 1976–78	Docket 40-K judgment funds distributed.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

- 1980 Grand Traverse Band of Ottawa and Chippewa Indians became federally acknowledged through the 25 CFR Part 83 process.
- 1994 Little Traverse Bay Bands of Odawa Indians and Little River Band of Ottawa Indians secured Federal recognition through Congress.
- 1994 Pokagon Band of Potawatomi Indians secured the restoration of Federal services.
- 1994 “Grand River Band Ottawa Council” submitted Letter of Intent.
- 1996 Huron Potawatomi Inc. became federally acknowledged through the 25 CFR Part 83 process.
- 1999 Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan became federally acknowledged through the 25 CFR Part 83 process.
- 2000 Grand River Bands of Ottawa Indians submitted petition for review under the 25 CFR Part 83 process. *See* “Administrative History.”

See also Appendix B for specific dates related to various Grand River-area Ottawa descendant organizations.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

MAPS



Map 1. U.S. Treaty Land Cessions. Section 205 refers to lands ceded in the 1836 Treaty of Washington by the “Ottawa and Chippewa nations of Indians.”²

² Smithsonian Institution, Bureau of American Ethnology, *Eighteenth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1896-'97* (Washington: Government Printing Office, 1899), 756–57, Map 29.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding



Map 2. U.S. Treaty Land Cessions. Sections 390 and 391 identifies reserved lands provisioned for the “Grand River bands” in the 1855 Treaty of Detroit with the “Ottawa and Chippewa Indians of Michigan.”³

³ Smithsonian Institution, Bureau of American Ethnology, *Eighteenth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1896-97*, 810-811, Map 30.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding



Map 3. Contemporary map of Michigan counties and primary rivers.⁴

⁴ <https://geology.com/lakes-rivers-water/michigan.shtml>.

INTRODUCTION

The Office of the Assistant Secretary – Indian Affairs (AS-IA) within the Department of the Interior (Department) issues this proposed finding (PF) in response to the petition the Department received from the group known as the Grand River Bands of Ottawa Indians (Petitioner #146).⁵ Petitioner #146 is headquartered in Grand Rapids, Michigan, and currently has approximately 500 members.⁶ The Petitioner seeks Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the *Code of Federal Regulations* (25 CFR Part 83 (1994)), “Procedures for Establishing that an American Indian Group Exists as an Indian Tribe.”⁷

The evidence submitted by Petitioner #146, and evidence Department staff obtained through its verification and evaluation research, is insufficient to demonstrate that Petitioner #146 meets criterion § 83.7(b), one of the seven mandatory criteria of the regulations for a determination that the petitioning group is an Indian tribe. Criterion § 83.7(b) requires that “[a] predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.” In accordance with the regulations, the failure to meet all seven criteria requires a determination that the petitioning group is not an Indian tribe within the meaning of Federal law (§§ 83.6(d), 83.10(m)). Therefore, the Department proposes to decline to acknowledge Petitioner #146 as an Indian tribe.

According to the Office of Federal Acknowledgment; Guidance and Direction Regarding Internal Procedures of May 23, 2008,

If during the evaluation of a petition on active consideration it becomes apparent that the petitioner fails on one criterion, or more, under the reasonable likelihood of the validity of the facts standard, OFA may prepare a proposed finding or final determination not to acknowledge the group on the failed criterion or criteria alone, setting forth the evidence, reasoning, and analyses that form the basis for the proposed decision.⁸

⁵ This PF will use “Petitioner #146” when referring to the Petitioner, and the full or abbreviated name of other organizations, respectively, in order to distinguish among the Petitioner, the historic Ottawa, Chippewa, or Pottawatomie bands located in the Grand River area, and the numerous organizations of descendants that have used variations of the phrase “Grand River Bands.”

⁶ The most recently updated Membership List certified by the Petitioner’s governing body, received by OFA August 8, 2022, identifies 527 total members, but Department researchers have identified that at least 27 of these members are deceased. *See* Appendix A.

⁷ 25 CFR Part 83 (1994). All citations to 25 CFR Part 83 in this PF are to the version of the Federal acknowledgment regulations as revised in 1994 unless otherwise indicated.

⁸ 73 FR 30148 (2008).

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

The burden of providing sufficient evidence under the criteria in the regulations rests with the Petitioner.⁹ Because Petitioner #146 has not met criterion § 83.7(b), it is not necessary for the Department to make conclusions regarding the other six mandatory criteria at this time.

Petitioner #146 presented a claim of unambiguous previous Federal acknowledgement, as described in § 83.8. When substantial evidence demonstrates unambiguous Federal acknowledgment, this determination modifies the requirements for meeting the criteria described in §§ 83.7(a), (b), and (c). In a technical assistance (TA) review letter dated January 26, 2005, OFA wrote,

The initial review of the documentation and narratives that GRB submitted indicates that the Federal Government previously acknowledged the historical Grand River Bands of Ottawa Tribe by treaties in 1836 and 1855, and continued to acknowledge this tribe through annuities payments ending in 1875. . . . The GRB petitioner is eligible to be evaluated under the provisions of §83.8 of the regulations because of the possible unambiguous previous Federal acknowledgement as late as 1875. We have tried to make this preliminary determination on unambiguous previous Federal acknowledgment as complete as possible. However, this finding is provisional only. GRB and third parties may comment on it, and the proposed finding or final determination may revise conclusions reached here.¹⁰

This PF, limited to criterion § 83.7(b), does not further evaluate Petitioner #146's claims for unambiguous previous Federal acknowledgment. Consistent with the TA review letter's provisional finding on previous acknowledgment, the Department's review of criterion § 83.7(b) initially focused only on evidence of community "at present," in line with the requirement set forth in § 83.8(d)(2). Nevertheless, this PF includes a review of community not only at present but also for earlier time periods, dating back to 1855 (the year of the Treaty of Detroit).¹¹ The Department is providing a more comprehensive review of criterion § 83.7(b) to Petitioner #146 because, as discussed in a section below, the Petitioner's materials were insufficient to meet criterion § 83.7(b) at present and the Petitioner may have to show instead that it meets criterion § 83.7(b) "from last Federal acknowledgment until the present," pursuant to § 83.8(d)(5).¹² Consequently, this PF notifies the Petitioner of deficiencies in the evidence relating to those

⁹ See 25 CFR § 83.5(c).

¹⁰ OFA to Ron Yob (Grand Rapids, Mich.), technical assistance (TA) review letter, Jan. 26, 2005.

¹¹ This starting point reflects an important threshold period in Petitioner #146's 2000 narrative, as the narrative has a chapter entitled "The Treaty of 1855" and a chapter entitled "The Old and the New: Grand River Bands in Muskegon, Oceana, and Mason Counties, 1855-1872," showing the importance of the treaty period and the years following to the Petitioner's narrative of continuous tribal existence.

¹² Section 83.8(d)(5) states, in full, "If a petitioner which has demonstrated previous Federal acknowledgment cannot meet the requirements in paragraphs (d) (1) and (3), the petitioner may demonstrate alternatively that it meets the requirements of the criteria in § 83.7 (a) through (c) from last Federal acknowledgment until the present." Given that OFA's review "found significant omissions in the petition in meeting §83.8(d)(1) through (3)," TA review letter at 5, the petitioner may have to satisfy the criteria "from last Federal acknowledgment until the present" instead, as described in §83.8(d)(5).

earlier time periods as well. Should Petitioner #146 seek suggestions regarding the preparation of materials in response to this PF, the Petitioner may do so during the response period on the PF. *See* § 83.10(j)(1). Throughout this PF, the Department offers various suggestions for how Petitioner #146 may wish to supplement its materials to address specific evidentiary deficiencies. However, these suggestions are not exhaustive, and addressing these deficiencies alone may not result in a positive determination on criterion § 83.7(b).

This PF is based on the evidence currently in the record. Additional evidence may be submitted during the comment period that follows publication of this finding. New evidence provided during the comment period may result in a modification or reversal of the conclusions reached in the PF. As provided in the AS-IA guidance of May 23, 2008,

If a proposed finding against acknowledgment is issued on fewer than seven criteria and if, following an evaluation of the evidence and argument submitted during the comment period, it is determined that the petitioner meets the criterion or criteria, then the Assistant Secretary will issue an amended proposed finding evaluating all seven criteria.¹³

Regulatory Procedures

The Federal acknowledgment regulations establish the process by which a group may seek Federal acknowledgment as an Indian tribe, establishing a government-to-government relationship with the United States. To be entitled to such a political relationship, the Petitioner must document that it meets the seven mandatory criteria in § 83.7 of the regulations. The OFA within the Office of the AS-IA administers the regulations and analyzes petitions based on the evidence in the administrative record.

Under the Part 83 regulations, as revised in 1994, OFA first conducts a preliminary review upon receipt of a petition for Federal acknowledgment. The OFA then provides technical assistance to the petitioner, notifying the petitioner of any “obvious deficiencies or significant omissions.”¹⁴ After receiving technical assistance, the petitioner then has an opportunity to supplement its petition with additional information or clarification, after which the petitioner may request an additional review of the “adequacy” of materials submitted in response to the technical assistance.¹⁵

Following technical assistance and active consideration of the petition, the AS-IA publishes a proposed finding,¹⁶ evaluating the petitioner’s claims and evidence under the “reasonable

¹³ 73 FR 30148.

¹⁴ 25 CFR § 83.10(b)(2).

¹⁵ 25 CFR § 83.10(c)(1).

¹⁶ 25 CFR § 83.10(g).

likelihood of the validity of the facts” standard.¹⁷ The Part 83 regulations do not require “proof beyond a doubt.” Rather, “[t]he process only requires evidence providing a reasonable basis for demonstrating that a criterion is met or that a particular fact has been established.”¹⁸ The regulations “explicitly take[] into account the inherent limitations of historical research on community and political influence. . . . This does not mean, however, that a group can be acknowledged where continuous existence cannot be reasonably demonstrated.”¹⁹

The essential requirement for Federal acknowledgment is continuity of tribal existence. While descent from “a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity” is necessary under criterion § 83.7(e), “simple demonstration of ancestry is not sufficient,²⁰ and meeting this criterion alone is not sufficient for acknowledgment. Rather, the Part 83 regulations require that a petitioner “satisfy all of the criteria in paragraphs (a) through (g) of § 83.7 in order for tribal existence to be acknowledged.”²¹ To satisfy criteria §§ 83.7(b) and (c), existence of *community* and *political influence* must be demonstrated on a “substantially continuous basis.”²² Part 83 defines *continuous* as “extending from first sustained contact with non-Indians throughout the group’s history to the present substantially without interruption.”²³

Publication of the notice of the PF in the *Federal Register* (FR) initiates a 180-day comment period, during which the Petitioner and interested and informed parties may submit arguments and evidence to support or rebut the evaluation in the PF. Such comments should be submitted in writing to: Department of the Interior, Office of the Assistant Secretary – Indian Affairs, Attention: Office of Federal Acknowledgment, 1849 C Street, NW, Washington DC 20240. Interested and informed parties must provide copies of their submissions to the Petitioner.

The regulations provide the Petitioner a minimum of 60 days to respond to timely comments on the PF. At the end of the response period, OFA will consult with the Petitioner and interested parties to determine an equitable time frame for consideration for the final determination (FD).²⁴ The OFA will notify the Petitioner and interested parties of the date such consideration begins. After the consideration of the evidence, comments, and responses, the AS-IA will issue an FD regarding the Petitioner’s status. Alternatively, “if, following an evaluation of the evidence and argument submitted during the comment period, it is determined that the Petitioner meets the

¹⁷ 25 CFR § 83.6(d).

¹⁸ 59 FR 9280.

¹⁹ 59 FR 9281.

²⁰ 59 FR 9282.

²¹ 25 CFR § 83.6(c).

²² 25 CFR § 83.6(e).

²³ 25 CFR § 83.1.

²⁴ 25 CFR § 83.10(l).

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

criterion or criteria, then the [AS-IA] will issue an amended proposed finding evaluating all seven criteria.”²⁵

After issuance of either an amended PF or an FD regarding the Petitioner’s status, the Department will publish a notice of the decision in the FR.

Administrative History

The Grand River Band Ottawa Council (GRBOC) submitted a letter of intent to petition for Federal acknowledgment as an Indian tribe to the AS-IA, received by the Branch of Acknowledgment and Research (BAR) on November 16, 1994, and the Department designated the group as Petitioner #146.²⁶ On November 14, 1997, BAR received a “Petitioner Update” form dated September 1997, indicating that the Petitioner was now known as “Grand River Bands of Ottawa Indians,” with Ron Yob and Joseph Genia as Co-Chairs.²⁷ The Petitioner submitted materials for its documented petition in December 2000,²⁸ July 2004,²⁹ and November 2004.³⁰

The Department conducted an initial review of these materials and provided Petitioner #146 with a technical assistance (TA) review letter on January 26, 2005.³¹ In June 2006³² and March 2007, the Petitioner supplied materials in response to the TA review letter. The Department decided the petition was ready for consideration and placed the Petitioner on the “Ready, Waiting for Active Consideration list” on March 28, 2007.³³

By letter dated September 10, 2013, the Petitioner requested the Department continue its evaluation under the regulations then in effect (as revised in 1994), which was after the

²⁵ 73 FR 30148.

²⁶ Grand River Band Ottawa Council (Muskegon, Mich.), “Ottawa Council Resolution,” Nov. 7, 1994; received by BAR, Nov. 16, 1994 (erroneously stamped as received “OCT 16 1994”).

²⁷ Grand River Bands of Ottawa Indians (Grand Rapids, Mich.), “Petitioner Update,” Sep. 1997; received by BAR, Nov. 14, 1997.

²⁸ Michigan Indian Legal Services, “Grand River Bands of Ottawa Indians: Petition for Federal Acknowledgment,” Dec. 7, 2000, certified by Grand River Bands of Ottawa Indians Tribal Council (GRBOITC), Dec. 5, 2000, received by BAR, Dec. 8, 2000; hereinafter cited as “Grand River Bands of Ottawa Indians Petition.”

²⁹ Grand River Bands of Ottawa Indians, supplementary petition materials on paper and CD-ROM, certified by GRBOITC, Jul. 8, 2004, received by OFA, Jul. 9, 2004.

³⁰ Grand River Bands of Ottawa Indians, “Petition for Federal Acknowledgment, Petition Documents, and Errata Exhibits,” supplementary petition materials on paper and CD-ROM, prepared Sep. 24, 2004, certified by GRBOITC, Oct. 11, 2004, received by OFA, Nov. 10, 2004.

³¹ OFA to Ron Yob (Grand Rapids, Mich.), technical assistance (TA) review letter, Jan. 26, 2005.

³² “Grand River Tribal Attorneys,” “Grand River Bands of Ottawa Indians’ Response To The Technical Assistance Letter Dated January 2, 2005,” supplementary petition material on paper and CD-ROM, Jun. 7, 2006, certified by GRBOITC, Jun. 7, 2006, received by OFA, Jun. 9, 2006; hereinafter cited as “Response To The Technical Assistance Letter.”

³³ OFA, letter to Ron Yob (Grand Rapids, Mich.), Apr. 2, 2007.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Department had made public its discussion draft of contemplated changes to the regulations.³⁴ The Department placed the Petitioner on active consideration on December 1, 2013.³⁵ The Petitioner submitted no additional documents during the 60 days following, as allowed by the AS-IA's notice of "information and guidance" of March 31, 2005,³⁶ and as advised by a Department letter of December 12, 2013.³⁷ In a letter dated March 12, 2014, the Department exercised its option under the same guidance to ask for information the Petitioner had not submitted.³⁸

In its August 27, 2014, submission the Petitioner furnished 569 membership files, a considerable increase from the membership list it had submitted in June 2014, which indicated the group had only 347 members. Additionally, thirty-six individuals on the June 2014 membership list also did not have membership files in the August 2014 submission. To ascertain the Petitioner's membership, the Department asked for an updated membership list and an explanation of which membership files were current.³⁹ The Petitioner supplied this information on October 31, 2014.⁴⁰ Petitioner #146 provided additional material on December 13, 2016, which the Department had requested in a teleconference with the group on November 3, 2016.⁴¹

Due to these submission delays and the Department's competing priorities, including the review of other pending petitions, the Department extended the deadline for the PF to September 30, 2015.⁴² In the interim, on July 1, 2015, the Department issued a final rule that revised the acknowledgment regulations effective July 31, 2015.⁴³ In a letter dated August 28, 2015, the Department provided Petitioner #146 an opportunity to choose, by September 29, 2015, whether to complete the evaluation process under the revised 2015 regulations or complete its evaluation under the 1994 version of the acknowledgment regulations.⁴⁴ By letter dated September 14, 2015, the GRB's governing body informed the Department that it wished to have its petition evaluated under the 1994 regulations.⁴⁵ On November 2, 2015, the Department acknowledged receipt of this letter and also extended the deadline for issuing the PF to March 28, 2016.⁴⁶

³⁴ GRBOI (Petitioner #146; Grand Rapids, Mich.) to OFA, Sep. 10, 2013.

³⁵ OFA to Yob, Dec. 12, 2013.

³⁶ 70 FR 16514 (2005).

³⁷ OFA to Yob, Dec. 12, 2013.

³⁸ See OFA to Yob, Mar. 12, 2014.

³⁹ OFA to Yob, Sep. 9, 2014.

⁴⁰ GRBOI (Petitioner #146) to OFA, Oct. 31, 2014.

⁴¹ Teleconference between OFA and Petitioner #146, Dec. 19, 2016.

⁴² OFA to Yob, Jun. 23, 2014, Nov. 3, 2014.

⁴³ 80 FR 37861 (2015).

⁴⁴ OFA to Yob, Aug. 28, 2015.

⁴⁵ GRBOI (Petitioner #146) to OFA, Sep. 14, 2015.

⁴⁶ OFA to Yob, Nov. 2, 2015.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

From March 2016 to April 2020, the Department found good cause to provide additional extensions of the date for issuance of the PF for GRB, pursuant to § 83.10(h) of the 1994 regulations.⁴⁷ On April 16, 2020, the Department conditionally suspended active consideration of the PF based on administrative problems caused by the COVID-19 emergency.⁴⁸ The Department lifted the suspension on April 15, 2022, based on local public health conditions (transmission levels trending to moderate and low) and the reopening of facilities on the local, state, tribal, and Federal levels that are important for accessing information and records related to the consideration of the petition. Upon ending the conditional suspension, the Department scheduled the issuance of the PF to occur on or before October 12, 2022.⁴⁹

The Department held a teleconference with Petitioner #146 on June 28, 2022, per the Petitioner's request. The teleconference was held to answer Petitioner questions regarding the preparation of a current membership list, submission of new member enrollment files, and certification of the current membership list. Petitioner #146 subsequently submitted an updated current membership list and new member enrollment files, which were received by the Department on August 8, 2022.⁵⁰ On October 4, 2022, the Department found good cause to issue a 120-day extension of the deadline for issuing the PF with an issuance date scheduled to occur on or before February 9, 2023.⁵¹ The Department subsequently issued a final, two-week extension, with an issuance date scheduled to occur on or before February 23, 2023.

⁴⁷ OFA, letters to Yob (Grand Rapids, Mich.), Jan. 22, 2016; Mar. 25, 2016; Oct. 24, 2016; Feb. 21, 2017; Apr. 21, 2017; Jul. 24, 2017; Oct. 23, 2017; Jan. 19, 2018; Apr. 20, 2018; Jun. 22, 2018; Dec. 19, 2018; Mar. 21, 2019; Apr. 23, 2019; Jun. 21, 2019; Oct. 17, 2019.

⁴⁸ OFA to Yob, Apr. 16, 2020.

⁴⁹ OFA to Yob, Apr. 15, 2022.

⁵⁰ Grand River Bands of Ottawa Indians, "Grand River Bands of Ottawa Indians: Certification of 2022 Membership List" and "BIA Enrollment List1" electronic file, dated Jul. 22, 2022, received by OFA Aug. 8, 2022.

⁵¹ OFA to Yob, Oct. 4, 2022.

SUMMARY UNDER THE CRITERION

Petitioner #146 presents its argument relating to criterion § 83.7(b) in the section of their 2000 petition narrative entitled “83.7(b)” and an accompanying ethnographic report by James M. McClurken entitled “Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615-1990,” as well as supplementary material submitted in response to Department requests for additional information and the 2005 technical assistance review letter. Each of these submissions also references supporting documentation. In addition to petition submissions, Department researchers have acquired documents relevant to Petitioner #146 that include, but are not limited to, historical documents created by local, state, or Federal governments (e.g., historical treaty documents, government correspondence, annuity payment rolls, census records, etc.), contemporary newspaper articles, and academic or scholarly publications.

Petitioner #146 claims descent from the historical Ottawa bands that originally lived in the area of Michigan surrounding the Grand River. With other Ottawa and Chippewa bands, these bands signed several treaties during the early- to mid-nineteenth century. Following the last of these treaties in 1855, the bands relocated to other parts of Michigan, with the largest groups of them moving to settlements in Oceana and Mason Counties and with smaller groups of them moving elsewhere.

While the Petitioner’s members appear to descend from these historic Grand River-area bands (a claim that would be evaluated under criterion § 83.7(e) in an Amended Proposed Finding if the deficiencies in this limited finding are resolved), the Petitioner has not demonstrated that its members comprise a distinct community that has existed as a community through time. In furtherance of its claim, the Petitioner submitted evidence of groups of descendants occasionally joining together for various purposes, including making claims against the Federal government, in the name of the “Grand River bands.”

The Petitioner asserts that these activities support its claim of a continuously existing distinct community under criterion § 83.7(b). However, the evidence relating to these periodic activities indicates otherwise. From one activity to another, the individuals purporting to act on behalf of the Grand River Bands changed significantly. Instead of reflecting the existence of a distinct community, these activities appear to have been performed by several different groups of descendants acting independently, in some cases, making different decisions on the same issues. Furthermore, the proportion of current members whose ancestors participated in any specific activity is low, relative to the total membership. In addition, those ancestors of members of Petitioner #146 who participated in the activities that the Petitioner claims demonstrate community represent only a small portion of each larger group of individuals who participated in the activities.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Instead of showing that Petitioner #146 represents a continuously existing community, the evidence shows that Petitioner #146 was formed recently by the merging of several different groups of descendants of the historic Grand River-area bands. These different groups were based in different parts of Michigan and appear to have acted independently, each with its own separate leadership, membership, and activities. These groups came together during the mid- to late-1990s, following the congressional recognition of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians in 1994. The leadership of the different groups expressed that seeking Federal recognition was their main purpose for coming together, and the decision to join into a single organization occurred after one of the groups independently submitted its Letter of Intent to the Department. Additionally, the decision to join into a single organization was followed by a period of active recruitment of other individual descendants of the treaty-era bands who had not previously been members of any of the component organizations or otherwise been interacting with other descendants as part of the Petitioner's claimed community.

In sum, although the claims of Petitioner #146 stem from descent from a group of historic bands, the Petitioner has not documented any activities since the treaty era that reflect a continuously existing distinct community. Rather, the evidence shows that the Petitioner came together beginning in 1995 from several independent groups. The absence of a distinct community among the Petitioner's ancestors in earlier evaluation periods is reflected in the continued lack of many characteristics of a distinct community among the current membership. Evidence since 1995 shows that there is a very small group of members, often those in leadership positions, who are active as members, but the overwhelming majority of members are not present and do not participate in Petitioner-sponsored events and activities.

The evidence submitted by Petitioner #146, and evidence Department staff obtained through its verification and evaluation research, is insufficient to demonstrate, under the reasonable likelihood of the validity of the facts standard, that Petitioner #146 meets the mandatory criterion for Federal acknowledgment, § 83.7(b), either as is or as modified by § 83.8.

HISTORICAL BACKGROUND

Introduction

This introductory section provides an overview of the time period leading up to the 1855 Treaty of Detroit, discussing events that affected Ottawa and Chippewa Indians of present-day Michigan prior to the time periods evaluated below for this PF. Petitioner #146's members claim descent from bands of Ottawa-speaking Indians residing initially in northern Michigan, as well as from a number of other tribes native to Michigan such as Chippewa and Potawatomi peoples.

Ottawa peoples are most closely related linguistically to “Chippewa, living along the northern fringe of the region.”⁵² Sociopolitically, they are also related to what Callender referred to as Potawatomi peoples, represented today by federally recognized Indian tribes that include the Pokagon Band of Potawatomi Indians of Michigan and Indiana, Match-e-be-nash-she-wish Band of Potawatomi Indians of Michigan,⁵³ and Nottawaseppi Huron Band of the Potawatomi, Michigan. Collectively, Chippewa, Ottawa and Potawatomi peoples constitute what is known as the “Three Fires.”⁵⁴ The term *Anishinaabe* has been and continues to be used to collectively identify the groups of the Three Fires, along with other peoples of the Great Lakes region in Canada and the United States.⁵⁵

Historically, social and political organization among Ottawa peoples was generally of the band type.⁵⁶ Cleland notes that “each band consisted of a number of related families who collectively used a set of resources.”⁵⁷ Therefore, each band commonly had a territorial dimension. Initially, band territories were associated with locations of traditional villages that were based on kinship

⁵² Charles Callender, “Great Lakes–Riverine Sociopolitical Organization,” in Bruce G. Trigger, ed., *Handbook of North American Indians*, vol. 15: *Northeast* (Washington: Smithsonian Institution Scholarly Press, 1978), 610.

⁵³ The Match-e-be-nash-she-wish Band of Potawatomi Indians of Michigan is also known as the Gun Lake Tribe.

⁵⁴ Throughout this finding, the spellings *Ottawa* and *Chippewa* are used for consistency. However, other spellings also commonly appear, including *Odawa* or *Ojibwa*, respectively. The following federally recognized tribes in Michigan use the term *Chippewa* in place of *Ojibwa*: Sault Ste. Marie Tribe of Chippewa Indians; Saginaw Chippewa Indian Tribe; and Lac Vieux Desert Band of Lake Superior Indians. Additionally, the Grand Traverse Bay Band of Ottawa and Chippewa Indians uses these spellings. In contrast, the federally recognized Little Traverse Bay Bands of Odawa Indians currently uses the *Odawa* spelling. For information on the Three Fires confederacy, see Donald L. Fixico, “The Alliance of the Three Fires in Trade and War, 1630–1812,” *Michigan Historical Review* 20, no. 2 (1994): 1–23.

⁵⁵ Charles E. Cleland, *Rites of Conquest: The History of Culture of Michigan's Native Americans* (Ann Arbor, MI: University of Michigan Press, 1995); Heidi Kiiwetinepinesik Stark, “Respect, Responsibility, and Renewal: The Foundations of Anishinaabe Treaty Making with the United States and Canada,” *American Indian Culture and Research Journal* 34, no. 2 (2010): 145–64.

⁵⁶ Callender, “Great Lakes—Riverine Sociopolitical Organization,” 610; Cleland, *Rites of Conquest*.

⁵⁷ Cleland, *Rites of Conquest*, 193.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

and clan identities.⁵⁸ As European settlement became more intense and some bands began to factionalize politically, village chiefs became more prominent. Consequently, later bands became more frequently associated with and named for leaders such as Cobmoosa's village or Blackbird's village.⁵⁹

Each band's decisions were made via consensus of its members, with individual band chiefs or headmen conveying those decisions as recognized patriarchs of the local bands.⁶⁰ For Ottawa peoples generally, "political organization tended to be loose and informal, contrasting with the tribal organization characterizing most other groups within the area."⁶¹ Members of bands intermarried extensively and maintained similar religious and ceremonial practices. Individual bands were autonomous and regarded other bands as sovereign entities, although bands would act together occasionally to confront larger issues and concerns among Ottawa peoples in what is today the State of Michigan.⁶²

Early Ottawa Settlements in the Grand River Region

The first census of Indigenous peoples residing in the Grand River area occurred in 1782 when John Coates, clerk to the British Indian Department at Mackinac, counted "500 men" at the "Grand River and banks of Lake Michigan with their families," totaling in all 1,200.⁶³ By 1812, Illinois Governor Ninian Edwards identified four villages of Ottawa peoples living along the Grand River, containing about 200 men, as well as two villages on the Muskegon River (with Chiefs Snake and Wampum), one on the bluffs of White River and one on the Pere Marquette River.⁶⁴ In 1819, the U.S. Indian office counted 1,806 Indians in the Grand River region living in 17 villages between the Kalamazoo and the Pere Marquette Rivers, on the eastern shores of Lake Michigan.⁶⁵

⁵⁸ Fixico, "The Alliance of the Three Fires," 1–23.

⁵⁹ Cleland, *Rites of Conquest*.

⁶⁰ Cleland, *Rites of Conquest*.

⁶¹ Callender, "Great Lakes—Riverine Sociopolitical Organization," 620.

⁶² Callender, "Great Lakes—Riverine Sociopolitical Organization," 610; James M. McClurken, *Our People, Our Journey: The Little River Band of Ottawa Indians* (East Lansing: Michigan State University Press, 2009), 15.

⁶³ "Number of Indians Resorting to Michillimakinac," [*Michigan*] *Historical Collections: Collections and Researches Made by the Pioneer and Historical Society of the State of Michigan*, vol. 10 (Lansing: Pioneer and Historical Society of the State of Michigan, 1888), 635–36; citing "The Haldimand Papers [B 98 p 136]."

⁶⁴ Ninian Edwards (Gov. of Illinois Territory), letter to William Eustis (Sec. of War), E-57(6), May 12, 1812, recd. Jun. 2, 1812; Letters Received by the Secretary of War, Main [Registered] Series, 1801–1870; Records of the Office of the Secretary of War, Record Group 107; microfilm publication M221 (Washington, D.C.: National Archives Microfilms), roll 44.

⁶⁵ Reuben Gold Thwaites, ed., "The Fur-Trade in Wisconsin, 1812–1825," *Collections of the State Historical Society of Wisconsin*, vol. 20 (Madison: Wisconsin Historical Society, 1911), 50; citing "Letter Book E, 1818–20, p. 221." The number of Indians and villages in the Grand River region from south to north shown on the 1819 census were: 475 on the Kalamazoo River in 5 villages; 1,020 on the Grand River in 6 villages; 57 on the Muskegon River

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

For the 1830s, estimates of the number and population of Indian villages in the Grand River region vary. Near the Grand River valley, there were about a dozen villages. North of the Grand River, there was likely one village on the Manistee River, one on the Pere Marquette River, two (perhaps three) on the White River, and one to three on the Muskegon River. These villages ranged in population from 30 to 300, with the average likely being closer to 100 or 150. The overall population of the region was probably never more than 1,500. Some of the better-known villages were Nindebakatunnig's Village on the Pere Marquette River, Maskikong's Village on the Muskegon River, and Cobmoosa's, Noon-Day's and Blackskin's Villages all on the Grand River.⁶⁶

In the early to mid-1800s, Christian missionaries began working among the villages in the Grand River region. The Baptist Church set up a mission in 1826 under Reverend Leonard Slater at the village of the Ottawa Chief Naoqua Keshuck (also called Noon-Day), per his request, which is near present-day Grand Rapids.⁶⁷ By 1835, Slater had roughly 150 families involved with the

in 1 village; 187 on the White River in 3 villages; 40 on the Pere Marquette in 1 village; 27 on the Manistee River in 1 village. Each village at this time constituted a single band. The 1819 "Indian Census" did not provide the names of the villages, only the total number of villages on each waterway. See James M. McClurken, "The Ottawa," in James A. Clifton, George L. Cornell, and James M. McClurken, eds., *People of The Three Fires* (Grand Rapids: Michigan Indian Press, 1986), 3; Johanna E. Feest and Christian F. Feest, "Ottawa," in *Handbook of North American Indians*, vol. 15 (Washington: Smithsonian, 1978), 777; James A. Clifton, "Michigan's Indians: Tribe, Nation, Estate, Racial, Ethnic, or Special Interest Group?," *Michigan Historical Review* 20 (Fall 1994): 103–248; U.S. Department of the Interior, "Recommendation and summary of evidence for proposed finding for Federal acknowledgment of the Grand Traverse Band of Ottawa and Chippewa Indians, Peshawbestown, Michigan pursuant to 25 CFR 54," Oct. 3, 1979, "Anthropological Report on the Grand Traverse Band of Ottawa and Chippewa of Michigan," p. 4.

⁶⁶ Primary sources include Gordon Saltonstall Hubbard, *The Autobiography of Gordon Saltonstall Hubbard, Pap-pa-ma-ta-be, "The Swift Walker,"* (Chicago: R.R. Donnelley & Sons Company, 1911), 67–72; Henry R. Schoolcraft, *Personal Memoirs of a Residence of Thirty Years with the Indian Tribes on the American Frontiers: With Brief Notices of Passing Events, Facts, and Opinions, A.D. 1812 to A.D. 1842* (Philadelphia: Lippincott, Grambo & Co., 1851), ch. 47–50; and James H. Lanham, *History of Michigan, Civil, Topographical, in a Compendious Form; With a View of the Surrounding Lakes.* (New York: E. French, 1839), 311–12. Secondary sources from the late 19th and early 20th centuries included Albert Baxter, *History of the City of Grand Rapids* (New York: Munsell & Co., 1891), 28–30; Franklin Everett, *Memorials of the Grand River Valley* (Chicago: The Chicago Legal News Company, 1878); and Dwight Goss, "The Indians of the Grand River Valley," [*Michigan*] *Historical Collections: Collections and Researches Made by the Pioneer and Historical Society of the State of Michigan*, vol. 30 (Lansing: Wynkoop Hallenbeck Crawford Co., 1906), 172–82. More recent sources include Feest and Feest, "The Ottawa," 777–78; McClurken, "The Ottawa," 23; and Helen Hornbeck Tanner, ed., *Atlas of Great Lakes Indian History* (Norman: University of Oklahoma Press, 1987), 133–38. Alternative spellings in documents includes "Cobmoosa" or "Cobmoosay," however, "Cobmoosa" appears to be the most common spelling and will be used throughout this finding.

⁶⁷ Isaac McCoy, *History of Baptist Indian Missions* (Washington: William M. Morrison, 1840), 249. There are various spellings of Chief Naoqua Keshuck's name, including Noahquageshik, Nawequa Geezhig, and Naw way quagezhick. See 7 Stat. 491 (1836); Noahquageshik, et al., to Andrew Jackson, petition to Pres. Andrew Jackson, Jan. 27, 1836, microfilm publication M234 (Washington: National Archives, 1959), roll 422; "Payment to Ottawa & Chippewa Indians 1839," Henry Rowe Schoolcraft Papers, microfilm roll 66, Library of Congress, Washington,

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

mission. In 1836, with non-Indian settlers coming into the area, Slater removed the mission southward to Prairieville in Barry County.⁶⁸ Slater shuttered that mission for good in 1852.⁶⁹

Catholic missionaries had been working among Indians in what would become Michigan Territory for well over a century before the first Catholic mission was established in the Grand River region.⁷⁰ In 1833, the Catholic Church built a mission and a school near Slater's Baptist mission. Father Frederic Baraga, a German Jesuit priest, headed this mission. He had some relative success converting Indians in the Grand River region. For example, Baraga reported having converted 26 Indians to Catholicism in 1834.⁷¹ Despite these early successes, however, many Indians from the Grand River region resisted conversion, though many later became at least nominal Catholics. The Catholics ended the initial mission near Grand Rapids in the 1850s when the bands from the Grand River region moved northward.⁷²

1836 Treaty of Washington

In the early 1830s, as non-Indian settlers migrated in large numbers to what is now the State of Michigan, pressure mounted to remove Indians from their villages near the Grand River. Indians in other regions of present-day Michigan also faced similar pressures.⁷³ The desire to increase non-Indian settlement in the area and remove Indians from their lands led to the 1836 Treaty of Washington with the "Ottawa and Chippewa nations of Indians." The treaty stipulated that \$18,000 would be paid to the Indians "between Grand River and Cheboigun" per year for 20 years in exchange for lands ceded to the U.S. government. The 1836 treaty provided annuities for first-class chiefs, second-class chiefs, and other individuals "of the Grand River." The treaty identified 9 first-class chiefs on the Grand River, and 2 on the Muskegon River; 19 second-class chiefs on the Grand River, and 1 each on the Manistee and Pere Marquette Rivers; 4 third-class chiefs on the Grand River, and 3 each on the Pere Marquette and White Rivers.⁷⁴ The 1839 annuity payment roll listed 14 Indian villages in the Grand River region at the time.⁷⁵ However,

D.C. The name Noon-Day also varies, although the hyphenated presentation of the name is used in this PF for consistency.

⁶⁸ Mary M. Lewis Hoyt, "Life of Leonard Slater: Pioneer Preacher and Missionary," *[Michigan] Historical Collections: Collections and Researches Made by the Pioneer and Historical Society of the State of Michigan*, vol. 35 (Lansing: Wynkoop Hallenbeck Crawford Co., 1907), 144.

⁶⁹ Robert Bolt, "Reverend Leonard Slater in the Grand River Valley," *Michigan History* 51, no. 3 (1967): 251.

⁷⁰ Feest and Feest, "The Ottawa."

⁷¹ Rev. Fred. Baraga to the Leopoldine Foundation, May 24, 1834, (ALF. XIV, VI, #33; pp. 1–3. BBC. Mf. -2; F. 22–24); submitted by Petitioner #146.

⁷² Bolt, "Reverend Leonard Slater," 241–51; Hoyt, "Life of Leonard Slater," 142–54.

⁷³ George N. Fuller, "Settlement of Michigan Territory," *Mississippi Valley Historical Review* 2, no. 1 (Jun. 1915): 25–55.

⁷⁴ 7 Stat. 491.

⁷⁵ McClurken, "Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615–1990," 16. The 14 villages listed are: Manistee River, Pere Marquette River, White River, Muskego, Fort Village, Band or Village of

the Gun Lake village that was included among the 14 villages was actually an Ottawa and Pottawatomi village that over time became known principally as a Pottawatomi village.⁷⁶

Bands of Ottawa Indians living in the Grand River region used various tactics to remain living in their homelands during this period. For example, some Ottawa peoples from the Grand River area affiliated themselves with Ogemainini, a Little Traverse Bay Ottawa, who obtained support from non-Indian Christians to purchase land near the modern city of Holland. The village that Ogemainini built on the site included extended family members from both Little Traverse and Grand River. This combined group eventually joined with Grand Traverse Ottawa peoples in 1849 when fleeing a smallpox epidemic.⁷⁷

Additional examples demonstrate non-Indians assisting Ottawa peoples in the Grand River region with access to land and remaining in the area when they became affiliated with Christian missions. For example, Gray notes that “[a]ll three of the Ottawas’ permanent bases between the Kalamazoo and Grand Rivers after the Treaty of 1836 were Protestant missions: the Baptist Slater Mission just over the Kalamazoo County line in Barry County, the Episcopalian Griswold Mission in Allegan County; and the Old Wing Colony near present-day Holland led by George N. Smith, a Congregational clergyman.”⁷⁸ However, by 1848 the Old Wing Mission moved north to Grand Traverse Bay and the Slater Mission closed in 1852.⁷⁹

Other Ottawa peoples in the area used their own annuity money to purchase land in their homelands.⁸⁰ For example, Payquotusk purchased land at Fort Village, while Muccatosha’s and Megisinini’s peoples pooled nearly \$1,200 dollars from their individual annuities and purchased land in the name of an established non-Indian merchant, Richard Godfroy.⁸¹ These examples demonstrate that Ottawa peoples, at the time of the 1836 Treaty and in its aftermath, enacted different and independent strategies to remain in their homelands.

In 1840, an Indian Office census identified the same 14 villages from the 1839 annuity payment roll, naming each village *ogema* (leader) and head of household.⁸² The total population in the

Grand Rapids, Prairie Village, Forks of the Thorn Apple River, Thorn Apple River, Ottawa Colony, Flat River Village, Maple River Band, Forks of the Grand River, and Gun Lake Village (“Payment to Ottawa & Chippewa Indians 1839,” Henry Rowe Schoolcraft Papers).

⁷⁶ Tanner, *Atlas of Great Lakes Indian History*, 134.

⁷⁷ McClurken, “Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615–1990,” 35–36.

⁷⁸ Susan E. Gray, “Limits and Possibilities: White–Indian Relations in Western Michigan in the Era of Removal,” *Michigan Historical Review* 20, no. 2 (Fall 1994): 71–91.

⁷⁹ Gray, “Limits and Possibilities.”

⁸⁰ Cleland, *Rites of Conquest*, 228.

⁸¹ James M. McClurken, “We Wish to be Civilized: Ottawa–American Political Contests on the Michigan Frontier” (PhD diss., Michigan State University, 1988), 212–18.

⁸² The 1839 annuity bands (spellings of the chiefs’ names may be inaccurate or inconsistent with spellings in other documents) had the following population numbers in 1840: Manistee River Village, Chief Kewapgooshkum, 105 people; Grand Rapids Village, Chief Megissminee, 78; Pierre (Pere) Marquette River, Chief Saugema, 30;

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

region appears to have not exceeded 1,500 individuals at that time.⁸³ By the early 1850s, Ottawa villages and other Indian settlements were being overwhelmed by non-Indian settlers moving into the region. These newcomers pressured the Government to relocate Indians in the area and open their lands for non-Indian settlement,⁸⁴ and in 1855 the Federal Government negotiated a new treaty with the “Ottawa and Chippewa Indians of Michigan” to obtain additional land cessions.

Treaty-Related Documents and Activities

The first time that an individual is identified as an “Ottawa from Grand River” is in the September 8, 1815, amended treaty with the “Wyandots, Etc.” This individual, named “Mechequez,” signed the treaty with his mark.⁸⁵ There is no indication in the record whether this individual represented the entirety of the bands living in the Grand River region at the time or represented only a single village or band.

The August 29, 1821, Treaty of Chicago with the “Ottawa, Chippewa, and Pottawatamie Nations of Indians” refers to the Grand River itself and names several individuals, such as John Riley and Peter Riley, who were to receive land at the mouth of the Au Foin on the Grand River and extending down the said river.⁸⁶ Among the eight designated “Ottawa” signatories, three came from villages on the Grand River. One of those signatories was “Kewagoushcum,” an Ottawa *ogema* from the Grand River region. The Petitioner states that Kewagoushcum “agreed to sell Ottawa lands south of the Grand River, against the wishes of the other Grand River Ottawa

White River Village, Chief Mishewautig, 150; Maskego (Muskegon) River Village, Chief Kenanwaygeeshick, 137; Fort Village (on the Grand River), Chief Naokequiabee, 136; Prairie Village (on the Grand River), Chief Kenotinaishkunk, 50; Forks of the Thornapple River Village (tributary of the Grand River), Chief Keeshkondug, 111; Thornapple River Village, Chief Iauquanau, 113; Gull Prairie Village, Chief Noon-Day, 91; Flat River Village (on the Grand River), Chief Kaubemossay (Cobmossa/Cobmoosa), 160; Maple River Village (on the Grand River), Chief Mukataywaquot, 164; Forks of the Grand River Village, Chief Nebauquom, 103. The list misidentified the Manistee River Village as a Chippewa village; other contemporary documents identified it as Ottawa. The census also identified the Gun Lake or “Griswold” Village (68 people under Chief Sahgeman) in Barry County near the Kalamazoo River as Ottawa. This village was actually a Potawatomi Village, although a number of Grand River Ottawa had intermarried with the group and resided there. See Henry R. Schoolcraft, *[Historical and Statistical] Information Respecting the History, Condition, and Prospects of the Indian Tribes of the United States*, part 3 (Philadelphia: Lippincott, Grambo & Co., 1853), 616.

⁸³ For other population totals and descriptions of Ottawa peoples in the Grand River region during this period, see Henry R. Schoolcraft, *Historical and Statistical Information Respecting the History, Condition, and Prospects of the Indian Tribes of the United States*, part 1 (Philadelphia: Lippincott, Grambo & Co., 1851), 478; “Payment to Ottawa & Chippewa Indians 1839,” Henry Rowe Schoolcraft Papers; John M. Gordon, “Michigan Journal, 1836,” *Michigan History* 43 (1959): 277.

⁸⁴ Gray, “Limits and Possibilities,” 71–91.

⁸⁵ 7 Stat. 131 (1815).

⁸⁶ 7 Stat. 218 (1821).

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

bands.”⁸⁷ Other Ottawa leaders denied having authorized the sale of their country and never forgave him for signing the treaty and ceding their lands to white settlers.⁸⁸ He was eventually murdered by another Ottawa man, Wasogenaw, in 1839.⁸⁹

In addition to Kewagoushcum, signatories Mat-che-pee-na-che-wish and Nokawjeguan were also from the Grand River region. Mat-che-pee-na-che-wish was from a mixed Ottawa and Potawatomi village at the head of the Kalamazoo River.⁹⁰ “Nokawjeguan,” also known as Naoqua Keshuck, Noahquageshik, or Noon-Day, was the chief of the Ottawa Village at Grand Rapids.⁹¹

By 1836, U.S. Government pressure on Ottawa and Chippewa peoples to cede their lands in the lower peninsula led to negotiations of a new treaty.⁹² On January 27, 1836, “Chief Noahquageshik et al.” petitioned President Andrew Jackson, stating, “We have not a mind to remove to a distant land our children would suffer” and that “[n]ot only one, but eight villages are all of one mind.”⁹³ This letter was written from Grand Rapids; however, two months later, Ottawa peoples from Michigan, including the Grand River region, were compelled to send delegates to Washington to negotiate the treaty.

In March 1836, a delegation of Ottawa and Chippewa chiefs gathered at the Masonic Hall in Washington, D.C. to discuss cessions of their lands.⁹⁴ Baptist missionary Isaac McCoy noted that, “[t]he main body of the Ottawas was on Grand river and in its vicinity, and these strongly objected to selling any of their country.”⁹⁵ The delegates from the Grand River region, excepting one, were not authorized by their *ogemuk* or communities to enter into treaty negotiations, according to some sources. Therefore, they were deliberately sent as a means of delaying or avoiding entering into binding treaty negotiations that were unfavorable to their communities.⁹⁶

⁸⁷ McClurken, “Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615–1990,” 15. The various spellings of Kewagoushcum’s name throughout documents and articles include: Keewaycooshcum, Kewaycooshcum, Cu-gi-as-cum, and Kewikishkum. See 7 Stat. 218 (1821); McCoy, *History of Baptist Indian Missions*, 192; Gordon, “Michigan Journal,” 467; *History of Kent County, Michigan . . .* (Chicago: Chas. C. Chapman & Co., 1881), 154.

⁸⁸ Gordon, “Michigan Journal,” 433–78; *History of Kent County, Michigan*, 155.

⁸⁹ *History of Kent County, Michigan*, 155.

⁹⁰ Tanner, *Atlas of Great Lakes Indian History*, 98.

⁹¹ Wheeler-Voegelin, “An Anthropological Report,” 195–96.

⁹² George N. Fuller, “Settlement of Michigan Territory,” *Mississippi Valley Historical Review* 2, no. 1 (1915): 25–55.

⁹³ Noahquageshik, et al., to Andrew Jackson, petition to Pres. Andrew Jackson, Jan. 27, 1836.

⁹⁴ Negotiations were held in Washington, DC, where delegates were “separated from contrary influences,” including their own people who remained opposed to ceding their lands and were often pressured and confused by non-Indian negotiators (Cleland, *Rites of Conquest*, 226-27).

⁹⁵ McCoy, *History of Baptist Indian Missions*, 494.

⁹⁶ McCoy, *History of Baptist Indian Missions*, 494.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Despite opposition to ceding their lands and in response to mounting pressure from U.S. Indian Agent Schoolcraft, Ottawa delegates from the Grand River region were among the “Ottawa and Chippewa nations of Indians” who ultimately signed the Treaty of Washington on March 28, 1836. The treaty included land cessions covering the western Lower Peninsula north of the Grand River and all of the Upper Peninsula, moving Indians from the Grand River region north to 70,000 acres of reserved land on the Manistee River.⁹⁷ The Indian signatories on the treaty were grouped together using the following designations: Maskigo, Grand River, Michilimackinac, Sault Ste. Marie, L’Arbre Croche, and Grand Traverse. The six chiefs identified as being “of Grand River” included: Wabi Windego, Megiss Ininee, Nabun Ageezhig, Winnimissagee, Mukutaysee, and Wasaw Bequm. The three chiefs “of Maskigo” were Oroun-Ashkum, Wassangaze, and Osawya. The treaty also enumerated other affected chiefs, designated as “first class,” “second class,” and “third class,” who were identified as being “of Grand river.”⁹⁸

Shortly after the treaty was signed in late-March 1836, the U.S. Senate unilaterally amended it and limited the use of reservations to only five years unless the U.S. government extended the time period. The treaty also stipulated that “should the Indians desire it, a deputation shall be sent to the southwest of the Missouri River there to select a suitable place for the final settlement of said Indians which country so selected and of reasonable extent the United States will forever guaranty and secure to said Indians.”⁹⁹ By moving Indians from the Grand River region to the north for a short period, the U.S. government sought to further entice them to eventually move to reservations west of the Mississippi River.¹⁰⁰ Cleland asserts that “[t]he chiefs were utterly shocked when they saw it” because of the changes.¹⁰¹ Agent Schoolcraft was charged with gathering the original delegates on Mackinac Island where they would be asked to sign and ratify the amended treaty. The U.S. government refused to make any payments, services, or goods unless the Indians signed the amended treaty.¹⁰² The March 31, 1836, supplemental article of the treaty included as signatories the same three chiefs from Maskigo, but only three of the six chiefs of Grand River (Wabi Windego, Megiss Ininee, and Nabun Ageezhig).¹⁰³

⁹⁷ 7 Stat. 491 (1836); Cleland, *Rites of Conquest*, 227; Feest and Feest, “The Ottawa,” 778; Tanner, *Atlas of Great Lakes Indian History*, 164–65. Ottawa chiefs from the Grand River had signed an 1821 Treaty, along with other Ottawa, Chippewa, and Potawatomi tribes that ceded all the land south of the Grand River in Michigan. The Potawatomi inhabited most of this land. Some Ottawa had married into the Potawatomi tribe over the years, but the area remained predominately Potawatomi in both social and political affiliation (*see* 7 Stat. 218 (1821)).

⁹⁸ 7 Stat. 491.

⁹⁹ 7 Stat. 491.

¹⁰⁰ George Blackburn, “Foredoomed to Failure: The Manistee Indian Station,” *Michigan History* 53, no. 1 (1969): 37–50; George Weeks, *Mem-ka-weh: Dawning of the Grand Traverse Band of Ottawa and Chippewa Indians* (Traverse City: Village Press, Inc., 1992).

¹⁰¹ Cleland, *Rites of Conquest*, 22

¹⁰² Cleland, *Rites of Conquest*.

¹⁰³ 7 Stat. 491.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Agent Schoolcraft and Ottawa and Chippewa delegates gathered on Mackinac Island in July 1836. Some chiefs and delegates signed and ratified the treaty on July 14, 1836. However, chiefs from the Grand River and “along the coast this side of that place” arrived too late to sign and ratify the treaty at that time, instead signing a duplicate of the amended treaty on July 21, 1836. Agent Schoolcraft verified in a letter to the Secretary of War that 13 “southern chiefs and principal men” signed and ratified the amended treaty.¹⁰⁴

While Schoolcraft created a map of the Indian superintendency of Michigan indicating where the reserved lands of the 1836 treaty were to be located, most of the reserved lands were only partially surveyed.¹⁰⁵ Ultimately, many Indians living in the Grand River region did not move to the northern reserved lands and instead, remained in their homelands.¹⁰⁶

Three years after signing the 1836 treaty, the first distribution of treaty-related annuity payments occurred at Grand Rapids.¹⁰⁷ As mentioned previously, the 1839 annuity payment roll identifies 14 villages from the Grand River region. However, Noahquageshik et al.’s 1836 letter only mentions eight villages and does not specifically name them. The difference in the number of villages involved in these two actions is unclear. In its materials, the Petitioner did not discuss whether six villages came into being between 1836 and 1839 or otherwise explain why the six villages were not included in the 1836 letter.

By 1855, Ottawa villages in the Grand River region, as well as other Indian populations in present-day Michigan, were again under pressure to cede their lands to non-Indian settlers moving into the area. These newcomers pressed the Government to relocate Indians and open their lands to non-Indian settlement.¹⁰⁸ Consequently, in 1855 the Federal Government

¹⁰⁴ Henry R. Schoolcraft, et al., to the U.S. President, Jul. 14, 1836, *Documents Relating to the Negotiation of Ratified and Unratified Treaties with Various Tribes of Indians, 1801–69*, microfilm publication T494 (Washington: National Archives, 1960), roll 3; Unidentified letterbook, p. 91, R. Robinson (Mackinac, Mich.) to H.R. Schoolcraft, Jul. 21, 1836, *Records of the Michigan Superintendency of Indian Affairs, 1814–1851*, microfilm publication M1 (Washington: National Archives, 1976), roll 41; “Letter Book of the Superintendency of Indian Affairs Commenced July 18th, 1836,” p. 7, Henry R. Schoolcraft to Lewis Cass, Jul., 22, 1836, NARA microfilm publication M1, roll 37.

¹⁰⁵ Feest and Feest, “The Ottawa,” 782–86; “A Map of the Superintendency of Michigan,” Sep. 16, 1837, NARA microfilm publication M234, roll 422.

¹⁰⁶ Feest and Feest, “The Ottawa,” 782–86.

¹⁰⁷ Cleland, *Rites of Conquest*. Department researchers located a statement from Captain Sibley to Harris, August 2, 1838, detailing a gathering with Ottawa peoples at Grand River. Captain Sibley complimented Ottawa peoples present for their participation in trying to locate those responsible for the murder of non-Indian settlers. Ottawa peoples Meek-Se-Min-Ne (Megiss Ininee?) and Cop-e-mon-sa (Cobmoosa?) both spoke at the gathering and made specific mention of paying settlers for “depredations committed by Indians against the settlers” out of the group’s annuity monies. See Edward Sibley, et al., “Proceedings of a Council held by Lieut. E. S. Sibley, U.S. Army, and Charles H. Oakes, Acting Sub. Agent, with the Ottawa tribe of Indians, on the 19th day of May 1838,” in Jno. Garland (Detroit, Mich.), letter to C. A. Harris, Commissioner of Indian Affairs (Washington), Aug. 23, 1838, NARA microfilm publication M234, roll 402.

¹⁰⁸ Gray, “Limits and Possibilities,” 71–91; Tanner, *Atlas of Great Lakes Indian History*, 179.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

negotiated another treaty with the “Ottawa and Chippewa Indians of Michigan” to obtain more land cessions. Seventeen chiefs designated under the category of “Grand River Bands” signed the treaty, along with other Ottawa and Chippewa leaders.¹⁰⁹ Among the signatories under the “Grand River Bands” designation was Chief Shaw-be-quo-ung of the Gun Lake Band of Pottawatomi Indians. Chief Shaw-be-quo-ung’s band was predominately Pottawatomi, although Ottawa peoples from other Grand River bands had married into it.¹¹⁰ Twelve Ottawa chiefs designated under the category of Grand River, along with Shaw-be-quo-ung, also signed the 1856 amendment to the 1855 treaty.¹¹¹

With the 1855 treaty, Indians from the Grand River region agreed to leave their homelands and settle on reserved land to the north. In Article 1, Clause Six, the treaty specifically set aside “township 12 north, range 15 west, and townships 15, 16, 17, and 18 north, range 16 west” for bands from Grand River.¹¹² From this reserved land, Indians from the Grand River region could choose individual allotments.¹¹³ Each head of a family was entitled to 80 acres and each single adult over twenty-one years of age to 40 acres. Families of orphans and single orphan children were also entitled to acres of land. Once Indians selected their allotments, all remaining land would be put on the open market and available for purchase by non-Indians. To compensate for the ceded lands, the Government arranged to pay *per capita* annuities to the heads of Ottawa and Chippewa families for 15 years. The Government further agreed to supply money for agricultural supplies, livestock, a blacksmith and carpenter, tools, building materials, teachers, schools, and missionaries.¹¹⁴ The reserved land designated for bands from the Grand River area, which was 24 miles long and 6 miles wide, included the present-day townships of Elbridge and Crystal in Oceana County and Eden and Custer in Mason County.¹¹⁵

¹⁰⁹ 11 Stat. 21 (1855).

¹¹⁰ U.S. Department of the Interior, Office of Federal Acknowledgment, “Summary under the Criteria and Evidence for Proposed Finding, Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan,” Jun. 23, 1997, 14–15.

¹¹¹ 11 Stat. 621.

¹¹² 11 Stat. 621; *see also* Map 2 on p. vi of this finding.

¹¹³ Individual Indians made selections from the reserved lands designated in the 1855 treaty and were issued a patent to own those properties outright. The reserved lands were then released from trust constraints and considered private property. After Indian selections were made, land once reserved for Indians were opened to non-Indian home-steading. Non-Indians established farms and communities alongside Indians. Indian owners sometimes sold their properties to non-Indians. *See* 11 Stat. 621; Terry L. Anderson and Dean Lueck, “Land Tenure and Agricultural Productivity on Indian Reservations,” *Journal of Law and Economics* 35 (1992), 428–29; McClurken, “The Ottawa,” 44.

¹¹⁴ 11 Stat. 621.

¹¹⁵ *History of Manistee, Mason, and Oceana Counties, Michigan* (Chicago: HR Page & Company, 1882), 81 [Oceana County]; Harry L. Spooner, “Indians of Oceana,” *Michigan History* 15 (1931): 655.

CONCLUSIONS UNDER CRITERION § 83.7(b)

83.7(b) A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.

As modified by

83.8(d)(2) The group meets the requirements of the criterion in §83.7(b) to demonstrate that it comprises a distinct community at present. However, it need not provide evidence to demonstrate existence as a community historically.

Criterion § 83.7(b) requires that a “predominant portion of the petitioning group comprises a distinct community.” The term “predominant” establishes the requirement that at least half of the membership maintains significant social contact with each other.¹¹⁶

The Federal acknowledgment regulations provide a specific definition of community:

Community means any group of people which can demonstrate that consistent interactions and significant social relationships exist within its membership and that its members are differentiated from and identified as distinct from nonmembers.

Community must be understood in the context of the history, geography, culture, and social organization of the group.¹¹⁷

Consistent interaction and significant social relationships must exist among the members of the group.

The AS-IA guidance of May 23, 2008 clarified that petitioners must demonstrate continuous tribal existence from either “the period of earliest sustained non-Indian settlement and/or governmental presence in the local area” or March 4, 1789, the date of ratification of the U.S. Constitution, whichever is later.¹¹⁸ However, for certain petitioners providing substantial evidence of unambiguous Federal acknowledgement, § 83.8 allows the petitioner to meet certain criteria from only the point of last Federal acknowledgment,¹¹⁹ while “maintain[ing] the essential requirement that to be acknowledged a petitioner must be tribal in character and demonstrate historic continuity of tribal existence.”¹²⁰ Accordingly, the analyses presented in this PF on

¹¹⁶ 59 FR 9287.

¹¹⁷ 25 CFR § 83.1.

¹¹⁸ 73 FR 30147.

¹¹⁹ 25 CFR § 83.8(d)(1), (3), (5).

¹²⁰ 59 FR 9282.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

criterion § 83.7(b) begin in 1855, with the introductory, historical background section above providing additional context.

The evidence in the record is insufficient to show that Petitioner #146 comprises a distinct community at present, as required under § 83.8(d)(2), or that the Petitioner has existed as a community from historical times until the present, as required under § 83.7(b) or § 83.8(d)(5). The Petitioner asserts that their current group is similar to that of the historic treaty-era bands residing near the Grand River, which they describe as “a loosely organized network of kin-based groups.”¹²¹ Specifically, the Petitioner claims,

Originally organized into kin-based hunting bands that formed cooperative, co-residential units, the Grand River Ottawas slowly evolved into a single political and social unit. Throughout this evolutionary process, the ancestors of the modern band have been known by one name - the Grand River Bands. Today, the Grand River Ottawas live in distinct communities in the modern cities which came to be located atop their nineteenth century towns and upon the 1855 reservations.¹²²

As a preliminary matter, the evidence does show that the Petitioner’s members descend from individual members of the bands that were identified as the historical “Grand River Bands” in the 1855 Treaty of Detroit and subsequent annuity lists.¹²³

Throughout the time periods discussed below, boundaries across the Petitioner’s kin-based networks have been fluid and inclusive, which makes the existence of a distinct community through time difficult to determine. Indians and non-Indians alike most often identified the Petitioner’s ancestors generally as Indians or as descendants of the “Ottawa and Chippewa” treaty tribe, not as the “Grand River Bands,” and treated them as such.¹²⁴ They also commonly interacted and socialized with other Ottawa, Chippewa, Potawatomi, other Indians, and non-Indian peoples. Much of the information in the record applies to descendants of Ottawa peoples in general whose ancestors lived in the Grand River valley, some of whom had initially relocated to reserved land in Mason and Oceana counties, but there is insufficient evidence in the record to determine that those ancestors comprised a distinct community.

¹²¹ “Response To The Technical Assistance Letter,” 4.

¹²² James M. McClurken, “Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615–1990,” Nov. 14, 2000, v.

¹²³ The Petitioner characterizes its membership as descended from “all 19 historic chiefs of the Grand River Bands” (“Response To The Technical Assistance Letter,” 3). However, the information in the record indicates that the Petitioner’s membership traces genealogically to individual members of the *bands* listed on the 1870 annuity payment roll, not specifically to the chiefs. While the Petitioner’s members may descend from some of these chiefs, they also descend from non-chiefs listed on this roll.

¹²⁴ See for example, Native American Oral History Project, Grand Rapids History and Special Collections Department, Grand Rapids Public Library.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

At the beginning of the modern period (1984 to Present), several separate requests for recognition were sent to the Federal government, though there is little to no indication that these requests were made on behalf of an underlying distinct community. In fact, as discussed below, the evidence suggests that the communities containing the Petitioner's members were locality-based and functioned separately from each other. These requests were followed by significant efforts to combine the separate groups of descendants and actively recruit additional individual descendants, leading to the creation of Petitioner #146 between 1994 and 1997.

The following discussion of criterion § 83.7(b) covers the evaluation periods of 1855 to 1908, 1909 to 1947, 1948 to 1983, and 1984 to the present. The evaluation periods prior to the modern period are marked by events that affected Ottawa and Chippewa Indians of the present-day State of Michigan or that provide important context for understanding the evidence evaluated in these analyses. The beginning date of the modern period is based on past decisions that have interpreted "at present" to cover "approximately ten years leading to the establishment of a modern organization to the time of the evaluation of the petition."¹²⁵ In the case of Petitioner #146, the modern period is approximately 1984 to present. Each evaluation period discusses relevant evidence provided by the Petitioner and additional evidence obtained through Department research that relates to § 83.7(b).

Evidence for the Period of 1855 to 1908

Introduction

The evaluation period of 1855 to 1908 begins after the signing of the 1855 Treaty of Detroit, which called for the relocation of Indians from the Grand River region northward to mainly Oceana and Mason Counties. The period ends with the initiation of Special Agent Horace Durant's fieldwork that would be used to develop a roll (now known as the Durant Roll) of Ottawa and Chippewa Indians who were due funds from the United States under the 1836 Treaty of Washington.

Relocation and Resettlement

In their narratives and submission materials, Petitioner #146 discusses the relocation of Ottawa peoples from the Grand River region to the northern part of their traditional hunting and trapping range per the 1855 treaty provisions.¹²⁶ The evidence shows that in 1858, under treaty stipulations, a large group of about 1,500 to 1,800 Ottawa peoples from the Grand River region

¹²⁵ OFA to Yob, technical assistance (TA) review letter, Jan. 26, 2005.

¹²⁶ McClurken, "Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615–1990," 72.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

relocated to reserved land in the north.¹²⁷ Some individuals in this group went to the part of the reserved land in Oceana County near the present-day town of Elbridge. Others went to part of the reserved land in Mason County, near the modern-day town of Custer, where they settled among other Ottawa peoples from Grand River and others already living in the area.¹²⁸ The Petitioner claims that this large emigrant group of Ottawa peoples from Grand River “separated into two distinct reservation settlements and eventually adopted two distinct identities” known later as Little River Band of Ottawa Indians and the remaining Grand River Bands members who “continued to use the name drawn from their previous habitations.”¹²⁹

One small group of Ottawa peoples from the Grand River region refused to move to the reserved land in the north and instead relocated to the Isabella Reservation in Isabella County among Chippewa Indians with whom some Ottawa peoples from the Grand River area had already married.¹³⁰ These individuals and their descendants mostly continued to marry into the Isabella community, which today is the federally recognized Saginaw Chippewa Indian Tribe.¹³¹

Another group that relocated to the reserved land in Mason and Oceana Counties with Ottawa peoples from the Grand River region was a band of Pottawatomi Indians led by Chief Shaw-be-quo-ung from Barry County. This band signed the 1855 treaty and collected annuity payments along with Ottawa peoples from the Grand River region. The band was Pottawatomi, but Ottawa peoples from the Grand River area bands had married into it. Members of Chief Shaw-be-quo-ung’s band moved to the reserved land in Mason and Oceana Counties and some even selected allotments there in the early 1870s. Most of them, however, moved back to Barry County in the middle to late 1870s. Today, Shaw-be-quo-ung’s band is the federally recognized Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians.¹³²

Other Indians from the Grand River region moved even farther north during the relocation period. Some moved to Manitoulin Island to join Ottawa, Chippewa, and Potawatomi peoples already living there, while others settled in Georgian Bay among Chippewa bands.¹³³ In sum, as Petitioner #146 notes and the evidence confirms, not all Ottawa peoples from the Grand River region moved north in the early wave of relocation in 1858. Some moved as individual bands

¹²⁷ *History of Manistee, Mason, and Oceana Counties, Michigan*, 81–82 [Oceana County]; Spooner, “Indians of Oceana,” *Michigan History* 15: 654–55. For additional discussion of these groups, see U.S. DOI, “Summary under the Criteria and Evidence for Proposed Finding, Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan,” Jun. 23, 1997.

¹²⁸ Spooner, “Indians of Oceana,” *Michigan History* 15: 654–55.

¹²⁹ McClurken, “Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615–1990,” 79–80.

¹³⁰ McClurken, “The Ottawa,” 33.

¹³¹ Bryan Thomas Swanson, “Saginaw Chippewa Tribal Relations and the Social Production of Space in Isabella County, Michigan” (Master’s thesis, Western Michigan University, 2005).

¹³² 63 FR 56936–38 (1998).

¹³³ Feest and Feest, “Ottawa,” 779.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

that traveled north independently at different times.¹³⁴ The final band from the Grand River region to relocate north was Payquotusk's Fort Village Band, which moved to the Pere Marquette settlement.¹³⁵

As noted above, the 1855 treaty allowed for individual Indian allotments of reserved land and payment of per capita annuities to heads of families. The Government paid out the annuities until the early 1870s.¹³⁶ Petitioner #146 claims that Ottawa peoples from the Grand River area spent fifteen years making their land allotment selections on the northern reserved lands.¹³⁷ Evidence illustrates the complications that ensued with many of these selections, which caused delays in the process.

In the selection process, the Indian agent had one year to draw up a list of eligible persons and then Indians from the Grand River area had five years to select and make application for their lands, which the Government would hold in trust for ten years after the formal approval of individual land patents.¹³⁸ However, when the Indians from the Grand River region arrived on the reserved land, they found most of the land already had been taken by non-Indians or lumber companies. In other cases, the State had acquired some of the land as swampland or for rights-of-way for proposed railroads or public works. Additionally, the Indian agents assigned to the task of managing the land selection process mishandled drawing up the first list of eligible applicants. Consequently, the actual selection and application process did not start for five years. The process was further hampered by delays and the U.S. Civil War. When the process commenced, the Indian agents made errors on most of the original patents, causing them to become unusable. Ultimately, many eligible Indians from the Grand River region did not select allotments and receive land certificates in Mason and Oceana Counties until the late 1860s and others did not receive land patents until the early 1870s.¹³⁹

In 1872, Congress sought to accelerate the allotment process by passing an act to allow Michigan Indians who had reached 21 years of age since 1855 or who had not already selected allotments to obtain Indian homestead patents of 80 or 160 acres on unoccupied reserved land in the same

¹³⁴ McClurken, "Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615–1990," 78–81; "Natives," *Grand Rapids Eagle*, Oct. 4, 1858.

¹³⁵ McClurken, "Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615–1990," 80–81. See also A.M. Fitch to Alfred B. Greenwood, May 30, 1859, microfilm publication M234 (Washington: National Archives, 1959), roll 406; "Arrival of Indians — Departed for Their New Homes," *Daily Enquirer and Herald* (Grand Rapids), Jun. 4, 1859.

¹³⁶ The last payment for the Ottawa peoples of the Grand River Bands likely occurred in 1872. See George I. Betts, "Annual Reports of Superintendents of Indian Affairs and Indian Agents: Minnesota and States East of the Mississippi River," no. 2, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1872* (Washington: Government Printing Office, 1872), 202–03.

¹³⁷ McClurken, "Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615–1990," 82.

¹³⁸ 11 Stat. 621.

¹³⁹ Bruce A. Rubenstein, "Justice Denied: Indian Land Frauds in Michigan, 1855–1900," *Old Northwest* 2 (1976): 131–40; "Indian Lands," *East Shore News*, Mar. 24, 1871.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

designated area.¹⁴⁰ Congress passed additional legislation to extend this act in 1875 and 1876.¹⁴¹ With the additional legislation, Indians had six months to make their selections, and non-Indians already living on reserved land without legal title could obtain patents for their land. Once Indians made their selections, the undisposed portions of the reserved land would go for sale on the open market.¹⁴² The law eliminated the 10-year trust period for the patents, allowing Indians to sell their land immediately, which made Indian landowners prey for fraud as documented in an official Government report.¹⁴³ Within five years, almost all the reserved land was in non-Indian hands.¹⁴⁴

After the 1870s, land loss compelled many Indians to move away from Mason and Oceana Counties, with many moving to adjacent counties.¹⁴⁵ In addition, Ottawa men took up jobs on a seasonal basis in timber, mining, and fishing industries in areas near Mason and Oceana Counties, usually returning home in the winter.¹⁴⁶ Consequently, Ottawa peoples in the area came to live interspersed among non-Indian settlers, and the Indian population living on the reserved land of Oceana and Mason Counties “continuously declined after 1870,” which the Petitioner attributes to Indians returning to the counties where their families had lived prior to the 1855 treaty.¹⁴⁷ Department researchers used Federal census records to locate families in these counties in 1870 and afterwards.¹⁴⁸ These records show some families moving out of Oceana and Mason Counties over time, but do not demonstrate that most of these families moved to the Grand River area, nor that they did so in an effort to return to treaty-era residences. Department researchers further found that some of the population decline may have been due to changes in policies regarding the allotment process and increasing pressure from non-Indian settlers to obtain land in the area.¹⁴⁹

¹⁴⁰ 17 Stat. 381 (1872).

¹⁴¹ 18 Stat. 516 (1875); 19 Stat. 55 (1876).

¹⁴² 17 Stat. 381; “Indian Lands,” *East Shore News*, March 24, 1871.

¹⁴³ E. J. Brooks, Special Agent, letter to E. A. Hayt, Commr. of Indian Affairs, Jan. 12, 1878, NARA microfilm publication M234, roll 413; Rubenstein, “Justice Denied,” *Old Northwest* 2: 132–33.

¹⁴⁴ Tanner, *Atlas of Great Lakes Indian History*, 168.

¹⁴⁵ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 34–35.

¹⁴⁶ Bradley J. Gills, “Navigating the Landscape of Assimilation: The Anishnabeg, the Lumber Industry, and the Failure of Federal Indian Policy in Michigan,” *Michigan Historical Review* 34, no. 2 (2008), 57–74.

¹⁴⁷ James M. McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response to Office of Federal Acknowledgment Technical Assistance Letter, dated 26 January 2005,” Jun. 7, 2006, p. 34.

¹⁴⁸ See, for example, 1870 U.S. census, population schedule, NARA microfilm publication M593, rolls 689 (Mason County) and 696 (Oceana County); 1880 U.S. census, population schedule, NARA microfilm publication T9, rolls 594 (Mason County) and 599 (Oceana County).

¹⁴⁹ Rubenstein, “Justice Denied,” *Old Northwest* 2: 131–40.

Demographics

Petitioner #146 provided summary recapitulations of data culled from Federal censuses to demonstrate changing demographic patterns of residence among Indians living in various Michigan counties during the late 1800s through the early 1900s. The Petitioner's data were compiled in a series of maps with each map denoting the Indian population in various Michigan counties where the Petitioner claims Ottawa peoples from the Grand River region lived at the time, including Manistee, Mason, Oceana, Muskegon, Newaygo, Kent, Allegan, Lake, and Benzie Counties.¹⁵⁰ The Petitioner asserts that among an estimated 1,200 to 1,500 Ottawa peoples originating from the Grand River area, nearly 1,000 were living in three counties in 1870. The Petitioner claims the largest number lived in Oceana County (593 individuals), the second largest lived in Mason County (230), and a smaller group lived in Newaygo County (130 individuals). The Petitioner further states that a smaller number lived in Ottawa, Kent, and Allegan Counties, which the Petitioner identifies as settlements now associated with the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan.¹⁵¹ These numbers do not include other descendants of the bands from the Grand River area who settled on the Isabella Reservation in Mt. Pleasant, as census enumerators were instructed not to count "Indians not Taxed."¹⁵²

Petitioner #146 claims that Indian population totals in 1880 dropped to 347 individuals residing in Oceana County and 129 in Newaygo County, while numbers rose to 362 in Mason County. The Petitioner further asserts that total Indian populations living in Allegan and Ottawa Counties rose and that smaller Indian populations were enumerated in Lake, Manistee, and Benzie Counties. By 1890, the total Indian populations living in both Oceana (271) and Mason (335) Counties dropped but numbers increased in Allegan, Ottawa, Muskegon, and Manistee Counties.¹⁵³

The Petitioner's demographic evidence and discussion addressing Federal census counts of total Indian populations living in the counties identified above for the period of the late 1800s through the early 1900s are insufficient for demonstrating community among the Petitioner's ancestors. The Petitioner's data do not specifically address which portion of the reported Indian population were Ottawa peoples, much less members of a distinct community of Ottawa peoples from the Grand River area. The Petitioner correctly states that "census reports do not identify tribal

¹⁵⁰ McClurken, "Grand River Bands of Ottawa Indians: Ethnohistorical Response," Appendix B, Map 1: "Indian Population in Michigan Counties with Grand River Ottawa Populations According to the United States Census for 1870."

¹⁵¹ McClurken, "Grand River Bands of Ottawa Indians: Ethnohistorical Response," 33–34.

¹⁵² U.S. Department of the Interior, Census Office, *Ninth Census, United States, 1870: Instructions to Assistant Marshals* (Washington: U.S. Government Printing Office, 1870), 12.

¹⁵³ McClurken, "Grand River Bands of Ottawa Indians: Ethnohistorical Response," 34.

origins, and, therefore, do not provide exact tribal population figures.”¹⁵⁴ While this is true of the published census compendia used in this discussion, the “Indian schedules” of the U.S. Federal census for 1900 and 1910 do report “the name of the tribe with which the person is connected and the name of the tribe of his or her parents.”¹⁵⁵ Those documents do not identify any descendants specifically as members of any of the Grand River-area bands individually or collectively. Neither the compendia nor the census schedules indicate the existence of a distinct community comprised of the Petitioner’s ancestors. For example, while the 1900 U.S. Census enumeration shows that most Indians living in Elbridge Township, Oceana County identified their tribe as “Ottaway,” suggesting that most were likely descendants of Ottawa peoples from the Grand River area, it also shows that, even in Elbridge, one individual identified his tribe as “Potawatmia.”¹⁵⁶ Furthermore, the presence of Ottawa peoples does not suffice as evidence of social interaction that would indicate the existence of a distinct community, much less a community existing across multiple counties.

In response to this PF, Petitioner #146 may wish to expand its demographic analyses by locating specific families identifiable as members of the claimed community to determine their specific county of residence during the time period in the 1870 to 1900 censuses. However, even expanded analyses of these demographic patterns may not be sufficient to demonstrate the existence of a distinct community. The Petitioner should explain how these analyses, relating to the location of ancestors, shows community. In summary, the evidence regarding relocation and demographic patterns does not demonstrate community under criterion § 83.7(b).

Marriage Pattern: Indian-Indian Unions

Petitioner #146 included a marriage analysis of “Indian-Indian Unions” for the period of 1870 to 2006 in their submission as a form of evidence of community under criterion § 83.7(b). The Petitioner claims that “[a] consistent pattern of intermarriage among Grand River Ottawas indicates the continuity of community ties.”¹⁵⁷ The Petitioner notes that its marriage analysis is based on information for 1,928 individuals, including current members in 2006 and their direct lineal ancestors. The Petitioner excluded “Grand River Ottawas who are not direct matrilineal or patrilineal ancestors” of the Petitioner’s members, but who were part of the “Grand River Ottawa community” and the “Greater Grand River Ottawa Genealogy,” which include living descendants enrolled in Little River Band of Ottawa Indians, Match-E-Be-Nash-She-Wish Band

¹⁵⁴ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 33, fn27.

¹⁵⁵ U.S. Department of the Interior, Census Office, *Twelfth Census of the United States, Schedule No. 1—Population: Indian Population* (Form 7-464). See also, U.S. Department of the Interior, Census Office, *Twelfth Census of the United States, June 1, 1900: Instructions to Enumerators* (Washington: Government Publishing Office, 1900), 41–42.

¹⁵⁶ 1900 U.S. census, Oceana County, Michigan, population schedule, Elbridge Twp., enumeration district 104, p. 15B, line 26, Peter Alexander; NARA microfilm publication T23, roll 736.

¹⁵⁷ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 44–48.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

of Pottawatomi Indians of Michigan, or another tribe.¹⁵⁸ In its marriage analysis, the Petitioner uses the term “union” to describe any paired individuals in its database who may or may not have married in the legal sense.¹⁵⁹

Based on its analysis, the Petitioner claims a total Indian-Indian union rate of 52.3 percent for the period of 1870 through 2006, noting that such unions dropped precipitously during the 1950s.¹⁶⁰ In its narrative, the Petitioner presents a total number of Indian-Indian unions for each decade beginning in 1900, but not earlier. For the first decade of the 20th century, the total of these unions is 54. The Petitioner does not indicate the total number of unions overall for the decade or what percentage of the total these 54 unions represent.

The Petitioner’s form of calculating Indian-Indian unions as a means of demonstrating intermarriage patterns is problematic for meeting criterion § 83.7(b). The Petitioner’s database and analysis are subjective and, therefore, do not accurately substantiate community via marriage (or union) patterns. The analysis is based selectively on the Petitioner’s genealogical database, which only includes Petitioner’s current members and their lineal ancestors, and not the entirety of the ancestor and descendant population of any distinct, defined community. Consequently, the Indian-Indian union totals represented in the petition are skewed because they are based on only a select portion of the total Grand River Ottawa ancestor and descendant population.

More broadly, the lack of clarity regarding the boundaries and composition of the Petitioner’s claimed community over time makes it difficult to identify whether there are “[s]ignificant rates of marriage within the group, and/or, as may be culturally required, patterned out-marriages with other Indian populations.”¹⁶¹ Determining rates of endogamous marriages or unions among group members requires an accounting of total membership that is independent of marriage, the variable that is to be measured. The Petitioner provided neither the total number of members nor the total number of unions involving these members for any of the decades for which it presented statistics. Its use of a genealogically-based, curated dataset renders its marriage analysis invalid.

The marriage analysis, like all other forms of evidence provided in support of criterion § 83.7(b), should be conducted on the specific community that will also be evaluated under each of the other mandatory criteria. For example, the community evaluated here should be the same as the community evaluated under criterion § 83.7(c); however, that does not appear to be the case. In its discussions of political activities for the time period covered by this marriage analysis, the

¹⁵⁸ Petitioner #146 submitted its marriage analysis in 2006, which included some of the members identified as dually enrolled on the 2022 membership list. See McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” Appendix A, “Addendum Family Tree: Greater Grand River Ottawa Family Tree.”

¹⁵⁹ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 45. The Petitioner describes “unions” as including couples that engaged in legal marriage, common-law marriage, or coupling resulting in a child.

¹⁶⁰ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 45.

¹⁶¹ 25 CFR § 83.7(b)(1)(i).

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Petitioner emphasizes activities of the Northern Michigan Ottawa Association, led for several decades (1948–81) by the married couple Robert and Waunetta (McClellan) Dominic; yet this couple does not appear in its marriage dataset. The dataset also does not include Jacob Walker Cobmoosa or Albert Mobey, described as tribal leaders around 1918 and 1936, respectively.

Birth Patterns

Petitioner #146 also submitted as evidence for community under criterion § 83.7(b) an analysis of birth patterns of its genealogical database of current members and their ancestors for the period of 1901 to 2006. Summary data are derived from genealogical information presented in a “Grand River Ottawa Family Tree” submitted by the Petitioner and compares rural-born versus urban-born members. The Petitioner claims that a total of 720 individuals in their family tree were born between 1901 and 2006. For the evaluation period of 1855 to 1908, the Department reviewed the first decade of the Petitioner’s analysis, which covers 1901 to 1910. In that decade, the Petitioner claims that out of 34 total births, “32 Grand River Ottawas were born in rural areas—mostly in Oceana and Mason counties—with 2 births in northern Michigan.”¹⁶² The Petitioner further asserts that during that decade, two births were recorded near the urban area of Traverse City. Birth locations listed in Table B of Appendix D of the Petitioner’s submission include Custer and Elbridge townships; Manistee, Allegan, Chippewa, Oceana, Mason, Benzie, Glenwood, Newago, and Grand Traverse Counties; and the communities of Hart, Traverse City, Ludington, Van, and Elbridge.¹⁶³

As previously noted, the subjectivity of the dataset used in this analysis renders it unreliable. Because the Petitioner does not assert that the direct lineal ancestors of its current members alone comprised a distinct community (for example, separate from unrelated descendants of the historical Grand River Bands), any conclusions based on this limited dataset are invalid. The Petitioner’s data should reflect the bounds of the claimed historic community. Furthermore, the small numbers of births in each location for each year do not present a large enough sample to demonstrate any community-wide patterns of birth or migration over time but indicate trends within only a relatively small selection of individual families.

Trends relating to 20th century migrations from rural to urban areas are not unique to the Petitioner’s ancestors but reflect overall trends within the larger population of the United States during the same time period. For this reason, as well as the flawed dataset used to produce this analysis, the discussion of rural versus urban birth rates does not help show distinct community as required under criterion § 83.7(b). The Petitioner may wish to focus on the types of evidence enumerated under the criterion, especially in § 83.7(b)(1)(i)–(ix), to demonstrate its continuous

¹⁶² McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 49.

¹⁶³ McClurken, “Ethnohistorical Response,” Appendix D, Table A: “Summary of Rural-to-Urban Migrations of Grand River Ottawa, 1901–2006,” and Table B: “Rural-to-Urban Migrations of the Grand River Ottawa, 1901–2006.”

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

existence as a distinct community. For example, the Petitioner may wish to evaluate patterns of godparenting in baptismal records for community-wide interactions among different families, which might help establish “[s]ignificant social relationships connecting individual members” or “[s]hared sacred or secular ritual activity encompassing most of the group.”¹⁶⁴

Newspaper Presence

Petitioner #146 submitted various newspaper articles covering the period from 1870 to the present as evidence of community under criterion § 83.7(b). The Petitioner claims that the newspaper articles demonstrate that “[t]he Grand River Ottawa community has been consistently identified by persons outside the community as an ‘entity’ under various names” and that “this identification of a Grand River Bands entity is itself evidence of an existing and ‘actual’ community.”¹⁶⁵ To substantiate its claim, the Petitioner included and analyzed articles from regional Michigan newspapers such as *Grand Rapids Press*, *Petoskey News Review*, *Traverse City Record Eagle*, and *Cheboygan Democrat*.¹⁶⁶

The value of newspaper articles as evidence of community is difficult to determine without corroborating evidence of reported events. The newspaper articles presented by the Petitioner refer to Ottawa peoples from the Grand River in various ways, such as “Grand river Indians,” “a delegation from Oceana county,” or “Grand River Ottawas.” However, most of the articles focused on their treaty-related claims and do not describe a contemporaneous, distinct community of members interacting with each other. The value of any of these newspaper articles as evidence that the Petitioner has been “identified as an American Indian entity on a substantially continuous basis” will be evaluated under criterion § 83.7(a) if the deficiencies under criterion § 83.7(b) are resolved.

Summary of Evidence for the Period of 1855 to 1908

The evidence in the record for the evaluation period of 1855 to 1908 is insufficient to demonstrate community under criterion § 83.7(b). Evidence covering the start of this evaluation period shows that leaders of various bands from the Grand River region came together for purposes and claims related to the 1855 Treaty of Detroit, as part of the “Ottawa and Chippewa Tribe” that was created for treaty purposes. However, the evidence in the record does not indicate the existence of a distinct community in the ensuing decades.

During the relocation period following treaty signing, many Ottawa peoples and other Indians relocated north around the same time. For example, the evidence substantiates that a large group relocated together to Mason and Oceana Counties in 1858. However, others separately relocated

¹⁶⁴ 25 CFR § 83.7(b)(1)(ii) and (vi).

¹⁶⁵ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 68.

¹⁶⁶ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 68–69.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

even farther north than Mason and Oceana Counties and others moved elsewhere. Furthermore, in regard to the large group that emigrated north at the same time in 1858, the Petitioner notes that it separated into two “distinct reservation settlements” and eventually adopted “two distinct identities.”¹⁶⁷

Petitioner #146 claims that following the relocation period, demographic information shows Ottawa peoples originally from the Grand River area living mostly in Oceana and Mason Counties where the reserved land designated for them was located. The Petitioner also reports that Ottawa peoples from the Grand River area were living in Ottawa, Kent, and Allegan Counties. The Indian population counts used by the Petitioner in its demographic analysis are based on Federal census summary data. The summary data for the 1870, 1880, and 1890 Federal censuses only identify individuals as “Indian” generally. Therefore, the population counts provided by the Petitioner are not specific to Ottawa peoples from the Grand River region and likely included other Ottawa, Potawatomi, and Chippewa peoples.

Demographic evidence in the record for the late 1800s shows shifting numbers of Indian populations in the counties identified above, with numbers dropping in both Mason and Oceana Counties. The drop in numbers likely reflects the relocation of individuals who sold land once they received their patents for their individually owned allotments and others who lost their lands due to taxes and fraud. For the reasons explained above and summarized below, the demographic information provided by Petitioner #146 is insufficient to demonstrate community.

Finally, the boundaries and composition of Petitioner #146’s claimed community over time is unclear. The current marriage data in the record reflects only the unions of its members’ ancestors rather than of a broader, distinct community under criterion § 83.7(b). The analysis of birth patterns, as submitted by the Petitioner, is similarly problematic. The birth data provided by the Petitioner, showing the locations of ancestor births for this evaluation period in terms of townships, counties, and towns, reveal a population shift from rural to urban areas but do not help demonstrate community.

Based on the available evidence in the record, the Department concludes that Petitioner #146 has not demonstrated that a predominant portion of the Petitioner’s ancestors comprised a distinct community from 1855 to 1908. Therefore, the Department concludes that Petitioner #146 does not meet criterion § 83.7(b) for this evaluation period.

¹⁶⁷ McClurken, “Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615–1990,” 79–80.

Evidence for the Period of 1909 to 1947

Introduction

The evaluation period of 1909 to 1947 begins with the completion of Special Agent Horace Durant's fieldwork and the publication of the final roll of Ottawa and Chippewa Indians (Durant Roll), which listed individuals who were due funds from the United States under the 1836 Treaty of Washington. The evaluation period ends in the year preceding the establishment of the Northern Michigan Ottawa Association (NMOA), an organization that was created to file claims on behalf of Ottawa Indians in the State of Michigan with the Indian Claims Commission (ICC) that Congress created in 1946.

Provisions under the 1836 Treaty of Washington with the "Ottawa and Chippewa nations of Indians" included \$1,000 per year to be invested in stock by the U.S. Treasury Department, which was to remain with the Government for a period of 21 years.¹⁶⁸ When the 1855 Treaty of Detroit was signed, it included in Article 3 the stipulation that the Ottawa and Chippewa Indians "release and discharge the United States from all liability on account of former treaty stipulations."¹⁶⁹ As a result, the sum of \$1,000 to be invested each year under the 1836 treaty was no longer paid annually. However, the monies that already had been paid and invested in stocks, bonds, and other investments continued to remain in trust for Ottawa and Chippewa Indians, was reinvested, and held under the terms of the 1836 treaty until 1885. Thus, from May 7, 1836, through February 2, 1885, the monies were carried on the books of the U.S. Treasury and Department of the Interior as an Ottawa and Chippewa fund.¹⁷⁰

In March 1885, the sum of \$58,496.40 from the proceeds of the sale of the stocks and bonds from the fund was placed in the U.S. Treasury and converted to the use of the U.S. government. Consequently, Ottawa and Chippewa peoples did not receive the funds they were entitled to under the 1836 treaty. The Government argued that the fund was settled for and released by the Ottawa and Chippewa peoples by the terms of the 1855 treaty.¹⁷¹ Various Ottawa and Chippewa peoples had petitioned for and requested payment of these funds in the late 19th century and turn of the 20th century, but with little success.¹⁷²

On March 3, 1905, however, the U.S. Congress passed an act that authorized "the Ottawa and Chippewa Indians of the State of Michigan" to file a petition in the U.S. Court of Claims to settle

¹⁶⁸ 7 Stat. 491.

¹⁶⁹ 11 Stat. 621.

¹⁷⁰ "Ottawa and Chippewa Indians of the State of Michigan, 27537," *Indian Tribal Cases Decided in the Court of Claims of the United States, Briefed and Compiled to June 30, 1947*, vol. 2 (1947), 153–56.

¹⁷¹ *Indian Tribal Cases Decided in the Court of Claims of the United States*, 2: 153–56.

¹⁷² See, e.g., "Want That Money," *The Evening Press*, Grand Rapids, Mich., Feb. 12, 1903, p. 3, col. 1; "Money Due the Red Men," *Detroit (Mich.) Free Press*, Apr. 18, 1900; "An Old Claim," *Midland (Mich.) Sun*, Dec. 28, 1900, p. 3, col. 5.

the question regarding ownership of the stocks, bonds or monies held in trust by the Government at the date of the 1855 treaty and under the stipulations of the 1836 treaty.¹⁷³ The Court was granted jurisdiction to render judgment on whether the conversion of the funds back to the Government was authorized under Article 3 of the 1855 treaty. In May 1905, William Petoskey et al., representing Ottawa and Chippewa Indians of Michigan, filed a petition in the Court of Claims.¹⁷⁴ The Court of Claims handed down a judgment on March 4, 1907, in favor of the plaintiffs.

The Court ruled that while the 1855 treaty took the place of the 1836 treaty, it did not take away from Ottawa and Chippewa peoples anything they had already received under the former treaty. The Court further determined that the obligation of the Government to account for the invested monies and interest did not grow out of the treaty. Instead, the law imposed upon the Government the duty to account for these monies as a trustee. Therefore, the Court awarded the Ottawa and Chippewa Indians of Michigan \$131,188.94, of which \$68,692.54 was interest. The total amount was appropriated by Congress by the act of February 15, 1908.¹⁷⁵ Funds to be distributed also included \$9,786.69 provisioned under the 1855 treaty that had been erroneously covered into the surplus fund of the U.S. Treasury.¹⁷⁶ The resulting appropriation of funds led to the creation of a roll of Ottawa and Chippewa Indians of the State of Michigan who were deemed eligible to receive payments of the said monies.¹⁷⁷

After several incomplete attempts by other Indian Agents, the Acting Commissioner of Indian Affairs, C.F. Larrabee, instructed Special Indian Agent Horace B. Durant in July 1908 to compile a roll of all members of bands from Sault Ste. Marie, Mackinac, Little Traverse, Grand Traverse, and Grand River who were on the 1870 annuity payment roll¹⁷⁸ and their descendants, all of whom had to be alive on March 4, 1907, when the judgement was handed down by the U.S. Court of Claims.¹⁷⁹ By the end of October 1909, Durant had submitted to the Commissioner of Indian Affairs, Robert G. Valentine, a completed roll with 7,396 individuals listed. He also forwarded a supplemental roll that listed 236 children born after March 4, 1907, but before August 1, 1908. The Commissioner reviewed the rolls and disallowed some names. On February

¹⁷³ 33 Stat. 1048, at 1081–82 (1905).

¹⁷⁴ William Petoskey et al. vs. United States, No. 27978, May 27, 1905, Docket 27978 (RG123, NARA).

¹⁷⁵ 35 Stat. 8, at 27 (1908).

¹⁷⁶ *Decisions of the Comptroller of the Treasury*, vol. 8 (Washington: Government Printing Office, 1902), 881–88.

¹⁷⁷ “Introduction,” *Correspondence, Field Notes, and the Census Roll of All Members or Descendants of Members who were on the Roll of the Ottawa and the Chippewa Tribes of Michigan in 1870, and Living on March 4, 1907 (Durant Roll)*, microfilm publication M2039, 4 rolls (Washington: National Archives, 1996).

¹⁷⁸ As noted above, the 1855 treaty had provided for payment of per capita annuities to heads of families, which were paid out until the early 1870s.

¹⁷⁹ C.F. Larrabee, letter to Horace B. Durant, “Subject: Completing roll of Ottawa and Chippewa Indians of Michigan,” Jul. 22, 1908, NARA microfilm M2039, roll 4.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

18, 1910, the Department approved the rolls, listing a total of 5,646 persons entitled to payments.¹⁸⁰ Payments of the appropriated monies were initiated in 1910.¹⁸¹

Shortly after the final payment from the Durant Roll, individuals representing Potawatomi, Ottawa, and Chippewa Indians of Michigan, led by Sampson Robinson, William Sam, and William Mickoo¹⁸² (all descended from Ottawa families from the Grand River area), began an effort for a second Court of Claims suit regarding land claims.¹⁸³ By 1918, Sampson Robinson (ca. 1866–1924) and Jacob Walker Cobmoosa (1873–1951) competed in this effort.¹⁸⁴ Sampson Robinson did so on behalf of “Ottawa and Chippewa Indians of Michigan.”¹⁸⁵ Jacob Walker Cobmoosa also worked on behalf of “Ottawa and Chippewa Indians of Michigan,” though his efforts on behalf of the group, which he represented with a power of attorney, drew much criticism. In December 1918, it was reported that 450 Ottawa and Chippewa Indians of Manistee, Mason, and Lake Counties, who had agreed to grant Cobmoosa the power of attorney rebuked it. Subsequently, Sampson Robinson of Manistee was given power of attorney with Ottawa and Chippewa individuals residing in 15 counties of northern Michigan signing that document.¹⁸⁶ Sampson worked with Michigan delegates and other representatives to introduce legislation in Congress that would grant “Ottawa and Chippewa Indians of Michigan” permission to bring claims to the Court of Claims. Bills were introduced in the House and Senate in 1919, 1920, and 1921.¹⁸⁷ The bills died, leaving “Ottawa and Chippewa Indians of Michigan” without authorization to bring claims before the Court of Claims at the time.

In 1923, the Michigan Indian Organization was created to “promote and cooperate with all efforts looking into the advancement of Indians.”¹⁸⁸ The organization sought to promote discussion on the welfare of Indians, to investigate Indian problems, and to oppose any movement detrimental to Indians. Membership was open to “adult persons of Indian blood only,”

¹⁸⁰ R. G. Valentine to Sec. of Interior, “Ottawa and Chippewa pay roll,” May 16, 1910, NARA microfilm publication M2039, roll 4.

¹⁸¹ Chas. H. Dickson (Scottville, Mich.), letter to Commr. of Indian Affairs, “Per-capita-payment to Ottawa & Chippewa Indians of Michigan,” Jun. 20, 1910, NARA microfilm publication M2039, roll 4.

¹⁸² Alternate spelling is “Micko.”

¹⁸³ Sampson Robinson, et al., to Henry Bailey, Mar. 18, 1911; Private Collection of Cornelius Bailey.

¹⁸⁴ “Fighting For Rights of His Red Brethren, Jacob Walker Cobmoosa Admits Charge of Enemies that He Has Common Law Wife,” *Traverse City (Mich.) Record Eagle*, Dec. 5, 1918; Sampson Robinson to Robert Aiken, February 16, 1921, CCF Mackinac 54767-1919, 260 (RG75, NARA).

¹⁸⁵ “Indians to Assemble Here to Plan Recovery of \$10,000,000 Said to be Due from Gov’t,” *Manistee News-Advocate*, Jan. 13, 1917; Sampson Robinson to the Various Leading Members of the Ottawa and Chippewa Indians Residing in Michigan, May 24, 1919, CCF-Mackinac 54767-1919, 260 (RG75, NARA).

¹⁸⁶ “North State Indians are Indignant,” *The News-Palladium*, Benton Harbor, Mich., Dec. 4, 1918, p. 6, col. 3; “Fighting for Rights of His Red Brethren,” *Traverse City Record Eagle*, Dec. 5, 1918.

¹⁸⁷ 58 Cong. Rec. 7505 (1919) (S. 3307); 58 Cong. Rec. 7539 (1919) (H.R. 10188); 61 Cong. Rec. 143 (1921) (S. 92); 62 Cong. Rec. 1431 (1922) (H.R. 10010).

¹⁸⁸ “By Laws of Michigan Indian Organization,” 1923, CCF Mt. Pleasant 25507-1923, 311 (RG75, NARA).

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

“non-Indian blood” individuals, and junior members under the age of 18 years.¹⁸⁹ The organization’s by-laws do not mention which Indian groups it intended to represent, but Departmental research indicates the organization represented the “Ottawa and Chippewa Indians of Michigan.”¹⁹⁰ Petitioner #146 claims that no minutes or membership lists of this early organization were preserved and that there is no evidence that the organization had any impact on events in Washington, D.C.¹⁹¹

Department researchers located some correspondence between Albert C. Shananquet, associated with the organization, and members of Congress and others, including his testimony before Senator E. F. Ladd of the Committee on Indian Affairs.¹⁹² Petitioner #146 submitted a copy of a letter from Assistant Commissioner of Indian Affairs E. B. Meritt to Shananquet. In the letter, Meritt responded to the receipt of the organization’s by-laws by stating that “this office must decline to recognize any authority in you to transact business for any tribe of Indians in Michigan or elsewhere.”¹⁹³ He further added that the by-laws submitted did not show which particular tribe the organization claimed to represent and did not indicate that the organization formed under conditions that would entitle it to recognition by his office.

In June 1934, the U.S. Government approved the Indian Reorganization Act (IRA), also known as the Wheeler-Howard Act. Section 16 of the Act provided Indian tribes a right to organize and adopt constitutions, but it made residing on a reservation a prerequisite for organizing under the Act. However, Section 7 of the Act authorized the Secretary of the Interior to proclaim “new Indian reservations on lands acquired” pursuant to the Act. If new lands were acquired, the Secretary could then establish new reservations and allow Indians placed on the new reservations to organize under the Act. Section 19 of the Act provided that, in addition to members of recognized tribes under Federal jurisdiction and their descendants residing within any Indian reservation, “persons of one-half or more Indian blood” were defined as “Indian” for the purposes of the IRA.¹⁹⁴ In a 1937 opinion, the Acting Solicitor of the Department of Interior concluded that certain Indians in Michigan who “do not enjoy a status either as recognized bands

¹⁸⁹ “By Laws of Michigan Indian Organization,” 1923.

¹⁹⁰ See U.S. Department of the Interior, Office of Federal Acknowledgment, “Summary under the Criteria and Evidence for Final Determination Against Acknowledgment of the Burt Lake Band of Ottawa and Chippewa Indians, Inc.” (hereinafter cited as “BLB FD”), Sep. 21, 2006, 70–71.

¹⁹¹ McClurken, “Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615–1990,” 182.

¹⁹² BLB FD, 70–71; see also U.S. Department of the Interior, Office of Federal Acknowledgment, “Summary under the Criteria and Evidence for Proposed Finding Against Acknowledgment of the Burt Lake Band of Ottawa and Chippewa, Indians, Inc.,” Mar. 25, 2004, 53; and Hearings on Senate Joint Resolution No. 141, before subcommittee of the Committee on Indian Affairs, U.S. Senate, Mar. 2, 1922.

¹⁹³ Edgar Meritt to Albert Shananquet, April 12, 1923, CCF Mt. Pleasant 59272-1921, 311 (RG75, NARA).

¹⁹⁴ 48 Stat. 984 (1934).

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

or as Indians on a reservation” had to be persons of “one half or more Indian blood” to acquire land and then organize under the IRA.¹⁹⁵

With the passing of the 1934 IRA, Michigan Indians initiated efforts to reorganize. Petitioner #146 claims that Enos Pego (1877–1939) filed the first petition for reorganization of the Grand River bands sometime in 1935 but that “the original document is no longer on file in Federal archives.”¹⁹⁶ Department researchers found correspondence from 1935 to the Chairmen of the Senate and House Committee on Indian Affairs from Jacob Walker Cobmoosa, who petitioned for claims on behalf of the “Ottawa and Chippewa Tribes of Michigan,” now under the IRA.¹⁹⁷ Another 1936 claims petition was submitted by 82 individuals to U.S. Representative Albert J. Engel.¹⁹⁸ The individuals did not identify themselves as Grand River Ottawa peoples in this petition. However, in July 1936, Arthur Mobey sent a letter to the Commissioner of Indian Affairs regarding a petition for reorganization. His letter included the names of 44 individuals he identified as “Grand River Indians.”¹⁹⁹ It is unclear what the relationship was between the Cobmoosa petition and Mobey correspondence, whether they were competing petitions, and whom Cobmoosa and Mobey respectively represented. The Department of the Interior Superintendent of the Tomah Agency, Frank Christy, responded to Mobey’s letter, stating that any cash payments due Ottawa peoples under treaties had been paid and that the matter of reorganization under the IRA would take time to consider.²⁰⁰ Efforts at reorganization among Ottawa Indians would continue in 1937 and 1938.²⁰¹ Enos Pego died in 1939, and Petitioner #146 claims that “World War II intervened and no Grand River Ottawa leader after him was able to pursue IRA restoration of Ottawas’ tribal governments.”²⁰²

In August 1946, Congress passed the Indian Claims Commission Act. The Commission was created to hear claims of “any Indian tribe, band, or other identifiable group of American Indians residing within the territorial limits of the United States or Alaska” against the United States.²⁰³

¹⁹⁵ Frederic L. Kirgis, Acting Solicitor, “Status of Nahma and Beaver Indians,” May 1, 1937, in *Opinions of the Solicitor of the Department of the Interior Relating to Indian Affairs, 1917–1994*, vol. 1 (Washington: U.S. Department of the Interior, 1979), 747–48.

¹⁹⁶ McClurken, “Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615–1990,” 223.

¹⁹⁷ Jacob Walker Cobmoosa to Chairmen of Senate and House Committee on Indian Affairs, Jun. 7, 1935, CCF General Services 96000-1919-013 (RG75, NARA).

¹⁹⁸ Mrs. Jerome M. Green et al. to Albert J. Engel, Congress of the U.S., CCF-General Services (Mich. Misc. I), 9634-1936, 066 (RG75, NARA).

¹⁹⁹ Arthur Mobey to Office of Indian Affairs, Jul. 25, 1935, CCF General Services 9634-1936, 066 (RG75, NARA).

²⁰⁰ Frank Christy to Arthur Mobey, Aug. 31, 1936, CCF General Services 9634-1936, 066 (RG75, NARA).

²⁰¹ “Indians Draft Request for New Oceana Reservation,” *Grand Rapids (Mich.) Press*, Jul. 18, 1938, p. 1, col. 5–6; Enos Pego and Peter Stone to Sen. Wheeler, Mar. 29, 1938, CCF General Services 9636-1936, 066 (RG75, NARA).

²⁰² McClurken, “Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615–1990,” 240.

²⁰³ 60 Stat. 1049 (1946).

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

The legislation provided that the Commission would receive claims for a period of five years after the date of approval of the Act and would terminate altogether at the end of ten years. In June 1948, approximately 350 Ottawa and Chippewa individuals met in a council in Petoskey, Michigan, and passed a resolution that established the Northern Michigan Ottawa Association (NMOA).²⁰⁴ The organization sought to file claims with the Indian Claims Commission on behalf of Ottawa peoples in the State. NMOA is discussed in the following evaluation period of 1948 to 1993, for reasons discussed below.

Demographics

Petitioner #146 provided summary recapitulations of data culled from Federal censuses to demonstrate changing demographic patterns of residence among Indians living in various Michigan counties, including during the period of the 1910s through the 1940s. The Petitioner's data were compiled and presented in a series of maps, including ones for 1910, 1920, 1930, and 1940, all which fall into this evaluation period of 1909 to 1947. The Petitioner argues that the censuses taken during the first two decades of the twentieth century "do not provide accurate counts of Indian populations within the counties used and occupied by Grand River Ottawas."²⁰⁵

The Petitioner asserts, however, that the censuses show continuity of Indian habitations in counties "used and occupied by Grand River Ottawas" with, for example, a rise in the population in Oceana County in 1910 and a drop in number in Mason County for the same period.²⁰⁶ Petitioner #146 claims that Federal census data for 1920 reflects the beginning of urbanization of Ottawa peoples from Grand River.²⁰⁷ The Petitioner asserts that by 1930 the number of Grand River Ottawa peoples living in Muskegon, Ottawa, and Kent Counties more than doubled.²⁰⁸ Petitioner #146 claims that the general demographic pattern of 1930 held constant in 1940. The Petitioner also asserts that during World War II and subsequent decades, Indian populations in the rural counties of Benzie, Mason, Oceana, and Newaygo shifted to counties such as Manistee, Muskegon, and Kent.²⁰⁹

The Petitioner's demographic evidence and discussion addressing Federal census counts of total Indian populations living in the counties identified above for 1910, 1920, 1930, and 1940 is of limited value in demonstrating community under criterion § 83.7(b). The discussion of

²⁰⁴ "Minutes of Ottawa Council Meeting," Petoskey, Mich., Jun. 5, 1948.

²⁰⁵ McClurken, "Grand River Bands of Ottawa Indians: Ethnohistorical Response," 34–35.

²⁰⁶ McClurken, "Grand River Bands of Ottawa Indians: Ethnohistorical Response," 34–35.

²⁰⁷ McClurken, "Grand River Bands of Ottawa Indians: Ethnohistorical Response," 35.

²⁰⁸ McClurken, "Grand River Bands of Ottawa Indians: Ethnohistorical Response," 35–36; Appendix B, Map 7: "Indian Population in Michigan Counties with Grand River Ottawa Populations According to the United States Census for 1930."

²⁰⁹ McClurken, "Grand River Bands of Ottawa Indians: Ethnohistorical Response," 36; McClurken, "Grand River Bands of Ottawa Indians: Ethnohistorical Response," Appendix B, Map 8: "Indian Population in Michigan Counties with Grand River Ottawa Populations According to the United States Census for 1940."

deficiencies in the Petitioner’s evidence and analysis on this subject for the previous evaluation period (1855–1907) also applies to this evaluation period. (See p. 26.)

Marriage Pattern: Indian-Indian Unions

Petitioner #146 included in their submission a marriage analysis of “Indian-Indian Unions” as a form of evidence of community under criterion § 83.7(b). As discussed in the section covering the previous evaluation period, the Petitioner claims that “[a] consistent pattern of intermarriage among Grand River Ottawas indicates the continuity of community ties.”²¹⁰ Based on its analysis, the Petitioner asserts that “[t]he number of Indian-Indian unions declines during the twentieth century—precipitously so during the 1950s.”²¹¹ The summary data provided by the Petitioner shows the number of individuals in Indian-Indian unions for the period of 1910 to 1919 to be 45, 1920 to 1929 to be 29, 1930 to 1939 to be 16, and 1940 to 1949 to be 20. As mentioned in the section covering the previous evaluation period, however, the numbers in Petitioner’s marriage analysis are based on a flawed methodology and are unhelpful in evaluating community. See page 27 of this finding, discussing problems with the Petitioner’s methodology.

Birth Patterns

Petitioner #146 also submitted as evidence of community under criterion § 83.7(b) an analysis of birth patterns based on its genealogical database of current members and their ancestors, which includes the evaluation period of 1909 to 1947. For the period of the 1920s, the Petitioner claims that the collapse of Michigan’s agricultural economy caused a number of descendants of Grand River-area Ottawa peoples to relocate to Muskegon, Grand Rapids, and communities in between in search of wage-labor work. The Petitioner further asserts that this rural-to-urban migration pattern is reflected in birth patterns found in its genealogical database, with 31 births occurring in rural areas and 28 in urban areas in the 1920s. In comparison, the Petitioner contends all but 2 of 34 births between 1901 and 1910 occurred in rural areas. The Petitioner asserts that by the 1930s, urban births outnumbered rural births.²¹² As discussed in section covering the previous evaluation period, the Petitioner’s analysis of birth patterns is based on a flawed dataset and also fails to account for general population migration trends during this same time period. Therefore, it does not help show community for this evaluation period. For a more detailed discussion of the problems with Petitioner’s dataset, see page 29 of this finding.

²¹⁰ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 44–48.

²¹¹ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 45.

²¹² McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 49–50.

Newspaper Presence

Petitioner #146 submitted various newspaper articles published during the period of 1870 to the present as evidence of community under criterion § 83.7(b). The Petitioner claims that the newspaper articles demonstrate that “[t]he Grand River Ottawa community has been consistently identified by persons outside the community as an ‘entity’ under various names” and that “this identification of a Grand River Bands entity is itself evidence of an existing and ‘actual’ community.”²¹³ To substantiate their claim, the Petitioner included and analyzed articles from regional newspapers such as *Grand Rapids Press*, *Petoskey News Review*, *Traverse City Record Eagle*, and *Cheboygan Democrat*.²¹⁴

As was the case for the previous evaluation period, the value of newspaper articles as evidence of community for this evaluation period is difficult to determine without corroborating evidence. Some current members of Petitioner #146 and their lineal ancestors are named in the newspaper articles and clippings submitted in the record. However, most articles and clippings focused on treaty-related claims, reorganization efforts under the IRA, pan-Indian events and activities, old Indian settlements, people, or events involving individuals not ancestral to the Petitioner’s current members, or the death of lineal ancestors of current members of Petitioner #146. They do not describe a distinct community of members interacting with each other.

Of the newspaper articles and clippings submitted by Petitioner #146, there are ten that may help demonstrate community; however, they must be corroborated with additional evidence for the evidence to be sufficient for the evaluation period. For example, one article reported on Bradley Indians²¹⁵ renewing their council, electing a chief of their Shaw-Be-Quoung band, and agreeing to affiliate with the descendants of the “Grand River band” headed by Henry Pego.²¹⁶ Other evidence might support the conclusion that the descendants of the Grand River band referred to in this article comprised a distinct community. Similarly, another article reported on the death of George Shag-Na-By (sometimes spelled Shaygonaybe) who “resided among the Grand River near Ada.”²¹⁷ It is unclear from this article alone to whom the “Grand River near Ada” is referring. Petitioner #146 may wish to submit additional evidence to corroborate the existence of a distinct community in connection with the articles presented as evidence.

Among the remaining eight articles that might help the Petitioner demonstrate community for the evaluation period if corroborated, three reported on Indian cemeteries.²¹⁸ Two articles discussed the lawsuit over the Indian cemetery in Muskegon in 1920, and one announced a meeting to

²¹³ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 68.

²¹⁴ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 68–69.

²¹⁵ “Bradley Indians” is another name for the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians.

²¹⁶ “Bradley Indians Renew Council and Elect Chief,” *Grand Rapids (Mich.) Press*, Mar. 19, 1915, p. 4, col. 5.

²¹⁷ “George Shag-Na-By, Aged 118, Expires,” *Grand Rapids (Mich.) Press*, Oct. 18, 1915, p. 4, col. 2.

²¹⁸ “Begin Suit Over Indian Cemetery,” *Grand Rapids (Mich.) Press*, Feb. 7, 1920, p. 3, col. 2.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

improve and repair the Indian cemetery at St. Joseph's Church in Elbridge, asking all Indians who had relatives buried there and others who owned lots there to participate. Five articles concerned early Ottawa Chief Cobmoosa, with one discussing his grandson, three reporting on a bronze tablet memorial organized and supported by a local chapter of the Daughters of the American Revolution (D.A.R.), and one presenting a historical overview of his life.²¹⁹ These articles indicate that some ancestors and current members of Petitioner #146 have been involved in the upkeep of the two Indian cemeteries in Muskegon and Elbridge and have family members buried there. However, because of the lack of clarity regarding the boundaries and composition of the Petitioner's claimed community during the evaluation period, it is unclear whether those participating in the upkeep of the cemeteries constituted only a small portion of the claimed community, rendering that evidence insufficient to demonstrate community without additional information.

The articles featuring Chief Cobmoosa refer to him as "last chief of the Ottawa Indians" and "Ottawa Indian Chief." Petitioner #146 claims that Cobmoosa had been selected to represent the interests of the various bands of Ottawa peoples in the Grand River region in relation to the treaty but that "certain Headmen continued to exercise local political authority within their GRB communities."²²⁰ Although evidence in the record does substantiate that Cobmoosa was a chief who signed the 1855 treaty and whose Flat River band was among those to receive annuity payments, the evidence does not show that Cobmoosa led a distinct community of Grand River Ottawa peoples in the late 1800s, subsequent to treaty signing. In asserting that in the early 20th century "[f]or the first time since the treaty era, the Indians of Oceana, Mason, and Manistee counties began to consider creating an institution which resembled a modern tribe—a tribe formed from nineteenth century hunting bands," the Petitioner seems to recognize that the bands did not function as a distinct community in the previous decades.²²¹

Overall, the newspaper articles and clippings in the record, while potentially helpful, are insufficient to show community under criterion § 83.7(b) for the evaluation period of 1909 to 1947. None of the articles or clippings describe a distinct community.

²¹⁹ "Indian Chief Grandfather of Jacob Walker," no date, in Priscilla (Kelsey) DiPiazza Scrapbook, 1920–1940, Private Collection of Grand River Band of Ottawa Indians (hereinafter cited as "DiPiazza Scrapbook"); "Big Boulder and Plate Permanent Memorial to Cob-Moo-Sa, Indian Chief," *Oceana Herald*, Jul. 1, 1927; "Honor Michigan's Greatest Native Son," *Grand Rapids Herald*, Jul. 10, 1927; "Ionia D.A.R. Unveils Tablet to memory of Cob-Moo-Sa, Last Chief and Speaker of Ottawa Band that Roamed Valley of Grand," *Ionia County News*, Jul. 22, 1927; "Cob-moo-sa, Famous Indian Chief Left Great Impact in Elbridge," *Hart Journal*, no date provided.

²²⁰ "Grand River Bands of Ottawa Indians Petition," 115.

²²¹ McClurken, "Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615–1990," 166.

Obituaries and Funerary Activities

Petitioner #146 claims that published obituaries “offer a consistent published source of information about community interaction among Grand River Ottawas in relation to community members’ deaths.”²²² In support of this claim, the Petitioner submitted scrapbooks belonging to Priscilla (Kelsey) DiPiazza and Lucille (Lewis) Pego, both of which contain obituaries prior to 1947. The obituaries and death-related clippings in Priscilla (Kelsey) DiPiazza’s scrapbook do not include dates or publication sources, although the Petitioner claims that the scrapbook covers the period of 1920 to 1940. Lucille Pego’s scrapbook covers the period of 1944 to 1990. The earliest were examined for this evaluation period.

According to the Petitioner, the clippings in Priscilla (Kelsey) DiPiazza’s scrapbook pertain to Grand River Ottawa peoples living in Mason, Antrim, Kent, Leelanau, and Benzie Counties, and reflect “a Grand River Bands member’s social network and demonstrate the cross-cutting relationships that bound together Grand River Ottawas living in communities throughout their historic estate.”²²³ However, the majority of these news clippings contain names of individuals who are not direct lineal ancestors of current members of Petitioner #146 and, thus, their connection to Mrs. DiPiazza or any current member of Petitioner #146 is unclear.²²⁴

Additionally, Department researchers were not able to identify a number of individuals featured in the clippings. Only some articles in the scrapbook included names of individuals confirmed to be ancestors of the Petitioner’s current members,²²⁵ presenting some but not sufficient evidence of community among the Petitioner’s claimed membership.

The Lucille Pego scrapbook has only three obituary clippings and one funeral card for one of the individuals in the three clippings that fall within this evaluation period of 1909 to 1947. The majority of deaths in the scrapbook obituaries and funeral cards occurred after 1950. The scrapbook also contains an undated prayer petition card that includes a few individuals whose death dates fall within this evaluation period as well.

Petitioner #146 claims that the “compilation of the birth, death, and burial data reveals the migration and residential patterns within the Grand River Bands area of use and occupancy, and also identifies preferred burial locations within that area.”²²⁶ The few obituaries in the Pego scrapbook and the undated clippings in the DiPiazza scrapbook often provide general information regarding the deceased, their immediate relatives in some cases, birth and death years, and place of birth, funeral, and burial. However, the information does not show how or if

²²² McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 51.

²²³ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 74–75.

²²⁴ See for example, “Grim Evidence of Fatality,” no date; “Hartford Baby Dies After Eating Tablets,” no date; “Denies He Bombed Dowagiac Hospital,” May 1, 1930; all in DiPiazza Scrapbook.

²²⁵ See for example, “Thankful at 107,” Nov. 30, 1920; “He Arrests Him,” no date; “Skull Fractured, Girl Walks Home,” Jun. 12, 1930; all in DiPiazza Scrapbook.

²²⁶ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 55.

these individuals knew each other or interacted with each other within a distinct community. While the individuals in the news clippings may have been known to Mrs. DiPiazza and Mrs. Pego, none of the clippings report activities shared among members of a distinct community comprised of descendants of the historical Grand River Bands.

Therefore, the scrapbooks submitted by Petitioner #146 pertaining to this evaluation period are insufficient to show community under criterion § 83.7(b). The Petitioner may wish to submit additional evidence such as funeral attendance lists, oral histories discussing these funerals and who attended, and names of pallbearers at funerals, for example, to show that the members of the Petitioner's claimed community interacted with each other.

Oral Histories

Petitioner #146 submitted transcripts of oral histories and interviews recorded with its members, some of the members' lineal ancestors, and other individuals identified as descended from the historic bands along the Grand River as another form of evidence for community under criterion § 83.7(b).²²⁷ The Petitioner claims that oral histories "provide a glimpse of the Grand River Ottawa's social and political life during the last sixty years" and that they "highlight the interconnected-ness of the Muskegon, Grand Rapids, and smaller Mason and Oceana county cities—all of which form the greater Grand River community."²²⁸ While much of the information detailed in the oral histories and interviews focused on events and activities that occurred within the past 60 years, some referred to experiences, events, or activities that occurred before that time. The oral histories and interviews discuss geographic locations, cultural beliefs and practices, self-identification as a Grand River Ottawa, cemetery cleanups, Ghost Suppers, and social gatherings.

To demonstrate community through evidence of the geographic locations of the Petitioner's ancestors, Petitioner #146 cites an interview with a former member who died in 2019. In that interview, the individual described other members moving to various regions to secure jobs, get married, or simply relocate, showing movement between Muskegon and Grand Rapids. The Petitioner asserts that this member's description shows connections between "Grand River communities."²²⁹ The Petitioner also claims that its analyses show that events among the Petitioner's ancestors were held at historically important sites in rural areas such as Hart and Elbridge and that most members interviewed referred to more than one place "within the Grand

²²⁷ Native American Oral History Project, Grand Rapids History and Special Collections Department, Grand Rapids Public Library; Various additional interviews submitted by Petitioner #146 (as cited herein).

²²⁸ McClurken, "Grand River Bands of Ottawa Indians: Ethnohistorical Response," 80–81.

²²⁹ "Interview with Patsy Beatty by James M. McClurken, 29 September 2005, Grand River Band of Ottawa Indians," 14.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

River Bands area of use and occupancy as community sites where they personally attended community functions.”²³⁰

Petitioner #146 claims that in the oral histories and interviews its members “easily identify the boundaries of the Grand River Bands community as well as its members” and that each person interviewed “demonstrates an intrinsic understanding of themselves as Grand River Ottawa since childhood,” which the Petitioner asserts is an identity passed down from parents and family.²³¹ The Petitioner provides examples of interviewees recalling stories told by older family members that included aspects of their lives, heritage, and cultural beliefs and practices such as the bear walk, smudging and salting homes, preparing materials for basket weaving, and pipe smoking.²³²

Department researchers reviewed the submitted oral history and interview transcripts. In all of the transcripts evaluated, there was only one instance in which an ancestor of current members of Petitioner #146 answered “Grand River band” when responding to the question of which tribe he belonged, undercutting the Petitioner’s claim and the possible “persistence of a named, collective Indian identity.”²³³ Another member, also ancestral to current members of Petitioner #146, in the same interview and immediately before the former individual’s response answered, “Ottawa and Chippewa.” Most individuals interviewed, however, identified themselves, family members, and other individuals mostly as “Indians” generally and less frequently as “Ottawa,” or “Ottawa and Chippewa.” Therefore, it is difficult to determine whether aspects of their lived experiences that they shared, including cultural patterns, religious beliefs and practices, and other activities in which the Petitioner’s members engaged were those of a distinct community of Grand River Ottawa peoples or of a wider ethnolinguistic population of Ottawa or Anishinabek peoples. The Petitioner may wish to submit additional evidence and analyses to substantiate its claim that these interviews demonstrate that individuals have “an intrinsic understanding of themselves as Grand River Ottawa since childhood,” and that the interviewees’ understanding of this identity included membership in a distinct community.

Some of the oral histories discuss cemetery cleanups at St. Joseph’s Church Cemetery in Elbridge and the Indian Cemetery in Muskegon. The Petitioner claims that “community responsibility for the care and upkeep of the Elbridge cemetery dates into the twentieth century.”²³⁴ The Petitioner also asserts that Ottawa from Grand River have used the Muskegon Indian Cemetery “since the beginning of time,” at least as far back as the 1700s.²³⁵ The Petitioner further explains that “a local landowner willed the property to the Grand River Ottawas and the community has been holding ceremonies at the location and maintaining the

²³⁰ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 81–82.

²³¹ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 82.

²³² McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 82–87.

²³³ 25 CFR § 83.7(b)(1)(viii).

²³⁴ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 86.

²³⁵ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 86.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

burial plots since that time.”²³⁶ The Petitioner did not indicate in which year or era the landowner willed the property. However, the Department found that the property was given to the city of Muskegon in 1920 by lumber baron Martin A. Ryerson.²³⁷

The Department reviewed the oral history and other interview transcripts in the record, and several indicate that annual cleanup events at the two above-mentioned cemeteries began in the early 1900s.²³⁸ For example, one interviewee mentioned that members of the Battice family led a yearly cleanup and Memorial Day ceremony at the Old Indian Cemetery in downtown Muskegon sometime in the early 1900s, although a specific date or year was not provided.²³⁹ Emily Smith (b. 1945) indicated that her family conducted cleanups of St. Joseph’s cemetery when her father, Mitchell Battice, took over the upkeep of the grounds from a man named “Wabsis,” who used to be the caretaker of the church and grounds. Her father likely took over duties sometime in the early to mid-1900s.²⁴⁰ Ms. Smith indicated that David Lewis then took over duties for a couple of years, but that the duties fell to her family again, after which they started having annual spring cleanups.²⁴¹ The evidence in the record for this evaluation period does not show that the cemetery cleanups of either the Muskegon Indian Cemetery or St. Joseph’s cemetery reflected “[s]ignificant social relationships connecting individual members”²⁴² or involved a “significant degree of shared or cooperative labor . . . among the membership.”²⁴³ Instead, evidence suggests that the cleanups were assumed by individuals or individual families, not a broader group of members.

There is no additional evidence in the record such as cleanup announcements, cleanup sign-in sheets, or lists of participants for the cleanups that corroborates the evidence of cemetery cleanups and renders it sufficient to demonstrate community. Furthermore, Petitioner #146 claims that cemeteries “required Ottawa people to maintain their own family plots” and that “most of cemetery maintenance activities were family functions.”²⁴⁴ While evidence in the record does show various individuals and families coming together to participate in cemetery cleanup events as a larger group later in the 20th century, after the evaluation period discussed here, the evidence currently in the record suggests that cemetery cleanups in the early 1900s

²³⁶ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 86–87.

²³⁷ “Serene, sacred . . . and surrounded,” *Muskegon (Mich.) Chronicle*, Sep. 3, 2000.

²³⁸ “Interview with Joseph Genia by James M. McClurken, 5 August 2005, Grand River Band of Ottawa Indians”; Maura Brennan, “Second Interview with Emily Smith,” Nov. 18, 2000.

²³⁹ Maura Brennan, “Interview with Joe Genia,” Nov. 9, 2000; “Interview with Joseph Genia by James M. McClurken, 5 August 2005”.

²⁴⁰ Evidence in the record suggests that the individual whom Ms. Smith identified as “Wabsis” was likely Charlie Wabsis (B. J. Rivera Papers, ca. 1983, submitted by Petitioner #146).

²⁴¹ “Interview with Emily J. Smith with James M. McClurken, 4 September 2005, Grand River Band of Ottawa Indians.”

²⁴² 25 CFR § 83.7(b)(1)(ii).

²⁴³ 25 CFR § 83.7(b)(1)(iv).

²⁴⁴ McClurken, “Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615–1990,” 312–14.

were individual family events. The Petitioner may wish to provide additional evidence and analyses for cemetery cleanups in this evaluation period.

In the oral histories and interviews, individuals also discussed the *jiibiweesening*, or “Ghost Supper,” which the Petitioner describes as a spiritual event that is held as a means of honoring the dead and “to strengthen and maintain the ties of the Grand River Ottawa community.”²⁴⁵ The Petitioner further asserts that through Ghost Suppers, its members care for their ancestors and reinforce the rights and obligations of kinship.²⁴⁶ The Petitioner maintains that “[o]ral histories date traditional Ottawa Ghost Suppers back to at least the 1850s.”²⁴⁷ Department researchers found evidence that supports this early origin and note further that observers first noticed activities now known as “Ghost Suppers” among Ottawa and other Indian peoples as early as the late 17th century, which were then known as “Feasts of the Dead.”²⁴⁸ Feasts of the Dead originally occurred in the spring and early summer, but later as Ghost Suppers, they occurred during the first week of November, overlapping All Saints Day on the Roman Catholic calendar. It is likely that Ottawa Catholics incorporated their traditional custom into the Catholic one to preserve this long-standing tradition while adapting to missionary demands.²⁴⁹

Ghost Suppers celebrate the souls of the departed, and attendees pray for their help and guidance.²⁵⁰ The families host these suppers beginning on November 1, and they typically last through the first week of November. In the past, relatives and neighboring Indian residents would arrive through the evening to take part in the feast and would set a place at the table to serve food for the departed relative. In the interviews, individuals attested that no invitations were offered; people “just came.”²⁵¹ It was not unusual to attend more than one supper either during an evening or throughout the week of the celebrations. Some non-Indians would also attend if they considered themselves close friends or associates of the family members. The Petitioner narrative and informants providing oral histories agreed that Ghost Suppers were both spiritual and social occasions and had been so since at least their grandparents’ time. In a 1976 interview, for example, Albert Micko (born 1903) shared, “It’s just like a banquet, just like a

²⁴⁵ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 90.

²⁴⁶ McClurken, “Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615–1990,” 301.

²⁴⁷ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 90.

²⁴⁸ Harold Hickerson, “The Feast of the Dead among the Seventeenth Century Algonkians of the Upper Great Lakes,” *American Anthropologist* 62 (1960): 81–107; Melissa A. Pflug, “Politics of Great Lakes Indian Religion,” *Michigan Historical Review* 18, no. 2 (1992): 15–31. See also oral histories from members that supported the former terminology as “feast for the dead—for the Ghost Supper” (“Robert Bailey – Beatrice Bailey (8-22-75),” Transcript of Tape 12, Native American Oral History Project, Grand Rapids History and Special Collections Department, Grand Rapids Public Library).

²⁴⁹ Pflug, “Politics of Great Lakes,” *Michigan Historical Review* 18, no. 2: 26.

²⁵⁰ Fred Ettawageshik, “Ghost Suppers,” *American Anthropologist* 45 (1943), 491–93; Gertrude Prokosch Kurath, *Michigan Indian Festivals* (Ann Arbor: Ann Arbor Publishers, 1966), 43; Pflug, “Politics of Great Lakes,” *Michigan Historical Review* 18, no. 2: 26.

²⁵¹ Helen Ann Yunis and Tom Myers, “Interview with Ron Yob,” May 8, 2000, p. 10.

party dinner. That was one, one of the social outlets for the Indians in my younger days. Thanksgiving, Christmas dinner, New Year's dinner, which was quite an event, horse and buggy days."²⁵²

Robert Bailey (born 1885), interviewed in 1975, described Ghost Suppers in his childhood by stating, "Well, we used to go to Shagonabe's and[...]what kind of a party they'd have there! They, they have three dinners."²⁵³ A little further along in the interview, Mr. Bailey shared about preparations for the feasts, "We used to go to Little Manistee in the fall. My father used to go trouting down there...to get some wild game, for dinner to home[...] They have a feast[...] everybody go coon trapping, catch some muskrat, get all kinds of game, coon, porcupine[.]"²⁵⁴

In her 1975 interview, Ella Tawney (born 1900) also described early Ghost Supper events when she was young:

And I still don't go to cemetery. We always ate to different places. We would in my, in Oceana County where I was raised, we would, we would have big meals, alright, and when we would come in the house, you see, one day I ate seven meals. And I would go to this—your table is all set the night before and everything is kept warm. All day long on All Soul's Day, isn't it? Isn't it what you call it? I guess, so well, there, we would, everything would be all ready to eat, it's kept warm....Then when you would go from place to place, when I would go in one place, I would be either a mother or a child or a daughter, a son in that family. That's what they, that's what I represent when I came to that. And then we would go to another place and then I would represent either, well, a mother or maybe a child that had died, or, and then if I had a, I took my boyfriend with me, why, he would represent—he was a white man—but he would represent some of their elders. It's, it was embedded in us, you see, so we did that. But I don't do that anymore.²⁵⁵

Both the oral histories and academic articles corroborate that Ghost Suppers were a long-standing traditional activity among Ottawas, as well as among other Indigenous peoples, that continued to exist through the 1800s and into the early 1900s. The suppers then continued to varying degrees throughout the remainder of the 20th century.

The Ghost Suppers may serve as a form of evidence to help demonstrate community, for example, as a "[s]hared sacred or secular ritual activity encompassing most of the group."²⁵⁶ Ghost Suppers were a traditional Ottawa practice in Michigan, and the record shows that some

²⁵² "Albert Micko – Bea Bailey (1-8-76)," Transcript of Tape 58, side 3, 11, and side 4, 1–2, Native American Oral History Project, Grand Rapids History and Special Collections Department, Grand Rapids Public Library.

²⁵³ "Robert Bailey – Beatrice Bailey (8-22-75)," Transcript of Tape 12, 5.

²⁵⁴ "Robert Bailey – Beatrice Bailey (8-22-75)," Transcript of Tape 12, 7–8.

²⁵⁵ "Ella Tawney – Eli Thomas, Lee Coen – Tom Klynsma – Gordon Olson (5-14-75)," Transcript of Tape 5B, side 1, 11, Native American Oral History Project, Grand Rapids History and Special Collections Department, Grand Rapids Public Library.

²⁵⁶ 25 CFR § 83.7(b)(1)(vi).

ancestors of the Petitioner's members participated in them. However, because of the lack of clarity regarding the boundaries and composition of the Petitioner's claimed community during the evaluation period, it is unclear whether those participating in Ghost Suppers constituted only a small portion of the claimed community, rendering that evidence insufficient to demonstrate community without additional information.

Lastly, Petitioner #146 claims that its members and ancestors incorporated social gatherings and events into their political organizing, which serve as evidence of community, as reflected in the oral histories and interviews. The Petitioner asserts that "[p]olitical and social realms have always been and still are inseparable in the Grand River Ottawas' kin-based community" and notes that such social gatherings held following political meetings have occurred since the early IRA reorganization years.²⁵⁷ The only such social gatherings presented by Petitioner #146 that fall within the 1909 to 1947 evaluation period are potluck-style dinners that followed IRA reorganization meetings. The Petitioner cites an interview with Henry Lewis who recalled Enos Pego, leader of the IRA reorganization efforts in the 1930s, holding meetings at his home in Elbridge that included potluck-style dinners afterwards.²⁵⁸ However, absent corroborating evidence, it is difficult to determine who attended these social gatherings and how often they occurred, and the mention of these social gatherings in one interview is insufficient to show community under criterion § 83.7(b).

In summary, the oral histories in the record, which focused on geographic locations, cultural practices, self-identification as Grand River Ottawa, cemetery cleanups, Ghost Suppers, and social gatherings, are insufficient to show community under criterion § 83.7(b) for the evaluation period of 1909 to 1947. Interviewees discussed the geographic location of various activities, events, and individuals, but the oral histories do not suggest that the individuals attending the activities and events comprised a distinct community. Discussions of cultural practices, self-identification, cemetery cleanups, Ghost Suppers and social gatherings in the oral histories and interviews similarly did not show interaction existing broadly among members of a group, as opposed to among individuals or individual families.

*"Community During the 20th Century"*²⁵⁹

Petitioner #146 presents as a final area of evidence related to community under criterion § 83.7(b) for the evaluation period of 1909 to 1947 an analysis of documents that it claims creates "a picture of a consistent Grand River Ottawa community throughout the twentieth

²⁵⁷ McClurken, "Grand River Bands of Ottawa Indians: Ethnohistorical Response," 93.

²⁵⁸ "Interview with Henry Lewis by James M. McClurken, 9 October 2005, Grand River Band of Ottawa Indians," 21-23.

²⁵⁹ This section heading comes from a section title of the Petitioner's ethnohistorical report entitled "The Grand River Ottawa Community During the Twentieth Century" (McClurken, "Grand River Bands of Ottawa Indians: Ethnohistorical Response," 102-110).

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

century.”²⁶⁰ For the analysis, the Petitioner created a table consisting of two parts.²⁶¹ The first part lists various documents regarding political and community events in which ancestors and current members of Petitioner #146 are identified. The second part consists of a list of names of ancestors and current members with a mark next to their names when their names were identified in the documents listed in the first part. Three documents listed in the first part of the table fall within this evaluation period of 1909 to 1947.

The first document is Jacob Walker Cobmoosa’s 1918 power of attorney petition. In the power of attorney petition, as well as in 1918 correspondence leading up to the petition, Jacob Walker Cobmoosa identified the group he was representing as “the Ottawa and Chippewa Indians of Michigan.”²⁶² The power of attorney petition includes names of some individuals who are ancestral to Petitioner #146; however, they were not identified as members of the Grand River bands in the document. Instead, those who signed the document on December 2, 1918, in Elbridge, Michigan (which is within the region to which Ottawa peoples from Grand River were relocated in the 1850s), signed a statement that identified them as “we, the members of the Ottawa and Chippewa Indian tribes of Michigan.”²⁶³ The power of attorney petition also includes names of Ottawa and Chippewa individuals from other areas of Michigan as well, including Sault Ste. Marie, Saginaw, Harbor Springs, and Mackinaw. Thus, absent corroborating evidence, this document does not identify a distinct Grand River community comprised of members “differentiated from and identified as distinct from nonmembers.”²⁶⁴ Rather, the document attests to a broader effort among Ottawa and Chippewa Indians to pursue claims under Article 3 of the 1855 Treaty of Detroit.

The second document is a 1936 claims petition from Arthur Mobey to U.S. Representative Albert J. Engel.²⁶⁵ Similar to the 1918 power of attorney petition, this 1936 petition submitted under the IRA to reorganize does not identify any of the 82 individuals listed as Grand River Ottawas. In the document, Mobey identified the petitioning individuals and himself as “Indians,”²⁶⁶ even though, in a separate 1936 letter, he referred to a list of 85 individuals

²⁶⁰ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” 103.

²⁶¹ McClurken, “Grand River Bands of Ottawa Indians: Ethnohistorical Response,” Appendix E, Table C: “Continuity of the Grand River Ottawa Community, 1918–2006.”

²⁶² Jacob Walker Cobmoosa to Commissioner of Indian Affairs, Dec. 17, 1918, Entry 310 (RG75, NARA); Jacob Walker Cobmoosa to Woodrow Wilson, May 20, 1918, CCF–General Services, 45220-1918, 052 (RG75, NARA).

²⁶³ Jacob Walker Cobmoosa to Commissioner of Indian Affairs, Dec. 17, 1918.

²⁶⁴ 25 CFR § 83.1 (defining “[c]ommunity”).

²⁶⁵ Arthur Mobey to Albert J. Engel, U.S. Congress, CCF–General Services (Mich. Misc. I), 9634-1936, 066 (RG75, NARA).

²⁶⁶ Department researchers also found documents from Jacob Walker Cobmoosa regarding reorganization under the IRA for this same period. In those letters, Cobmoosa similarly referred to the group that he represented as “the Ottawa and Chippewa Tribes of Michigan.” Jacob Walker Cobmoosa to Commr. of Indian Affairs, Jun. 6, 1935,

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

submitted to the Commissioner of Indian Affairs as “all Grand River Indians.”²⁶⁷ Regardless, Mr. Mobey is not a lineal ancestor of the Petitioner’s current members, and Petitioner #146 identified only 10 of the 82 individuals listed in the petition (about 12%) as lineal ancestors of its current members. For these reasons, this evidence does not indicate that a predominant portion of the petitioning group comprised a distinct community during the evaluation period. The Petitioner may wish to expand its analyses of documents from this period of reorganization under the IRA, which may contain further evidence of distinct community among the Petitioner’s ancestors. In regard to the 1936 letter referring to “Grand River Indians,” the Petitioner may wish to clarify the boundaries and composition of that claimed community and the extent to which the Petitioner’s ancestors comprised that community. Without expanded analyses and corroborating evidence, the 1936 claims petition is insufficient to demonstrate community.

The final document the Petitioner submitted as evidence in its analysis to show community is the Lucille Pego scrapbook. As discussed above, the scrapbook has only three obituary clippings and one funeral card for one of the individuals in the three clippings that fall within this evaluation period of 1909 to 1947. The scrapbook also includes an undated prayer petition card that lists a few individuals whose death dates fall within this evaluation period as well. For reasons set forth above, the scrapbooks submitted by Petitioner #146 pertaining to this evaluation period are insufficient to show community under criterion § 83.7(b).

In summary, the three documents and analysis table presented by Petitioner #146 do not substantiate its claim of community for this evaluation period. The 1918 power of attorney petition was submitted on behalf of the “Ottawa and Chippewa Indians of Michigan” and did not identify individuals as Grand River Indians even though it referred to the Grand River in identifying certain bands living near that river in the 1836 and 1855 treaties. Similarly, the 1936 petition document did not identify the 82 individuals listed as Grand River Ottawas, and the Petitioner identified only ten of the listed individuals as lineal ancestors of its current members. Lastly, the Lucille Pego scrapbook contains only five items for this evaluation period, with none indicating the existence of a distinct community comprised of descendants of the historical Grand River Bands.

Summary of Evidence for the Period of 1909 to 1947

The evidence in the record for the evaluation period of 1909 to 1947 is insufficient to show community under criterion § 83.7(b). Evidence covering the first two decades of this evaluation period shows that descendants of the treaty-signatory bands from the Grand River area relocated to other parts of Michigan and were involved in different treaty-related claims efforts, done on

CCF-General Services, 96000-1919-013 (RG75, NARA); Jacob Walker Cobmoosa to Commissioner of Indian Affairs, Jan. 16, 1936, CCF-General Services, 96000-1919, 013 (RG75, NARA).

²⁶⁷ Arthur Mobey to John Colleres, Jul. 2, 1936, CCF-General Services (Mich. Misc. I), 9634-1936, 066 (RG75, NARA).

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

behalf of the “Ottawa and Chippewa Indians of Michigan.” At times, references to the Grand River bands appeared in treaty-related claims documents; however, the evidence does not document the existence of a contemporaneous, distinct community.

The evidence in the record also does not indicate the existence of a distinct community during the 1930s or 1940s. Documents related to reorganization efforts under the IRA in the 1930s, for example, refer to the “Ottawa and Chippewa Tribes of Michigan.” Petitioner #146 must submit additional evidence to corroborate the existence of the claimed community, comprised of descendants of the historical Grand River Bands.

Demographic information provided by Petitioner #146 for this evaluation period shows shifting numbers of Indian populations throughout the counties identified above. The Petitioner claims that the Federal census data reflects the beginning of urbanization of Ottawa peoples in the 1920s, with a sustained decrease in rural populations in Oceana and Mason Counties. By the 1930s, Indian population numbers in urban Muskegon, Ottawa, and Kent Counties more than doubled. The dataset underlying this analysis—compiled Federal census statistics of “Indians” in the counties in question—is of limited value in demonstrating community due to the use of the term “Indian” and the absence of information about tribal affiliation. Furthermore, this analysis does not reveal a distinct pattern of residence, as Petitioner #146 claims, but rather reflects general population migration trends during this time period.

The marriage analysis presented by Petitioner #146 does not provide valid evidence due to the use of a curated dataset and the lack of clarity regarding the boundaries and composition of the claimed community. The analysis of birth patterns submitted by the Petitioner is based on the same curated genealogical database used in the marriage analysis, and therefore suffers from the same flaws. Furthermore, this analysis only serves to support the claimed migration of descendants of Grand River-area Ottawa peoples from rural Oceana and Mason Counties to larger urban areas during this time period. This claim is not in dispute but does not help demonstrate community because it simply reflects general population migration trends during this time.

The obituaries submitted as evidence for this evaluation period include individuals who are not ancestral to the Petitioner’s current members. Because the Petitioner did not otherwise identify members of the community claimed for this evaluation period, evidence relating to these individuals does not help demonstrate community, absent additional information. Furthermore, the evidence does not show how the individuals in the obituaries knew and interacted with each other.

Oral histories presented by Petitioner #146 are also insufficient to show community under criterion § 83.7(b) for this evaluation period. Interviewees discussed the geographic locations of various activities and events but do not suggest that the individuals attending those activities and events interacted with each other in a way that demonstrates distinct community. Additionally, it

is difficult to determine whether cultural patterns, religious beliefs and practices, and other activities in which the Petitioner's members engaged were those of a distinct community of Grand River-area Ottawa peoples or of a wider ethnolinguistic population of Ottawa or Anishinabek peoples. Discussions of cemetery cleanups, Ghost Suppers, and other described social gatherings did not show interaction existing broadly among members of a group, as opposed to among individuals or individual families. The Petitioner may wish to provide additional evidence of gatherings that might demonstrate community, for example, evidence of “[s]hared sacred or secular ritual activity encompassing most of the group.”²⁶⁸

Evidence of “Community During the 20th Century” provided by Petitioner #146 is similarly insufficient to demonstrate community under criterion § 83.7(b). The three documents and analysis table presented by the Petitioner do not substantiate its claim of a community for this evaluation period. The 1918 power of attorney petition, and Jacob Walker Cobmoosa himself, refer to the individuals they represent as “the Ottawa and Chippewa Indians of Michigan,” with no specific reference to Grand River bands. The 1936 petition similarly did not identify the 82 listed individuals as “Grand River” Ottawa peoples, and the Petitioner only identified ten of those individuals as lineal ancestors of its current members. Lastly, and as discussed above, the Lucille Pego scrapbook only contains five items for this evaluation period, with none indicating the existence of a distinct community comprised of descendants of the historical Grand River-area bands.

Based on the evidence in the record, the Department concludes that Petitioner #146 has not demonstrated that a predominant portion of its ancestors comprised a distinct community from 1909 to 1947. Therefore, the Department concludes that Petitioner #146 does not meet criterion § 83.7(b) for this evaluation period.

Evidence for the Period of 1948 to 1983

Introduction

The evaluation period of 1948 to 1983 begins with the establishment of the Northern Michigan Ottawa Association (NMOA) that filed claims on behalf of Ottawa Indians in the State of Michigan with the Indian Claims Commission (ICC) that Congress created in 1946. The evaluation period ends in 1983, the year prior to the start of the modern period, which is ten years prior to the submission of a Letter of Intent to petition for Federal acknowledgment by the organization calling itself the “Grand River Band Ottawa Council.”²⁶⁹

²⁶⁸ 25 CFR § 83.7(b)(1)(vi).

²⁶⁹ OFA to Yob, technical assistance (TA) review letter, Jan. 26, 2005.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

The Petitioner claims the “Grand River Bands are a kin-based society, comprised of networks of extended families. They continue to have significant social relationships and interaction for the reasons that have bound them for generations: common interests and overlapping kinship ties.”²⁷⁰ As evidence for this claim, the Petitioner submitted sign-in sheets, lists, scrapbooks, family trees, maps, obituaries, Mass/funeral cards, newspaper articles, oral histories and interviews, and other documentation.

The evaluation of evidence in the record indicates that some descendants of historic bands from the Grand River area were bound together by extensive familial relationships before the modern period (which the Department defines as starting in 1984 for Petitioner #146 for the purposes of this PF). These relationships were the result of intra-marriage from the 1870s to the late 1950s among many of these descendants who lived primarily in Mason County and Oceana County, Michigan.

Through these familial relationships, individuals could sometimes mobilize support among their relatives and other descendants of Grand River Ottawa peoples to advocate for similar goals, particularly regarding the claims issues that occupied the descendants for much of the 20th century. These familial relationships are most well-documented in the rural areas of Elbridge, Hart, and Shelby in Oceana County, the city of Muskegon in Muskegon County, the city of Grand Rapids in Kent County, and the town of Custer in Mason County.

These kin and relationship ties were further examined when Department researchers conducted an analysis of three 20th century attendance and mailing lists provided by the Petitioner to determine if the group being identified in these documents is the same group currently petitioning for acknowledgment. This is a complex question because of the history of social activity among the various Ottawa peoples in Michigan, where individuals and groups sometimes worked in concert with each other without delineating strict boundary lines to indicate where one group ended and another began. The long history of intermarriage among the various Ottawa band members as well as with Chippewa and Potawatomi Indians also complicates the identification of some individuals’ affiliations with specific tribes or communities.²⁷¹ The fact that the Little River Band of Ottawa Indians (LRBOI) became federally

²⁷⁰ “Response To The Technical Assistance Letter,” 20–21.

²⁷¹ Charles Hickey (1836–aft. 1891), a Pottawatomi/Ottawa individual who compiled a list of claimants against the government from Pottawatomis living in several counties, answered a lawyer in the claims case who asked if the younger generation of Ottawa and Pottawatomi peoples “mix themselves up amongst each other.” Hickey confirmed that “they mixed all over,” but his own ancestry confirmed that the “mixing” had been going on for many years:

Q: When the Indians of Michigan disbanded their tribal relations almost all the Indians, the Ottawas, Chippewas and the Potawatomies did they not scatter and mix themselves up amongst each other?

A: Well, at the time they were removed...Then they broke up; some went to Canada, some went west and some went north; they all mixed.

Q: And those who remained in Michigan scattered and went to farming and working?

A: Yes.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

recognized in 1994 also added to the complexity of the case because some of LRBOI's members withdrew from Petitioner #146 and enrolled there.

The Northern Michigan Ottawa Association (NMOA)

During the period of 1948 through the 1980s, a group of descendants of the historic Ottawa and Chippewa treaty-signatory bands continued to pursue compensation for land lost, working through the Northern Michigan Ottawa Association (NMOA) to initiate an Indian Court of Claims (ICC) suit. In 1946, Congress created the ICC to settle the land claims of Indian groups in the United States.²⁷² The legislation provided monetary compensation for those Indian groups whose suits proved successful. A group of Ottawa Indians in Michigan had first conceived the idea of forming an organization to pursue claims through the ICC in 1946. These were Ottawa Indians connected to the Detroit Indian Center and the Northern Michigan Indian Legal Defense Association in Harbor Springs. In 1946, some of these Ottawa approached Robert Dominic (affiliated with the Little Traverse Bay Bands of Odawa Indians) "to organize in a certain way so that they may sue the government."²⁷³ Dominic had assisted in the unsuccessful effort to organize the Little Traverse Bay Bands of Odawa Indians under the IRA in the 1930s.²⁷⁴ He accepted the new challenge, and for the next two years, he and his wife Waunetta (McClellan) Dominic (a descendant of the historic Grand River-area Ottawa peoples) traveled throughout the State of Michigan "speaking with the elders and recognized headmen requesting them to put

Q: And the Chippewas would live as a neighbor to the Potawatomes.

A: Yes.

Q: And the Ottawas.

A: Yes.

Q: And they got mixed through each other.

A: They got mixed through each other; you can't get the pure Potawatome; they are all mixed. They claim their fathers belonged to the Potawatomi tribe in the old times and their grand-mothers.

Q: Do you intend to say that the younger generation now of the Indians living here in Michigan, are mixtures between the Chippewas, Ottawas and Potawatomes?

A: Yes.

Q: They are mixed.

A: They are mixed. Well, you know the Chippewas and the Ottawas and Potawatomes, they lived in the same state. We are not like the whites, who come from different races. (*Pam-to-pee et. al., v. U.S.*, Jul. 14, 1891, p. 110-11).

²⁷² 60 Stat. 1049.

²⁷³ NMOA Unit 1 (Little Traverse Bay) provided an overview of NMOA's origins in a 1984 meeting (NMOA, Little Traverse Bay Bands/Unit 1, meeting minutes, Feb. 4, 1984). See also Robert Dominic, letter to Rolland E. Miller, Supt. Towah Indian Agency (Green Bay, Wisc.), Apr. 14, 1948.

²⁷⁴ Robert Dominic (Cross Village, Mich.), letter to John Collier, Commr. of Indian Affairs, Feb. 21, 1936, CCF-General Services (Mich. Misc. I) 9634-1936:066.

their power in the Northern Michigan Ottawa Association to sue in the court of claims...”²⁷⁵ The “elders and recognized headmen” gave their formal consent in 1948.

In June 1948 Robert and Waunetta Dominic, and several others, as the “Ottawa Tribe and Nation of Indians,” met in Petoskey, Emmet County, Michigan, and established the Northern Michigan Ottawa Association (NMOA) to help file claims on behalf of the various Ottawa bands in Michigan.²⁷⁶ Waunetta Dominic was the first of many important women who provided critical leadership to the organization. Approximately 350 people attended this meeting as the “Northern Michigan Ottawa Council,” though a small number of attendees identified their “Tribe” as “Chippewa.”²⁷⁷ Over the next several decades, NMOA presented several different lawsuits before the ICC on behalf of descendants of the historic bands of Ottawa, Chippewa, and Potawatomi who had signed various 19th-century treaties.²⁷⁸ These efforts led to social interaction and political activity in locally based units of NMOA.

At the time, Robert Dominic knew little about the Ottawa from southwestern Michigan, where the historical Grand River area bands had primarily settled after the 1855 treaty. He contacted Cornelius Bailey (1897–1972), a descendant of these bands, residing in Custer, Mason County, and one of the only individuals from that area to attend the June 1948 meeting.²⁷⁹ Dominic specifically inquired about the efforts of Jacob Walker Cobmoosa, who still maintained that he was the sole authorized legal representative for the “Ottawa and Chippewas.” Dominic’s contacts do not appear to have associated with Cobmoosa, and Dominic did not initially know of Cobmoosa’s separate legal efforts (which were dismissed by the ICC on March 25, 1949).

Beginning in late 1948, Cornelius Bailey visited other descendants to interview people who might be eligible for compensation under an ICC claim. As part of his work, he took written testimonies and forwarded them to Dominic (Dominic 10/13/1948). For example, the record contains an affidavit he collected from 86-year-old Julia Alexander of Hastings and Mary McDaquet of Muskegon (Petitioner 146 Testimonies 9/28/1948), and correspondence indicates there were additional interviews and papers submitted to Dominic. It is not evident from the documents in the record how many people he met with or how far Bailey may have traveled to collect this information (both Hastings and Muskegon are quite distant from Bailey’s home in Custer—approximately 140 miles and 65 miles, respectively). Over the next year, Dominic worked with Bailey and others to develop the early NMOA structure and membership. He and Waunetta also began circulating questionnaires to other Ottawa who might be part of a possible

²⁷⁵ NMOA, Little Traverse Bay Bands/Unit 1, meeting minutes, Feb. 4, 1948.

²⁷⁶ “Minutes of Ottawa Council Meeting,” Petoskey, Mich., Jun. 5, 1948.

²⁷⁷ “Northern Michigan Ottawa Council – Register,” Jun. 5, 1948, Petoskey, Mich.

²⁷⁸ The NMOA also assisted Chippewa Indians who had both Chippewa and Ottawa ancestry and thus, were eligible for some compensation under certain treaties signed by both groups.

²⁷⁹ Robert Dominic, Northern Michigan Ottawa Association (Petoskey, Mich.), letter to Cornelius Bailey (Custer, Mich.), Jul. 5, 1948.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

suit. By May 1950, NMOA had calculated the number of possible claimants from these questionnaires as 1,154. Of these, 198 were identified as “Grand River Band,” but their numbers would continue to grow through active recruitment throughout the 1950s and 1960s.²⁸⁰

In support of NMOA’s claims efforts, the Dominics actively identified one-quarter blood degree descendants of the Ottawa listed on the 1910 Durant Roll, creating their own “roll” of Ottawa.²⁸¹ The NMOA separately sold membership cards through the local units, primarily as a fund-raising effort.²⁸² At times, NMOA records refer to “members” and it is not always clear the reference applies to membership in a tribe or membership in NMOA. The only distinction that NMOA appears to have made specifically relating to descent from the historic Grand River-area bands pertained to eligibility to pursue claims under the 1821 treaty (Docket 40-K).²⁸³ Although the descendants eligible for distribution of Docket 40K judgment funds occasionally voted separately on issues pertaining to that judgment and were identified in NMOA meeting minutes as “Members of the Grand River Band,”²⁸⁴ the evidence is insufficient to show that those descendants comprised a distinct community within NMOA or that the historical Grand River Bands evolved into the nascent NMOA. For example, the descendants do not appear to have enrolled in NMOA collectively. Though some of these descendants of the historic Grand River-area bands were acquainted previously, others became associated initially through NMOA local units or annual meetings.

Due to the ambiguity regarding membership, it is difficult to estimate how many active members NMOA had at any time, or how many descendants of Grand River-area Ottawa joined. Later estimates of NMOA membership at large reach as high as 8,000 to 10,000 members at its peak.²⁸⁵ However, these numbers likely refer to the number of people eligible for the distribution of judgment funds rather than to holders of membership cards. One meeting specifically addressed this, stating “The money system is in a sad state of affairs. 168 memberships out of a possible 7,000 members. Letters of inquiry regarding eligibility of claims benefits are sent in and

²⁸⁰ A May 31, 1950, letter identified the participating groups and number of members as follows: Little Traverse Band, 552; Grand Traverse Band, 263; Mackinac Band, 124; and Sault St. Marie Band, 17. The last two consisted of Chippewa Indians with Ottawa ancestry (Arthur B. Honnold, letter to Robert Dominic (Petoskey, Mich.), May 31, 1950). Of the 1,154 possible claimants identified, Honnold estimated “Ottawa blood only” for 881, “Chippewa blood only” for 46, and “both Ottawa and Chippewa blood” for 227. By 1952, Dominic had distributed additional questionnaires among the descendants of historic Grand River-area Ottawa peoples that provided information on another 270 individuals, which was 45 percent of the prospective NMOA membership at that time (Robert Dominic (Petoskey, Mich.), letter to Arthur B. Honnold (Tulsa, Oklahoma), Jan. 29, 1952).

²⁸¹ NMOA, business meeting, minutes, Mar. 17, 1962.

²⁸² NMOA, Executive Council Meeting, minutes, May 25, 1963.

²⁸³ See, for example, NMOA, Special Grand River Ottawa Meeting, minutes, May 22, 1971.

²⁸⁴ NMOA, 17th Annual Meeting, minutes, Oct. 16, 1965, p. 2–4.

²⁸⁵ June A. (Gardner) Dart, “To the Ottawa & Chippewa Indians of Michigan Who Are to Share in the 1836 Claims,” Jul. 25, 1987, p. 3; Janenne Harrington, “Ottawa Mark 50th,” *Petoskey (Mich.) News-Review*, Jun. 18, 1998, p. 1–2.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

most of the time there is no stamped self-addressed envelope for reply or money amount.”²⁸⁶ The following year, the minutes noted “Resolution #121 which asked a fee of \$3.00 be levied against those who ask that research be done on their behalf applies only to those who are inquiring of this association for the first time. Persons who are paid-up members of this association need not pay this fee.”²⁸⁷ In testimony submitted to the U.S. Senate Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, dated October 7, 1975, Waunetta Dominic stated that,

[T]he Northern Michigan Ottawa Association has recorded over 3,000 persons of Grand River Band descendency and further, prosecutes claims and speaks on behalf of all Grand River Indians, not only for it’s [*sic*] paid-up members.²⁸⁸

These testimonies show that NMOA distinguished between those with “descendency” and those “paid-up” members, so evidence regarding NMOA membership, which could refer to either category, is insufficient to demonstrate community among descendants, particularly given the greater number of those who were not “paid-up” members of this organization and may not have interacted with other members.

As NMOA grew, its individual member units, arranged by geographical areas, conducted localized meetings and fundraisers to support the organization’s goals of obtaining the claims payments.²⁸⁹ Many of these meetings included social events such as dances and fundraising suppers. For example, a local newspaper reported that members of NMOA’s Unit 7 (covering Mason, Manistee, and Benzie Counties) held a chicken dinner attended by 51 people. The article also added that the dinner was part of a project to raise money in order to assist member families with burial expenses.²⁹⁰ June Dart, a longtime member of NMOA described her experience in Unit 4, representing the larger Grand Rapids area,

In 1956 I started working with Bob and Waunetta Dominic with the help of my cousins, the Stone girls. We went from one end of Grand Rapids to the other to find Indians. We had box socials, meeting, picnics, musical skits, etc, anything to raise money, find Indians & keep our Grand Rapids unit together. . . . At one of our annual meetings, Mr. Robert Dominic acknowledged me as being o[ur] first “lady chief.” I

²⁸⁶ NMOA, 21st Annual Council meeting, minutes, Jun. 21, 1969.

²⁸⁷ NMOA, 22nd Annual Council meeting, minutes, Jun. 13, 1970.

²⁸⁸ U.S. Senate, Committee on Interior and Insular Affairs, Subcommittee on Indian Affairs, *Distribution of Funds to Cowlitz and Grand River Band of Ottawa Indians: Hearing Before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, United States Senate, Ninety-Fourth Congress, First Session, on S. 1334 . . . [and] S. 1659 . . . September 26, 1975* (Washington: U.S. Government Printing Office, 1976), 61.

²⁸⁹ Robert Dominic, President, NMOA, “To Business Committee and Unit Officers,” Apr. 30, 1958, p. 1–2.

²⁹⁰ Rose D. Hawley, “Chicken Dinner at Bailey Home,” *Ludington (Mich.) Daily News*, Jul. 25, 1956, p. 2, col. 2.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

kept involved and kept the Indians notified as to what was going on with our claims, as Bob & Waunetta gave this information to me.²⁹¹

Dart's statement mentions "finding" Indians twice in her description of the early days of this NMOA chapter. A 1978 interview with Waunetta Dominic indicates that the organization was trying to locate descendants who could attest to their ancestors belonging to a particular band and identifying where they had lived.²⁹²

Over the years, NMOA hosted its annual meeting in Petoskey. In addition to the business aspects of the meeting and notifying attendees of the current status of the claims, they also hosted other public displays of Native culture, including crowning a "pageant princess" from among the young women of the various units.²⁹³ The number of units and the geographical areas they covered changed over the years, as the organization responded to the needs of its members. For example, the group instituted Detroit-area Unit 10 to represent those Indians who had moved to Detroit for the economic opportunities. The record includes more information about Units 4, 5, and 7—which covered the Grand Rapids, Muskegon, and Manistee areas—than other units, though descendants of historic Grand River-area Ottawa peoples were not limited to these units and not all descendants were members of NMOA or its local units.²⁹⁴ Due to the employment opportunities in post-war cities, some of the people who became involved in some of the units were likely from across the "Ottawa and Chippewa" diaspora. Since these units were not exclusive to the descendants of the historical Grand River Bands, it is difficult to conclude, absent corroborating evidence, that the activities in certain local units of NMOA show a distinct community comprised of a predominant portion of the Petitioner's members or ancestors.

The 1958 Cobmoosa Reunion

In 1958, the Garden Club of Pentwater (Oceana Co., Mich.), the Chamber of Commerce, and village officials marked the centennial of the arrival of the Grand River-area Indians from their original homelands by inviting the descendants of Chief Cobmoosa to hold a celebration in the center of the town. The Petitioner maintains that,

²⁹¹ Mrs. June A. Dart, untitled, undated, hand-labeled "Exhibit I," submitted by Petitioner #146, dated "ca. 24 August 1985," citing "Private Collection of June Dart."

²⁹² "Portrait of an Indian Leader," *Petoskey (Mich.) News-Review*, Jul. 3, 1978, "Graphic Resorter" insert, p. 5.

²⁹³ "All-State Indian Show Opens Here Saturday With Downtown Parade," *Petoskey (Mich.) News-Review*, Jul. 20, 1961, p. 1, cols. 1–2.

²⁹⁴ Another group of Grand River Ottawa descendants in the Manistee area who had functioned under Unit 7 (Ludington/Manistee) later formed an organization called the Thornapple Band "to encourage the residents of the area to become involved in the Indian community as a whole, and to deal with the problems of the neighborhood in a constructive and effective manner" (Thornapple Indian Band, "By-Laws 1970"). This group appears to have formed the basis of the federally recognized Little River Band of Ottawa Indians (McClurken, *Our People, Our Journey*, 235–43).

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Henry Negake, a great grandson of the Ogema Cobmoosa, decided to organize a reunion for Cobmoosa's descendants on the one hundred year anniversary of the Grand River Bands migration to Oceana County Reservation in 1857. The idea began with plans that Negake and his sister Julia Lewis Alberts made to honor their great grandfather Cobmoosa by marking his previously unmarked grave. They began their task by recruiting family and friends to help. Accompanied by his 77 year old cousin, Mitchell Memberto (another Cobmoosa great grandson who still lived in Elbridge), Negake made the rounds of his boyhood haunts in Elbridge, where he found support for his idea. Negake, Lewis and their supporters expanded their original idea of marking Cobmoosa's grave into a gathering of Cobmoosa's descendants at a reunion to commemorate the important role that their great grandfather had played in Grand River Bands history.²⁹⁵

The evidence in the record supports parts of this narrative. A newspaper article from 1957 indicates that the idea for the reunion began when Negake returned home for a visit and decided to embark on a mission to mark Cobmoosa's previously unmarked grave.²⁹⁶ However, it is not clear that other descendants (other than his aforementioned Memberto cousin) were initially involved. In the months between the first newspaper article mentioning the reunion and the actual event, no records illustrate how the gathering was organized or who assisted in the task. Henry Negake, his sister, and their cousin Ella Tawney were later identified as event organizers in conjunction with various Pentwater civic organizations,²⁹⁷ but there is no information indicating that a group or organization of descendants of historic Grand River Ottawa peoples assisted them. Negake did solicit help from descendants in a newspaper article, asking for any interested descendants to write to him, but it is unclear if people responded to this solicitation.²⁹⁸ The Petitioner may wish to do further research to identify other descendants who might have aided the Negake siblings (who were in their early 70s at the time) and their cousin (who was in her late 50s) with planning the event.

The Petitioner maintains that "descendants who lived scattered throughout western Michigan began to gather resources for the reunion. . . . They publicized the reunion in newspapers and personally visited local organizations to gather support."²⁹⁹ Department researchers did locate newspaper advertisements about the event, but there is no indication that descendants placed these advertisements. Leonore P. Williams, a Pentwater-based reporter for the *Ludington Daily*

²⁹⁵ "Grand River Bands of Ottawa Indians Petition," 68–69.

²⁹⁶ Leonore P. Williams, "1958 Centennial Planned to Honor Chief Cobmoosa," *Ludington (Mich.) Daily News*, Nov. 29, 1957, p. 8, col. 1–2.

²⁹⁷ Leonore P. Williams, "Anniversary Marked by Chief Cobmoosa's Descendants Saturday," *Ludington (Mich.) Daily News*, Aug. 25, 1958, p. 8, col. 1–6.

²⁹⁸ Williams, "1958 Centennial Planned to Honor Chief Cobmoosa," *Ludington Daily News*, Nov. 29, 1957.

²⁹⁹ "Grand River Bands of Ottawa Indians Petition," 69.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

News, wrote several articles for the local newspaper and helped to organize the event.³⁰⁰ She does not appear to have been of Ottawa descent.

The initial announcement of plans for the reunion did not indicate where it was going to take place.³⁰¹ By May, reports confirmed that it would occur in Pentwater on August 23, sponsored by the Garden Club.³⁰² That is, the event would be held in the place where the historical Grand River-area Ottawa peoples had landed in 1858 after leaving their homes for their allotted lands in Mason and Oceana Counties.

There is no evidence in the record that indicates that NMOA separately publicized the Cobmoosa reunion. The NMOA held its 1958 annual meeting just two months earlier but recorded no mention of the celebration in the minutes.³⁰³ The local NMOA Unit 7 (encompassing the Ludington-Manistee area) met in May 1958 but likewise did not mention the upcoming event, though several members attended the reunion.³⁰⁴ Unit 7 did sell corn at the event as a unit fundraiser.³⁰⁵ The Petitioner's materials do not include any meeting minutes for Units 4 and 5 (representing Grand Rapids and Muskegon respectively) for 1958–59, so it is unknown whether they discussed or otherwise participated in the event. No articles refer to any Indian organization or group, including any of NMOA units, helping to orchestrate this event. The only Native people mentioned as playing a part in the organization of this event are the Negakes and their cousin.

The Cobmoosa Reunion was well-attended. Several Native artisans set up displays of their handiwork,³⁰⁶ and more than 300 Native participants partook in a free picnic lunch provided by the Chamber of Commerce.³⁰⁷ Henry and Julia (Negake) Lewis, and their cousin, Ella Tawney, sang at this celebration, just as the Negake siblings had at an event thirty-one years prior, in 1927, when the local Daughters of the American Revolution chapter erected a memorial to Cobmoosa. A Native dance troupe, run by Saginaw Chippewa Eli Thomas (aka Chief Little

³⁰⁰ James S. Pooler, "Palefaces Party Indians," *Detroit (Mich.) Free Press*, Jul. 27, 1958, p. A3, col. 1.

³⁰¹ Williams, "1958 Centennial Planned to Honor Chief Cobmoosa," *Ludington Daily News*, Nov. 29, 1957.

³⁰² Leonore P. Williams, "'Bird Walk' Is Enjoyed by Garden Club Members," *Ludington (Mich.) Daily News*, May 23, 1958, p. 10, col. 1–2. Two other newspapers (*Lansing State Journal* and *Holland Evening Standard*) advertised the event in their June 25, 1958, editions. Both printed identical press releases that included the incorrect date of August 13. Department researchers were not able to locate any corrected advertisements.

³⁰³ NMOA, Tenth Annual Council Meeting, minutes, Jun. 21, 1958.

³⁰⁴ NMOA, Unit 7, meeting at "Mrs. Theadore (Julia) home" (Brethren, Mich.), handwritten minutes, May 17, 1958.

³⁰⁵ NMOA, Unit 7, meeting at "the home address of Anthony Skocelas" (Wellston, Mich.), handwritten minutes, Jan. 3, 1959.

³⁰⁶ James S. Pooler, "Chippewas Visit Land They Gave Away," *Detroit (Mich.) Free Press*, Aug. 31, 1958, p. A3, col. 1–6.

³⁰⁷ Leonore P. Williams, "Indian Celebration Plans Are Completed," *Ludington (Mich.) Daily News*, Aug. 20, 1958, p. 6, col. 1–5.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Elk),³⁰⁸ performed twice for the spectators. The evening ended with a dance at the Pentwater Community Hall, featuring Henry Negake and his “Indian orchestra.” Local newspapers reported an overall attendance of 1,000 spectators.³⁰⁹

According to a sign-in book from the event, 346 people of Indian ancestry registered for the luncheon prepared by the Chamber of Commerce. Each attendee also identified their place of residence and whether “O[ttawa]” or “C[hippewa].” These attendees came from across the state of Michigan and outside Michigan.³¹⁰ Department researchers reviewed the names on the list and identified several attendees as ancestral to the current Petitioner. However, because the book does not identify attendees in any way other than Ottawa or Chippewa broadly and does not note membership in any organization or other social connections among members, this evidence does not reveal “[s]ignificant social relationships connecting individual members” or reflect “[s]ignificant rates of informal social interaction which exist broadly among the members of a group” and, therefore, does not constitute evidence of a distinct community comprised of descendants of Grand River-area Ottawa bands.³¹¹

Leonore Williams hoped that the event would become an annual celebration,³¹² possibly to appeal to the summer tourists, but that did not happen. However, a similar event took place the following year, with 100 Native people in attendance.³¹³ For this 1959 event, the Negake siblings planned the event with the Pentwater Chamber of Commerce, and the Chamber of Commerce sent announcements to “many of these Ottawas whose whereabouts are known to the Chamber of Commerce committee.”³¹⁴ No reunion appears to have occurred in 1960, though Henry Negake himself proposed to canoe from Lansing to Grand Haven as a testament to his notable ancestor Cobmoosa.³¹⁵ The Petitioner maintains that “[t]he pow wow that accompanied the event has

³⁰⁸ Eli Thomas, or Chief Little Elk (1898–1990), and his wife Betsy Pontiac, joined a touring company of Native performers in the late 1920s, and Eli eventually assumed control of the troupe himself. He hosted a Strawberry Festival on the reservation for years, and also conducted a mini-powwow at Zubler’s Indian Craft of Hudson Lake. See Scott Csernyik, “Cultural celebration steeped in tradition; 17th Annual Little Elk’s Retreat Powwow set,” posted Aug. 2, 2001, *Saginaw Chippewa Indian Tribe* (<http://www.sagchip.org/tribalobserver/article.aspx?article=53> : accessed 2022).

³⁰⁹ “‘The Great Walker, Talker’ Led Tribe to Oceana, Mason Counties in Migration from Grand Valley,” *Muskegon (Mich.) Chronicle*, Jul. 15, 1958, p. 9, col. 4–7.

³¹⁰ Leonore P. Williams, stenographer’s notebook, handwritten title on cover, “Indian Centennial, Aug. 23 – 1958, Pentwater, Mich.” (hereinafter cited as “Indian Centennial Guests, Aug. 23, 1958”), submitted by Petitioner #146, citing “Private Collection of Linda (Shagonaby) Andre.”

³¹¹ 25 CFR § 83.7(b)(1)(ii), (iii).

³¹² Pooler, “Palefaces Party Indians,” *Detroit Free Press*, Jul. 27, 1958.

³¹³ Leonore P. Williams, “Indians Enjoy Family Reunion in Pentwater,” *Ludington (Mich.) Daily News*, Aug. 24, 1959, p. 8, col. 1–2.

³¹⁴ Leonore P. Williams, “Ottawa Indians Plan Reunion in Pentwater,” *Ludington (Mich.) Daily News*, Aug. 15, 1959, p. 3, col. 5–6.

³¹⁵ “The Onlooker,” *The State Journal*, Lansing, Mich., Jul. 23, 1960, p. 16, col. 3.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

been repeated at Hart, Michigan many times since the reunion,”³¹⁶ but evidence in the record indicates that the powwows held in Hart since the 1990s evolved independently through the activities of the Oceana County Inter-Tribal Council and had no connection to the 1958 event. Later articles make little to no mention of Henry Negake’s original goal of marking Cobmoosa’s grave in Elbridge, 16 miles from Pentwater.³¹⁷

The Cobmoosa Reunion was an event limited to two occasions in the late 1950s. Petitioner #146 maintains that “the Cobmoosa monument and reunion had brought the Grand River Bands community together around issues of cultural history and identity[.]”³¹⁸ However, Department researchers found that the reunion were primarily organized by individual families, non-Indians, and civic organizations, not a broader group of the Petitioner’s ancestors and current members. Moreover, evidence relating to the reunions does not show members of the Petitioner’s claimed community interacting with each other in a manner that would differentiate them from nonmembers or otherwise existing as a distinct community. The Petitioner may wish to provide additional information and analysis if it chooses to use the reunions or the dedication or rededication of the monument to Cobmoosa as indications of community under criterion § 83.7(b).

Social Interactions Across Families

Petitioner #146 did not provide a list of its members or otherwise identify the boundaries of the claimed community of its members from 1958 to 1970, a period of time falling within the broader evaluation period. However, in an effort to determine who may have comprised the community during this time, Department researchers examined the 1958 Cobmoosa Reunion sign-in ledger (approximately 235 identified as “O[ttawa]”), the 1968 guestbook for Julia (Negake) Lewis Alberts’s funeral (approximately 170 attendees), and a 1970 newsletter mailing list for the Grand River Bands of Ottawa Nations (GRBON), compiled by Mamie Battice

³¹⁶ “Grand River Bands of Ottawa Indians Petition,” 72.

³¹⁷ The DAR-sponsored memorial erected in 1927 was rededicated by the organization in 2013. See “DAR celebrates completion of Chief Cobmoosa monument restoration,” *Oceana’s Herald-Journal*, Hart, Mich., Jun. 26, 2013. (https://www.shorelinemedia.net/oceanas_herald_journal/archives/dar-celebrates-completion-of-chief-cobmoosa-monument-restoration/article_8f5d1202-84a0-50d2-a30f-fa125fa5fa73.html : accessed 2022); Justine Lofton, “Ottawa Indian Chief Cobmoosa monument restoration draws descendants for ceremony,” *MLive*, Jul. 7, 2013 (https://www.mlive.com/news/muskegon/2013/07/the_cobmoosa_stone_honoring_ch.html : accessed 2022). However, there is no indication in the evidence that Petitioner #146’s leaders attended the event or that any members who attended the event comprised a distinct community. The following individuals were identified as attending the event: Debbie Gutowski, Director of Native American Ministry; Chief Larry Romanelli (Little Thunder); Mary Sherman, descendant of Chief Cobmoosa; Drummers, Joan Wegner, Ardith Merten, Virginia Mittag, Jean Blovits; Zander Baker, MSDAR State Regent; Sharon Hedinger, Michigan Dunes Chapter of DAR Regent; and Julie Brown (*Oceana’s Herald-Journal*, Jun. 26, 2013). Mr. Larry Romanelli is the current *Ogema* of the Little River Band of Ottawa Indians. None of these named attendees appear to be associated with Petitioner #146.

³¹⁸ “Grand River Bands of Ottawa Indians Petition,” 72.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

(approximately 212 names).³¹⁹ These events produced documentation that record who attended and indicate social relationships or interaction among attendees, which may help demonstrate community.³²⁰ In this case, the evidence indicates that some families appear to be consistently involved in social activities during this time, but these three lists contain more differences than similarities in recording participants. Taken together, the three documents do not reflect the existence of a distinct community during the evaluation period.

In addition to these three large, well-documented events, several smaller events and activities also highlight some of the social relationships among descendants of the historic Grand River-area Ottawa. Below are some examples of connections among descendants.

Henry Negake (1885–1972) of Oceana County, as previously discussed, organized (and attended) the 1958 Cobmoosa Reunion.³²¹ Julia Alberts was his sister, and Henry and his family attended her funeral in 1968.³²² Henry also appeared on the 1970 GRBON mailing list.³²³ Some descendants of Henry Negake appear on the 2022 membership list of Petitioner #146.

Mitchell Battice (1918–1995) and his wife Mamie (Bailey) Battice (1919–2005), who married in 1947 and raised eight children in the town of Elbridge, were highly involved in the area. The entire family attended the 1958 Cobmoosa Reunion, with Mitchell Battice identified as the head of the household and ten people listed with him.³²⁴ Mitchell and Mamie attended some meetings of NMOA Unit #5 in Muskegon, in 1962 and 1964.³²⁵ In 1968, the Battice family attended the Julia Alberts funeral.³²⁶ In 1969, Mitchell and Mamie Battice were among the Oceana County residents who organized GRBON, with Mitchell even signing the Articles of Incorporation and serving as President of the organization for several years.³²⁷ Mitchell and Mamie Battice have some descendants on the 2022 membership list of Petitioner #146.

The family of Thomas Fitch (1891–1962) of Custer also appears in each of these events during their lives. “Tom” Fitch attended the 1958 Cobmoosa Reunion (apparently alone).³²⁸ His second

³¹⁹ Indian Centennial Guests, Aug. 23, 1958; Julia Alberts funeral guests, Mar. 18, 1968, in Lucille Pego scrapbook, submitted by Petitioner #146 (hereinafter cited as “Alberts Funeral Guest List, 1968”); Mamie Battice, Sec., GRBON, Inc., “Mailing List,” Sep. 1970, submitted by Petitioner #146, citing “Private Collection of Mitchell and Mammie [*sic*] Battice” (hereinafter cited as “GRBON Sep. 1970 Mailing List”).

³²⁰ 25 CFR § 83.7(b)(1)(ii), (iii).

³²¹ Indian Centennial Guests, Aug. 23, 1958.

³²² Alberts Funeral Guest List, 1968.

³²³ GRBON Sep. 1970 Mailing List.

³²⁴ Indian Centennial Guests, Aug. 23, 1958.

³²⁵ NMOA, Unit #5, “Election Meeting,” May 7, 1962, attendee list; “Meeting at Cantu’s,” Sep. 27, 1964, attendee list.

³²⁶ Alberts Funeral Guest List, 1968.

³²⁷ Grand River Bands of Ottawa Nations (GRBON), Inc., articles of incorporation, Aug. 11, 1969.

³²⁸ Indian Centennial Guests, Aug. 23, 1958.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

wife Charity (Micko) Fitch (1907–1986) attended the 1968 Alberts funeral,³²⁹ and their son Jerome T. Fitch (1936–1987) was on the 1970 GRBON list.³³⁰ The Fitch family does not appear to have any direct descendants on Petitioner #146’s current membership list.

Robert Bailey (1886-1979), of Platte, Benzie County, attended the 1958 Cobmoosa reunion, as did his eldest son Nicholas (1906-1983).³³¹ Nicholas Bailey and his wife Anna (Wasequam) Bailey (1906–1965) hosted a 1956 NMOA Unit 7 dinner with 51 attendees at their home in the town of Scottville, Mason County,³³² and a 1959 Ghost Supper with 30 attendees at the same home.³³³ Anna Bailey also offered her expertise on the Ottawa language and history to local historical institutions.³³⁴ Neither Robert nor Nicholas attended the 1968 Alberts funeral, though “Mrs. Robert Bailey” had attended the 1944 funeral of Augustine Lewis, Julia Negake’s first husband.³³⁵ Both Robert and “Nick” Bailey were included on the 1970 Battice list.³³⁶ There are no Robert Bailey descendants included on Petitioner #146’s 2022 membership list.

These examples demonstrate how some descendants of historical Grand River-area Ottawa peoples interacted throughout part of the 20th century. However, as noted above, there is no single list that defines the boundaries of the Petitioner’s claimed community for the evaluation period. Political and social activity often took place under the auspices of different Michigan Indian political organizations (such as NMOA) and members did not always differentiate themselves from other Ottawa peoples or from other Michigan Indians. The members resided in a number of Michigan towns and formed separate, distinct units in these locations, hosting local dinners and social events. An examination of these documents indicates that some Grand River Ottawa descendants did associate with each other throughout the 20th century at commemorative events such as the Cobmoosa Reunion and at community events such as the 1968 Alberts funeral. However, the evidence suggests that the descendants who attended the events did not interact with each other in a manner that would differentiate them from nonmembers or otherwise exist as a distinct community. The Petitioner may wish to provide additional evidence of interaction among the Petitioner’s claimed community. Additionally, the analyses above identified associations mostly between people living in Mason and Oceana Counties. To the extent that the Petitioner’s claimed community encompasses members participating in events in

³²⁹ Alberts Funeral Guest List, 1968.

³³⁰ GRBON Sep. 1970 Mailing List.

³³¹ Indian Centennial Guests, Aug. 23, 1958.

³³² Hawley, “Chicken Dinner at Bailey Home,” *Ludington Daily News*, Jul. 25, 1956.

³³³ “Festival Held at Bailey Home,” *Mason County Press*, Scottville, Mich., May 11, 1959.

³³⁴ “Mrs. Nicholas Bailey Compiles List of Indian Names for Michigan Towns,” *Ludington (Mich.) Daily News*, Jul. 7, 1956, p. 2, col. 1–2; “Mrs. Nicholas Bailey is Guest Speaker,” *Ludington Daily News*, Oct. 7, 1961, p. 2, col. 2.

³³⁵ Alberts Funeral Guest List, 1968.

³³⁶ GRBON Sep. 1970 Mailing List.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

other locations such as Grand Rapids and Muskegon, the Petitioner may wish to include additional evidence about those members and events.

NMOA Activities from the 1960s to the 1980s

The NMOA pursued the claims of the Ottawa and Chippewa descendants for nearly five decades. During that time, the nature of the relationship between Indian peoples in Michigan and both the U.S. and State governments changed. Previously, various Indian peoples in Michigan had been considered state citizens rather than as separate tribes under Federal wardship, and some who had tried to reorganize politically under the Wheeler-Howard Act of 1934 had been denied for various reasons, including that the Federal Government did not wish to assume additional financial obligations for Indians who were currently treated as citizens of Michigan.³³⁷

The NMOA pursued claims related to several treaties that included Ottawa bands in the Grand River area. Docket 40-K applied only to Grand River Band descendants and their claims regarding the 1821 Treaty. The claim for Docket 40-K was settled in 1968 and was paid out beginning in 1976 (after much deliberation and negotiation).³³⁸ Dockets 58, 18-E, and 364 applied not only to the Grand River-area Ottawa descendants but also to the other Ottawa and Chippewa descendants in the State of Michigan.³³⁹ These dockets were not settled and paid out for many years.

After certain findings of fact by the ICC under Docket 40-K in 1964 made a favorable judgment likely, NMOA President Robert Dominic, at the urging of BIA officials, appointed a five-man board “to take care of any matters arising on the Grand River Claim (1821).”³⁴⁰ This board met separately to propose decisions relating to the payment of Docket 40-K judgment funds. Their proposals were then presented for a vote by other descendant members of NMOA, at either the Annual meetings in June or at “Special” meetings called exclusively for descendants of the Grand River-area Ottawa bands.³⁴¹ When other members were present, such as at an Annual meeting, “Members of the Grand River Band were seated in a separate section for voting purposes.”³⁴² The board later became more formally known as the “Grand River Band of

³³⁷ BAR, “Recommendation and summary of evidence for proposed finding for Federal acknowledgment of the Grand Traverse Band of Ottawa and Chippewa Indians, Peshawbestown, Michigan pursuant to 25 CFR 54,” Oct. 3, 1979, Report on History of the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan, pp. 7–8.

³³⁸ 90 Stat. 2503 (1976).

³³⁹ Some Ottawa Indians seeking money under these combined dockets may have had some Chippewa ancestry as well. The Chippewa included under these dockets included the federally recognized Chippewa tribes and the “non-reservation” Chippewa in Michigan. The number of “non-reservation” Chippewa, who would have been serviced by NMOA, was probably very small at this time.

³⁴⁰ NMOA, Unit #5 or Grand River Bands Descendants Committee, meeting minutes, Oct. 10, 1965.

³⁴¹ NMOA, Special Grand River Ottawa Meeting, minutes, May 22, 1971.

³⁴² NMOA, 17th Annual Meeting, minutes, Oct. 16, 1965, p. 2–4.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Ottawas Descendants Committee,” containing 11 members.³⁴³ The evidence does not suggest that this committee represented a distinct community as much as a set of descendants potentially eligible for treaty-related payments. One of the first questions placed before the committee concerned “how [the committee] felt about starting any projects, such as other tribes have done in the past and a vote was taken. It was unanimous on an equal per capita share and not have any projects.”³⁴⁴

By March 20, 1973, NMOA organized another committee on the same model to pursue decisions relating to the various claims dockets for which descendants of all 1836 Treaty signatory bands were eligible. This committee, called “The Descendants Committee of the Ottawa and Chippewa of Michigan, Non-Reservation Docket No. 58” (commonly referred to as the “Descendants Committee”),³⁴⁵ functioned similarly to the Grand River Band of Ottawas Descendants Committee during the lifetimes of Robert and Waunetta Dominic, but changed dramatically in the way that it functioned after Waunetta passed away in 1981. These changes will be discussed more thoroughly under an evaluation of criterion § 83.7(c) in an Amended Proposed Findings if the deficiencies in this limited finding are resolved.

One of the most significant decisions of the Grand River Band of Ottawas Descendants Committee was the insistence of limiting judgment fund distribution to those descendants with at least one-quarter degree blood quantum. The importance of a one-quarter degree blood quantum to members of NMOA was stated explicitly several times in various documents. The BIA favored paying out the claims to any descendant regardless of blood degree. NMOA-member descendants feared that if the award was divided among all lineal descendants, the resulting payments would be very small.³⁴⁶ NMOA also intended the roll prepared for this claim to be used to demonstrate the necessary blood quantum to qualify for government scholarships and other programs that required recipients to have one-quarter or more degree of Indian blood. NMOA computed blood degrees based on the 1910 Durant Roll, and various government agencies (unbeknownst to the BIA) accepted NMOA’s certifications for a number of years.³⁴⁷ This eventually led to the U.S. Congress’s support for a distribution based on NMOA’s desired one-quarter blood degree qualification for payment under Docket 40-K.³⁴⁸ The one-quarter blood degree qualification had precedent within NMOA. In the initial 1948 constitution and by-laws of

³⁴³ “Minutes of the Grand River Band of Ottawas Descendants [sic] Committee,” Mar. 18, 1972.

³⁴⁴ NMOA, Unit #5 or Grand River Bands Descendants Committee, meeting minutes, Oct. 10, 1965.

³⁴⁵ Descendants Committee of the Ottawa and Chippewa Indians of Michigan, Resolution no. 005A, passed Mar. 20, 1973.

³⁴⁶ Tom Dammann “Eligibility for Ottawa Indian Grant Defined,” *Grand Rapids (Mich.) Press*, Oct. 10, 1976.

³⁴⁷ NMOA to the Secretary of Interior, Commissioner of Indian Affairs, Congressman Wayne Aspinall, and Committee on Indian Legislation, “Re: Docket 40K (Grand River Band of Ottawas),” Jul. 15, 1969; Morris Thompson, Commr. of Indian Affairs, Memorandum to The Solicitor, “Status of Grand River Ottawa descendants regarding eligibility for Federal Indian Services,” Feb. 11, 1976.

³⁴⁸ 90 Stat. 2503 (1976).

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

NMOA, “Active,” “Senior,” and “Junior” members were all required to demonstrate “1/4 or more Ottawa and/or Chippewa blood, which has been certified.”³⁴⁹

The NMOA was an important organization for Ottawa descendants in Michigan for many years. However, the deaths of Robert Dominic in 1976 and Waunetta Dominic in 1981, combined with contemporaneous changes in Federal Indian policy, diminished the institution’s influence.³⁵⁰ After several contentious years involving leadership disputes over the distribution of judgment funds for the “Ottawa and Chippewa” ICC dockets (58, 18E, and 364), members of Petitioner #146 appear to have decreased their involvement in NMOA. No records after 1990 were submitted as part of this petition, though members of federally recognized tribes continued to run the organization until at least 2000.³⁵¹

After the distribution of Docket 40-K judgment funds beginning in the 1970s, the descendants of historic Grand River-area Ottawa peoples no longer maintained any distinction from other members of NMOA. Meanwhile, other Ottawa and Chippewa groups that had been active in NMOA pursued and obtained Federal recognition separately. However, Waunetta Dominic and others within NMOA repeatedly defined themselves in terms of being “non-reservation Indians” and seemed wary that any Federal relationship would restrict their freedom to live their lives as they saw fit.³⁵² At the same time, they objected to not being eligible for Indian preference programs that benefitted enrolled members of federally recognized tribes.³⁵³

Ultimately, the temporary committee established to deal with Docket 40-K claims had a limited purpose and lifespan within NMOA and consisted of a small group of individuals. In summary, the actions of neither NMOA as a whole nor the Grand River Band of Ottawas Descendants Committee as a portion attest to the existence of a distinct community comprised of a predominant portion of the Petitioner’s members or ancestors. Specific political activities will be

³⁴⁹ NMOA, “Constitution and Bylaws of the Northern Michigan Ottawa Association,” ca. 1948.

³⁵⁰ Both Dominics died prior to the entirety of the claims judgments being paid out. In their honor, a man named Frederick Boyd established a fund to buy a headstone to mark their previously unmarked graves (“Memorial Fund Started for Dominics,” *Petoskey (Mich.) News-Review*, Feb. 15, 1983, Plus One Supplement, p. 1–2). People from across Michigan (Indian and non-Indian) contributed to the effort and purchased the stone in October of 1983 (“Headstone to Hail Role of Mr. and Mrs. Dominic,” *Petoskey News-Review*, Oct. 26, 1983, p. 3, col. 5).

³⁵¹ The last NMOA meeting minutes submitted by the Petitioner are dated Dec. 10, 1988, and the last meeting agenda is dated Jan. 18, 1990. However, Department researchers located subsequent notices for the annual NMOA meeting held in Petosky every year until 2000 (*Petoskey News-Review*, Jun. 13, 1991, p. 28; Jun. 19, 1992, p. 28; Jun. 13, 1993, p. 26; Jun. 16, 1994, p. 24; Jun. 15, 1995, p. 26; Jun. 12, 1996, p. 24; Jun. 18, 1997, p. 25; Jun. 18, 1998, p. 26; Jun. 17, 1999, p. 32; Jun. 15, 2000, p. 36). An examination of the officers elected in 1992 (*Petoskey News-Review*, Jun. 22, 1992, p. 1–2) indicates that the governing body included members of the Little Traverse Bay Bands, Pokagon Band of Potawatomi Indians, and Little River Band of Ottawa Indians; other members may represent other tribes, but that information is not publicly available.

³⁵² See, for example, “Minutes of the Northern Michigan Ottawa Association Meeting, National Bank Bldg., Cadillac, Michigan,” Jan. 20, 1973; NMOA, Executive Council Meeting, minutes, Jun. 25, 1976.

³⁵³ “Portrait of an Indian Leader,” *Petoskey News-Review*, Jul. 3, 1978

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

evaluated under criterion § 83.7(c) in an Amended Proposed Finding if the deficiencies in this limited finding are resolved.

Grand River Bands of Ottawa Nations, Inc. (GRBON)

While some Ottawa and Chippewa descendants continued to pursue claims under the auspices of NMOA throughout the 1950s and 1960s, other localized groups of descendants began to organize into separate non-claims-focused organizations in the late 1960s and early 1970s. Native people across the country began to seek assistance from the Great Society programs being offered by the Federal Government at this time, and those in Michigan were no exception.

In the case of Grand River-area Ottawa descendants, different groups began forming incorporated entities and pursuing goals independent of each other. The ICC approved a settlement under Docket 40-K on March 27, 1968, though the funds were not paid out until after 1976. However, a little more than a year later, a group in Oceana County incorporated as “The Grand River Bands of Ottawa Nations, Inc.” (GRBON) on August 11, 1969, separate from the activities of NMOA.³⁵⁴

GRBON meeting minutes indicate that the group had planned an event at the Hart fairgrounds for October 4 and 5, 1969, but by September realized that the “3 or 4 parties involved now” were overwhelmed and in need of assistance.³⁵⁵ The event, which was held as planned in October, GRBON representatives announced the group’s intention to secure housing for its members, as well as aid for education, vocational training, and to preserve the members’ traditional crafts.³⁵⁶

The group then embarked on an ambitious project to establish a housing authority, with plans to build low-income housing units in conjunction with an organization called the Michigan State Housing Development Authority. According to an April 1970 newsletter, the organization had received the authorization to build eight emergency units. The group also identified another 33 families in the county who were in urgent need of housing and proposed building as many as 1200 units in the future.³⁵⁷ A local farmer donated 71 acres of land to the organization for the housing project, giving further momentum to the plan.³⁵⁸ The group also secured over \$400,000 for the project by working with various agencies.³⁵⁹

In addition to working on this housing program, the members of the group discussed maintaining the cemetery at St. Joseph’s church, made clothing available for those who needed it, arranged

³⁵⁴ Grand River Bands of Ottawa Nations (GRBON), Inc., articles of incorporation, Aug. 11, 1969.

³⁵⁵ GRBON, Inc., Emergency Meeting, minutes, Sep. 9, 1969.

³⁵⁶ Karen Moon, “Indians Seek Housing,” *Muskegon (Mich.) Chronicle*, Oct. 6, 1969, p. 26, col. 5–8.

³⁵⁷ *The Grand River Bands of the Ottawa Nation, Inc., Monthly Newsletter*, Apr. 4, 1970, p. 1.

³⁵⁸ “Oceana Resident Cheerfully Gives Land Back to the Indians,” *Grand Rapids (Mich.) Press*, Apr. 7, 1970, p. B-1, col. 1.

³⁵⁹ “Ottawa Indians Loans Approved,” *Holland (Mich.) Evening Sentinel*, Nov. 27, 1971, p. 7, col. 2.

dances and other fund-raisers, and established both a men's and women's bowling team.³⁶⁰ The housing program that was supposed to provide the housing for Native residents ultimately proved unsuccessful, as federal laws prohibited limiting the housing to only Native residents, and only a few units were ever built.

It is unclear how many members the GRBON group had over the course of its existence. A document from February 1969 stated that, “[a]s of this date, we have involved and on our mailing list 200 names and addresses of house-holds who are qualified for membership and participation in our activities.”³⁶¹ A newsletter mailing list from 1970 named 212 individuals, including some non-Indian spouses.³⁶² A second list with the same date indicates that the group actually mailed out 31 newsletters.³⁶³ A list of newsletters mailed a month later named about 70 people, without spouses.³⁶⁴ Given the discrepancies among these lists of newsletter recipients, they do not serve as a reliable proxies for an official membership list, however. Further adding uncertainty about the identity of GRBON's membership, minutes from a meeting in August 1973 record that, “A motion was made that we give enrollment cards to any Indian who has participated in activities or given donations,” And the motion passed.³⁶⁵ Some, but not all, of GRBON's initial members and their children later joined Petitioner #146; others joined GRBON, but later enrolled in a federally recognized tribe.

Though there is some overlap between the people who joined NMOA and GRBON, these two organizations mostly acted independently and without consulting each other. The NMOA's location-based unit structure allowed descendants to attend local meetings, regardless of the descendants' respective locations throughout the state. By contrast, GRBON operated solely in the Oceana County and Muskegon areas, and it is unclear whether Grand River Ottawa descendants living outside of those areas were aware of GRBON's activities or viewed themselves as belonging to a distinct community based in those areas.

Separate meetings held in 1971 illustrate the independent activities of NMOA and GRBON. Descendants of Grand River-area descendants concerned with the progress of the Docket 40-K

³⁶⁰ *The Grand River Bands of the Ottawa Nation, Inc., Monthly Newsletter*, Nov. 22, 1971, p. 1; Mar. 24, 1972, p. 1; Jan. 20, 1973, p. 1–2; GRBON, Inc., Regular Monthly Meeting, minutes, Feb. 4, 1973.

³⁶¹ The group stated that its membership “is to be composed and limited as stated in our ‘Articles of Incorporation’; ‘to the descendants of the nineteen (19) Principal families of the Grand River Bands as determined by the ‘Duraar (*sic*) Roll’ of 1907.” Why the group used the term “[p]rincipal families” in regards to the Durant roll is confusing, as the Durant roll is not organized in terms of families. There is also no other document specifically naming the “19 principal families” that the group stated would be the basis for the group's membership (GRBON, Inc., “Organizational Status as of the 30th. of February 1969,” undated, p. 2).

³⁶² GRBON Sep. 1970 Mailing List.

³⁶³ Mamie Battice/GRBON, Inc., “Newsletters Mailed Out,” Sep. 9, 1970, submitted by Petitioner #146, citing “Private Collection of Mitchell and Mammie Battice.”

³⁶⁴ Mamie Battice/GRBON, Inc., “Newsletters Mailed 10/14/1970,” submitted by Petitioner #146, citing “Mailing Lists and Notes from Notebook of Mammie Battice.”

³⁶⁵ GRBON, Inc., “Regular Monthly Meeting of the Board of Directors,” minutes, Aug. 11, 1973.

judgment distribution met in Grand Rapids on May 22, 1971, under the auspices of NMOA. The meeting minutes indicate that 91 people voted, though only 79 are named on the accompanying attendance list.³⁶⁶ A comparison of the names on the sign-in sheet from the meeting at Fountain School to the list of 72 newsletters mailed by the GRBON on October 14, 1970, indicates that there are only 6 names/households appearing on both lists. The NMOA meeting did not include any discussion about the activities of the Hart-based GRBON, and the GRBON did not include any discussion of NMOA's Grand Rapids meeting held just two weeks later, on June 6.³⁶⁷ The annual NMOA meeting in June of 1971 discussed several issues specifically regarding the settlement of the Docket 40-K but makes no mention of GRBON's low-income housing efforts.³⁶⁸ In December 1971, the GRBON newsletter included a notice urging members to attend an upcoming NMOA meeting where BIA officials would also be in attendance to discuss the Docket 40-K distribution plans.³⁶⁹ However, at NMOA meeting, no comparable mention was made of the GRBON's announcement regarding the housing program. GRBON leadership encouraged its members to correspond with NMOA officers to verify blood degrees for scholarships and employment opportunities, either encouraging them to write NMOA themselves or making a request to NMOA on their behalf.³⁷⁰ The evidence supports the conclusion that, though both NMOA and GRBON represented the interests of some descendants of the historic Grand River-area Ottawa bands, they had relatively few common members and appear to have functioned completely independently, with little knowledge of each other's activities beyond those affecting the descendant population at large.

The evidence does not show that GRBON comprised or otherwise reflected the existence of a distinct community of Oceana and Muskegon County-resident descendants, despite the organization's local focus. Meeting attendance numbers decreased significantly within the first few years of GRBON's existence, leading the newsletter editor to write in 1973,

We have a handful of people in this organization who are doing a great job in holding the organization together. The most difficult thing to overcome is the apathy. Not only are the meetings attended by approximately 10–15 members but the social events aren't even supported. These are planned to get members together to have a good time.³⁷¹

Beginning in 1974, it appears that GRBON stopped meeting for several years. Activities may have continued to happen in Hart, but the Petitioner did not provide evidence of them or discuss

³⁶⁶ NMOA, Special Grand River Ottawa Meeting, minutes and attendee list, May 22, 1971.

³⁶⁷ GRBON, Inc., Board of Directors Meeting, minutes, Jun. 6, 1971.

³⁶⁸ NMOA, 23rd Annual Tribal Council, minutes, Jun. 12, 1971.

³⁶⁹ "Notice of Special Meeting," *The Grand River Bands of the Ottawa Nation, Inc., Monthly Newsletter*, Dec. 9, 1971, p. 1.

³⁷⁰ Linda Schrader, Sec., GRBON, Inc. (Ludington, Mich.), letter to Robert Dominic (Petoskey, Mich.), Apr. 19, 1972; Schrader to Mrs. James Koon (Filer City, Mich.), Apr. 20, 1972.

³⁷¹ Bernie [Bernadene] Pittman, "Editorial," *The Grand River Bands of the Ottawa Nations, Inc., Monthly Newsletter*, Apr. 16, 1973, p. 2.

how they might demonstrate distinct community under criterion § 83.7(b). However, there was limited renewed activity in the early 1980s, as will be discussed in the next evaluation period.

This limited participation in GRBON-sponsored activities, in the absence of other evidence, does not reflect “[s]ignificant social relationships connecting individual members,” “[s]ignificant rates of informal social interaction which exist broadly among the members of a group,” or “[a] significant degree of shared or cooperative labor or other economic activity among the membership” that might help the Petitioner demonstrate community for the evaluation period.³⁷² Additionally, the lack of clarity regarding both GRBON’s membership, as discussed above, and the boundaries and composition of the Petitioner’s claimed community during the evaluation period make it difficult to determine whether GRBON’s activities can be attributed to the claimed membership as a whole.

Summary

The evidence in the record does not indicate that a predominant portion of the petitioning group comprised a distinct community during the evaluation period of 1948 to 1983. Although the evidence shows that individual ancestors of the Petitioner’s members were involved in various activities and organizations, the evidence does not suggest that their involvement reflected the existence of a distinct community, for example, characterized by “[s]ignificant rates of informal social interaction [existing] broadly among the members of [the] group.”³⁷³

Evidence for Modern Community 1984 to Present

Introduction

This evaluation period begins in 1984, ten years prior to the submission of Letter of Intent to petition for Federal acknowledgment by an organization called the “Grand River Band Ottawa Council.” The evaluation period ends with the evaluation of evidence submitted by Petitioner #146 for the present period.

For the reasons stated above, in the analyses of the previous evaluation periods, Petitioner #146 has not demonstrated that a predominant portion of its members comprise a distinct community that has existed up to the present. Relevant here, the organizations that provided some formal structure around which a distinct community might have existed during the 1960s and 1970s (specifically, NMOA and GRBON) ceased to operate at the end of the previous evaluation period or the beginning of this present evaluation period. At the same time, other organizations

³⁷² 25 CFR § 83.7(b)(1)(ii)–(iv).

³⁷³ 25 CFR § 83.7(b)(1)(ii).

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

began to form to fulfill some of the same functions, though these organizations were not limited to descendants of the Grand River-area Ottawa bands.

During this time period, several independent requests for recognition of groups claiming to represent descendants of the historical Grand River-area Ottawa bands were sent to the Federal government, though the extent to which any of these requests were made on behalf of an underlying distinct community or communities is unclear. Evidence suggests that any community or communities that may have existed were locality-based and functioned separately from each other. These requests were followed by significant effort to combine the separate groups of descendants of Grand River-area Ottawa bands and actively recruit additional individual descendants, beginning in about 1995. As discussed below, materials relating to Petitioner #146 do not demonstrate community under criterion § 83.7(b).

The Formation of Petitioner #146

In its 2006 response to the technical assistance review letter from the Department, Petitioner #146 wrote,

[T]he GRB community and political entity is similar to that of the GRB (and other Algonquian) in Treaty times, which was a loosely organized network of kin-based groups, bound by common interests and kinship. Political and social institutions continued in Algonquian patterns, until approximately the 1980's when politics required the Ottawa Tribes to reorganize to pursue Federal recognition.³⁷⁴

Evidence submitted by the Petitioner and located by Department researchers confirms that several of “the Ottawa Tribes” of Michigan pursued Federal recognition. The Grand Traverse Band of Ottawa and Chippewa Indians was the first Tribe to be acknowledged through the 25 CFR Part 54 (now Part 83) regulations, with their Federal acknowledgment becoming effective May 27, 1980.³⁷⁵ The U.S. Congress reaffirmed the Federal recognition of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians through Federal statute on September 21, 1994.³⁷⁶ In each of these cases the Tribes were confirmed to have demonstrated continuous existence of a distinct community from historical times. Each of these Tribes signed the 1836 and 1855 treaties, like the historic Grand River-area Ottawa bands.

By contrast, evidence in the record does not demonstrate that Petitioner #146 has maintained a distinct community. Throughout the 1980s, there was a decrease in activity among Grand River Ottawa descendants, relative to earlier time periods. For example, the Grand River Bands Descendants Committee, appointed by NMOA in 1965 and specifically cited by the U.S.

³⁷⁴ “Response To The Technical Assistance Letter,” 4

³⁷⁵ 45 FR 19321.

³⁷⁶ 108 Stat. 2156 (1994).

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Congress in its deliberations over the Docket 40-K judgment distributions, ceased to exist in 1979. As recorded in the minutes of a 1987 meeting of NMOA's Executive Council,

After payment of docket 40K in 1979, the Grand River Band descendant group committee was merged into the O&C desc. Group, as they were already paid and their job was complete as far as the docket 40K went. But their ancestors were moved from Grand River territory and re-established into Northern counties, thereby making them parties to the 1836 treaty (claim) also.³⁷⁷

The Grand River Bands of Ottawa Nations, Inc. (GRBON), operating in Oceana County, did not hold a meeting between at least October 1977 (that meeting was cancelled due to lack of a quorum) and November 1981.³⁷⁸ They met several times during the spring and summer of 1982, but the next meeting for which minutes were provided did not occur until May 1984. At this meeting, the issue of Federal recognition was raised but tabled in order to "survey questions to all other members for their opinions."³⁷⁹ Federal recognition was again discussed at the next meeting in July 1984, but again tabled due to the "[n]eed for further talking to Indians on selling the idea of becoming federally recognized."³⁸⁰ Two meetings scheduled for different dates in September 1984 were cancelled for lack of a quorum.³⁸¹ The Department does not have any record of subsequent meetings. GRBON submitted an Annual Report as required by Michigan state law in 1985;³⁸² however they did not submit any future reports and the corporation was dissolved by law in 1989.³⁸³

Members of GRBON became active in an organization called Native Americans United, Inc., based in Ludington, which had been incorporated in late 1981. This organization changed its name to Native Americans in Unity, Inc., in 1987, and later to the Oceana County Inter-Tribal Council (OCIC) by 1990 (though its Articles of Incorporation were not amended to reflect this name change until 1993), while its address moved to Pentwater by 1990.³⁸⁴ Among the active membership were the children of Mitchell and Mamie Battice, as well as several others who had attended meetings or served on the Board of GRBON.³⁸⁵ The relationship between this

³⁷⁷ NMOA Executive Council, meeting minutes, Dec. 5, 1987.

³⁷⁸ GRBON, Inc., annual meeting minutes, Nov. 21, 1981.

³⁷⁹ GRBON, Inc., meeting minutes, May 19, 1984.

³⁸⁰ GRBON, Inc., Board meeting minutes, Jul. 7, 1984.

³⁸¹ GRBON, Inc., meeting minutes, Sep. 8, 1984 and Sep. 18, 1984.

³⁸² Grand River Bands of the Ottawa Nation, Inc. (Corporation no. 806062), 1985 Michigan Annual Report—Nonprofit Corporations, Sep. 25, 1985.

³⁸³ Michigan Department of Licensing and Regulatory Affairs, *Corporations Online Filing System* (<https://cofs.lara.state.mi.us/SearchApi/Search/Search> : accessed 2022), entry for Grand River Bands of Ottawa Nations, Inc. (Hart, Mich.), ID no. 800857555, Old ID no. 806062.

³⁸⁴ Native Americans United, Inc., a.k.a. Native Americans in Unity, Inc., a.k.a. Oceana County Inter-Tribal Council (corporation no. 708-355), articles of incorporation and amendments, 1981–93.

³⁸⁵ Native Americans United, Inc., a.k.a. Native Americans in Unity, Inc., a.k.a. Oceana County Inter-Tribal Council, meeting minutes, various dates, 1987–90; submitted by Petitioner.

organization and GRBON is nonetheless somewhat ambiguous. On one hand, in a 1990 letter to the Chairman of an organization called Indian Nations United, B.J. Dayton—an active member of the Oceana County Inter-Tribal Council but never a member of Petitioner #146—described OCIC as “composed of mostly Grand River Band of the Ottawa Nation and we have members in Muskegon as well as Mason County.”³⁸⁶ On the other hand, in a message sent the following day to Bob Lewis, President of GRBON, Ms. Dayton wrote, “Our Oceana County Inter Tribal Council would like to inquire as to the status of the land in Leavitt Township donated by Leon Shattenberger [. . .] was it donated to Oceana County Indians for use or just to GRB of Ottawa, Inc. to use only?”³⁸⁷ Within these two days, Ms. Dayton suggests both that the GRBON and OCIC represented the same people and that they were separate.

During this evaluation period, several individuals submitted letters to the Federal Government requesting Federal recognition of the “Grand River Bands.” However, as noted below, there is insufficient information to determine whether any of these individuals did so on behalf of a continuously existing, distinct community.

- On June 8, 1987, on letterhead from the “Grand River Band of the Ottawa Tribe of Michigan” (Post Office Box 6601, Grand Rapids, Michigan 49516), Henry L. Negake, “Chief,” wrote to Alvin Picotte, “Superintendent, B.I.A[;] Michigan Agency,” that “it is my pleasure to inform you that it is the intention of the Grand River Band descendents [*sic*] to re-organize their tribe and to apply for federal recognition pursuant to the dictates of the Indian re-organization Act of 1934.” He further stated that, “[p]resent activities include the preparation of a roll of tribal members, and your assistance is requested in this endeavor. . . . The most recent list of Grand River Band descendents [*sic*] is the Docket 40 K payroll, and it is felt that this payroll would be of immense help in contacting potential enrollees.” Mr. Negake requested a copy of the Docket 40-K payroll for this purpose. The letter does not include any other signatories and it is not clear from this letter what constituted the membership at that time.³⁸⁸
- On October 3, 1992, Larry M. Wyckoff (Gobles, Michigan) wrote to the AS-IA “[o]n behalf of Joseph Genia, Chairman of the Grand River Ottawa Council” to inform the AS-IA “that the Grand River (Michigan) bands of Ottawa Indians intend to petition for federal acknowledgment.” The relationship of Mr. Wyckoff to the Grand River [Band] Ottawa Council is not stated. The letter does not provide any information about the membership at this time.³⁸⁹

³⁸⁶ B.J. Dayton (Hart, Mich.), letter to Joe Miracle, Indian Nations United (Muskegon, Mich.), Feb. 25, 1990.

³⁸⁷ Dayton, message to Bob Lewis, “Land Donated by Leon Shattenberger in Leavitt Twshp,” Feb. 26, 1990.

³⁸⁸ Henry L. Negake, Chief, Grand River Band of the Ottawa Tribe of Michigan (Grand Rapids, Mich.), letter to Alvin Picotte, Superintendent, B.I.A., Michigan Agency (Sault Ste. Marie, Mich.), Jun. 8, 1987.

³⁸⁹ Larry M. Wyckoff (Gobles, Mich.), letter to Assistant Secretary—Indian Affairs (Washington, D.C.), “Attn: Federal Acknowledgment Project,” Oct. 3, 1992.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

- On July 29, 1994, Ron Yob, “Chairperson,” on letterhead of the “Grand River Bands of Ottawa Indians, Inc.” (838 Spring N.E., Grand Rapids, Mich. 49503), wrote to Ms. Ada Deer, AS-IA, that “[t]he Grand River Bands of Ottawa Indians hereby formally requests Federal recognition by the United States Government.”³⁹⁰ On September 12, 1994, this same letter was forwarded to AS-IA Deer and Holly Reckord, Chief of the Branch of Acknowledgment and Research, by Elizabeth B. Roth of Michigan Indian Legal Services, Inc. She characterized Mr. Yob’s letter as “requesting that the United States Government recognize that the Grand River Bands of Ottawa Indians exist as an Indian tribe.”³⁹¹ Articles of incorporation for the Grand River Bands of Ottawa Indians, Inc., had been signed on April 19, 1994, by incorporators Ron Yob, Gilbert DiPiazza, Madelyn J. Murray, and Frances Compo, with a registered office in Grand Rapids, Michigan.³⁹² Beyond the names of these incorporators, these articles of incorporation do not provide any additional insight into the nature, composition, or size of any membership or community that this group may have represented.
- On September 26, 1994, Henry L. Negake, “Chief, Grand River Band Ottawa Tribe of Michigan” (P.O. Box 80393, Lansing, Mich. 48908) wrote to President William J. Clinton and the AS-IA to “announce[] our intention to petition the United States for an Act TO REAFFIRM AND CLARIFY THE FEDERAL RELATIONSHIP OF THE GRAND RIVER BANDS OF THE OTTAWA INDIANS OF MICHIGAN AS A DISTINCT FEDERALLY RECOGNIZED TRIBE [capitalization in original].” In addition to making several assertions regarding the history of the Grand River Band, Mr. Negake wrote, “Grand River Band reorganization and the formation of the Tribal Council begin with this letter. Numbering nearly six thousand today, the majority residing within the immediate vicinity of our ancestral [*sic*] homelands along the Grand River, including the cities of Lansing and Grand Rapids, we GRB descendants nonetheless [*sic*] lack the financial resources to begin our own reorganization, a situation that merits immediate remedy.” The letter adds the following personal information about Mr. Negake: “Henry L. Negake . . . assumed the responsibilities of the office of Grand River Band Chief in Grand Rapids on October 5, 1985, in a ceremony conducted by an Indian holy man Since 1985, this same Chief Negake has, and continues, at great personal expense and effort, to act in the interests of the people of the Grand River Bands,

³⁹⁰ Ron Yob, Chairperson, Grand River Bands of Ottawa Indians, Inc. (Grand Rapids, Mich.), letter to Ada Deer, Asst. Secretary—Indian Affairs, U.S. Bureau of Indian Affairs [*sic*], “ATTN: Branch of Acknowledgement [*sic*] and Research,” Jul. 29, 1994.

³⁹¹ Elizabeth B. Roth, Michigan Indian Legal Services, Inc. (Traverse City, Mich.), letter to Ada Deer, Assistant Secretary Indian Affairs [*sic*], and Holly Reckord, Chief, Branch of Acknowledgment & Research (Washington, D.C.), Sep. 12, 1994.

³⁹² Grand River Bands of Ottawa Indians, Incorporated (corporate identification no. 722-942), “Articles of Incorporation,” signed Apr. 19, 1994, received Apr. 28, 1994, filed by Michigan Department of Commerce, Corporation & Securities Bureau, May 3, 1994.

including his authorship of a constitution and the performance of other services.” The letter does not include any other signatories and does not provide information about the membership other than the assertion that there are 6,000 members. Based on other statements in the letter, however, it appears that this was an estimate of the number of descendants of historic Grand River-area bands rather than contemporary members of a claimed community. The letter further asserts that Mr. Negake’s group had a constitution written by Mr. Negake himself, though it cannot be determined whether this constitution was approved or ratified by any members.³⁹³

- On October 16, 1994, Joseph Genia, “Chairman,” on letterhead addressed “Grand River Band Ottawa Council” (1391 Terrace St., Muskegon, Mich. 49442), wrote to the U.S. Department of the Interior, Bureau of Indian Affairs, to “inform the Bureau of Indian Affairs that the Grand River Band of Ottawa Indians, identified in the 1836 Treaty 7 Stat. 491, the 1855 Treaty with the Ottawa and Chippewa Article 6, and the Indian Claims Commission Docket 40K, intends to be acknowledged by the United States Government.”³⁹⁴ On the same date, Mr. Genia also wrote to Ms. Ada Deer, then serving as AS-IA, informing her that, “[t]he Grand River Band Ottawa Council is in the process of requesting the Michigan Congressional Delegation to introduce legislation that will restore and clarify the federal relationship of the Grand River Ottawa People as a distinct, federally recognized Indian Tribe,” and referring to the legislation passed in September 1994 in favor of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians. He also described his leadership role with NMOA. Presumably referring to the September 1994 legislation, Mr. Genia asserted that “[t]he Grand River Band Ottawa were not included in the legislation by my decision, not because they would not qualify or meet requisite qualification, but because a failure to obtain recognition is almost fatal to your claim for recognition, and what we were doing was not tried and true.” He concluded the letter by claiming that “[t]he Grand River Band Ottawa are the largest of all the Ottawa groups.” However, this letter included no other signatories and made no specific reference to its membership other than by association with NMOA.³⁹⁵
- On November 7, 1994, the “Grand River Band Ottawa Council” (1391 Terrace Street, Muskegon, Mich. 49442), as “political successors of interest for The Grand River Ottawa People,” signed an “Ottawa Council Resolution” serving as a Letter of Intent to “pursue federal acknowledgment, and obtain a continued trust relationship with the United States

³⁹³ Henry L. Negake, Chief, Grand River Band, Ottawa Tribe of Michigan (Lansing, Mich.), letter (faxed) to President William J. Clinton and “Assistant Secretary, Indian Affairs” (Washington, D.C.), “Attn: Branch of Acknowledgment and Research,” Sep. 26, 1994.

³⁹⁴ Joseph Genia, Chairman, Grand River Band Ottawa Council (Muskegon, Mich.), letter to U.S. Dept. of the Interior, Bureau of Indian Affairs (Washington, D.C.), “Subject: Letter of Intent to Pursue Federal Acknowledgment,” Oct. 16, 1994.

³⁹⁵ Joseph Genia, Chairman, Grand River Band Ottawa Council (Muskegon, Mich.), letter to Ada Deer, U.S. Dept. of the Interior, Bureau of Indian Affairs (Washington, D.C.), Oct. 16, 1994.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

of America.” The letter was signed by Joseph Genia, Chairman; Marie Cantu, Secretary; and Council Members Gerald R. Battice, Philo Garza, Rose Shalifoe, Emily Smith, Joyce Genia, and Patsy Beatty.³⁹⁶ While this letter is the first to include more than a single signatory, it does not include any reference to membership.

For the seven years from 1987 to 1994, therefore, there were at least three different parties claiming to represent a group of descendants of the historic Grand River-area Ottawa bands, led respectively by Henry L. Negake (as “Chief”), Joseph Genia (as “Chairman”), and Ron Yob (as “Chairman”). Given the different names and addresses of these organizations, it is unclear whether the organizations’ respective leaders claimed to represent the same, distinct community or three separate communities comprised of different groups of descendants.

The November 1994 “Ottawa Council Resolution” was the only of the letters described above that met the regulatory requirements of a letter of intent, as described in §§ 83.1 and 83.4. As such, the submitter of the letter was designated Petitioner #146.

The evidence in the record, however, suggests that the members of “Grand River Band Ottawa Council” did not exist as a body for very long prior to the production of this Resolution. The first rough meeting notes that the Petitioner submitted are from September 21, 1994, but little detail is discernible in these notes.³⁹⁷ On October 5, 1994, B.J. Rivera, a member of the Oceana County Inter-Tribal Council and an Indian Outreach Worker for Oceana County, recorded the minutes of a meeting between “Oceana County (Jerry Battice) and Muskegon County (Joe Genia) representatives” of the Grand River Band Ottawa Council in Shelby, Oceana County. According to the minutes, Mr. Genia “iterate[d] the need for all Grand River people, organizations, corporations, tribal centers, etc. to work together as a unit for the good of all the Grand River Band people.” The minutes then note that “(Of course, everyone has the needs of their own membership uppermost in their mind, but the need of the whole is primary at this point in establishing first the Federal Acknowledgement of Grand River Band and the needs of each group and individual can better be addressed[.]”).” Mr. Genia and Mr. Battice made plans to schedule additional meetings, this one being “a meeting in a series of meetings to be held at varied sites in order to FORMULATE A COMMITTEE to work on the Primary Objective of FEDERAL RECOGNITION FOR GRAND RIVER BAND OF OTTAWA [capitalization in original].” The minutes continue,

It was agreed upon that everyone needs to put aside anything that would stand in the way of the pursuit of Federal Recognition and work together for the good of all, in a good way, if anything at all is to be accomplished. It was agreed upon that it can be done if we work together, but the Federal Government will certainly find the negative things that they will be looking for if there are other Grand River Band people claiming to represent

³⁹⁶ Grand River Band Ottawa Council (Muskegon, Mich.), “Ottawa Council Resolution,” Nov. 7, 1994; received by BAR, Nov. 16, 1994 (erroneously stamped as received “OCT 16 1994”).

³⁹⁷ Grand River Bands of Ottawa Indians, Inc., meeting notes, Sep. 21, 1994.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Grand River Band and the Federal Recognition could be lost forever if a joint effort is not the course pursued.

The meeting ended with both parties agreeing that “representatives from each community need to be involved (Kent County, Muskegon County, Oceana County, and Ottawa County) in order to formulate this committee” and planning a Ghost Supper at Elbridge Church on November 5, 1994, for further discussion.³⁹⁸

Several comments during this meeting suggest that, at that time, descendants of the historic Grand River-area Ottawa bands did not comprise a distinct community represented by the Grand River Band Ottawa Council. Rather, the comments suggest that descendants lived in several different communities, acting independently through different “organizations, corporations, tribal centers, etc.” This meeting, in October 1994, was an attempt to bring these separate communities of descendants together.³⁹⁹

Although the Petitioner did not submit any evidence of a Ghost Supper in Elbridge or Hart on November 5, 1994, the Petitioner submitted a notice for a Ghost Supper held in Muskegon on November 2, 1994, and it can be assumed that the planned discussion occurred around that time, as the “Ottawa Council Resolution” of November 7 was signed by not only Gerald R. Battice, but also Emily Smith and Patsy Beatty. A meeting of the “Inter-Tribal Powwow Committee”—probably the Oceana County Inter-Tribal Council committee planning the Hart Powwow—held on November 22, 1994, was attended by the “Chairperson” Patsy Beatty, as well as Jerry Battice and Emily Smith.⁴⁰⁰ All three also served on the Board of Directors of the Oceana County Inter-Tribal Council in 1997.⁴⁰¹

Minutes from a March 9, 1995 meeting of the Grand River Bands of Ottawa Indians, Inc., led by Ron Yob, include the brief note, “Recap of Mtg w/Joe Genia, Ron & Fran.” No record of the referenced meeting among Ron Yob, Fran Compo, and Joe Genia was provided; however, we can deduce the subject of that meeting based on the October 1994 meeting between Mr. Genia and Gerald Battice. Adjacent to the above note, Bill Brooks from the Michigan Indian Legal Services described the two paths to recognition, Legislative (“all Bands together”) and Administrative (“looking for social communities”).⁴⁰²

Another, larger meeting took place on May 11, 1995, hosted by the “Grand River Band Ottawa Council.” Present at the meeting were B.J. Rivera, the Indian Outreach Worker; Patsy Beatty,

³⁹⁸ B.J. Rivera, Indian Outreach Worker, “Meeting between Oceana County (Jerry Battice) and Muskegon County (Joe Genia) representatives in Shelby, MI at 11:00 A.M.,” minutes, Oct. 5, 1994.

³⁹⁹ The term “communities,” as used in this paragraph, is meant to be informal and descriptive and is not a reference to “distinct communit[ies]” under criterion § 83.7(b).

⁴⁰⁰ Inter-Tribal Powwow Committee, meeting minutes, Nov. 22, 1994.

⁴⁰¹ Oceana County Inter-Tribal Council (Hart, Mich.), corporate identification no. 708355, “1997 Nonprofit Corporation Information Update,” signed Sep. 30, 1997, filed Oct. 30, 1997.

⁴⁰² Grand River Bands of Ottawa Indians, Inc., meeting notes, Mar. 9, 1995.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Chairman of the Oceana County Inter-Tribal Council; Emily Smith, Jeff [sic, probably Jerry] Battice, Harold Battice II, and Rhonda Smith, all also representing OCITC; Ron Yob, representing the Grand River Band of Ottawa Indians, Inc., Grand Rapids; Fran Compo, the Indian Outreach Worker for Kent County (and uncredited officer in GRBOI, Inc.); Joseph Genia, Grand River Band Ottawa Council Chairman, Muskegon; William Stone Jr., also representing the GRBOC, Muskegon; Alex Chingman, representing NMOA, Muskegon; Bill Brooks and Jim Keedy from Michigan Indian Legal Services; and four others (likely descendants of Grand River-area Ottawa peoples) without identified affiliation. The way in which this attendance is presented in the minutes draws attention to the fact that, at this meeting, several separate and apparently independent organizations were represented. Mr. Genia, Chairman of the host organization, opened and led most of the meeting. In an “explanatory statement of Federal Policy,” Mr. Genia reported that he was told that “the GRB Council is in a ‘gray area,’ not being identifiable as a group.” He asserted, however, that they were “coming from an area of ‘pure sovereignty’ in that we are connected to each other in a familial way as is the traditional way. Traditionally it has been families who sent spokespersons to speak on behalf of extended family members.” The discussion then moved to the subject of Federal recognition, with Mr. Genia insisting that “our government as Ottawa people will change.” Mr. Genia then laid out several steps, including “identify[ing] our members (enrollment is priority initially)” and “convinc[ing] the Federal and State bureaucrats of who we are by functioning as the entity that we are.” To achieve this last goal, he noted that those in attendance must “make sure we have local Councils and identify the individuals representing each community,” among other tasks.

The minutes of the May 1995 meeting, as recounted above, indicate that, at that time, some descendants of the historic Grand River-area Ottawa peoples were active within independent, localized organizations but that there was no distinct community comprised of the descendants. Mr. Genia spent several months meeting with representatives of these different organizations in an effort to convince them to combine specifically for the purpose of pursuing Federal recognition or acknowledgment. Up to this point, there is very little indication that any of these organizations represented a distinct community, and several documents express the need to identify and enroll potential members.

The meeting discussed other topics of concern to the various attendees, including harassment by police and hunting and fishing rights. At the conclusion of the meeting, several tasks were delegated, including “enrollment for GRB” and the creation of bylaws. In addition, the minutes state regarding enrollment, “It should be noted that there is no land boundary for GRB people.”⁴⁰³ A future meeting of the Grand River Band Ottawa Council was scheduled for June 8,

⁴⁰³ Grand River Band Ottawa Council (Muskegon, Mich.), “GRB Ottawa Council Meeting,” minutes, May 11, 1995, Oceana County Dept. of Social Services Conference Room.

1995 in Grand Rapids. No record of this meeting, if it occurred, was provided as part of the petition.

Following this meeting, it does not appear that these separate organizations immediately combined. A meeting of GRBOI, Inc., on June 4, 1995, was only attended by “Ron [Yob], Chip [Gilbert DiPiazza Jr.], Fran [Compo].” At this meeting, the three discussed amending the GRBOI, Inc., by-laws, which had been in effect since its 1994 incorporation. They also discussed the appointment of an Enrollment Clerk, suggesting Sally Jobes and Emily Smith as part-time clerks. They also discussed the “Benefits of Acknowledgment” and a “Resolution of Support of Efforts.”⁴⁰⁴

Approximately 25 people attended the next GRBOI, Inc., meeting on September 27, 1995, most of whom resided in Grand Rapids or smaller towns in Kent County. Leading members of other organizations, such as Joe Genia from Muskegon or members of the Battice family from Oceana County, were not among the attendees. At the meeting, Mr. Yob addressed the issues of incorporation, Federal recognition, and enrollment, noting that “approx[imately] 200 registered.”⁴⁰⁵ The Petitioner did not provide minutes for the next meeting on November 13, 1995, but an attendee list identifies 11 attendees, including Ron and Angie Yob, Chip DiPiazza, Fran Compo, and Joseph and Joyce Genia, among others.⁴⁰⁶

The Petitioner also provided the minutes of a small meeting of the “Mason/Oceana County Grand River Bands of Ottawa,” held on December 14, 1995. Present at this meeting were Emily Smith, Rhonda Smith, Tasha Smith, Roma Battice, B.J. Rivera, and Patsy Beatty. Most of these attendees were members of the Battice family and/or active in the Oceana County Inter-Tribal Council. They discussed community needs such as health services, education, and employment training services. The minutes do not contain any reference to the Federal acknowledgment efforts, though Emily Smith “reminded the committee of the imperative need to keep in mind the on-going independence of the Anishnabe people.”⁴⁰⁷

The meeting minutes for a February 12, 1996, GRBOI Board of Directors’ meeting note that, “We have met with the various community representatives from Oceana, Mason, and Muskegon Counties, as well as a group from the Lansing area.” The minutes also mention an “Enrollment & General Information Day” held in January 1996 at the Grand Rapids office that was covered by the *Grand Rapids Press*, another general information meeting held several days later to which “Grand River Ottawa from the Lansing area were invited . . . [and] asked to help in our efforts towards reaffirmation of our federal status,” and a Valentine’s Day Celebration in Muskegon, at which Chairperson Yob “gave an update to approximately 75 people and answered questions.”

⁴⁰⁴ GRBOI, Inc., meeting notes, Jun. 4, 1995.

⁴⁰⁵ GRBOI, Inc., meeting notes, Sep. 27, 1995.

⁴⁰⁶ GRBOI, Inc., meeting attendee list, Nov. 13, 1995.

⁴⁰⁷ Mason/Oceana County Grand River Bands of Ottawa, meeting minutes, Dec. 14, 1995.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Fran Compo reported at the meeting that “We have received approximately 300 applications.”⁴⁰⁸ The activities described in these minutes provide examples of the efforts that the Petitioner was taking during this time to actively recruit descendants of the historic Grand River-area Ottawa bands. There is no indication that the applications that were received during this time represented individuals who had already been members of a continuously existing distinct community. Rather, they appear to have been mostly unassociated individual descendants targeted for enrollment into the group.

The transition of GRBOI, Inc., into the current Petitioner that submitted a petition in 2000 appears to have occurred at some point after this time, but the Petitioner did not explain when or how this occurred. Throughout 1996 and 1997, GRBOI, Inc., held formal and informal Board of Directors meetings attended only by Mr. Yob, Mr. DiPiazza, and Ms. Compo, and open membership meetings generally attended by approximately 10–20 total individuals. Grand River-area Ottawa descendants from parts of Michigan outside of Grand Rapids began to attend meetings during this time, as well. On November 14, 1997, in the first communication since the receipt of the November 1994 Resolution of the Grand River Band Ottawa Council (Petitioner #146’s letter of intent), the Branch of Acknowledgment and Research received a “Petitioner Update” form dated September 1997, indicating that Petitioner #146 was now known as Grand River Bands of Ottawa Indians, with Ron Yob and Joseph Genia as Co-Chairs.⁴⁰⁹ This is the only document in the record in which Joseph Genia is identified as a member of the governing body of the Petitioner or any organization other than the Grand River Band Ottawa Council.

Petitioner #146 passed its Enrollment Ordinance, formally defining the membership requirements, in December 1997. The Ordinance required prospective members to have “at least one-fourth (1/4) documented Indian blood” and either “trace[] to members of the Grand River Bands whose members are included on the Durant Roll of 1908” or “[t]race[] to individuals on the 1870 Annuity Payrolls of Chippewas and Ottawas of Michigan listed under [19 named chiefs].”⁴¹⁰ Following the passage of this ordinance, members who met the requirements were presented to the governing body for approval as members, beginning with members of the Petitioner’s Tribal Council itself. In the minutes of a meeting held on July 10, 2000, the Enrollment Officer reported that “tribal membership cards are being mailed. There are approximately 200 member files approved by the Tribal Council to date.”⁴¹¹ Petitioner #146

⁴⁰⁸ GRBOI, Inc., Board of Directors’ Meeting, minutes, Feb. 12, 1996.

⁴⁰⁹ Grand River Bands of Ottawa Indians (Grand Rapids, Mich.), “Petitioner Update,” Sep. 1997; received by BAR, Nov. 14, 1997.

⁴¹⁰ GRBOI (Petitioner #146), “Tribal Ordinance 97-01, Grand River Bands of Ottawa Indians, Tribal Enrollment Ordinance,” sec. 1(a)-(c).

⁴¹¹ Grand River Bands of Ottawa Indians (Grand Rapids, Mich.), “Tribal Council Meeting Minutes,” Jul. 10, 2000, p. 2.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

submitted its certified documented petition to the Branch of Acknowledgment and Research in December 2000, including a membership list that identified 563 members.⁴¹²

In summary, the evidence in the record supports the conclusion that a relatively small number of locally active descendants of historic Grand River-area Ottawa peoples led or participated in several organizations that generally operated independently of one another. Prior to the organization of Petitioner #146, the presence of multiple organizations makes it unlikely that any one of the organizations represented a distinct community comprised of the Petitioner's members. Additionally, the consolidation of the organizations into Petitioner #146 does not reflect the existence of an underlying distinct community; the evidence does not show that "[s]ignificant social relationships connecting individual members" had existed across the organizations.⁴¹³ Rather, the evidence demonstrates that at least three different individuals independently attempted to petition for Federal acknowledgment around the time when the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians were federally recognized in September 1994. These requests included one from a Muskegon-based group called the "Grand River Bands Ottawa Council" that submitted a letter of intent to BAR in November 1994 and was assigned the designation "Petitioner #146." These separate requests were followed soon thereafter with intense effort by Mr. Joseph Genia, Chairman of the GRBOC, to convince other groups of Grand River Ottawa descendants to combine specifically for the purposes of pursuing Federal acknowledgment. It appears that the non-profit Grand River Bands of Ottawa Indians, Inc., based in Grand Rapids, at some point between 1995 and 1997, consolidated with GRBOC and recruited members from among other descendant groups, for example, through outreach to individual descendants at various events. The membership of the current Petitioner appears to be the result of these efforts. However, as discussed below and more thoroughly in Appendix A, the Petitioner's membership lists, submitted between 2000 and 2022, have a number of significant issues.

2022 Membership List

Department researchers utilized the updated membership list that Petitioner #146 submitted on August 8, 2022, to evaluate the evidence in the record. The list identifies 527 members, of whom 371 are unique to Petitioner #146 and 156 are identified as "dually enrolled" with a federally recognized tribe. The list does not specify to which tribe the "dually enrolled" members belong. Department researchers identified 27 individuals as deceased using online obituaries and the Social Security Death Index database. This reduced the Petitioner's total membership to 500

⁴¹² Michigan Indian Legal Services, "Grand River Bands of Ottawa Indians: Petition for Federal Acknowledgment," Dec. 7, 2000, certified by Grand River Bands of Ottawa Indians Tribal Council (GRBOITC), Dec. 5, 2000, received by BAR, Dec. 8, 2000.

⁴¹³ 25 CFR § 83.7(b)(1)(ii).

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

individuals, 352 of whom are identified as unique to the Petitioner, and 148 (or 29.6%) who are identified by the Petitioner as dually enrolled.⁴¹⁴

Associations with more than one tribe are understandable in the context of the history, geography, culture and social organization of Native peoples in Michigan. Intermarriage between the Ottawa and other Native peoples in Michigan has a long history, and a single person may satisfy the descent criteria for membership in several tribes or groups. Historically, people may have moved from under the authority of one leader or another if they disagreed with a leader. However, in contemporary times, the boundaries between tribes have hardened, and some federally recognized Indian tribes prohibit dual enrollment in more than one tribe.⁴¹⁵ Petitioner 146's constitution itself prohibits it,⁴¹⁶ yet the Petitioner has provided no explanation as to why these members are permitted to be dually enrolled. Dual enrollment may affect a petitioner's ability to satisfy the mandatory criteria for Federal acknowledgment, as will be discussed more thoroughly under an evaluation of criterion § 83.7(f) in an Amended Proposed Findings if the deficiencies in this limited finding are resolved.⁴¹⁷

Examination of Petitioner #146's membership files also indicates that some people currently on the membership list may not know that they are still being identified by the Petitioner as members. For example, one enrollment file contained a transcript of a 2005 telephone call in which the member called the Petitioner's office and asked to be removed from the Petitioner's membership, explaining that the member had erroneously enrolled in the Petitioner when intending to enroll in LRBOI. Though publicly accessible LRBOI newsletters identify this person as a member, the Petitioner continues to identify this person as a "dually enrolled" member. There may be others who enrolled in federally recognized tribes without submitting formal relinquishment forms and who believe that their enrollment in one canceled out their enrollment in the Petitioner.

Furthermore, by comparing the current list with previous lists and membership applications previously provided, Department researchers also determined that the birth dates of over 250 of the members on the current list are incorrect. Finally, the addresses for 27 members are noted as "Undeliverable." This makes it difficult to conduct a full residential analysis of the membership. (The residential analysis may produce evidence of community based on proximity of members to

⁴¹⁴ See Appendix A.

⁴¹⁵ See, e.g., Constitution of the Little River Band of Ottawa, art. 4, sec. 2; Constitution of the Little Traverse Bay Bands of Odawa Indians, art. 5, sec. 6; Constitution of the Pokagon Band of Potawatomi Indians, art. 5, sec. 4A.

⁴¹⁶ Grand River Bands of Ottawa Indians (Petitioner #146), "Constitution and By-Laws of Grand River Bands of Ottawa Indians," adopted Dec. 1, 1997, art. 6, sec. 3; GRBOI (Petitioner #146), "Tribal Ordinance 97-01, Grand River Bands of Ottawa Indians, Tribal Enrollment Ordinance," sec. 2(a). Also prohibited is "dual membership" in another "state-historic Indian tribe" (§ 2(b)).

⁴¹⁷ See 25 CFR § 83.7(f) (generally requiring that "[t]he membership of the petitioning group [be] composed principally of persons who are not members of any acknowledged North American Indian tribe").

each other.⁴¹⁸) The lack of current residential addresses also makes it unclear how these members would receive communication from the Petitioner or other members. This, in turn, may undermine the Petitioner's ability to establish "[s]ignificant social relationships connecting individual members" or "[s]ignificant rates of informal social interaction which exist broadly among the members of [the] group" under criterion § 83.7(b). It may also affect the Petitioner's ability to demonstrate political influence or authority under criterion § 83.7(c), for example, by undermining the Petitioner's ability to "mobilize significant numbers of members and significant resources from its members for group purposes" or show that "[m]ost of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance" or that "[t]here is widespread knowledge, communication and involvement in political processes by most of the group's members."

In summary, the membership list that the Petitioner provided raises several concerns, including significant dual enrollment in contravention of the Petitioner's constitution, significant numbers of deceased members and members with unknown residential addresses on the list, and the inclusion of members who may have left community relations without formal relinquishment of membership. These problems further obscure the boundaries and composition of the Petitioner's claimed distinct community and, therefore, affect evaluation of the Petitioner's membership as a "distinct community" under criterion § 83.7(b). These problems may affect a full evaluation in the future under all seven mandatory criteria. For example, as noted above, dual enrollment may affect the evaluation under criterion § 83.7(f), and other issues with the membership list may affect the evaluation under criterion § 83.7(e). In order to resolve many of these issues, the Petitioner may wish to collect consent forms from each of its members to reconstruct its membership list from those living individuals who consent to being listed as members. These forms may also provide an opportunity to obtain current residential addresses and status of enrollment in federally recognized Tribes.

Residential Analysis of the 2022 Membership List

According to the membership list, 350 of the group's 500 living members currently reside in the State of Michigan. The largest number of members reside in Muskegon, where approximately 101 members live (with another 20 in nearby areas). Grand Rapids, the site of the group's headquarters, and Hart (Oceana County) have approximately 23 members each. Ludington, Holland, and a few other towns have 15 or fewer members, with the remainder spread across the state. Most of the in-state members live within 50 miles of the group's headquarters in Grand Rapids, indicating that they could gather in person with relative ease, though not so close together that regular interaction between members can be assumed to take place. There do not seem to be any current Petitioner neighborhoods or enclaves. For example, Muskegon, the city

⁴¹⁸ See 59 FR 9287 (stating that criterion § 83.7(b), as revised in 1994, "does not eliminate the possibility that geographical concentrations may provide direct or supporting evidence concerning the existence of a community").

with the most members, has an overall population of approximately 37,000 residents over a 14.1 square mile area.

An analysis of ZIP codes does not indicate that the Petitioner's members live concentrated in one neighborhood or area. There are a considerable number of non-Indians living among the Petitioner's members, and no area is exclusively or almost exclusively composed of the Petitioner's members. Therefore, residence alone does not demonstrate community among the members residing in Muskegon, and community must be demonstrated through other forms of evidence. In contrast, the much smaller city of Hart in Oceana County covers approximately two square miles, and has a population of approximately 2,000 residents, including 23 members of the Petitioner. The 23 members include 5 families of two or more people. The small size of the city indicates that members live close to each other, with non-Indian residents interspersed among member families. The close proximity among the members may facilitate social interaction; however, there is insufficient evidence to determine the extent to which these members interact with the broader members not located in Hart. The Petitioner may wish to provide additional evidence and analyses showing how members living in multiple towns and cities in western Michigan—often quite distant from each other—are connected and interact as a distinct community.

Cemetery Maintenance

According to interviews in the records, cemetery maintenance and cleanup are important social and spiritual activities for the Petitioner's members and other descendants of the historic Grand River-area bands. The Indian cemetery next to the former St. Joseph's Catholic Church in Elbridge is mentioned as being of particular significance to the Petitioner's members as this church was important to many of their ancestors who lived Mason and Oceana County. It has continued to be important even after the church itself was desanctified by the Vatican and turned into the Kateri Tekakwitha Native American Center in the early 2000s.

Some reported the cleanup at St. Joseph's as an event closely associated with Ghost Suppers. For example, one informant mentioned how the participants take a plate of food to a tree at the top of the hill in the cemetery and "that's where we feed our ancestors. Because we feel we need to participate and they need to participate—an exchange of memories, you might say."⁴¹⁹ Interments have occurred at St. Joseph's Indian cemetery as recently as 2011, and others may have occurred since then.⁴²⁰

Individuals interviewed noted that Grand River-area Ottawa descendants participating in the cemetery cleanups placed special white crosses on the graves of Ottawa individuals, and one member specifically identified Henry Lewis as the person who made and painted the wooden

⁴¹⁹ OFA interview with E. Smith and R. Battice, field visit, Jun. 29, 2015.

⁴²⁰ Department researchers observed headstones with this date during a field visit in 2017.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

crosses for many years prior to his death in 2013.⁴²¹ Petitioner members have maintained the cemetery by mowing and raking, erecting fencing, and picking up any debris that accumulates. Individuals reported that they visited the grave sites with their grandparents and through them learned who was buried there. The Petitioner's leadership also arranged for land to be added to what has become an overcrowded cemetery.⁴²² Even though only a small number of the Petitioner's members still live in this area, some of those farther away are still concerned with its upkeep.⁴²³ For example, in 2013, the meeting minutes record that the Cantu family hosted a Ghost Supper in Muskegon and donated the proceeds of a raffle to former member Emily Smith for cemetery cleanup of the Indian cemetery in Elbridge.⁴²⁴

Other interviewees reported past cleanups in smaller cemeteries in which "it was like a designated cemetery cleanup day, apparently, because there would be other families there cleaning that same cemetery up. And then we'd go riding around to, um, other Indian people's houses and visiting, and before we go home . . . to Muskegon."⁴²⁵ Informants also mentioned holding a ceremony each Memorial Day at a major historical Indian cemetery in downtown Muskegon,⁴²⁶ as well as cemeteries at St. Gregory's in Hart and Custer.⁴²⁷ The Petitioner's members also bring other older, remote cemeteries to the attention of council members to see if they can be tended.⁴²⁸

Evidence of cemetery maintenance and cleanup may help demonstrate community among a predominant portion of the Petitioner's membership, for example, by showing "[a] significant degree of shared or cooperative labor . . . among the membership."⁴²⁹ However, the extent of participation in cemetery maintenance across the Petitioner's membership is unclear. The evidence in the record indicates the involvement of only the Petitioner's leadership and some

⁴²¹ Informal personal communication, Roma Battice to Department anthropologist, field visit, Mar. 25, 2017.

⁴²² OFA interview with J. Beatty, field visit, Jun. 24, 2015.

⁴²³ The Petitioner's Ethnohistorical Response seems to indicate that burial in Elbridge was particularly important to those of earlier generations, even though they may have spent many years living in other places (McClurken, "Grand River Bands of Ottawa Indians: Ethnohistorical Response," 55–61). This may have indicated a desire to be buried near other relatives or in the church where the person grew up. As more members have been born and grow up outside of the area, fewer may request to be buried here themselves but still recognize the importance of the cemetery to their ancestral families.

⁴²⁴ Grand River Bands of Ottawa Indians, Tribal Council Meeting Minutes, Nov. 4, 2013, p. 1.

⁴²⁵ Thomas Myers and Helen Ann Yunis, "Interview with Sharron Detz," Mar. 13, 2000. *See also* Helen Ann Yunis and Thomas Myers, "Interview with June Dart," Feb. 14/24, 2000.

⁴²⁶ Brennan, "Interview with Joe Genia"; OFA interview with Joe Genia, field visit, Mar. 23, 2017. In 2017, Department researchers interviewed the officiant of the Muskegon cemetery ceremony, who described receiving instruction on how to conduct the ceremony by Anthony Chingman, and specifically identified members of the Battice family and Ojibwa Solomon Shalifoe as having attended in the past. The Petitioner may wish to provide additional evidence regarding member participation in this particular ceremony.

⁴²⁷ Yunis and Myers, "Interview with June Dart"; Myers and Yunis, "Interview with Sharron Detz."

⁴²⁸ OFA interview with G. Lewis Jr., field visit, Jun. 25, 2015.

⁴²⁹ 25 CFR § 83.7(b)(1)(iv).

individual members or families. The Petitioner may wish to provide evidence of broader participation by the claimed community.

Social Gatherings

The Petitioner discussed two “traditional powwows” as evidence for community in the present evaluation period.⁴³⁰ The term *traditional powwow*, as the Petitioner defined it, does not indicate that the powwows are conducted in a more traditional Ottawa or Anishinaabe fashion, though one interview indicated that Ottawa-style hand drumming performances take place in the evening after the main powwow session.⁴³¹ Rather, the term distinguishes those powwows *without* dance or drum competitions from those *with* competitions. Informants maintained that the “traditional” powwows tended to have lower attendance and attract participants from a smaller geographical area. Many traditional powwows were held throughout the year in Michigan, planned to avoid scheduling conflicts among them. Thus, informants reported that they could choose from as many as 20 or more traditional powwows to attend each year. The Petitioner did not discuss whether any particular powwows hosted by other Ottawa tribes or organizations are regularly attended by Petitioner members.⁴³²

Petitioner members currently coordinate and operate two traditional powwows: the Homecoming of the Three Fires at Grand Rapids and a smaller one at Hart.⁴³³ The Three Fires Powwow was established in 1979,⁴³⁴ and the Hart Pow Wow in 1992.⁴³⁵ Department researchers located flyers and programs from the early years of the Three Fires Powwow (1981, 1985, 1986, etc.) that identify its organizer as the Grand Rapids Inter-Tribal Council. The Powwow committee under this organization included individuals from different tribes and other Indian organizations, including Ron Yob, current Chairman of Petitioner #146. The Petitioner is not identified as the host of the Three First Powwow until 1996, and the Powwow appears to have functioned for the first 15 years of its existence as a project of a pan-Indian organization. Similarly, the initial

⁴³⁰ OFA interview with K. Wesaw, field visit, Jun. 23, 2015; OFA interview with A. Rocque, field visit, Jun. 24, 2015.

⁴³¹ OFA interview with F. Compo, field visit, Mar. 24, 2017.

⁴³² For example, an organization called “The Grand Valley American Indian Lodge” has hosted a powwow in Grand Rapids for many years. Some universities also sponsor powwows. Federally recognized tribes across Michigan and the Midwest also host powwows throughout the season.

⁴³³ One flyer in the record referred to the Hart Pow Wow as the “Honoring Our Elders” Pow Wow (Sep. 3, 1994).

⁴³⁴ Grand River Bands of Ottawa Indians, 36th Annual Homecoming of the Three Fires Traditional Powwow, June 13–14, 2015, announcement.

⁴³⁵ “Interview with Jennifer L. Beatty by James M. McClurken, 4 September 2005, Grand River Band of Ottawa Indians.”

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

powwow in Hart appears to have been established by the Oceana County Inter-Tribal Council as part of the Oceana County Culture Festival,⁴³⁶ but later became a separate event.

The Petitioner also sponsored a “Veteran’s Pow Wow,” held in Grand Rapids, in 1996 and 1998.⁴³⁷ It is not clear if this powwow is still sponsored by the Petitioner. The Petitioner may wish to include additional information about the Veteran’s Pow Wow and the Petitioner’s role in this event.

According to Petitioner members, planning the Three Fires Powwow involves the Petitioner’s governing council designating a committee of six to twelve members, while the Hart powwow requires mobilizing an equal number of extended family members. Planning for both powwows begins at the end of the Winter Holidays and includes sending out newsletters and announcements, enlisting vendors, reserving the grounds, and enlisting reliable security. Organization also requires registering the dancers and estimating how many will be attending. Dancers, drummers, and singers expect that the powwow managers will marshal resources to feed them at least once as a courtesy. As one participant explained, “You generally register as a courtesy, to let them know that you are here; it’s like a guestbook.”⁴³⁸

The Petitioner submitted three years of dancer registrations for the Homecoming of the Three Fires Powwow. There were 38 dancers in 2009, 94 in 2010, and 19 in 2015, totaling 151 participants for these three years. Despite slight variation, the forms consistently request the name, address, approximate age (over or under 18), and tribal membership/affiliation of each dancer. Of the 151 registrants, only 2 children were identified as “Grand River Band” members, both in 2010. Two adult registrants identified themselves as members of the Little River Band of Ottawa Indians in 2010, but both appear on the Petitioner’s 2022 membership list as “dually enrolled.” While it may be that additional Petitioner #146 members dance but do not register, it is not clear why so few members registered if it is important to know how many people they need to feed. The Petitioner’s 2009 newsletter included a photograph of what may be the group’s 2009 powwow but did not identify who was in the photograph.⁴³⁹ Likewise, published photographs of attendees at the 2015 Three Fires Powwow are uncaptioned, so it is not clear if the people in the photographs are members or if they are guests participating in the festivities.⁴⁴⁰ The Petitioner may wish to submit additional documentation to demonstrate that members other than the organizing committee attend and support the Three Fires Powwow.

⁴³⁶ Willa Kenoyer, “Indian folk dancers step back, forward with pride,” *Hart (Mich.) Chronicle*, ca. Apr. 1990.

⁴³⁷ A 1996 flyer states that the powwow is “Co-Sponsored by: Vets Pow Wow Committee and Grand River Bands of Ottawa Indians, Inc.” A 1998 flyer states that the powwow is “Sponsored by the Grand River Band of Ottawa Indians Veteran’s Pow Wow Committee” and lists eight committee members. Department researchers identified two current members of the Petitioner on this committee.

⁴³⁸ OFA interview with A. Rocque, field visit, Jun. 24, 2015.

⁴³⁹ *The Riverbends: Periodical of the Grand River Bands of Ottawa Indians*, Mar. 2009, 6.

⁴⁴⁰ *Periodical of the Grand River Bands of Ottawa Indians*, Summer 2015, 6.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

The Petitioner also submitted some dancer/trader registration information for the Hart Pow Wow. In 1993, an accounting of the powwow activities and expenses included a summary indicating 71 dancers and 13 traders participated, though the list of dancers' names identifies only 46.⁴⁴¹ Of those dancers and traders, only five can be identified on any of the Petitioner's later membership lists.⁴⁴² On the 2014 list, 22 dancers registered. One person identified themselves as "Grand River/Mohawk" but does not appear by name on any membership list. Three volunteers appear on this list, as well as two people who may also have been volunteers but are not identified as such.⁴⁴³ None of these people are identified as Petitioner members. On the 2015 list of 54 dancers, the same person from the previous year identified themselves as "Grand River/Mohawk."⁴⁴⁴ The Petitioner may wish to address why so few of its members appear on these lists.

Some interviewees reported that powwow dancers invested time and trouble in making their own regalia (or asking friends or relatives to make one for them). The Petitioner also offers classes to teach members and other Native people living in Grand Rapids how to make dresses, moccasins, and beadwork, often financing the cost of materials through donations from merchants or out of members' own pockets. These classes encourage those who might be reluctant to take part in the powwows because they do not have proper attire. The classes also provide a space where people can socialize while they learn to make items for their children or family members. According to the instructor, the class currently attracted about 12 attendees, both members and non-members. However, the class was taught and sponsored by members of the Petitioner.⁴⁴⁵ The Petitioner may wish to include more information about the class and its attendees in its response.

The powwows may also serve as "homecomings" or reunions for families of Ottawa descent. This may be especially true in the case of the Petitioner because their membership is widely distributed throughout Michigan and not all members interact regularly with each other face-to-face. Members who do not necessarily participate in the dancing may still attend the powwows to visit with each other and discuss both personal and political matters. However, there is no information available in the record to determine just how many members attend and how many who participate in the Three Fires and Hart powwows also see each other at other Michigan traditional powwows. The Petitioner may wish to submit additional evidence such as captioned

⁴⁴¹ B.J. Rivera, miscellaneous powwow records, ca. 1993, submitted by Petitioner #146, citing "Rivera Papers" (no. 705).

⁴⁴² One participant signed as a member of the "Grand River Band Ottawa Council" on a statement of intent to petition for Federal acknowledgment in 1994 but never appears on any of the Petitioner's membership lists. Another appears on membership lists in 2000 and 2004, though he had passed away in 1995.

⁴⁴³ Hart Pow-wow Dancer Registration forms, 2014.

⁴⁴⁴ Hart Pow-wow Dancer Registration forms, 2015.

⁴⁴⁵ Department researchers planned to attend one of the regalia-making classes during the 2017 field visit, but the class was cancelled that day. Nevertheless, the instructor demonstrated the types of outfits she and the other attendees were working on, as well as some of the other craft items made in the class (Field visit notes, Mar. 22, 2017).

photographs from various powwows or other records (e.g., videos, social media postings) to demonstrate that members interact with each other at the powwows.

Maintaining order among the staff and grounds security at the powwows varied somewhat among the powwows discussed above. Authority over the staff themselves varied according to individual management style. At the Three Fires Powwow, Petitioner #146's chairman drew on a large group of Native young people whom he had taught at Grand Rapids schools through the years to provide security.⁴⁴⁶ These individuals were not all Petitioner members. Those staffing the grounds at the Hart Pow Wow tended to be drawn from people the organizers met or knew through attending other powwows.⁴⁴⁷

The history of powwows for Ottawa peoples, in general, has included the combination of “fragments of aboriginal ceremonies” that “have survived in secular shows.”⁴⁴⁸ This performance aspect has had a long history and itself is part of a tradition. The powwows organized by the Petitioner indicate a commitment by an organized committee within the governing body and by some families to continue them year after year. The “traditional” powwows described here have involved at least three generations of people, not only performing but also organizing and overseeing the event.⁴⁴⁹ However, the information provided by the Petitioner regarding the Three Fires Powwow and Hart Pow Wow does not indicate that they are widely attended by the Petitioner's members, even though they have sponsored the event in recent years. In regard to both of these pan-Indian events, the Petitioner does not explain how they help demonstrate community among a predominant portion of its members, for example, by showing that the planning of and participation in the powwows involves “[a] significant degree of shared or cooperative labor or other economic activity among the membership” or is a “[s]hared sacred or secular ritual activity encompassing most of the group.”⁴⁵⁰ The Petitioner may wish to submit additional information about how members participate in the event even if they do not physically attend, such as contributing financially or assisting the powwow committee with tasks prior to the event itself, such as creating flyers or other promotional tasks. If there are other lists that demonstrate members participating in other ways, the Petitioner may wish to include these as well.

Kateri Circles

Kateri Circles are dedicated to Kateri Tekakwitha (1656–1680), a woman of Mohawk and Algonquin parentage. Catholic biographers maintained that during her life she taught the

⁴⁴⁶ OFA interview with Ron Yob, field visit, Jul. 3, 2015.

⁴⁴⁷ OFA interview with K. Lewis, field visit, Jun. 25, 2015.

⁴⁴⁸ Kurath, *Michigan Indian Festivals*, 4.

⁴⁴⁹ Robert DesJarlait, “The Contest Powwow versus the Traditional Powwow and the Role of the Native American Community,” *Wicazo Sa Review* 12 (1997): 115–27, at 116.

⁴⁵⁰ 25 CFR § 83.7(b)(1)(iv), (vi).

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Catholic faith to the Indians, ministered to Indian children, and was credited with miracles for both the Indians and the French at the Mission of St. Francis Xavier in New York.⁴⁵¹ Kateri Circles are part of the nationwide Tekakwitha Conference, incorporated in 1979.⁴⁵² The local circles serve as prayer circles on behalf of Indian peoples, and as foci for local volunteer activities.

The Petitioner provided information about at least five Kateri Circles in their local areas, including the Four Seasons Kateri Circle at St. Thomas’s Church in Muskegon, the largest; On Eagles Wings at St. Stephen’s Church in Grand Rapids; Morning Star at St. Michael’s Church in Grand Rapids; and Elbridge Kateri Circle at St. Joseph’s Church in Hart.⁴⁵³ There was also reportedly another Kateri Circle in Oceana County, but it no longer appears to exist.⁴⁵⁴ Members of the Petitioner participate in activities held by various organizations at different point in times. For example, an individual may attend a circle activity in Grand Rapids one week but attend one in Muskegon the following week.

Informants are most knowledgeable about the history of their local Kateri Circles and did not provide definitive information on the Circles’ beginnings in the Petitioner’s region. However, the earliest known Kateri Circles in Michigan likely began in the early 1980s, which is about the time the national Tekakwitha Conference began to grow and expand all across the United States. One informant based her estimate of the start of circles in the area on the observation that “my mother was involved before I became involved,” in the middle 1980s.⁴⁵⁵

Individual, local Kateri Circles originated in each of the areas mentioned above as prayer circles, in which small groups of Indian peoples would pray for the betterment of Indian families or for the poor in general. In an interview, a member of Petitioner #146 explained,

The ladies formed a circle where they would have like a prayer group and get together. If we had a crisis and somebody needed to be prayed for—if anybody had any kind of hospital or family emergency . . . or needed a prayer line. That was what it originally

⁴⁵¹ She was beatified in 1980 and canonized by Pope Benedict XVI in 2012. See Marianne Medlin, “Pope canonizes seven saints for the New Evangelization,” *Catholic News Agency*, Oct. 21, 2012 (<https://www.catholicnewsagency.com/news/25909/pope-canonizes-seven-saints-for-the-new-evangelization> : accessed 2022).

⁴⁵² According to the group’s website, “The Tekakwitha Conference began in 1939 as a way for Indigenous Catholics to join together in community to reinforce their Catholic identity and affirm cultural and spiritual traditions. It became legally incorporated in 1979 after decades as an advisory board and support group of priests. Under the protection and inspiration of Saint Kateri Tekakwitha, the conference promotes healing through forgiveness and reconciliation, advocates for peace and justice in Indigenous communities, and empowers Indigenous Catholics to positions of leadership within tribes and the Church.” See “2023 Tekakwitha Conference,” *Archdiocese of Saint Paul and Minneapolis Catholic Center* (<https://www.archspm.org/tekakwitha2023> : accessed 2022).

⁴⁵³ Myers and Yunis, “Interview with Sharron Detz.”

⁴⁵⁴ OFA interview with P. Beatty, field visit, Jun. 24, 2015.

⁴⁵⁵ “Interview with Patsy Beatty by James M. McClurken, 29 September 2005, Grand River Band of Ottawa Indians.”

was started as, just a prayer group that would get together and say prayers together, just get together and visit.⁴⁵⁶

Through time, those who were the initial leaders of the circles stepped aside for various reasons and others took their places. At St. Michael's Church in Grand Rapids, for example, younger individuals involved in the church's activities began to link Kateri Circle activities with other celebrations they hosted, such as Ghost Suppers, spring dances, and Christmas celebrations and came to rely on the church facilities for support in hosting these events.⁴⁵⁷

Some informants mentioned that their family Ghost Suppers would be hosted through the Kateri Circle at St. Joseph's Church in Elbridge because accommodations were easier than hosting the Ghost Suppers at home, as had been customary in the past. As one informant explained, "[w]e have Ghost Suppers. Ours are mostly in conjunction with our Kateri Circle . . . The one here, the Smith family, Lewises, Battices. It's basically five or six families that come up together. Other people are more than welcome to come and show up. Another one is with the Kateri Circle in Muskegon. That's a huge one."⁴⁵⁸

The linkage of the Kateri Circle to these other activities disaffected some of the older people who had begun the Kateri Circles because they viewed it as diluting evangelization. As one of the elder members maintained, "We used to do a lot of things to help them, and we used to kind of run it. Then things changed so we were like, 'Well, we're going to step out.'" Another informant added,

[A]fter my mother passed away we kind of faded out of that picture because they really don't do what it was set up for because it's a prayer group It kind of lost its prayer function. My mother always brought [her children] up to pray for people and help people out however you could do it. You know, it's nice to get together. They still have their pot-lucks. They have good turn outs; that's really nice.⁴⁵⁹

When asked why they no longer participate actively, their response is "Well, we've already been there and done that with our mother."⁴⁶⁰ Others voiced discomfort at the fact that "[t]he Native American people will come here [i.e., to the gathering] when there is no Mass that they have to attend They came for the meal, came for whatever activities followed the meal, but I couldn't get them to come to the Mass. There was always a few who would come to Mass, but I envisioned the whole congregation, and I didn't have it."⁴⁶¹

⁴⁵⁶ "Interview with June Martinez, Brenda Cortez and Maryanne Cantu by James M. McClurken, 9 December 2005, Grand River Bands of Ottawa Indians."

⁴⁵⁷ OFA interview with E. Smith and R. Battice, field visit, Jun. 29, 2015.

⁴⁵⁸ "Grand River Band of Ottawa Indians Community Meeting with James McClurken, 29 September 2005, Grand River Band of Ottawa Indians," 19.

⁴⁵⁹ "Interview with June Martinez, Brenda Cortez and Maryanne Cantu . . . 9 December 2005."

⁴⁶⁰ "Interview with June Martinez, Brenda Cortez and Maryanne Cantu . . . 9 December 2005."

⁴⁶¹ OFA interview with E. Smith and R. Battice, field visit, Jun. 29, 2015.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

The Petitioner hosted Kateri Circle events in 1997 at the group's former offices at 307 Michigan, N.E., in Grand Rapids, and promoted a Kateri Circle event in Elbridge in 1998.⁴⁶² The Petitioner announced various Kateri Circle events at its meetings, and members supported these events with cash donations.⁴⁶³

The Kateri Circles are not limited to Petitioner members and include Native peoples from other tribes and communities. However, they have been important sources of socializing and spiritual comfort for some members of the Petitioner, and the Petitioner appears to have offered support to some Kateri Circles and their activities, just as the circles have supported the Petitioner's members. The Petitioner may wish to provide more information about the role of the Kateri Circles within its membership, for example, as evidence of "[s]ignificant social relationships connecting individual members" or "[s]hared sacred or secular ritual activity encompassing most of the group."⁴⁶⁴ At present, this evidence is insufficient to demonstrate that a predominant portion of the petitioning group comprises a distinct community.

Ghost Suppers

Ghost Suppers are a long-standing spiritual practice among Ottawa peoples. Grand River Ottawa descendants and members of the Petitioner, representing about two dozen families, provided information about Ghost Suppers for the current evaluation period and the evolution of the gatherings throughout their lifetimes.⁴⁶⁵ The petition narrative and members interviewed agreed that Ghost Suppers were both spiritual and social occasions and have been so since at least their grandparents' time. For example, one member maintained that some families hosted Ghost Suppers every year, while others chose special occasions,

You know, we haven't done a Ghost Supper in a while—Grand River. I mean, I know that different families do the different years, but . . . we did a Ghost Supper the year after my daughter died. She died in July so my family did a Ghost Supper in November. And that was open to everybody. But I guess it just depends on the family. Some families do them all the time, every single year. But I actually haven't done one in a couple of years.⁴⁶⁶

In the past, a single family typically hosted a Ghost Supper, and the hosting responsibility passed down to the subsequent generation. One woman explained that her daughters had taken over as

⁴⁶² Kateri Circle Thanksgiving Feast invitation postcard, Nov. 20, 1997; Kateri Circle Christmas Party invitation postcard, Nov. 26, 1997; Elbridge Kateri Circle Christmas Party invitation, Dec. 5, 1998.

⁴⁶³ Grand River Bands of Ottawa Indians, Tribal Council Meeting Minutes, Apr. 14, 2008; Jul. 17, 2012; Oct. 8, 2012; Jan. 14, 2013.

⁴⁶⁴ 25 CFR § 83.7(b)(iii), (vi).

⁴⁶⁵ Those in the current Petitioner include members of the Battice, Compo, and Cantu families.

⁴⁶⁶ OFA interview with K. Wesaw, field visit, Jun. 23, 2015.

they became older.⁴⁶⁷ However, families reported that the suppers have become more difficult to host as costs have risen. As one informant explained, “It’s very expensive, because you’re feeding everybody. . . . Like for us, we did a sit down and it’s plated. You have nice dishes; it’s not like a potluck where you have paper plates.”⁴⁶⁸

The Petitioner’s governing body and various Kateri Circles have facilitated both the scheduling and holding of Ghost Suppers by advertising them as they hear of them. In some cases, Kateri Circles assist by making church facilities available for Ghost Suppers. Sometimes, the neighboring federally recognized tribes make facilities available. A speaker explained, “we held it out at the community center for Gun Lake. Because I work there, they let me use the community center . . . but most of the time these are in people’s homes.”⁴⁶⁹ The Petitioner’s Chairman helped facilitate Ghost Suppers through the Native American Alternative Learning Center and Westbridge Academy alternative high school in the 1990s. These events served not only to commemorate the departed, but also to teach and instill pride in Native American youth from various backgrounds, though not all of the students were members of the Petitioner or even of Anishinabek ancestry.⁴⁷⁰

Ghost Suppers are traditional Ottawa spiritual events, not simply a symbolic act. Though the form has changed over the years from family-hosted events held in private homes to large, multifamily gatherings held in public event spaces, these gatherings to commemorate ancestors remain powerful among some of the Petitioner’s members. If the Petitioner is able to provide additional evidence regarding its members’ participation in one or more Ghost Suppers, the Ghost Suppers may help demonstrate community, for example, serving as evidence of “[s]hared sacred or secular ritual activity encompassing most of the group.”⁴⁷¹ At present, however, the evidence shows that only a relatively small portion of individual families affiliated with the Petitioner sponsor, organize, or attend Ghost Suppers.

Spring Celebration/Duck Race

The petition narrative and interviews also mention other annual feasts and events, including a Spring Celebration organized by Petitioner #146, with a “Duck Race” as a highlight.⁴⁷² The Duck Race originated as an alternative to an Easter egg hunt as a means of entertaining the

⁴⁶⁷ James M. McClurken, “Discussion with Henry Lewis, George Pego, and Bill Stone, August 15, 1995,” transcribed by Barbara Loyer, draft, Oct. 1995.

⁴⁶⁸ OFA interview with K. Wesaw, field visit, Jun. 23, 2015.

⁴⁶⁹ OFA interview with K. Wesaw, field visit, Jun. 23, 2015.

⁴⁷⁰ Darci McConnell, “Paying Homage: Indian students focus on their unique culture, legacies of elders,” *Grand Rapids (Mich.) Press*, Nov. 9, 1994.

⁴⁷¹ 25 CFR § 83.7(b)(1)(vi).

⁴⁷² Numbered rubber ducks are floated down a stream in a local public park, and the winners of the various age groups receive a bicycle.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

children, but it has become so popular with members that a second race is held in the autumn for the elders.⁴⁷³ Participation in the race is open to all members of the public, Native and non-Native, and although it is sponsored by the Petitioner, it is not limited to the Petitioner's members.

The Petitioner submitted an attendance list for the 2010 Spring Celebration, which identified 61 adults. (The list did not identify child participants). Those who provided a tribal affiliation were members of Little Traverse Bay Band (11), Little River Band (9), Grand River Band (7), Pokagon Band of Potawatomi (3), Grand Traverse (3), Saginaw Chippewa (2), Burt Lake Band (2), Gun Lake (1), Bay Mills (1), and unaffiliated "Ottawa" (4)—a broad representation of Michigan's Anishinabek population. The 2011 Spring Celebration attendance list identified 120 participants of whom 92 gave a tribal affiliation. Like in the 2010 list, attendees identified themselves as members of tribes and groups all across Michigan. Three people identified themselves as Petitioner members. Two others identified themselves as Little River Band members but appear on the Petitioner's current membership list as "dually enrolled." Another two attendees identified themselves as Little Traverse but appear as members on the Petitioner's current membership list, not identified as dually enrolled.

The low number of members of the Petitioner identified at these events in two years does not indicate that the event is widely attended by the Petitioner's members, and this evidence does not help demonstrate community. The Petitioner may wish to provide attendance lists from other years, identifying its members at each event. The Petitioner may also wish to provide information about member participation in such events, for example, if members who were unable to attend made financial or material contributions or provided administrative or physical assistance in different stages of operation.

Other Social Events

Petitioner #146 also provides financial support to a twice-weekly senior lunch program for Indians in Grand Rapids, although it also serves people who are not senior citizens.⁴⁷⁴ This program is run wholly through volunteer efforts as part of a local Native American ministry that is not a part of the Petitioner. Unlike other meal programs that receive Federal financial support, this one is funded entirely by donations. While this limits the organization in some ways, it also frees the Petitioner from limitations regarding who they have to serve.⁴⁷⁵ Some Petitioner

⁴⁷³ Informal personal communication, Ron Yob to Department anthropologist, field visit, Mar. 25, 2017.

⁴⁷⁴ Grand River Bands of Ottawa Indians, Tribal Council Meeting Minutes, Feb. 13, 2012, p. 2.

⁴⁷⁵ Department researchers attended a senior lunch during the 2017 field visit. The group met in the basement of a local Methodist church and served approximately 30 people. They included Indian peoples from tribes all over Michigan, as well as a number from Canada. The lunch also had some non-Indian spouses and friends in attendance. The Petitioner chairman later stated that he hoped to soon remodel their offices and offer the lunch program a

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

members attend as participants and as volunteers and foster their connections with other Petitioner members as well as with members of the larger Native American community.

The Petitioner submitted a list of attendees of a “Just Because Feast” held in 2015. This gathering welcomed Native people from all over Michigan. The list included 95 attendees who self-identified as members of Bay Mills, Grand Traverse, Huron Potawatomi, Little River Band, and Little Traverse Bay Bands (as well as a few other Tribes from outside of Michigan). However, only seven people identified themselves as members of Petitioner #146 on this list. Two others who identified themselves as members of LRBOI appear on the Petitioner’s current membership list as “dually enrolled.” In addition, two attendees who identified themselves as Petitioner members also appear on the membership list as “dually enrolled” and one attendee identified as a Petitioner member does not appear on the current membership list.

As with the Spring Celebration, the low number of members of the Petitioner who participated in these events does not help demonstrate community. For example, they do not reflect “significant rates of informal social interaction which exist broadly among the members of a group.”⁴⁷⁶ In fact, at most of the events described in the record, non-member Ottawa peoples and other Anishinabek peoples greatly outnumbered Petitioner-member participants. While the Petitioner may serve an important function within the larger Grand Rapids Indian community by providing opportunities for socializing and assistance, the evidence in the record does not demonstrate that a predominant portion of the Petitioner’s members themselves comprise a distinct community. The Petitioner may wish to provide additional evidence showing greater participation in these events.

Summary

The evidence in the record for the evaluation period of 1984 to Present is insufficient to show community under criterion § 83.7(b). In the case of Petitioner #146, the evidence indicates that the Petitioner came together after 1994 and consists of individual descendants of the historic treaty-era Grand River-area bands who, prior to the Petitioner’s formation, had been associated with separate, local organizations that functioned independently of each other, with a minimal degree of overlap in the membership of these organizations.

The evidence in the record also indicates that Petitioner #146 recruited its membership from among descendants of the historic Grand River-area bands *after* it submitted its Letter of Intent to petition for Federal acknowledgment rather than drawing members from or representing an already-existing distinct community. In response to this PF, the Petitioner may wish to address not only the deficiencies identified under criterion § 83.7(b) but also the provision located at §

permanent home there rather than them having to move from church to church as they have had to do in the past (Informal personal communication, Ron Yob to Department anthropologist, field visit, Mar. 25, 2017).

⁴⁷⁶ 25 CFR § 83.7(b)(1)(iii).

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

83.3(c), which prohibits acknowledgment of “[a]ssociations, organizations, corporations or groups of any character that have been formed in recent times.”

The evaluation of Petitioner #146’s evidence for the present period was particularly difficult because of the Petitioner’s fluctuating membership between 2000 and 2022. The problems with the membership lists, discussed above and in Appendix A below, make it difficult to discern who is enrolled with the Petitioner and who is not, thus obscuring the boundaries and composition of the Petitioner’s claimed distinct community and affecting the evaluation of the Petitioner’s membership as a “distinct community” under criterion § 83.7(b). For example, the current membership list includes a number of dually enrolled members, in contravention of the Petitioner’s constitution, and deceased individuals. That nearly a third of Petitioner #146’s current membership is already enrolled in a federally recognized tribe is concerning given that the Petitioner’s own foundational documents prohibit the very membership that the Petitioner claims comprises a community. The evidence also suggests that some dually enrolled members might not be aware of their current enrollment in the Petitioner.

Petitioner #146 submitted several forms of evidence for community under criterion § 83.7(b) for this evaluation period of 1984 to Present. The evidence described cemetery maintenance, powwows, Kateri Circles, Ghost Suppers, Duck Races, and other social events organized or sponsored by the Petitioner’s governing body and its members. For the reasons stated above, the evidence is insufficient to demonstrate community. The evidence showed low participation in events relative to the size of the claimed community and otherwise showed that a high percentage of people participating in these events were not members of the Petitioner, undercutting the value of the evidence in showing that the Petitioner’s “members are differentiated from and identified as distinct from nonmembers.”⁴⁷⁷

Based on the evidence in the record, the Department finds that a predominant portion of the petitioning group does not comprise a distinct community at present and that Petitioner #146 does not meet criterion § 83.7(b) for this evaluation period.

⁴⁷⁷ 25 CFR § 83.1 (defining “[c]ommunity”).

SOURCES USED

Petition Documents

Grand River Band Ottawa Council (Muskegon, Mich.). “Ottawa Council Resolution,” Nov. 7, 1994. Received by BAR, Nov. 16, 1994 (erroneously stamped as received “OCT 16 1994”).

Grand River Bands of Ottawa Indians (Petitioner #146). Michigan Indian Legal Services. “Grand River Bands of Ottawa Indians: Petition for Federal Acknowledgment.” Dec. 7, 2000. Certified by Grand River Bands of Ottawa Indians Tribal Council (GRBOITC), Dec. 5, 2000. Received by BAR, Dec. 8, 2000. Herein cited as “Grand River Bands of Ottawa Indians Petition.”

———. James M. McClurken. “Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615–1990.” Nov. 14, 2000.

———. Supplementary petition materials on paper and CD-ROM, certified by GRBOITC, Jul. 8, 2004, received by OFA, Jul. 9, 2004.

———. “Petition for Federal Acknowledgment, Petition Documents, and Errata Exhibits.” Supplementary petition materials on paper and CD-ROM. Dated Sep. 24, 2004. Certified by GRBOITC, Oct. 11, 2004. Received by OFA, Nov. 10, 2004.

———. Grand River Tribal Attorneys. “Grand River Bands of Ottawa Indians’ Response To The Technical Assistance Letter Dated January 2, 2005.” Supplementary petition material on paper and CD-ROM, Jun. 7, 2006. Certified by GRBOITC, Jun. 7, 2006. Received by OFA, Jun. 9, 2006. Herein cited as “Response To The Technical Assistance Letter.”

———. James M. McClurken. “Grand River Bands of Ottawa Indians: Ethnohistorical Response to Office of Federal Acknowledgment Technical Assistance Letter, dated 26 January 2005.” Jun. 7, 2006.

———. “Grand River Bands of Ottawa Indians: Certification of 2022 Membership List” and “BIA Enrollment List1” electronic file. Dated Jul. 22, 2022. Received by OFA Aug. 8, 2022.

United States. Department of the Interior. Office of Federal Acknowledgment. Correspondence to Ron Yob (Grand Rapids, Mich.). 1997–2022.

———. ————. ————. Interviews with Petitioner #146 members, 2015–17.

United States Federal Records

Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1872. Washington: Government Printing Office, 1872.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Decisions of the Comptroller of the Treasury. Vol. 8. Washington: Government Printing Office, 1902.

Opinions of the Solicitor of the Department of the Interior Relating to Indian Affairs, 1917–1994. Vol. 1. Washington: Department of the Interior, 1979.

Department of the Interior. Bureau of Indian Affairs. Central Classified Files, 1907–75.

Department of the Interior. Bureau of Indian Affairs. Branch of Acknowledgment and Research. “Recommendation and summary of evidence for proposed finding for Federal acknowledgment of the Grand Traverse Band of Ottawa and Chippewa Indians, Peshawbestown, Michigan pursuant to 25 CFR 54.” Oct. 3, 1979.

———. Census Office. *Ninth Census, United States, 1870: Instructions to Assistant Marshals*. Washington: Government Printing Office, 1870.

———. ———. *Twelfth Census of the United States, Schedule No. 1—Population: Indian Population* (Form 7-464).

———. ———. *Twelfth Census of the United States, June 1, 1900: Instructions to Enumerators*. Washington: Government Publishing Office, 1900.

———. Office of Federal Acknowledgment. “Summary under the Criteria and Evidence for Final Determination Against Acknowledgment of the Burt Lake Band of Ottawa and Chippewa Indians, Inc.” Sep. 21, 2006.

———. ———. “Summary under the Criteria and Evidence for Proposed Finding Against Acknowledgment of the Burt Lake Band of Ottawa and Chippewa, Indians, Inc.” Mar. 25, 2004.

———. ———. “Summary under the Criteria and Evidence for Proposed Finding, Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan.” Jun. 23, 1997.

Congress. Senate. Committee on Indian Affairs. Hearings on Senate Joint Resolution No. 141, before subcommittee of the Committee on Indian Affairs, U.S. Senate, Mar. 2, 1922.

———. ———. Committee on Interior and Insular Affairs. Subcommittee on Indian Affairs. *Distribution of Funds to Cowlitz and Grand River Band of Ottawa Indians: Hearing Before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, United States Senate, Ninety-Fourth Congress, First Session, on S. 1334 . . . [and] S. 1659 . . . September 26, 1975*. Washington: Government Printing Office, 1976.

———. *The Statutes at Large*. 130 volumes. Boston: Little, Brown, and Co., 1845–73. Washington: Government Printing Office, 1874– .

———. *Congressional Record*. Various issues, as cited herein.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Code of Federal Regulations.

Federal Register. Various notices, as cited herein.

[Microfilm publications]

Correspondence, Field Notes, and the Census Roll of All Members or Descendants of Members who were on the Roll of the Ottawa and the Chippewa Tribes of Michigan in 1870, and Living on March 4, 1907 (Durant Roll). Microfilm publication M2039. Washington: National Archives, 1996. 4 rolls.

Documents Relating to the Negotiation of Ratified and Unratified Treaties with Various Tribes of Indians, 1801–69. Microfilm publication T494. Washington: National Archives, 1960. 10 rolls.

Letters Received by the Office of Indian Affairs, 1824–1881. Microfilm publication M234. Washington: National Archives and Records Service, 1966. 962 rolls.

Letters Received by the Secretary of War, Registered [Main] Series, 1801–1870. Microfilm publication M221. Washington: National Archives and Records Service, 1965. 317 rolls.

Ninth Census of the United States, 1870. Microfilm publication M593. Washington: National Archives, n.d. 1,748 rolls.

Records of the Michigan Superintendency of Indian Affairs, 1814–1851. Microfilm publication M1. Washington: National Archives, 1976. 71 rolls.

Tenth Census of the United States, 1880. Microfilm publication T9. Washington: National Archives, n.d. 1,454 rolls.

Twelfth Census of the United States, 1900. Microfilm publication T623. Washington: National Archives, n.d. 1,854 rolls.

Other Manuscript Sources

Henry Rowe Schoolcraft Papers. Library of Congress, Washington, D.C.

Native American Oral History Project. Grand Rapids History and Special Collections Department. Grand Rapids Public Library. Grand Rapids, Michigan.

Privately Held Materials Submitted by Petitioner

B. J. Rivera Papers, ca. 1983.

Elbridge Kateri Circle. Event announcements and invitations.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Grand River Band Ottawa Council (Muskegon, Mich.). “GRB Ottawa Council Meeting” minutes, May 11, 1995.

Grand River Bands of Ottawa Indians (Petitioner #146). Meeting minutes, correspondence, and other organizational documents, 1997–2022.

Grand River Bands of Ottawa Indians, Inc. Meeting minutes and other organizational documents, 1994–96.

Grand River Bands of the Ottawa Nation, Inc. Meeting minutes and other organizational documents, 1969–85.

———. *The Grand River Bands of the Ottawa Nation, Inc., Monthly Newsletter*. Various issues, 1970–73.

Hart Pow-wow Dancer Registration forms, 2014–15.

Lucille Pego Scrapbook.

Mailing Lists and Notes from Notebook of Mammie Battice.

McClurken, James M. Interviews with members, 2000–05.

Native Americans United, Inc. (a.k.a. Native Americans in Unity, Inc., a.k.a. Oceana County Inter-Tribal Council). Meeting minutes and other organizational documents, 1981–97.

Northern Michigan Ottawa Association. Meeting minutes and other organizational documents, 1948–1990.

Priscilla (Kelsey) DiPiazza Scrapbook, 1920–1940.

Private Collection of Cornelius Bailey.

Private Collection of June Dart.

Private Collection of Mitchell and Mammie Battice.

Williams, Leonore P. Stenographer’s notebook, handwritten title on cover, “Indian Centennial, Aug. 23 – 1958, Pentwater, Mich.” Private Collection of Linda (Shagonaby) Andre.

Published Sources

Anderson, Terry L., and Dean Lueck. “Land Tenure and Agricultural Productivity on Indian Reservations.” *Journal of Law and Economics* 35 (1992), 427–54.

Baxter, Albert. *History of the City of Grand Rapids*. New York: Munsell & Co., 1891.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

- Blackburn, George. "Foredoomed to Failure: The Manistee Indian Station." *Michigan History* 53, no. 1 (1969).
- Bolt, Robert. "Reverend Leonard Slater in the Grand River Valley." *Michigan History* 51, no. 3 (1967):
- Callender, Charles. "Great Lakes–Riverine Sociopolitical Organization." In Bruce G. Trigger, ed. *Handbook of North American Indians*. Vol. 15: *Northeast*. Washington: Smithsonian Institution Scholarly Press, 1978.
- Cleland, Charles E. *Rites of Conquest: The History of Culture of Michigan's Native Americans*. Ann Arbor, MI: University of Michigan Press, 1995.
- Clifton, James A. "Michigan's Indians: Tribe, Nation, Estate, Racial, Ethnic, or Special Interest Group?" *Michigan Historical Review* 20 (Fall 1994): 103–248.
- Detroit (Mich.) Free Press*. Various articles, 1900–58.
- Ettawageshik, Fred. "Ghost Suppers." *American Anthropologist* 45 (1943): 491–93.
- Everett, Franklin. *Memorials of the Grand River Valley*. Chicago: The Chicago Legal News Company, 1878.
- Feest, Johanna E. and Christian F. Feest. "Ottawa." In *Handbook of North American Indians*. Vol. 15. Washington: Smithsonian, 1978.
- Fixico, Donald L. "The Alliance of the Three Fires in Trade and War, 1630–1812." *Michigan Historical Review* 20, no. 2 (1994): 1–23.
- Fuller, George N. "Settlement of Michigan Territory." *Mississippi Valley Historical Review* 2, no. 1 (1915): 25–55.
- Gills, Bradley J. "Navigating the Landscape of Assimilation: The Anishnabeg, the Lumber Industry, and the Failure of Federal Indian Policy in Michigan." *Michigan Historical Review* 34, no. 2 (2008), 57–74.
- Gordon, John M. "Michigan Journal, 1836." *Michigan History* 43 (1959): 277.
- Goss, Dwight. "The Indians of the Grand River Valley," [*Michigan*] *Historical Collections: Collections and Researches Made by the Pioneer and Historical Society of the State of Michigan*. Vol. 30. Lansing: Wynkoop Hallenbeck Crawford Co., 1906.
- Grand Rapids (Mich.) Press*. Various articles, 1915–94.
- Gray, Susan E. "Limits and Possibilities: White–Indian Relations in Western Michigan in the Era of Removal." *Michigan Historical Review* 20, no. 2 (Fall 1994): 71–91.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Hickerson, Harold. "The Feast of the Dead among the Seventeenth Century Algonkians of the Upper Great Lakes." *American Anthropologist* 62 (1960): 81–107.

History of Kent County, Michigan . . . Chicago: Chas. C. Chapman & Co., 1881.

History of Manistee, Mason, and Oceana Counties, Michigan. Chicago: HR Page & Company, 1882.

Hoyt, Mary M. Lewis. "Life of Leonard Slater: Pioneer Preacher and Missionary." [*Michigan*] *Historical Collections: Collections and Researches Made by the Pioneer and Historical Society of the State of Michigan*. Vol. 35. Lansing: Wynkoop Hallenbeck Crawford Co., 1907.

Hubbard, Gordon Saltonstall. *The Autobiography of Gordon Saltonstall Hubbard, Pap-pa-ma-ta-be, "The Swift Walker."* Chicago: R.R. Donnelley & Sons Company, 1911.

Kurath, Gertrude Prokosch. *Michigan Indian Festivals*. Ann Arbor: Ann Arbor Publishers, 1966.

Lanham, James H. *History of Michigan, Civil, Topographical, in a Compendious Form; With a View of the Surrounding Lakes*. New York: E. French, 1839.

Ludington (Mich.) Daily News. Various articles, 1956–61.

McClurken, James M. "The Ottawa." In James A. Clifton, George L. Cornell, and James M. McClurken, eds. *People of The Three Fires*. Grand Rapids: Michigan Indian Press, 1986.

McClurken, James M. "We Wish to be Civilized: Ottawa-American Political Contests on the Michigan Frontier." PhD diss., Michigan State University, 1988.

McClurken, James M. *Our People, Our Journey: The Little River Band of Ottawa Indians*. East Lansing: Michigan State University Press, 2009.

McCoy, Isaac. *History of Baptist Indian Missions*. Washington: William M. Morrison, 1840.

Michigan] *Historical Collections: Collections and Researches Made by the Pioneer and Historical Society of the State of Michigan*. Vol. 10. Lansing: Pioneer and Historical Society of the State of Michigan, 1888.

Muskegon (Mich.) Chronicle. Various articles, 1958–2000.

Petoskey (Mich.) News-Review. Various articles, 1961–2000.

Pflug, Melissa A. "Politics of Great Lakes Indian Religion." *Michigan Historical Review* 18, no. 2 (1992): 15–31.

Rubenstein, Bruce A. "Justice Denied: Indian Land Frauds in Michigan, 1855–1900." *Old Northwest* 2 (1976): 131–40.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

- Schoolcraft, Henry R. *[Historical and Statistical] Information Respecting the History, Condition, and Prospects of the Indian Tribes of the United States*. Part 3. Philadelphia: Lippincott, Grambo & Co., 1853.
- Schoolcraft, Henry R. *Historical and Statistical Information Respecting the History, Condition, and Prospects of the Indian Tribes of the United States*. Part 1. Philadelphia: Lippincott, Grambo & Co., 1851.
- Schoolcraft, Henry R. *Personal Memoirs of a Residence of Thirty Years with the Indian Tribes on the American Frontiers: With Brief Notices of Passing Events, Facts, and Opinions, A.D. 1812 to A.D. 1842*. Philadelphia: Lippincott, Grambo & Co., 1851.
- Smith, Elbert B. *Indian Tribal Cases Decided in the Court of Claims of the United States, Briefed and Compiled to June 30, 1947*. Vol. 2. Washington: University Publications of America, 1947.
- Smithsonian Institution. Bureau of American Ethnology. *Eighteenth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1896-'97*. Washington: Government Printing Office, 1899.
- Spooner, Harry L. "Indians of Oceana." *Michigan History* 15 (1931): 654–65.
- Stark, Heidi Kiiwetinepinesiik. "Respect, Responsibility, and Renewal: The Foundations of Anishinaabe Treaty Making with the United States and Canada." *American Indian Culture and Research Journal* 34, no. 2 (2010): 145–64.
- Swanson, Bryan Thomas. "Saginaw Chippewa Tribal Relations and the Social Production of Space in Isabella County, Michigan." Master's thesis, Western Michigan University, 2005.
- Tanner, Helen Hornbeck, ed. *Atlas of Great Lakes Indian History*. Norman, Okla.: University of Oklahoma Press, 1987.
- Thwaites, Reuben Gold, ed. *Collections of the State Historical Society of Wisconsin*. Vol. 20. Madison: Wisconsin Historical Society, 1911.
- Weeks, George. *Mem-ka-weh: Dawning of the Grand Traverse Band of Ottawa and Chippewa Indians*. Traverse City, Mich.: Village Press, 1992.
- Wheeler-Voegelin, Erminie, and David B. Stout. *Indians of Illinois and Northwestern Indiana. Anthropological Report on the Ottawa, Chippewa, and Potawatomi Indians / [by] Erminie Wheeler-Voegelin. Report on the Kickapoo, Illinois, and Potawatomi Indians [by] David B. Stout*. New York: Garland Pub. Inc., 1974.

APPENDIX A: EVALUATION OF PETITIONER MEMBERSHIP LISTS

This preliminary evaluation is provided for reference only, due to the manner in which this information impacts “distinct community” (§ 83.7(b)). A full evaluation of Petitioner #146’s membership lists will be provided under criterion § 83.7(e) in an Amended Proposed Finding if the deficiencies in this Limited Proposed Finding are resolved.

The Petitioner provided the Department with membership lists dated in 2000, 2004, 2006, 2014, and 2022.

The 2000 membership list is the earliest such list provided to the Department. It is not known whether any earlier lists exist. In 2000, the Petitioner listed 563 members.

The next membership list that the Petitioner submitted, dated 2004, identifies a total of 628 members. This number includes 66 new members that did not appear on the 2000 list, and it excludes 1 member from the 2000 list that apparently relinquished their membership. This former member appears to be still living. Of the 66 new members, 2 were children born between 2000 and 2004, inclusive.

The Petitioner also submitted a membership list dated 2006. This list identifies a total of 601 members, including 6 new members, none of whom were children. The list excludes 33 members who had appeared on the 2004 list—with all but 3 also appearing on the 2000 list. Eleven of the 33 died prior to 2006, with four of them deceased prior to 2000. The remaining 22 appear to have relinquished their membership in the Petitioner; some have enrolled in federally recognized tribes.

The membership list provided in 2014 identifies a total of 541 members. This number includes 93 new members who do not appear on any earlier membership list, 24 of whom were under the age of 18 years (born since 1996, inclusive) but none of whom were born after 2006. Five of these 93 new members died prior to 2014, including 3 who died prior to 2006. The Petitioner has not explained their inclusion on the 2014 membership list despite their absence from earlier lists. One member did not appear on the 2006 membership list but did appear in 2000 and 2004. He died in 2004; the Petitioner has not explained his inclusion on this list. The 2014 membership list also excludes 21 members who died before 2014 and 133 members who were listed in 2006 but appear to have relinquished their membership.

Finally, the Petitioner submitted a new membership list in 2022. This list identified 527 members, including 55 members who did not appear on the 2014 membership list. Thirty-eight of these 55 members appeared on at least one membership list prior to 2014. The Petitioner has not explained the omission of these 38 from the 2014 membership. The remaining 17 have never appeared on an earlier membership list, and 10 of these 17 are children born after 2004. The list also excludes 69 members who appeared on the 2014 membership list: 44 former members now deceased and 25 former members who appear to have relinquished their membership. Of the 44

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

deceased members removed from this list, 27 were deceased prior to 2014, 9 were deceased prior to 2006, 5 were deceased prior to 2004, and 1 was deceased prior to 2000. The Petitioner has not explained the inclusion of these deceased individuals on past membership lists, prior to their removal from the current list.

In evaluating these membership lists, OFA has become aware of several discrepancies and deficiencies that raise questions about the integrity of the current (2022) membership list and, by extension, the composition of the Petitioner's claimed community.

First, the current membership includes 27 members whose addresses are presented as "Undeliverable." The Part 83 regulations require that the official membership list provide the "current residential address" for each member.

Second, OFA researchers were able to identify 27 deceased individuals still listed among the current members. Though four of these members died since January 1, 2021, the remaining 23 individuals died prior to that date, including 10 individuals who died prior to January 1, 2014. Some of the obituaries located for these 27 deceased individuals reported enrollment as a member in a federally recognized tribe but do not report membership in the Petitioner. It is possible that even more of the individuals listed on the current membership are now deceased but could not be identified as such, due to unknown married surnames, residence outside of Michigan, or other factors that hindered such identifications by OFA staff. As noted above, inclusion of deceased individuals on membership lists long past their dates of death has been a persistent problem.

Third, the dates of birth for 213 members are recorded inaccurately on the 2022 membership list, when compared with the dates of birth provided on the membership list or on documents in the membership files provided in 2014. A small number of these errors appear to have been simple data entry errors, but the vast majority of them varied from the accurate date by exactly four years and one day, insofar as the accurate dates were verifiable. The dates of birth of an additional 55 of the 2022 members could not be verified because the Petitioner did not provide birth records or membership files for these members.

Fourth, the Petitioner identified 156 members who are also enrolled in federally recognized tribes.⁴⁷⁸ In order to verify these numbers, the Department compared the membership list with the lists of enrolled members of six federally recognized tribes in Michigan: Grand Traverse Band of Ottawa and Chippewa Indians, Nottawaseppi Huron Band of the Potawatomi, Little River Band of Ottawa Indians, Little Traverse Bay Bands of Odawa Indians, Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan, and Pokagon Band of Potawatomi Indians. This comparison identified 151 members on the current Petitioner membership list who appear to be enrolled with these six tribes. These include just 60 of the members the Petitioner identified as

⁴⁷⁸ This number includes eight individuals identified as now deceased.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

“dually enrolled.” The remaining 88 members (not including eight deceased) that the Petitioner so identified were not confirmed as enrolled members of any of these six tribes. It is possible that some of these 88 members may be members of federally recognized tribes other than the six identified above. It is also possible that some of them may be enrolled members of these six tribes but could not be positively identified because of the inaccurate birth dates provided on the current membership list. Furthermore, 89 members (not including two deceased) that were not identified by the Petitioner as “dually enrolled” were found to be enrolled in one of these six federally recognized tribes. This raises additional questions about whether any members, whom the Petitioner did not identify as “dually enrolled,” may be enrolled in federally recognized tribes other than the six above. In conclusion, at least 149 members, or 29.8% of the 500 members not identified as deceased, are enrolled elsewhere. Due to the other issues mentioned above, this number may be as high as 237 members, or 47.4% of the 500 members. These issues sow doubt about the boundaries and composition of the Petitioner’s claimed community.

**APPENDIX B: MICHIGAN “GRAND RIVER” OTTAWA ORGANIZATIONS,
1948–2000**

This preliminary evaluation is provided for reference only, due to the manner in which this information impacts “distinct community” (83.7(b)). A full evaluation of these political organizations and their activities will be provided under criterion § 83.7(c) in an Amended Proposed Finding if the deficiencies in this Limited Proposed Finding are resolved.

GRAND RIVER BANDS OF OTTAWA INDIANS (PETITIONER #146)

Date Established: Transition from Grand River Bands of Ottawa Indians, Inc., to current Petitioner is unclear. Last recorded meeting of “Board of Directors,” Oct. 21, 1996; first recorded meeting of “Tribal Council,” Apr. 14, 1997 (see Meeting Minutes Workpaper).

Base of Operations: Grand Rapids

Leadership: Ronald Yob (Chairman, 1997–2000); Gilbert “Chip” DiPiazza Jr. (Vice Chairman, 1997–2000); Frances Compo (Secretary, 1997–2000); Madelyn Murray (Treasurer, 1997–99); Patsy Beatty (Councilor, 1998–99; Treasurer, 2000); Larry Plamondon (Councilor, 1998–2000); Patrick D. Wilson (Councilor, 1998–2000); Anna Detz (Councilor, 1999–2000); Philip Cantu (Councilor, 2000)

Membership/Meeting Attendance Numbers (Selected): *See Appendix A for analysis of membership lists, 2000–2022.*

GRAND RIVER BANDS OF OTTAWA INDIANS, INC. (GRBOI)

Date Established: Unknown. July 29, 1994, letter requesting “Federal recognition by the United States Government” sent to AS–IA Ada Deer by Ron Yob, Chairperson, on GRBOI letterhead. Earliest meeting minutes, Mar. 9, 1995 (Minutes).

Date of Last Known Activity: Last recorded meeting of “Board of Directors,” Oct. 21, 1996 (Minutes).

Base of Operations: Grand Rapids

Leadership: Ronald Yob (Chairman, 1994–96); Gilbert “Chip” DiPiazza Jr. (Vice Chairman, 1996); Frances Compo (Secretary, 1995–96)

Miscellaneous Notes: Transition from Grand River Bands of Ottawa Indians, Inc., to current Petitioner is unclear. (See Meeting Minutes Workpaper).

“Recap of Mtg w/ Joe Genia, Ron & Fran” (Meeting Minutes, Mar. 9, 1995). NOTE: This suggests that Ron [Yob] and Fran [Compo] met with Joe Genia as a representative of some other independent organization or interest.

GRAND RIVER OTTAWA COUNCIL

Date Established: Unknown. Oct. 16, 1994, Letter of Intent from Joseph Genia, Chairman, dated. Nov. 7, 1994, Letter of Intent (LOI) signed and certified by Council members.

Date of Last Known Activity: May 11, 1995, Meeting held.

Base of Operations: Muskegon (1994, LOI)

Leadership: Joseph Genia (Chairman, 1994–95); Marie Cantu (Secretary, 1994); Gerald R. Battice (Council Member, 1994); Philo Garza (Council Member, 1994); Rose Shalifoe (Council Member, 1994); Emily Smith (Council Member, 1994); Joyce C. Genia (Council Member, 1994); Patsy Beatty (Council Member, 1994); William Stone Jr. (Member, 1995)

Membership/Meeting Attendance Numbers (Selected): No membership known beyond leaders identified above. See below for notes on meeting with other organizations.

Miscellaneous Notes: “Meeting between Oceana County (Jerry Battice) and Muskegon County (Joe Genia) representatives,” Oct. 5, 1994, Shelby, Oceana County: “Joe continued in his explanation to iterate the need for all Grand River people, organizations, corporations, tribal centers, etc. to work together as a unit for the good of all the Grand River Band people. / (Of course, everyone has the needs of their own membership uppermost in their minds, but the needs of the whole is primary at this point in establishing first the Federal Acknowledgment of Grand River Band and then the needs of each group and individual can better be addressed.) . . . / A future meeting is to be decided upon at a later date. . . . This is a meeting in a series of meetings to be held at varied sites in order to FORMULATE A COMMITTEE to work on the Primary Objective of FEDERAL RECOGNITION FOR GRAND RIVER BAND OF OTTAWA. / It was agreed upon that everyone needs to put aside anything that would stand in the way of the pursuit of Federal Recognition and work together for the good of all, in a good way, if anything at all is to be accomplished. It was agreed upon that it can be done if we work together, but the Federal Government will certainly find the negative things that they will be looking for if there are other Grand River Band people claiming to represent Grand River Band and the Federal Recognition could be lost forever if a joint effort is not the course pursued. / It was also agreed upon that representatives from each community need to be involved (Kent County, Muskegon County, Oceana County, and Ottawa County) in order to formulate this committee. This shall be pursued first and foremost.” NOTE: It is not certain that this meeting was held under the authority of Genia’s position as Chairman of the Grand River Ottawa Council or in his own right. It cannot be determined whether this organization yet existed, though the LOI was submitted approximately one month later.

Meeting, May 11, 1995: Attendees included representatives of Oceana County Inter-Tribal Council; Grand River Band of Ottawa Indians, Inc., Grand Rapids; Grand River Band Ottawa Council, Muskegon; N.M.O.A., Muskegon; Indian Outreach Workers; Michigan Indian Legal Services. “Joe made an explanatory statement of Federal Policy whereas he was told that the GRB Council is in a ‘gray area,’ not being identifiable as a group. We are, however, coming from an area of ‘pure sovereignty’ in that we are connected to each other in

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

a familial way as is the traditional way. Traditionally it has been families who sent spokespersons to speak on behalf of extended family members. As we move into Federal Recognition, he went on, our government as Ottawa people will change . . . b) We must identify our members (enrollment is priority initially), c) have a concept of where GRB want to go and d) convince the Federal and State bureaucrats of who we are by functioning as the entity that we are. We must: 1) make sure we have local Councils and identify the individuals representing each community. 2) contact the Probate Courts and I.O.W.'s to make certain they are aware of the existence community GRB councils" (Minutes, May 11, 1995). NOTE: The minutes make clear that the attendees represented several independent organizations, with a goal of coming together under one umbrella subsequent to this meeting.

See also, Grand River Band of Ottawa Indians, Inc. (GRBOI), Minutes, Mar. 9, 1995.

Despite the efforts of Mr. Genia seemingly being instrumental in the construction of Petitioner #146, including the submission of the Letter of Intent by this group, there is little in the record concerning the Grand River Ottawa Council's operations. The evidence suggests that this "Council" may not have had any membership or activities beyond the individuals who signed the LOI, and the meetings summarized here. Some of the signatories to the LOI appear to have never applied for membership in the Petitioner itself.

GRAND RIVER BAND OF THE OTTAWA TRIBE OF MICHIGAN

Date Established: Unknown. June 8, 1987, letter sent to Bureau of Indian Affairs by Henry L. Negake.

Date of Last Known Activity: September 26, 1994, Letter of Intent sent to AS-IA, signed by Henry L. Negake.

Base of Operations: Grand Rapids

Method of Determining Leadership: Elections held at Annual Meetings (usually held in June)

Leadership: Henry L. Negake (Chief, 1987, 1994).

Miscellaneous Notes: From Negake, letter to Mr. Alvin Picotte, Superintendent, Michigan Agency, B.I.A., June 8, 1987: "Present activities include the preparation of a roll of tribal members, and your assistance is requested in this endeavor. / The most recent list of Grand River Band descendents [*sic*] is the Docket 40 K payroll, and it is felt that this payroll would be of immense help in contacting potential enrollees."

From Negake, letter to AS-IA, Attn: Branch of Acknowledgment and Research, Sep. 2, 1994: "Grand River Band reorganization and the formation of the Tribal Council begin with this letter. Numbering nearly six thousand today, the majority residing within the immediate vicinity of our ancestral [*sic*] homelands along the Grand River, including the cities of Lansing and Grand Rapids, we GRB descendants nonetheless [*sic*] lack the [financial] resources to begin our own reorganization, a situation that merits immediate remedy. [NOTE: the square brackets around "[financial]" appear in original and do not indicate editorial amendments.] / In consideration of the welfare of the people of the Grand River Band of the

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Ottawa Tribe of Michigan, this Chief prays that the Administration and the Congress will act without delay in the procurement of emergency funds to initiate our reorganization and expedite the establishment of our Tribal Government.”

The record does not provide any additional information relating to this group other than the two letters mentioned here. This evidence suggests that Henry L. Negake was the “Chief” of a group that had no other Tribal Government or membership at the time of these letters.

NORTHERN MICHIGAN OTTAWA ASSOCIATION

Date Established: Jun. 5, 1948.

Date of Last Known Activity: ca. 2000 (Newspaper notices located announcing Annual Meetings). Petitioner provided no evidence after ca. 1988.

Base of Operations: Petoskey, Emmet County

Method of Determining Leadership: Elections held at Annual Meetings (usually held in June)

Leadership: Robert Dominic (President, 1948–74; “Council officer,” 1951); Waunetta G. Dominic (Secretary, 1948–74; “Council officer,” 1951; President, 1976–81); Jonas Shawandosa (Vice-President, 1948); John Ance (Treasurer, 1948); Andrew Wasaquam (Interpreter, 1948); Levi McClellan (Counselor, 1948); Grace Mulholland (Counselor, 1948, 1958, 1971); James L. Smith (“Council officer,” 1951; Vice-President, 1952–58; Counselor, 1971); Joseph Kishigo Jr. (Treasurer, 1952–57); Anthony Chingman Sr. (Interpreter, 1952–87); Moses Paul Kagegechiwan (Counselor, 1952–54); Lewis Church (Counselor, 1952–54); John Chingman (Counselor, 1954); Joshua Shagonaby (Counselor, 1954); Ann Smith (Treasurer, 1958, 1971, 1973–74, 1977–82); Sam Leo (Counselor, 1958); Trombly John Wakefield (Vice-President, 1971); Arthur Markham (Counselor, 1971); Stephen Shomin (Counselor, 1971; Vice-President, 1973–81; President, 1982); Carol Bennett (Counselor, 1973–76); Nathaniel Smith (Counselor, 1973); John Cantu (Counselor, 1973–80); Warren Petoskey (Counselor, 1973); Paul Johnson (Counselor, 1974, 1976); Gladys Laws (Counselor, 1974; Secretary, 1976–78; Counselor, 1979–88); Joe John (Counselor, 1976–84); Don Davenport (Counselor, 1976–83); Pauline Barber (Counselor, 1976–78; Secretary, 1979–85; Counselor, 1987); Joe Genia (Vice-President, 1982; President, 1982–85); Tom Peters (Vice-President, 1982–83); Margo Kalilimoku (Counselor, 1982); Arlene Noganosh (Treasurer, 1982–83); Paul Shomin (Counselor, 1982–83); Louis Koon (Vice-President, 1983–85); Peggy Hemenway (Treasurer, 1983); Beta Genia (Counselor, 1983–84); Debbie Wiatroluk (Counselor, 1983–84); Esther Koon (Secretary, 1985); Marie Cantu (Treasurer, 1984–85); Yvonne Walker (Counselor, 1984–85); Theresa Wix (Counselor, 1984–85); Annie Green (Counselor, 1984–85, 1987); Robert Stone (Counselor, 1985); Harold Battice (Counselor, 1985); Margaret Chandler (Counselor, 1985); Percy Campeau (President, 1987–88); Henry Negake (Vice-President, 1987–88; President, 1988); June Dart (Secretary, 1987–88); Linda Maxim (Counselor, 1987); Warren Petoskey [Jr.] (Counselor, 1987); Anna Crampton (Counselor, 1987); Vern Williams (Counselor, 1987–88); Jim Brunk (Sgt-at-Arms,

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

1987); Charles Fisher (Vice-President, 1988); Mary Hammond (Secretary, 1988); Carol Bennett (Treasurer, 1988); Robert Dominic [Jr.] (President, 1988); Rose Starchief (Treasurer, 1987; Vice-President, 1988)

Membership Requirements: Active Member “[s]hall be either sex whose eligible name or eligible ancestor’s name appears on the Ottawa-Chippewa Durant Roll of 1908[;] . . . 1/4 or more Ottawa &/or Chippewa Indian Blood, which has been certified.” (C&B (1948), Art. II, Sec. 1).

Miscellaneous Notes: Meeting minutes and record of election results are unclear as to who was elected/served in certain positions in 1987–88 (see Meeting Minutes Workpaper).

UNIT #4, NORTHERN MICHIGAN OTTAWA ASSOCIATION

Date Established: ca. 1950–51

Date of Last Known Activity:

Base of Operations: Grand Rapids

Leadership: Joshua Shagonaby (1951); Veredith Flynn (1952); Joe John (Chairperson, 1985); Mike Dominic (Vice Chairperson, 1985); Jeanette St. Clair (Secretary, 1985)

UNIT #5, NORTHERN MICHIGAN OTTAWA ASSOCIATION

Date Established: ca. 1950–51

Base of Operations: Muskegon

Method of Determining Leadership: Election.

Leadership: John Chingman (1951–52); Peter Stone (Chairman, 1965); John Cantu (Chairman, 1970, 1974); Veronica Burrows (Chairman, 1987)

UNIT #7, NORTHERN MICHIGAN OTTAWA ASSOCIATION

Date Established: Prior to Oct. 13, 1956 (Meeting Minutes)

Base of Operations: Ludington, Mason County/Manistee, Manistee County

Leadership: Jacob Wabindato (Chairman, 1956); Katherine Skocelas (Treasurer, 1956–57); Albert Micko (Chairman, 1957); Margaret Chandler (Vice-Chairman, 1957); Anna Bailey (Secretary, 1957); Nicholas Bailey (Counselor, 1957); Jerry Bailey (Counselor, 1957)

GRAND RIVER BANDS DESCENDANTS COMMITTEE, NORTHERN MICHIGAN OTTAWA ASSOCIATION, ALSO “SPECIAL GRAND RIVER COMMITTEE,” “GRAND RIVER BAND OF

OTTAWAS DESCENDANTS COMMITTEE,” “GRAND RIVER OTTAWA INDIANS OF MICHIGAN COMMITTEE,” “GRAND RIVER COMMITTEE,” ETC.

Date Established: ca. 1965.

Date of Last Known Activity: ca. 1979. *See also* Ottawa and Chippewa Descendants Committee, Northern Michigan Ottawa Association.

Method of Determining Leadership: “5 man board recently appointed by Pres. Robert Dominic” (NMOA/Unit 5, Meeting minutes, Oct. 10, 1965).

Leadership: Francis Wakefield (Chairman, 1965, 1970); William Hennessy (1965, 1970–72); Nicholas Bailey (1965, 1970); June Gardner (1965, 1970–72); Peter Stone (1965); Albert Micko (1970, 1972); Rose Shalifoe (1970–72); Arthur Markham (1971); Anthony Chingman (1971–72); John Cantu (1971–72); Nick Bailey (1972); Gladys Laws (1972); Carol Bennett (1972); Waunetta Dominic (Claims Representative, 1971–72)

Miscellaneous Notes: “Francis [Wakefield] told of the reason for our meeting and why the 5 man board was set up. The board was appointed to take care of any matters arising on the Grand River Claim (1821). And the meetings were called specifically for the Grand River Indians since the claim pertains to them only. / The question was asked how we felt about starting any projects, such as other tribes have done in the past. and a vote was taken. It was unanimous on an equal per capita share and not have any projects.” (NMOA/Unit 5, Meeting minutes, Oct. 10, 1965).

“Mr. [Rodney] Edwards explained to the group that the Indians in the Grand River band should not be treated as the BIA had treated other Indian groups since they were dealing with a different group of Indians and that even though they were not registered as a band before 1945 they are now and that they have been organized as such and should be dealt as such. They could not go along with just anyone saying he was Grand River Indian without being able to prove so, that is the request of the organized group to limit the claims to those who were 1/4 blood Grand River.” (Meeting minutes, Mar. 18, 1972).

“After payment of docket 40K in 1979, the Grand River Band descendant group committee was merged into the O&C desc. Group, as they were already paid and their job was complete as far as the docket 40K went. But their ancestors were moved from Grand River territory and re-established into Northern counties, thereby making them parties to the 1836 treaty (claim) also.” (NMOA, Executive Council, Meeting minutes, Dec. 5, 1987).

MICHIGAN OTTAWA/ CHIPPEWA DESCENDANTS COMMITTEE OF NON-RESERVATION INDIANS, NORTHERN MICHIGAN OTTAWA ASSOCIATION; ALSO “THE 1836 DESCENDANTS COMMITTEE” (1973); “MICHIGAN OTTAWA AND CHIPPEWA DESCENDANTS COMMITTEE OF NON-

**RESERVATION INDIANS AS REFERRED TO IN DOCKET 58—OTTAWA AND CHIPPEWA” (1982);
“OTTAWA AND CHIPPEWA NATION OF MICHIGAN (DESCENDENTS [sic] COMMITTEE)” (1984)**

Date Established: Jan. 20, 1973, earliest known meeting.

Date of Last Known Activity: ca. 1987–88. Activities of this committee are difficult to distinguish from activities of Michigan Ottawa and Chippewa Descendants Group, Inc. (est. 1985). Petitioner did not submit evidence pertaining to NMOA after ca. 1988.

Method of Determining Leadership: Appointment, 1973–82; Election, after 1982.

Leadership/Membership: Albert Micko (1973); Alvina Anderson (1973, 1979); Ann[ie] Green (1973, 1979, 1984); Ann Smith (1973, 1979, 1982); Anthony Chingman (1973, 1979, 1982, 1984–85); Archie Kiogima (1973, 1979); Darlene Brown (1973, 1979); Esther McMillan (1973, 1979); Gerald D. Rickley (1973, 1979); Gladys M. Laws (1973, 1979, 1982, 1984); Isaac Peters (1973, 1979); James Green (1973, 1979); Jay L. Harrington (1973, 1979, 1984); John Cantu (1973, 1979); June A. Gardner / Dart (1973, 1979, 1982, 1984); Nathaniel F. Smith Jr. (1973, 1979); Paul Johnson (1973, 1979); Pauline E. Barber (1973, 1979, 1982, 1984–85); Robert Dominic (1973); Rose Shalifoe (1973, 1979, 1982, 1985); Stephen Shomin (1973, 1979, 1982, 1984); Warren F. Petoskey (1973, 1979, 1982); Waunetta Dominic (1973, 1979); Esther Koon (1978–79, 1985); Jeannette St. Clair (1978–79); Joe John (1978–79, 1982); Timothy Carey (1978–79); David Dominic (Chairman, 1982); Carol Bennett (1982); Margaret Chandler (1982, 1984–85); Nicholas Bailey (1982); Joe Genia (1984–85); Louis Koon (1984–85); Victor Kishego (1984); Frank Shomin (1985); Joyce Genia (1985)

Miscellaneous Notes: Resolution #127: “. . . THEREFORE BE IT RESOLVED, that the Chairman and Secretary of the Michigan Ottawa and Chippewa Descendants Committee of Non-Reservation Indians as Referred to in Docket No. 58 – Ottawa and Chippewa Claims be hereby authorized to act for and on behalf of the Ottawa and Chippewa Indians of Michigan who are heirs to the aforesaid judgment fund accruing from the 1836 Treaty to contract for legal and advisory services of James R. Fitzharris.” (25th Annual Tribal Council Meeting, Minutes, Jun. 23, 1973).

“1836 Claim report by Waunetta Dominic. . . . Gladys Laws read the original ‘Michigan Ottawa/Chippewa Descendents [sic] Committee of Non-Reservation Indians’—Steve Shomin, Ann Smith, Warren Petoskey, June Gardner, Jay Harrington, Gladys Laws, Pauline Barber, Nat Smith, Isaac Peters, Darlene Brown, Gerald Rickley, Ann Green, James Green, Esther McMillan, Archie Kiogima, Tony Chingman Sr., Waunetta Dominic, Rose Shalifoe, John Cantu, Alvina Anderson, Paul Johnson, and those who passed away—Albert Micko and Robert Dominic. . . . Waunetta Dominic appointed the following for the Descendant’s Committee—Joe John, Mrs. Louie Koon, Jennette Sinclair and Timothy Carey. She suggested that if a person would like to appoint someone to the Descendant’s Committee that they can put in writing and send it to W. Dominic.” (Minutes, Jun. 23, 1979).

“Dave Dominic was nominated by Steve Shomin to be the Chairman of the Descendant’s [sic] Committee, seconded by Gladys Laws. By Hand Vote – approved by the Descendant’s

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

[sic] Committee.” / “New members added to the Committee are: David Dominic, Chairman, Joe Genia, Lois [sic] Koon, Joyce Genia, Marie Shanaquet, Frank Shomin, Gregory Fox, Victor Kishigo, Margo Kalimoku, Margaret Chandler and Janice Beckhorn, who is replacing Esther McMillan. Other persons who are no longer on the committee is Alvina Anderson, who joined the Grand Traverse Reservation and those who passed away: Robert Dominic, Waunetta Dominic, Willard Lambert, Sr., and Albert Micko.” (Minutes, Jan. 31, 1982).

OCEANA COUNTY INTER-TRIBAL COUNCIL; FORMERLY NATIVE AMERICAN INDIANS UNITED, INC. (1981–1987); NATIVE AMERICANS IN UNITY, INC. (1987–1990)

Date Established: Nov. 24, 1981, Articles of Incorporation (AOI) signed.

Date of Last Known Activity: Most Recent Annual Report, 2005; Dissolved Oct. 1, 2008 (Michigan Dept. of Licensing and Regulatory Affairs, Corporations Online Filing System).

Base of Operations: Ludington, Mason County (1981, AOI); Pentwater, Oceana County (1990).

Method of Determining Leadership: Election.

Leadership: *Records incomplete, compiled from available record.* Isaac Battice (Director, 1981); Larry Demmon (Director, 1981); Mary Meza (Director, 1981; Secretary, 1992); BJ Stong / Dayton / Rivera (Resident Agent, 1981–87; Chairman/President, 1990–93); Percy L. Campeau (President, 1987; Resident Agent, 1988); Elizabeth Gibson (Treasurer, 1992); Sally Jobes (Vice Chairman, 1993); Linda Cory (Treasurer, 1993); Patsy A. Beatty (President, 1995–97); Rosemary Smith (Vice President, 1995; Director, 1997); Linda Andre (Secretary, 1995); Linda Hill (Treasurer, 1995); Emily Smith (Vice President, 1997); Robin Dodge Mangold (Secretary/Treasurer, 1997); Elsie Burmeister (Director, 1997); Gerald Battice (Director, 1997).

Membership Requirements: Unspecified.

Miscellaneous Notes: *Purposes for which the corporation is organized:* “Native American Indians United shall serve to better meet the needs of the total Indian population by coordinating available funding and the needs of the Indian population; by providing a communication network for information to be dispensed to and among the Indian population; to advise and consult with federal, non-federal, public and private agencies on all aspects of Indian affairs; to raise, obtain, hold, disperse, accept, manage and monitor funds for the fulfillment of the purposes of this corporation and all needs of the Indian population incident thereto; to serve as a clearing house for coordinating funding requests and all needs from the Indian population; to seek and obtain Indian representation in all federal agencies, branches, and entities; to monitor all federal, non-federal, public and private programs relating to in any way the Indian population, and to do all such further work as shall be beneficial to the Indian Community.” (AOI)

Articles of Incorporation amended to change name to Native Americans In Unity, Inc., Jul. 22, 1987.

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

Change of Registered Office filed; name changed to Oceana County Inter-Tribal Council; address changed to Pentwater, Apr. 26, 1990.

Articles of Incorporation amended to change name to Oceana County Inter-Tribal Council, Jun. 1, 1993.

Purpose and activities of the corporation: “Monthly meetings in order to accept & dispense funds for the Native American community & to provide cultural activities to help preserve & share w[ith] the public our Native American Heritage” (MI Annual Report, Nonprofit Corporations, 1995).

MASON/OCEANA COUNTY GRAND RIVER BANDS OF OTTAWA

Date Established / Date of Last Known Activity: Unknown. Only activity in record is meeting held Dec. 14, 1995.

Base of Operations: Unknown, likely Oceana County.

Method of Determining Leadership: Unknown.

Leadership: Unknown. Sole meeting attendance comprised the following individuals—Emily Smith, Rhonda Smith, Tasha Smith, Roma Battice, B.J. Rivera, Patsy Beatty.

Membership Requirements: Unknown.

Membership/Meeting Attendance Numbers (Selected): 6 attendees (1995).

Miscellaneous Notes: Most of the attendees were related (Smith, Battice) and all were involved with Oceana County Inter-Tribal Council. OCITC business also discussed during meeting. It is likely that this meeting represented a subset of members of OCITC with descent from historic Grand River-area peoples.

“Discussion regarding this being a meeting called of Mason/Oceana GRB to discuss the most urgent community needs of the Anishnabe community.” (Meeting minutes, Dec. 14, 1995).

GRAND RIVER BANDS OF OTTAWA NATION[S], INC. (GRBON)

Date Established: Aug. 11, 1969, Articles of Incorporation signed.

Date of Last Known Activity: Sep. 18, 1984, “M[eeeting] cancelled – no quorum” (no further minutes submitted); Sep. 30, 1986, Annual Report signed; Oct. 1, 1989, “this corporation was automatically dissolved . . . pursuant to the provisions of Section 922, Act 12, Public Acts of 1982, as amended.”

Base of Operations: Hart, Oceana County (1969, AOI)

Leadership: Harry Ance (Incorporator, 1969); Donald Crampton (Incorporator, 1969); Mitchell Battice (Incorporator, 1969); F. Douglas Pierson (Incorporator, 1969); Henry Lewis (Resident Agent, 1969); George H. Pego (Director, 1969); Elizabeth Chingman (Director, 1969); Virginia Drollinger (Director, 1969); Jacob Lewis (Director, 1969); Isaac Battice (Director, 1969); Robert F. Lewis (President/Chairman, 1974, 1981, 1984–86); Larry Demmon (Vice-Chairman, 1981; Secretary, 1985–86); Emily Smith (Secretary-Treasurer,

Grand River Bands of Ottawa Indians (Petitioner #146) Proposed Finding

1981; Secretary, 1984; Vice President/Treasurer, 1985–86); Anthony Plato/Playto (Director, 1984–86); Gerald Compeau (Resident Agent, 1985–86)

Membership Requirements: “Membership will be limited to the decendants [*sic*] of the nineteen (19) Principle families of the Grand River Bands of the Ottawa Tribe as determined by the ‘Durant Roll,’ 18 yrs. of age and over” (AOI). “A motion was made that we give enrollment cards to any Indian who has participated in activities or given donations. Motion passed.” (Minutes, Aug. 11, 1973).

Miscellaneous Notes: *Purposes of the corporation:* “To preserve the cultural crafts & rites, to promote social, economic & political organization, to promote harmony among the Ottawa, Chippewa & Pottawamie [*sic*] Tribes” (1985 Michigan Annual Report – Nonprofit Corporations).

GRAND RIVER BANDS NON-PROFIT HOUSING CORPORATION

Date Established: Mar. 3, 1970, Articles of Incorporation (AOI) signed.

Base of Operations: Muskegon, Muskegon County (1970, AOI)

Leadership: Mitchell J. Battice (Incorporator, 1970); Gordon Haven (Incorporator, 1970); Francis E. Cogswell (Incorporator, 1970); Frances K. Smith (Incorporator, 1970); Douglas F. Pierson (Incorporator/Resident Agent, 1970); Carl Christensen (Board of Directors, 1970); Linda Keuchen (Board of Directors, 1970); Leon Smith (Board of Directors, 1970); Mel Holtz (Board of Directors, 1970); “Mrs. Mitchell” Battice (Board of Directors, 1970); Clyde Lombard (Board of Directors, 1970)

Miscellaneous Notes: Incorporated under the parent corporation, Grand River Bands of Ottawa Nation, Inc.

MICHIGAN OTTAWA AND CHIPPEWA DESCENDANTS GROUP, INC.; ALSO MICHIGAN OTTAWA AND CHIPPEWA DESCENDANTS GROUP OF NON-RESERVATION INDIANS AS REFERRED TO IN DOCKET 58 (1985)

Date Established: Oct. 2, 1985, Meeting held; Apr. 8, 1986, Incorporation Date.

Date of Last Known Activity: Jul. 16, 1987, Meeting held “[a]t June’s After cancelled court Date.”

Base of Operations: Grand Rapids (1985–86)

Method of Determining Leadership: Unspecified.

Leadership: June A. Gardner / Dart (“Grand River Committeemember of Ottawa & Chippewa Descendants Group Committee,” 1985; Resident Agent, 1986)

Membership Requirements: “If you are NOT a member of either the Bay Mills Indian Community, Sault Ste Marie Band of Chippewas or the Grand Traverse Band of Ottawas (later group, that being living within the five county area), then you automatically fall into the Ottawa & Chippewa descendants group (thereby not being left out). That is if you are at least 1/4 Ottawa/Chippewa blood, can find your ancestors on the Durant Roll, 1870 etc. &

you have not signed up with any other tribe of Michigan for payment” (June A. (Gardner) Dart, “Ottawa & Chippewa descendants group Announcement,” May 27, 1987).

Miscellaneous Notes: NOTE: This organization functioned separately from the Descendants committees organized under NMOA. Meeting minutes identify different leadership, attendees otherwise unassociated with NMOA at the time, etc. The 1986 Annual Report is not signed and it is not certain whether Report was filed. June (Gardner) Dart is the only person named on any of the corporate documentation provided by the Petitioner.

Meeting announcement for Oct. 2, 1985, meeting notes that June Dart was “Grand River Committeemember of Ottawa & Chippewa Descendants Group Committee and Coordinator of this meeting” (emphasis in original).

“[Mr. Negake] feels its very important to become a strong group that works together. The Grand River Band of Ottawa Indians needs to become reorganized. He also feels its necessary to become members of the Northern Michigan Ottawa Association, this way we are insured we have a proper say and vote.” (Minutes, Mar. 1, 1986).

“This is not a meeting of the Ottawa/Chippewa Descendants Group. Judge Benson, by court order is not allowing us to use this name. We are a group of Indians meeting to discuss our Indian money. We are designated as Descendants Group in Docket 58.” This meeting was led by “Chief Henry Negake” (Minutes, Jul. 10, 1987).

“I was alone in my effort to find out just what the PEOPLE wanted. Linda Maxim, my mother’s half-sister stepped out and helped me and then Henry Negake, her brother also came back from California to join in and help. . . . WE BELIEVED THAT FROM THIS DAY FORWARD THE OTTAWA AND CHIPPEWA DESCENDANTS GROUP SHOULD BE SEPERATE [*sic*] FROM THE NORTHERN MICHIGAN OTTAWA ASSOCIATION. We sent notices all over advertising the election of officers of the Ottawa & Chippewa descendants group. In 1986 this new group of officers were elected. In 1987 they were re-elected. In 1988 new officers were elected with myself as president, Veronica Burrows as vice president, Mary Hammond as secretary & Rose Starchief as treasurer & counselors from various areas.” (June Dart, “To the Ottawa & Chippewa descendants group membership and NMOA Executive Council and the General Membership,” Sep. 22, 1988).