

Summary Under the Criteria and Evidence for
Final Determination against Federal Acknowledgment

of the

Miami Nation of Indians of the
State of Indiana, Inc.

Prepared in response to a petition submitted
to the Assistant Secretary of the Interior
for Indian Affairs for Federal acknowledgment
that this group exists as an Indian Tribe.

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Assistant Secretary - Indian Affairs

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EVALUATION UNDER 25 CFR 83

Intent of the Acknowledgment Regulations

The Federal government has an obligation to protect and preserve the inherent sovereign rights of all Indian tribes, whether a tribe has been recognized in the past or not. The regulations governing the Acknowledgment process (25 CFR 83) state the requirements that unrecognized groups must meet to be acknowledged as having a government-to-government relationship with the United States.

The legal and policy precedents for acknowledgment are codified in the regulations. These precedents also provide the fundamental bases for interpreting the regulations. The acknowledgment criteria are based on and consistent with past determinations of tribal existence by Congress, the courts, and the Executive Branch. These past determinations have required that to be acknowledged as having tribal status a group must have maintained its social solidarity and distinctness and exercised political influence or authority throughout history until the present.

As briefly stated by the Supreme Court in 1901 in Montoya v. United States (180 U.S. 261), "By a 'tribe' we understand a body of Indians of the same or similar race, united in a community under one leadership or government, and inhabiting a particular though sometimes ill-defined territory." The criteria used by the Interior Department between 1934 and 1978 to recognize tribes are summarized in the 1942 Handbook of Federal Indian Law, by Felix Cohen, and are commonly referred to as the "Cohen criteria." These codified Executive Branch practice as well as judicial and legislative precedents. One of these criteria required that a group have "exercised political authority over its members through a tribal council or other governmental forms" (Cohen 1942, 171). A supplementary consideration was the "social solidarity of the group." The Cohen criteria also considered previous Federal recognition, e.g., treaty relations, executive orders, Congressional acts, or other actions.

Fundamental to the definition of a tribe is the nature of tribal membership. The Department has long held that an Indian tribe is an entity whose members maintain a bilateral political relationship with the tribe. The courts have supported this interpretation, most recently in a March 13, 1992 decision in Masayesva v. Zah v. James (CIV 74-842 PHX EHC, CIV 90-666 PCT EHC, consolidated, D. Ariz.).

The preamble to the Acknowledgment regulations, published in 1978, indicated their intent by stating that "groups of descendants will not be acknowledged solely on a racial basis. Maintenance of tribal relations--a political relationship--is essential" (Bureau of Indian Affairs 1978).

The review of petitions for acknowledgment must balance the fundamental requirements of the regulations with the effect of historical influences on, and changes in, past and present Indian society. Unrecognized tribes often face limitations which differ from those of recognized tribes, such as lack of resources, difficulty maintaining a separate land base, and absence of Federal support for political institutions. Although these historical and social conditions may have made it difficult for some unrecognized groups to meet the requirements of criteria b and c, the regulations require that petitioners maintain a significant level of community and political influence or authority in order to be federally acknowledged as entitled to a government-to-government relationship.

Proposed Finding Summary

The July 19, 1990, proposed finding against acknowledgment of the Miami Nation (Indiana Miami) determined that the Miami fully met five of the seven acknowledgment criteria. The Miami had been identified as an Indian entity throughout their history until the present (criterion a) and the members were all descended from the historic Miami tribe (criterion e). In addition, the Miami met criterion d (having a governing document), criterion f (not being members of an already recognized tribe) and criterion g (not being subject to legislation terminating or forbidding a Federal relationship).

The Indiana Miami were determined to have met criterion b, maintenance of a social community distinct from non-Indians, continuously from early historic times until at least the 1940's, but evidence was not sufficient to demonstrate that the present-day community met the requirements of this criterion. The Miami also met the requirements of criterion c, exercise of tribal political authority, until the early 1940's, but the proposed finding concluded that tribal political processes involving leaders or organizations with a broad following on issues of significance to the overall Miami membership did not exist after the early 1940's, and, therefore, the Indian Miami did not meet the requirements of criterion c.

Determination Under 25 CFR Section 83.7

Introduction

The July 19, 1990, proposed finding concluded that the Indiana Miami met criterion a, d, e, f and g. No evidence was submitted to refute the finding concerning these criteria. Therefore, only the requirements of criteria b (community) and c (tribal political authority) and the evidence concerning them are discussed here.

The present Miami petitioner demonstrates continuity with the historic tribe but is greatly changed in character. The ancestry of the group has clearly been established as descending from the historic tribe, and the Miami have been identified as an Indian entity throughout their history until the present. Some degree of social contact among the membership has been maintained throughout Miami history, but the remaining extent of social interaction and social ties among members has become reduced to a low level. Some form of leadership and/or organization representing the Miami has existed continually throughout the group's history, but after the early 1940's this became so greatly diminished that significant political processes no longer existed.

Determination Concerning Criterion B - Community

25 CFR §83.7(b): Evidence that a substantial portion of the petitioning group inhabits a specific area or lives in a community viewed as American Indian and distinct from other populations in the area and that its members are descendants of an Indian tribe which historically inhabited a specific area.

We find that social contact within the present-day Miami membership is extremely limited in degree and extent, and there is virtually no social distinction between Miami members and the non-Miamis with whom they interact. The Miami do not meet the intent of the regulations and the precedents underlying the regulations that to be acknowledged as a tribe a group must constitute a community which is distinct and whose members have significant social ties with each other. We conclude, therefore, that the Miami do not meet the requirements of criterion b.

Determination Concerning Criterion C - Tribal Political Influence or Authority

25 CFR §83.7(c): A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present.

The Indiana Miami maintained tribal political authority which meets the requirements of the regulations until the early 1940's. We find that the available evidence does not demonstrate that the Miamis in the period between the early 1940's and the late 1970's maintained political processes which meet the requirements of the regulations. We find further that the available evidence establishes that the present-day Miami do not meet the requirements of the regulations. We conclude, therefore, that the Indiana Miami have not met the requirements of the regulations.

There are no clearcut, significant examples of the exercise of political influence or authority among the Indiana Miami between the early 1940's and the late 1970's and exercise of such influence or authority was not demonstrated by alternate means. It was not demonstrated that claims, the primary activity of the Miami organizations between the early 1940's and 1979, was of more than nominal significance to the membership of the Miamis as a whole. The extent of involvement of most Miamis with the Miami organizations was too limited to meet the requirements of the regulations for a bilateral political relationship. The available evidence did not otherwise demonstrate that such a political relationship existed. The Miami in this period did not have close social connections with each other, hence communication concerning political matters and the exercise of informal political influence cannot be presumed to exist. The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general. There was also some evidence that cemetery protection was an issue of importance to a large portion of the membership and was addressed at various times in this period by the Miami organizations and their leaders. Overall, the evidence is not sufficient to establish that between the early 1940's and 1979 the Miamis maintained political processes which met the requirements of the regulations.

We find that although the present-day Miami organization

and its leadership has continuity with past processes exercising tribal political influence before the early 1940's, they no longer have a demonstrable political relationship with most of the membership they purportedly represent, and they do not act on matters which are of sufficient importance to the membership to meet the requirements of the regulations for the exercise of tribal political authority. Thus the present-day Miami do not meet the intent of the regulations and the precedents underlying the regulations in the following ways: the members do not maintain a bilateral political relationship with the tribe, and the leaders do not act on at least some matters which are of consequence to members or affect members' behavior in more than a minimal way.

Evaluation of Evidence Concerning Criterion B, Community

Requirements of Criterion B

To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that the members of the group as a whole are significantly connected with each other.

The intensity of social interaction and strength of relationships is not normally uniform within the membership of a tribe. It is not required that all of the membership maintain the same or even a strong degree of social cohesion. There may be a "social core" which has a high degree of social connectedness while the periphery of the membership has a lesser degree of connectedness. Characteristically, peripheral members have significant connection with the social core, although generally not with each other. It is essential to demonstrate that most of the peripheral individuals maintain social ties and interaction with the social core.

In addition, the regulations require that a tribe be a distinct community from other populations in the area. The members must maintain at least a minimal social distinction from non-members. This requires that they identify themselves as distinct and are identified as different by non-members of the group. However, the existence of only a minimal distinction provides no supporting evidence for the existence of social cohesion within the membership. Where a community exists, there characteristically are differences in the extent and nature of tribal community members' interaction with outsiders compared with their interaction with non-members of the community. For example, there may be limitations of and/or differences in their relationship with non-Indian relatives and their participation in non-Indian institutions such as schools and churches may also be limited or otherwise distinct from that of non-Indians.

Background

The proposed finding concluded that the Miami had constituted a community within the meaning of the regulations until at least the early 1940's. The proposed finding further concluded that the available evidence did not demonstrate that the Indiana Miami presently constituted a distinct community within which significant social interaction occurred and therefore the Indiana Miami did not meet the requirements of criterion b.

Although the finding concluded that it had not been demonstrated that the modern community met the requirements of criterion b, it did not reach a conclusion concerning a specific date or period after the early 1940's when the Miami first did not meet the requirements for community under criterion b. The proposed finding noted the diminishing character of Miami community after the early 1940's. It stated that the Miami did not meet the criterion for tribal political authority after the early 1940's in part because the "tribal membership...was by now much more widely dispersed geographically than in previous decades and...kinship ties with each other were now more diffuse" than in previous decades.

After the proposed finding, the petitioner was advised by letter and in meetings with their researchers that to meet the overall requirements of criterion b, their response to the proposed finding needed to demonstrate that the modern community met criterion b. They were advised that to demonstrate modern community most effectively, their response to the proposed finding should focus on the last ten years up to and including the present-day. They were

further advised that information concerning social cohesion after the early 1940's and before this ten-year period could provide important supporting evidence concerning the modern community.

The proposed finding found that the present Miami membership lacked two important characteristics which would have allowed a relatively easy demonstration of community--close intermarriage and exclusively Miami settlement areas. Marriage among the members of a group creates close, kinship-based social ties, which form the basis for a community. There were few close kinship ties linking the Miami membership because there had been virtually no intermarriage within the group beginning with the generation born between 1881 and 1907, and only a minority of the marriages in the generation previous to that were within the group. The Miami were geographically dispersed and there were no longer any settlement areas which were exclusively or almost exclusively occupied by Miamis. The residence of a significant portion of the membership in such distinct areas often reflects the existence of close social ties. Such proximity also provides the opportunity to maintain such ties. Conversely, broad geographical distribution such as in the Miami case makes the maintenance of community social ties more difficult and does not allow the presumption of such ties.

The extent of diminution of kinship ties and geographical dispersion of the present Miami membership results from trends which have existed since before 1900 and have continued until the present-day. The proposed finding's conclusion that the Miami met the requirements for community until at least the 1930's was based on the degree of closeness of kinship of the membership as it existed at that time. It was also based on the fact that many or most of the members of the group at that point in time had lived in distinct geographical areas in the past and retained ties on that basis. Interviews with older Miamis and interviews done in the past confirmed that the older generation in the 1930's had a significant amount of social contact deriving from social patterns of earlier decades. However, social contact among the members by the 1930's had nonetheless diminished in comparison to previous decades and has continued to diminish.

Discussion of Findings

The Miami membership at the time of the proposed finding was approximately 4400. Approximately 33 percent live within a core geographic area of five counties in

northeastern Indiana. Another 19 percent live elsewhere in Indiana, with the balance out of state. There are no distinct geographical areas which are exclusively or almost exclusively occupied by Miamis. Within the core geographic area, Miamis are most concentrated in several areas of the town of Peru, with about 500 Miamis within an area of several square miles.

The 4400 present members are descendants of the Miamis on Federal payment rolls of 1889 and 1895. These payment rolls are a reasonably accurate representation of the Indiana Miami community as it existed at the time. The present criteria for Miami membership only require that Miami ancestry be shown. There are no other requirements, such as maintenance of social contact, blood degree or residence. No council review or affirmation is required. Because of the way that membership is granted, inclusion on the membership list does not provide evidence one way or the other that the Miami membership forms a community which meets the requirements of criterion b.

Beginning with the generation of Miamis born after 1864, most marriages were with local non-Indians, with about 90 percent of the marriages of those born between 1881 and 1907 being with non-Indians. After that point, essentially all Miami marriages were outside the group. Thus although the group had previously been highly intermarried, the median generational depth to a common ancestor is now quite great. A family line is defined here as those having a common ancestor on the 1889/1895 payment rolls. The median generational distance to the common ancestor on the 1889/1895 rolls for individuals from the same family line is now about three generations, i.e., having a common great-grandfather. Although most of the Miamis not from the same line are related in some way, the generational depth to a common ancestor across family lines (between two Miamis not descended from the same ancestor on the 1895 roll) is now a minimum of three, and usually more, generations. Thus the Miami are so distantly related to each other that significant social ties cannot be assumed to exist solely on the basis of genealogical relationships.

The Miamis have become increasingly geographically dispersed as time has passed. In the 1840's, after removal, and throughout most the latter 19th century, the Miami formed several kinship-based communities living on separate but neighboring land bases east of Peru, Indiana. The Meshingomesia had lost almost all of their lands by 1900. All but a very small portion of the Godfroy and Bundy lands were lost by the end of the 1920's. Most Miamis initially moved to the nearby towns of Peru, Marion

and Wabash after losing their lands. Significant geographical dispersion beyond the core geographical area, which is itself 2200 square miles, began around 1910, although some had occurred earlier. Thus, much of the majority of the current membership has resided outside the core geographic area for more than a generation. As a consequence of these trends, the membership is now more widely dispersed, as well as more distantly linked by common kinship than it was in previous generations.

The Miamis no longer have social institutions or features of social organization which are important throughout the membership. In groups where these exist, they are strong evidence that significant social interaction and relationships exist within the community. Social institutions may include churches, clubs, and other organizations which are exclusively made up of group members. Features of social organization may include ceremonies and other religious activities practiced by the entire group, large kinship groups (wider than immediate families), patterns of economic cooperation, social distinctions based on geography, religion or other factors, and other divisions within the community such as factions. These social institutions and features of social organization form the basis for many of the important relationships that make up a society, and their existence is thus one way of showing the existence of a community. To be most strongly significant, these institutions, organizations or relationships should not be shared with non-members of the group (that is, non-members do not participate in them).

In the past, an important feature of Miami social organization was the division into five subgroups. These were derived from the division of the Miami in the 19th century into local communities based on kinship ties, with separate but neighboring lands. These subgroups continued to function for some time after the Miamis were no longer land-based. Though intermarriage between these subgroups was extensive in the 19th century, the subgroups were major social distinctions within the Miamis and the framework for much of the political process during the first part of the 20th century. The existence of the subgroups contributed to the proposed finding that criterion b had been met until at least the 1930's.

It could not be adequately determined for the proposed finding whether these subgroups continue to be a feature of social organization of the present-day group and therefore evidence of community existence. The small number of individuals active in various Miami organizations retain an orientation to the subgroups. It

could not be demonstrated, however, whether the membership as a whole has this orientation. Thus, it could not be demonstrated whether the subgroups are still a significant feature of social organization.

Based on the evidence available for the final determination, the importance of subgroups has diminished over time. Subgroups are not presently a basis for organizing social relationships among the members in general. They are of limited or no importance to most contemporary Miamis. While some individuals are strongly aware of historic subgroup affiliation, there was little evidence that others have more than a limited knowledge about the subgroups and some are unaware of which subgroup they would be classified in on the basis of genealogy.

There are no cultural differences between Miamis and non-Miamis now, and there have been no significant cultural differences for several generations. The existence of cultural differences, such as different ceremonies, belief systems or ways of organizing kinship relations, would have provided strong evidence for the maintenance of a high level of social relations within the Miami, although their absence does not provide evidence that a high level of social cohesion is absent.

Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require close kinship ties or a distinct territory occupied by a portion of the membership. It also does not require the demonstration of separate social institutions or the existence of significant cultural differences from non-Indians. In their absence, community can alternatively be shown by demonstrating that significant informal social relationships exist throughout the membership. Informal relationships may be used to demonstrate community if a systematic description can be provided showing that such social relationships are broadly maintained among the membership and that social interaction occurs with significant frequency. Informal social contacts, such as friendships, are often ones of social intimacy and consistency. In contrast, casual contacts are incidental, do not hold significance for the individual, and can easily be replaced. Informal relationships also contrast with those among members of a club, society or other organization. The social ties among members of such organizations are normally limited to relationships which derive from their common membership and participation in the organization. Social interaction occurs only in the context of meetings or other activities of the organization.

The limited data available for the proposed finding did not indicate that high levels of informal interaction and social relationships occur extensively among the core geographic area Miamis. The data suggested that there were some, but not substantial, social ties or social interaction among Miamis who were not closely related to each other. The available data was limited and not systematic and hence was not an adequate basis to determine the character of this interaction. The additional data provided in the initial Miami response to the proposed finding, the supplements to the response, and the research performed by BAR to evaluate the response, together with a reexamination of the materials available for the proposed finding, provides a more adequate basis, although not a definitive or systematic one, to determine the character and extent of informal social relationships among the Miami.

Most social interaction between Miami members resident in the core geographic area occurs between members of the same extended kinship group. The latter means the descendants of a common grandparent or great-grandparent. Core area Miamis have some informal contact with some other Miamis outside their kin group, especially in the same town, but in most cases do not have extensive informal social contact with other Miamis. Although individual relationships exist, it does not appear that most or even many of the members of a given extended kinship group have significant interaction with many members of other such groups. Thus, the extended kinship groups are only loosely linked to each other. Geography within the core area plays an important role in that Miamis are more likely to know other Miamis outside their kin group from the same town than from other area towns. However, they do not appear to be cohesive within a town, even Peru, which has the largest concentration of Miami.

Among a small portion of the Miamis, interaction appears to be more frequent than among other portions of the membership, though not necessarily intense or consistent. This portion consists of two overlapping informal networks. One is a group of families, those long active in Miami organizations and the annual reunions, whose older members have informal social relationships which reach back to earlier eras when the Miami were more closely concentrated and interrelated. The other is made up of individuals whose informal contact results from the increased interaction stimulated by the Miami Nation organization established in 1979 and its related activities. The two networks overlap because individuals from the families in the older network tended to be drawn into the Miami Nation organization's activities. Although

the data does not allow precise quantification, it can be estimated that the two networks constitute at most 300 people, a minority of the 1400 Miamis in the core geographic area. This estimate includes a number of individuals resident outside the area, mostly elsewhere in northern Indiana, who part of these networks.

The proposed finding concluded that the annual reunion, which dates from 1903, was an important context of social contact for the Miamis, but that it did not replace frequent social contact. The proposed finding concluded that the annual reunion accounted for much of the informal social interaction between individuals across family lines.

Much more detailed information concerning the character of the annual reunion and the extent of attendance was available for the final determination. The annual reunion is one of the few sources of social contact, beyond immediate kinsmen, among core geographic area Miamis. It is primarily a social occasion, and provides an opportunity to renew relationships among Miami members from different families and between individuals who do not otherwise maintain contact. While attendance at the annual reunion is based on at least a minimal degree of social affiliation between the members, the annual reunion is limited in time. Attendance records establish that over the past 37 years, at least 22 percent of the core geographic area members have attended at least one annual reunion, with a somewhat larger but indeterminate number attending but not being recorded. In a given year, no more than 5 or 10 percent of the attendees are from outside of the core geographic area. Information on frequency of attendance was not available and consequently it was not clear what percentage of the attendees had attended more than occasionally. Because of the limited nature of the annual reunion, it does not provide evidence of extensive social ties or frequent social contact among the Miami membership. Based on the limited character of the event and the extent of attendance, it does not represent a clearly defined social institution which would provide substantial evidence demonstrating that the Miami are a community.

Part of the requirement to meet criterion b is to demonstrate the relationship between peripheral members of a group and its core social group. The social core of a group, those maintaining close social relationships, often corresponds roughly with a core geographic area, but does not necessarily do so. In this instance, it has not been demonstrated that the Miamis in the core geographic area constitute a social core. The core geographic area is,

however, where the highest level of social interaction exists.

Two-thirds of the Miami membership is resident outside the core geographic area. They are well dispersed, except for a fairly cohesive group of closely related families, comprising 6 percent of the membership, living in South Bend, Indiana.

Those nonresidents with close relatives, such as children or siblings, within the core area maintain regular communication with their own relatives in the core area and are informed by this means about the activities of the Miami council and the like and to some degree about activities of individual Miamis in the core area. There was no evidence that more than a few non-resident individuals who do not have close relatives in the core geographic area maintained any contact, however. Many nonresident Miami have only distant relatives from their family line in the core geographic area. Furthermore, about 42 percent of the nonresident population (25 percent of the total population) do not have any relatives at all from the same family line in the core. There was only limited evidence that they maintained significant contact with the other Miamis. There was some limited evidence that, for most of them, their contacts with the core geographic area Miami were largely through the Miami organization itself, such as attending meetings or visiting the Miami Nation office. There is only very limited attendance at the annual reunion by individuals who live outside the core geographic area. Only a small minority of those not from the core area or northern Indiana have attended a reunion.

While some nonresidents maintain some degree of contact with their immediate relatives in core area, they are not connected with a social core since it could not be demonstrated that the Miamis in the core geographic area constituted a social core. Rather, they maintained contact with individual members who were themselves not likely to maintain extensive contacts with other Miamis.

Besides social cohesion within the group, criterion b also requires that a petitioner constitute a group which is distinct from the non-Indian community around it. The proposed finding concerning this issue was that there were no cultural differences between the Miamis and the surrounding non-Indians. It was also concluded that the social discrimination that the Miamis had experienced in the first decades of the 20th century no longer existed. Miamis were found to interact extensively with non-Miamis in the core geographic area in all kinds of social

contexts, but a precise determination about the character of this was not possible because of the limited data available. The available evidence indicated that non-Miamis were aware of the historic Miami tribe, and hence made some identification of Miamis as distinct, but did not make significant social distinctions in interacting with Miamis. There were no evident social limitations per se. For example, there were no limitations on marriage with non-Indians, attendance at non-Indian churches, or membership in non-Indian social clubs. There was limited data to support a conclusion that most of the Miamis (not just those most active in Miami programs and activities) had at least some identity as Miami (and hence were distinct in a minimal sense).

The materials available for the final determination do not significantly change these conclusions. There are no cultural differences between the Miamis and the surrounding non-Indians. The Miami membership is only weakly distinguished from local non-Indians in terms of identity as Indian. There are no separate Miami churches, clubs or other institutions and Miamis participate fully in non-Indian churches, clubs and other social institutions. The Miamis are at least minimally distinct in that they are often identified as Miami among the local non-Indian population as a result of Miami activities over the years and local knowledge of the history of Miami families. To some extent, individuals reported negative comments about being Indian. Recent activities by the Miami council, such as establishing a bingo hall, appear to have stimulated negative attitudes by some non-Indians. It was not clear whether more than isolated individual instances of actual discrimination, as opposed to negative comments, had occurred. Systematic discrimination clearly does not occur. To greatly varying degrees, Miami identity reflected awareness of discrimination experienced by previous generations or, in the case of older Miamis, discrimination experienced earlier in their own lives.

Overall, the Miamis are socially distinct only in a minimal sense. They are not so strongly distinct that it would provide strong evidence in itself to assume a high degree of social cohesion within the group either because internal cohesion produced such distinctions or because it could be assumed that strong social barriers would significantly affect social relationships within the Miami membership. For example, there is not a high degree of exclusion from relationships with non-Indians or from participation in non-Indian institutions which would tend to encourage social interaction within the group and the formation of separate institutions.

Evaluation of Evidence Concerning Criterion C - Political
Influence or Authority

Requirements of Criterion C

Strong demonstration of political influence, such as distribution of group resources, enforcement of group rules of behavior, and dispute resolution are ideal evidence to meet the requirements of criterion c, but are not necessary to meet the minimum requirements. However, the intent of the regulations and the precedents underlying the regulations is that some more than trivial degree of political influence be demonstrated by showing that the leaders act in some matters of consequence to members or affect their behavior in more than a minimal way. Authority, in the sense of being able to require action or enforce decisions over strong opposition, does not need to be demonstrated. It is also not necessary that political influence be exercised in all or most areas of the members' lives or their relationships with other members. Nonetheless, the political influence of the group or its leaders must not be so diminished as to be of no consequence or of minimal effect.

It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of a group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected.

Political connections between leaders and members may be informal, through public opinion or other indirect connection. The existence of a significant level of social cohesion is an important form of supporting evidence because political influence, where coercive authority is not exercised, requires social connections and obligations as its basis.

Background

The proposed finding concluded that from first historical contact until the early 1940's the Miami maintained tribal political processes which met the requirements of the regulations. It further concluded that after the early 1940's the Miamis had not demonstrated that they met the

requirements of criterion c.

In the 1840's, the era of removal, the Miami Tribe became divided politically and geographically into the Indiana Miami and the Western Miami of Oklahoma. After the 1840's, the Indiana Miami lived in several land-based communities. Individual community leaders as well as overall tribal leaders were recognized as influential. They exercised influence over economic activities, provided economic assistance, intervened on behalf of members with non-Indian authorities and represented the tribe in dealings with outsiders in matters of consequence such as treaties and protection of the tax-free status of the land. Most of the Miamis were married to other Miamis. This close intermarriage, which extended throughout the tribe, created numerous kinship ties among the leaders themselves and linked the tribal leaders strongly to the entire tribal community.

The exercise of political influence among the Indiana Miami was not as strong after the 1890's. Political influence declined as the Miami lost their land, the older generation of leaders died, and the Miamis increasingly married non-Indians and became integrated into non-Indian society. The proposed finding's conclusion that, despite this decline, the Miami tribal political processes between the 1890's and the early 1940's continued to meet the requirements of criterion c of the regulations, was based on several factors. Miami leaders and organizations dealt with some issues of significance to a broad spectrum of the tribal membership. There was some evidence that leaders had significant followings, though only in the context of limited political roles. In addition, political processes were supported by underlying social connections among the membership.

Particularly by the 1930's, Miami political processes had become attenuated in comparison with the era before the 1890's. The land-based settlements no longer existed and although there were still close kinship ties within the Miami population, these were becoming more distant on the whole because of the almost complete lack of marriage among the Miami after 1910. Although the leaders of the time had close kinship ties among themselves and with much of the Miami population, these were based on marriages within the group during earlier generations rather than on a continuing pattern of intermarriage.

There was sufficient, though not extensive, evidence that leaders in the 1930's still had a significant following, but the objectives of the leaders and organizations were somewhat limited. They focused on specific issues such as

recognition of tribal status, restoration of the tax-free status of the land, and preservation of hunting and fishing rights. Important political roles exercised in earlier eras, such as influencing behavior of members of the community, allocating resources, providing economic assistance, and dealing with local authorities, were no longer carried out. The level of conflict between the subgroups was quite high, providing evidence of mobilization of political sentiments among the membership along subgroup lines.

There is reasonably strong evidence that in the 1930's the issues of preservation of hunting and fishing rights, and the loss of Miami land because of Federal non-recognition as a result of the 1897 solicitor's opinion, were important among the Miami members as a whole. Much of the Miami population was of the generation that had lived in the land-based communities which broke up after the land was lost. Interview data indicates that hunting and fishing were still important as economic activities for many Miamis in the 1930's. The actions of Miami leaders and organizations concerning hunting and fishing rights were a direct response to restrictions of Miami rights as a result of changes in defacto policies of State and local authorities in the 1930's. Thus leaders and organizations acted on issues that were of direct and immediate importance to a significant portion of the Miami. These issues can therefore be established as political issues of importance among the membership as a whole, not solely to a limited group.

Findings Concerning Miami Political Processes after 1940

The period after the early 1940's contrasts strongly with the previous period. Based on the available evidence, the activities of Miami organizations and of individuals identified as Miami leaders became greatly diminished. Although still present, the amount of activity and its importance to the Miamis was reduced to the extent that evidence does not establish that the Miami met the requirements of criterion c after the early 1940's.

The proposed finding concluded that the Miami organizations became much less active than they had been previously, beginning in the early 1940's, and continuing until 1979, and that they focused primarily on claims activities such as enrollment of potential claimants and administration of the process of pursuing the Miami claim before the Indian Claims Commission. There was no evidence that hunting and fishing rights and the loss of Miami lands because of nonrecognition continued to be

important as political issues. Protection of Miami cemeteries appeared to be largely the concern of the specific kin groups whose ancestors were buried in a given cemetery, rather than involving a broader spectrum of the membership.

A large additional body of evidence was available for the final determination. The additional evidence provides considerably greater detail about the activities and structure of the Miami organizations after 1940, the roles of their leaders, and the issues they addressed. While this additional information demonstrates that Miami organizations were somewhat more active after the early 1940's than was evident for the proposed finding, it does not establish that these leaders and organizations were as active or influential as they had been up to the 1930's. The additional information does not fundamentally change the conclusions of the proposed finding.

There were no clear-cut examples of decision-making or exercise of influence that by their nature would be considered political, such as dispute resolution, allocation of resources, or influence on members' behavior. The primary Miami "political" activity, pursuit of claims, was not inherently, i.e., in and of itself, of such significance to the membership at large that the decisions of the leaders of the Miami organizations concerned with claims activities can automatically be considered sufficient evidence of exercise of political influence to meet the requirements of criterion c. Social ties within the group based on kinship and residence were so dispersed and diffuse in nature that they did not provide the strong supporting evidence for exercise of political authority that would be provided by a highly cohesive and distinct community. Strong underlying social connections are an essential basis for exercise of informal, non-coercive political influence. The presence of strong social connections, when taken together with more direct evidence of political processes, would provide strong supporting evidence that significant tribal political influence is exercised.

Because the petitioner lacks such clear-cut evidence that it meets criterion c, alternate means are necessary to demonstrate the exercise of political authority. The petitioner was advised that two kinds of evidence, taken together, could be used to demonstrate the existence of significant tribal political influence or authority. One was to provide evidence to show that concern and interest in the Miami leaders and organizations, their activities and the "political" issues they pursued were and still are

distributed broadly across the membership. This requirement means that these issues and activities must not simply be pursued by a very narrow core of individuals for whom they might be quite important but also are considered important among the membership as a whole. A direct and detailed demonstration of breadth of interest among the members is necessary because there was no demonstration of a community in which the strength and frequency of social contact was high enough to support an assumption that issues and political opinion were widely communicated. Secondly, it is equally necessary to provide evidence that the issues addressed by the leaders and organizations were of clear significance to members rather than of nominal or minor interest.

Concerning the breadth of Miami interest in or involvement with Miami organizations and their leaders, the proposed finding stated that "there was no strong evidence that the organizations, or those claiming tribal leadership in this period, had broad support among a tribal membership which was by now much more widely dispersed geographically than in previous decades and whose kinship ties with each other were now more diffuse" (PF/S 13). Because there was no demonstration of a cohesive community, the proposed finding concerning the period after the early 1940's further concluded that "there has not been demonstrated significant social ties and contact from which to infer the existence of tribal political processes..." in the absence of more direct evidence (PF/S 13).

The additional evidence available for the final determination does not change the proposed finding's conclusion that, from the early 1940's on, there were no longer as strong social connections among the Miami as there had been. This is because the group was geographically dispersed and kinship connections linking the members had become more distant because of the lack of intermarriage within the younger generation and because the older generation, which had close kinship links, was becoming smaller as older individuals died. Because of this, it was necessary to demonstrate by other means, if possible, that the Miami organizations were more than formal organizations whose members had little social connection with each other outside the organization.

While it is evident that a small group of indeterminate size had significant social connections in the 1950's and 1960's, it was not clear from the available documentary and interview evidence that this group constituted more than a minor portion of the Miami as a whole.

Part of the additional evidence for the final determination concerning how broadly Miamis were involved in or connected with the activities of the Miami organizations consists of several lists of the membership of the organizations at important times in the late 1950's and 1960's. The membership lists provided evidence that a sizeable minority of the Miamis at the time were sufficiently aware of the claims issue to enroll themselves in one or another organization. The number of individuals on the lists of one or another of the Miami organizations in the 1960's was about 750, one-fourth of the estimated 3000 total Miamis at the time. Since those on the lists were largely adults and/or household heads, the total number of Miamis connected with the organizations may be estimated to be as high as one half, if unenrolled immediate family members of enrollees are counted as connected. Enrollment on such lists, however, does not in itself show more than a nominal degree of involvement. It does not show a continuing and sufficiently high degree of involvement to demonstrate a significant political connection with the leadership or among the members. Thus a bilateral political relationship with the tribe was not demonstrated by the enrollment of many Miamis in one or another organization.

Comparison of the membership lists and lists of those attending the Miami annual reunion allowed a partial measure of whether members had informal social ties with each other. Demonstration of such ties provides evidence that the links between members are more than the limited relationships which result merely from being members of a formal organization. The latter is necessary to meet the requirements for acknowledgment. Having an active formal organization does not in itself demonstrate that a group is exercising tribal political authority if those who are members do not otherwise form a community or have a political relationship. The absence of a formalized governing organization, conversely, does not mean that political authority is not being exercised, since informal leadership may exist.

At least 30 percent of those on the membership lists of the two main Miami organizations active between the early 1960's and the late 1970's attended at least one annual reunion over the period of 37 years from 1953 to 1990. This indicates that the members of the Miami organizations had some social ties and some degree of informal contact with each other. However, because of the limited nature of the annual reunion, this did not in itself demonstrate significant social ties or frequent and extensive social contact. While attendance at the annual reunion is based on at least a minimal degree of social affiliation among

the members, the annual reunion is limited in time and does not involve more than a small minority of individuals outside of the core geographic area (see criterion b).

Also necessary to demonstrate significant tribal political processes is to provide evidence that the issues addressed by the Miami organizations were of more than minimal significance to members. The proposed finding concluded that the activities of the Miami organizations were almost entirely limited to the pursuit of claims. It also concluded that the issues of preservation and protection of cemeteries until recently were largely the concerns of specific families rather than involving the Miami leadership. Hunting and fishing rights were rarely considered or addressed by the Miami organizations after the early 1940's.

There was little additional evidence to demonstrate whether the claims issues were of more than incidental significance to the Miami as a whole. The intensity of conflicts in the 1950's and 1960's indicates that it was of importance to those most active in the organizations, but the Miamis as a whole were not demonstrated to have a significant degree of involvement and interest.

The additional evidence available for the final determination indicates that the leaders of the Miami organizations over a substantial span of time were involved with cemetery-protection issues and that it was of significant interest to some Miamis. The question of relocation of one important cemetery became an issue in subgroup conflicts of the 1960's. Thus, there is some additional evidence to demonstrate that the Miami leadership was involved in cemetery issues and that Miami concern with cemeteries was more widespread among the membership than the immediate families or subgroups whose ancestors were buried in particular cemeteries.

The additional evidence for the final determination continues to indicate that hunting and fishing rights were not frequently or consistently addressed or of widespread importance to the Miami membership after the 1930's.

The evidence for the final determination confirms the conclusions of the proposed finding that in the period from the early 1940's to the present the annual reunion has not served any political function such as decision-making or conflict resolution, although those who attended discussed issues, such as claims, that were being dealt with by the Miami organizations. There is also some evidence of political consensus between the subgroups or the leaders of the Miami organizations in that the reunion

was kept separate both from the subgroup conflicts of the time and the activities of the organizations. There appears to have been agreement that general meetings to decide particular issues, e.g., concerning claims, would be held separately from the annual reunion even when deadlines, such as the need to respond to the Federal government, might have made it convenient to combine the reunion with a business meeting of the membership. The reunions were not organized by either Miami organization and, with a few exceptions, the leaders of the Miami organizations did not become reunion leaders.

An important potential means of demonstrating that tribal political processes existed within the Miamis after the 1940's and in the modern community was the provision of evidence that the subgroup distinctions, and the attendant conflicts between them, which had been such an important social feature in the past, continued to be important among the membership as a whole. Such divisions, if they can be clearly demonstrated to exist, are manifestations of consistent alignments of tribal members in political conflicts within a single, cohesive, social community. They provided evidence for the proposed finding that a system existed, within which there was conflict, before the early 1940's.

The proposed finding concluded that subgroup conflicts between the 1940's and the early 1970's continued and were sometimes bitter. The two main organizations were organized in terms of subgroup differences and conflicts between them were expressed in terms of historical subgroup differences and issues derived from the 19th century and the first decades of the 20th century. Evidence about subgroup distinctions and conflicts based on them was limited for the proposed finding and was not adequate in itself to demonstrate significant political processes, given the absence of other, clear evidence of the exercise of political influence to support such a conclusion.

The additional documentary evidence available for the final determination provided considerably more detail concerning subgroup conflicts. This additional evidence demonstrated that between 1961 and 1970, and to a lesser degree in the latter 1950's, the conflicts were more intense than was evident for the proposed finding. They included suspicions that one group, the Godfroys, sought to exclude the others from participation in the claims. Other issues involved whether to have a blood degree limit on eligibility for the claims and where to move an important cemetery. The intensity and continuity of conflicts provided stronger, but still indirect, evidence

of the existence of political processes within the Miami than was available for the proposed finding.

Direct evidence was very limited which indicated the involvement in the conflict of Miamis not officers of the organizations. One form of limited but more direct evidence is that the distribution of names on two of the lists of enrollees in the Miami Nation organization in the late 1950's and in the 1960's was influenced by the subgroup conflicts of the times. These enrollments significantly followed subgroup lines at a time when subgroup conflicts appeared high. The enrollees were apparently influenced by subgroup affiliation in choosing which organization to enroll in, since the organizational leaders stated that membership was open to all Miamis.

The present council, formed in 1979, and its leaders, have developed a much stronger and more active organization than existed previously. It operates many programs and has obtained many grants. Having programs which are "governmental," such as economic development or day care, however, is not a demonstration that a government exists. The latter requires the showing of a political connection with the membership at large. The present council has only weakly developed processes linking the leadership with the membership. Council members are usually picked by the council itself, but there is some consultation with some members of the kinship groups the council members are considered to represent. It appears that council members have almost no political contact with the kin group they are considered to represent except for the portion most closely related to them. This fact is critical because the degree of informal social contact among the membership at large is limited, and does not provide an alternative basis for assuming that a political relationship is being maintained between the members and those claiming leadership of the group. Most communication between the Miami members on the one hand and the chairman and council on the other is based on semi-annual general meetings and a monthly newsletter which is not distributed to the entire membership. There was no evidence submitted that Miamis as a whole are generally aware of or affected by council activities in significant ways.

The proposed finding concluded that in the contemporary community the level of subgroup conflicts appeared to have declined compared with previous decades. While orientation along subgroup lines appeared clear among those active in the Miami Nation organization, it was not clear how important these distinctions, and hence this feature of social organization, continued to be among the membership as a whole.

The evidence available for the final determination indicates that the proposed finding's conclusions were correct. When the present council and leadership was created in 1979, it was organized as a unified group, based on the pre-existing separate subgroup councils. The subgroup divisions which provided the best evidence that significant political processes might have existed in the 1950's and 1960's were still somewhat evident at the time the combined council was formed, but the divisions became diminished in the 1980's. Designation of council representation is claimed to be still partly based on subgroups, but some council members are designated as representing narrower kin groups (i.e., narrower than the subgroups) or their constituency takes into account geographic location as well as kinship affiliation. Regardless of this, the available evidence was that the council members had little contact with most of the constituency they were said to represent.

PREVIOUS RECOGNITION

The Miami response to the proposed finding argues that by virtue of the treaty signed with the Miami on June 5, 1854, the United States Government recognized the Indiana Miami. The Miami, "having been recognized and never terminated by Congress, must be acknowledged as federally recognized by the Department of the Interior" today. The response holds that the Department's responsibility is limited to determining whether the Indiana Miami had voluntarily abandoned tribal relations (MNISI 1991a, 10).

There is no merit to the Miami position that once Congress has recognized a group by ratifying a treaty with them, the Executive branch is powerless to deny their continued tribal status absent a showing of voluntary abandonment of tribal relations by the Indian group involved. Continued tribal existence, rather than just recognition, is the essential requirement for acknowledgment of a government-to-government relationship. The Ninth Circuit Court has addressed in considerable detail the effect of a prior treaty on the question of present-day tribal status. The court, in considering arguments by unsuccessful intervenors in United States v. Washington, came to a conclusion exactly opposite to the Miami argument: "We reject their argument that, because their ancestors belonged to treaty tribes, the appellants benefitted from a presumption of continuing existence" (641 F.2d 1374 (9th Cir. 1981)).

The Ninth Circuit Court's decision supports the responsibility of the Executive branch to inquire as to the maintenance of tribal existence, notwithstanding an earlier treaty. The court noted: "We have defined [in U.S. v. Washington, 520 F.2d 693] a single necessary and sufficient condition for the exercise of treaty rights by a group of Indians descended from a treaty signatory: the group must have maintained an organized tribal structure," and tribes must have functioned since treaty times as "continuous separate, distinct and cohesive Indian cultural or political communit(ies)" (641 F.2d 1374 (9th Cir. 1981)).

The Ninth Circuit's analysis or conclusions are equally applicable to the Miami Nation of Indians of the State of Indiana.

characterized as anti-Indian, sometimes challenging Miami claims to be Indian. Reactions were especially strong in the city of Kokomo, just beyond the core area. As of the date of the proposed finding response, none had been opened in the core geographic area, but halls were planned and announced for Peru and Wabash. A revision of the state law governing bingo has been proposed, apparently in reaction to the Miami bingo halls. Since all of the reported reactions to the date of the response were outside of the core geographic area, it does not appear that these reactions, albeit strong, represented a long-term pattern of discrimination against the Miamis.

At the time of the BAR research trip in February 1992, a Miami bingo operation had been running in Peru for at least four months. Interviews indicated that local reaction had been mixed. Contrary to the evidence cited above, they did not show a strong negative backlash (BAR 1992). The mixed reaction was similar to the local reaction more generally to the large increase in Miami Nation programs in a large former school building in Peru that was acquired by the Miami the previous year.

Summary on Social Boundaries Between Miamis and Non-Miamis

Many individuals clearly reflect a sense of their negative experiences in the past or the experiences of their parents or grandparents. It was not uncommon to downplay or conceal Indian identity and background in the earlier decades of this century. Some individuals reported comments or jokes in their recent experience, while some reported no such experiences in their lives.

There are a variety of reports of negative responses to the Miamis recently, partly as a result of recent bingo activity, but also in reaction to the possibility of asserting hunting and fishing rights. Overall, local reaction to Miami activities has been mixed. There were also reports of incidents such as differential treatment of Miami children by the schools and police. However, the strongest negative reactions to the bingo operations were not in Peru, the town with the Miami headquarters and the most Miami residents, but outside the core geographic area.

There is no social boundary to Miami intermarriage with non-Indians and to social participation within the non-Indian community. Miamis attend non-Indian churches, are members of non-Indian social clubs, and participate in other local civic cultural events such as restoration of the train station, junior circus, and like activities

without evident restriction. Though there were some negative events reported, a systematic pattern of discrimination or even negative relationships with non-Miamis is not evident from the available data.

Data is very limited concerning the extent of Miami interaction with their non-Miami relatives, but it appears significant. For example, Miamis attend family reunions of the non-Indian side of their families as well as reunions of the Indian side.

There appears to be a weak sense of being known as Miami to local non-Indians, although it is unlikely that everybody who is a member of the Miami tribe is known as such among the local non-Indians. Some of this identification comes from local "Indian" events and some from the historical acquaintance with the families. However, recent Miami Nation activities asserting special rights, as opposed to their assertions of Indian pride and demonstrations of Miami history, through parades and cultural events over the past decade, have stimulated and sharpened existing distinctions. Although the Miamis within the core area are somewhat more clearly distinct from non-Indians than the proposed finding concluded, there is only a minimal social boundary between them and the surrounding non-Indian community.

Cultural Differences

Cultural differences between a petitioner and the surrounding non-Indian community are not a requirement of the regulations, nor are they necessary to demonstrate distinction under criterion b. However, the maintenance of differences in culture is good evidence of such a distinction. The existence of such differences is also often strong evidence for the existence of significant social cohesion and internal political processes which have made it possible to maintain cultural differences against outside pressures to acculturate.

The proposed finding concluded that there were no cultural differences between the Miamis and the non-Indians in the area. Cultural traits, as the petitioner was advised in meetings and by letter of November 9, 1990, concerning the proposed Miami research plan, are "...shared items of belief, social organization, etc. To be meaningful here, cultural differences should extend beyond purely symbolic expressions of identity" (Bacon 1990).

The initial response provided no new data. It quotes portions of the proposed finding technical reports

describing Miami activities, especially in the past decade, such as participation in parades and powwows, membership in Indian commissions, knowledge of Miami history, or wearing Indian costumes, and argues that these represent cultural differences. These activities relate only to symbolic assertions of Miami identity. Further, there was and is little information concerning how widespread among the membership these symbolic expressions and activities are or how important their expression is except to the most active individuals in the group. The supplementary report on the annual reunion indicates that it is not culturally different than non-Indian family reunions, although it is clearly a separate and distinct social institution. Symbolic expressions and cultural events are not uncommon at reunions, according to that report.

Overall, there was no evidence in the petition or in the responses to the proposed finding that demonstrated that there are presently cultural distinctions between the Miamis and the surrounding non-Indian population.

DISCUSSION OF CRITERION C -- POLITICAL INFLUENCE

Background to Miami Organizations After 1940

The removal of part of the Miami tribe across the Mississippi in 1846 effectively divided the Miami Tribe politically and socially into an eastern (Indiana) and western Miami tribe. The last overall chief, Francis LaFontaine, died in 1847, while the process of removal was still being completed. He was not replaced as overall chief. Leaders of the particular segments of the Miami population which were allowed to remain in Indiana -- the Godfroy, Slocum (Bundy) and Richardville/LaFontaine families and the more conservative band led by Meshingomesia -- formed subgroups which lived in kinship-based communities on separate lands.

Meshingomesia was dealt with as principal chief of the Indiana Miami after the death of Francis LaFontaine. Beginning also in the late 1840's, Gabriel Godfroy, Peter Bundy, and Pimyotomah were considered leaders of their subgroups to the end of the 19th and into the 20th century.

After Meshingomesia's death in 1879, he was replaced by his grandson, William Peconga, although the latter was a less influential leader. From the mid-19th to early 20th centuries, Miami leaders often acted in concert with a "council" to exert political influence over the group's members and interact with outsiders. Actions for the overall tribe, such as treaty negotiations in 1854 and complaints over payment of annuities, were generally decided by a council of various subgroup leaders. Delegations sent to Washington in the 1850's, 1860's and 1880's were authorized to conduct business relating to the entire Indiana Miami group.

From the 1840's to the 1890's, the leaders of the Meshingomesia band and the family groups on individual reserves dealt with the same major issues: who was entitled to be on the Miami payment roll, the taxation of Miami land, and the payment of the principal sum due the tribe under the 1854 treaty. Although older leaders such as Gabriel Godfroy and William Peconga were still active between the 1890's and the early 1900's, younger leaders and new forms of organization were emerging to deal with new problems resulting from the loss of the Miami land base.

Gabriel Godfroy and William Peconga remained active as leaders until after the turn of the century. Godfroy was

INTRODUCTION

Bases for the Final Determination

This final determination is based on a consideration of new evidence and arguments submitted by the Miami Nation of the State of Indiana, Inc., in response to the proposed finding, supplementary materials provided by the Miami researchers at the request of the Branch of Acknowledgment and Research (BAR) and materials developed by the BAR staff in evaluating the response to the Miami proposed finding. The extensive evidence and arguments presented for the proposed finding or generated by the BAR staff and contractors in conducting their own research in preparing the proposed finding were also considered in making this final determination. This final determination report should be read together with the proposed finding and accompanying technical reports.

Administrative History

The Miami Nation of Indians of the State of Indiana, Inc., submitted an undocumented, letter petition for Federal acknowledgment on March 25, 1980. Their documented petition was submitted in July 1984. A letter notifying the group of the results of a preliminary review for obvious deficiencies and significant omissions under 25 CFR 83.9(b) was sent in January 1985. The Miami responded to this letter in October 1985 by providing additional documentation and clarification. More documentation was submitted in 1988, 1989 and 1990 in response to BAR requests.

Active consideration began on March 1, 1988. As an attempt to speed the active consideration process for the Miami petition, in the summer of 1988 the BIA contemplated letting a contract for the anthropological and genealogical technical reports which were to be used by the BAR staff in evaluating the petitioner. However, due to delays in the contracting process, a contract was not let until March 1989, and active consideration of the Miami petition was eventually extended to July 1990.

A proposed finding against Federal acknowledgment of the Miami was published in the FEDERAL REGISTER on July 19, 1990. Representatives of the Miami met with the BIA on July 31 and August 1, 1990, for a detailed technical review of the proposed finding. On October 18, 1990, a meeting was held for the Miami representatives, their researchers, the BAR staff and the contractor's anthropologist and representatives to discuss research strategies which could improve the quality of data

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THE MIAMI NATION OF INDIANS OF INDIANA, INC.

I.B.1.36

provided in response to the proposed finding. The BAR received the Miami researchers' limited, tentative "work plan" on November 1, 1990. The BAR staff provided detailed written comments on the work plan and provided additional comments and advice on research as requested by letter of November 9, 1990 (Bacon 1990).

Although the comment period was to end on November 19, 1990, the Miami requested three extensions of the comment period to be able to complete their response to the proposed finding. These extensions were granted, and the comment period closed on June 17, 1991.

The Miami submitted their response to the proposed finding on June 17, 1991. Limited comments were received from two other interested parties on October 29, 1990, and February 19, 1991. The comments from interested parties did not contain substantive new evidence and/or arguments, and, therefore, are not further addressed in this report.

The BAR's initial review of the Miami response found it to contain general statements, asserting important facts critical to demonstrating that the Miami met criteria b (community) and c (political influence), which were not described in detail and for which supporting data was not supplied. As a consequence, supporting materials were requested so that the BAR staff could determine the bases of these statements and evaluate them. Discussions were also held with Miami researchers. Some materials directly supporting response statements were submitted. In addition, the supplementary materials were provided which included important analyses which had been performed and documentary materials which had been previously collected which bore directly on the requirements of the response but which were not submitted as part of the response. The supplementary materials were requested in the first two weeks of November 1991 and received in December.

The supplementary materials included two volumes of documents from the files of Stewart Rafert, historical researcher for the Miami. These include minutes for the Miami Nation of Indians of the State of Indiana, Inc., from 1964 to 1974 and additional minutes, not previously available, from the Godfroy organization's council (Miami Indians of Indiana). A data summary and analysis of Miami meetings from the early 1940's to 1980 was also submitted. Copies of field notes pertaining to certain issues in the present-day political system were provided. A study of the annual reunion which had been prepared for the response but not submitted was provided (Glenn 1991a). It included a brief ethnography of the annual reunion, a list of all those shown in records as attending over a period

of 37 years, an analysis of annual reunion attendance and an analysis of the character of the reunion itself. In response to a request for the field interview data behind statements asserting the existence of social interaction within the core geographic area, and between the core area and Miamis living outside it, the Branch was informed that a systematic study of these questions had not been conducted. A brief write-up of relevant field data collected incidental to other field research was provided, primarily concerning social interaction within the core geographic area (Glenn 1991b).

The Miami response raised as an issue the fact that no BAR staff member had visited the Indiana Miami community to supplement and evaluate the information provided by the petitioner. In response to the issue raised by the Miami, BAR researchers conducted a site visit from February 8-11, 1992, to evaluate the materials provided in response to the proposed finding.

General Deficiencies in the Miami Response

After the proposed finding was published, the factual bases for the proposed finding and the interpretation of the regulations used in reaching the proposed finding were discussed at length at two technical assistance meetings between the Miami researchers and the BAR staff (August 1 and October 18, 1990). Detailed suggestions were made at these meetings concerning the kinds of evidence that would be important to establish that the Miami meet criterion b and c as well as suggestions of specific sources of evidence. After these meetings, the BAR staff provided a careful written review of the tentative Miami research plan. Despite the technical assistance provided to the group and its researchers, the Miami response appears to be based, in significant part, on inaccurate interpretations of the proposed finding and incorrect interpretations of how similar issues were treated in previous Acknowledgment determinations.

The single, most important deficiency in the Miami response -- not attempting to demonstrate that social interaction actually occurs -- appears to be based on asserting an alternative interpretation of the regulations -- that the only requirement is proving that members of the group live within sufficient proximity to allow for interaction, rather than requiring evidence of actual interaction among members (see detailed discussion in criterion b report). This interpretation is unacceptable and contrary to the interpretation used in all previous acknowledgment cases.

Basing a response to a proposed finding solely on this interpretation of geographic distribution, rather than actual social interaction, weakens the response and makes a final determination based on an accurate picture of the Indiana Miami more difficult to achieve. This is particularly critical because the burden of providing of information and analyses rests with the petitioner.

DISCUSSION OF CRITERION B - COMMUNITY

Introduction

This portion of the technical report reviews the additional data available for the final determination concerning criterion b, together with the data used for the proposed finding. This portion begins with a general analysis of the argument presented in the Miami response to the proposed finding. The basic requirements needed to meet criterion b are also discussed further.

Response Approach to Demonstration of Community

The Miami response's primary approach to demonstrating that the modern Miami group meets criterion b is a highly detailed analysis of the patterns of geographical distribution of the contemporary membership. The response states in part that "As we will demonstrate in this section, a substantial portion of the Indiana Miami tribe inhabits a specific area (MNISI 1991a, 53)." It also states, in a critique of the analysis of geographical patterns presented in the anthropological technical report for the proposed finding, that "The issue is ... whether they (Indiana Miami) live in close enough proximity to carry on tribal activities." The materials in the Miami response consisted primarily of a reanalysis of the membership roll by geographic location and family line. It included maps of the five cities in the core geographic area giving the location of each Miami household, color coded to show the subgrouping affiliation by descent of each household.

The primary focus is thus on the geographical residence patterns. Data to demonstrate that there is in fact social interaction taking place among members is, for the most part, limited to unsupported general assertions that the Miamis interacted with each other.

The response takes a similar approach to the analysis of social relations between Miami families living outside the core geographical area and those within that area. This analysis consists primarily of a review of nonresident members' distance from the core area and an evaluation of whether travel to the core area is feasible within a reasonable length of time (e.g., one day's return drive). Generalized assertions, with very limited supporting data, are made that relatives from the core area keep family members outside the area informed of Miami news.

The response thus appears, without directly stating so, to be predicated on an interpretation of the regulations that demonstration of criterion b, community, only requires that a petitioner need demonstrate that their geographical pattern of residence is such that group interaction and a political relationship is possible, without showing that such social interaction actually occurs or is even likely. This approach is inconsistent with the intent of the regulations, which are based on the precedent of defining "social solidarity" as a criterion of tribe. It is also contrary to the bases for all previous acknowledgment cases, including the proposed finding on the Indiana Miami. All acknowledgment decisions have required evidence that significant social interaction and/or social relations are actually maintained within the petitioner's membership.

Supporting Data Concerning Actual Social Interaction

The Miami response's descriptions of geographical distributions also contain summary assertions that interaction does occur. Thus it is stated that in Fort Wayne "Large contingents from certain families interact with each other, their families in other localities and, like the Miami in Marion, participate in a wide range of Miami activities in other localities (MNISI 1991a, 70)." The response also states that "This pattern [of geographical distribution in Wabash] creates an interactive situation within which people from different families and subgroups can and do interact daily in many different spheres (MNISI 1991a, 67)." Details and/or supporting evidence for these statements were not supplied.

A request was made by the BAR for field notes or other data to provide detail about and support these statements, which are critical for demonstration that the core geographic area is a core social area or part of one. The response provided a brief report which contained some additional, anecdotal information obtained ancillary to

other research (Glenn 1991b). This report indicated, however, that a systematic study through ethnographic methods, interviews and the like had not been made. Also in response to the request for supporting information, a report was provided on a study which had been previously made of the annual reunion. This report was based partially, though not primarily, on field research, and provides important information concerning social interaction within the Miami membership (Glenn 1991a).

Comparisons with Previous Acknowledgment Decisions

The response compares the Miami proposed finding with the decisions to acknowledge the Death Valley Timbi-Sha Shoshone and the Tunica-Biloxi by citing what are characterized as larger percentages of Miamis in the state of Indiana and in the "core area" than was true for "home states" and "core areas" in those cases. It asks why no question was raised concerning social interaction in those cases (MNISI 1991a, 47-48). The question is based on an incorrect conclusion, since in both the Timbi-sha Shoshone and Tunica-Biloxi cases data on actual social interaction and social ties was provided in the petition or obtained through supplementary research.

The Timbi-Sha are a traditional band, highly intermarried within itself or with Shoshones or Paiutes from nearby tribes, with extensive kin ties among the membership, a distinct residential area and significant cultural differences from non-Indians (ASIA 1982/S, 1-7). Each of these characteristics is strong evidence to demonstrate a high level of social cohesion within a community. The Timbi-sha "core area" referred to in the Miami response was a distinct village of 50 acres exclusively inhabited by Timbi-sha families, in no way equivalent to the five-county Miami "core area." The latter is a 2200 square mile area inhabited by almost 500,000 people, only a tiny fraction of whom are Miamis.

In the Tunica-Biloxi case there was a separate territory exclusively occupied or utilized by part of the tribe. The Tunica-Biloxi had close kinship ties based on intermarriage. In addition to these factors, social interaction among core geographic area members was clearly established by interview data. A system of kinship-based factions was an important element in social relations within the group and social distinctions from non-Indians were significantly stronger than for the Miami (ASIA 1980/S, 3, ASIA 1980/A, 2-3). Further, specific questions were asked by BAR during preparation of the proposed finding to clarify the social relationships between

Tunica-Biloxi in the core geographic area and those resident outside (Locklear 1990). The response indicated that such relationships were on-going.

Significance of Geographical Patterns for Demonstrating Community

Geographical proximity can be important supporting evidence for data which directly demonstrate the existence of social interaction. In a previous acknowledgment finding, it was stated that "Geographical propinquity is not in itself a requirement for acknowledgment, although it may be an indicator of community....The degree and kind of social interaction occurring between group members is the essential factor. Interaction among members may be evaluated in the light of geographical factors influencing it" (ASIA 1987, 8). The existence of a territory exclusively or almost exclusively inhabited by a significant number of members of a group provides strong evidence to assume the existence of social interaction within the group as well as its distinctness from the surrounding non-Indian community. However, neither the approximately 1400 Miami within the core geographic area of approximately 2200 square miles also inhabited by 500,000 non-Indians, nor the 2400 Miamis within the entire state of Indiana who are close enough so that they are within a day's drive and could interact, is nearly a sufficient concentration to assume that significant social interaction is taking place.

Geographical Distribution of the Indiana Miami Membership

Proposed Finding

The proposed finding summary of criterion b concluded that "there are no distinct territorial areas which are largely or exclusively Miami (PF/S, 6)." The main anthropological technical report included a brief description, based on limited analysis of some locations where Miamis tended to be concentrated. Concentrations in neighborhoods or general areas were noted for Peru and Wabash especially (PF/A, 25-6, 78-79). The description did not have clear indicators of scale and did not indicate whether the Miamis in those concentrations were closely related (e.g., extended families) or were drawn from diverse family backgrounds.

The analysis of geographical locations of Miamis in the core area that was made for the main anthropological technical report used for the proposed finding was

necessarily imprecise because of limitations of the membership database that was available (PF/A, footnote). Further, beyond general indications that there were still some areas of Peru and Wabash where Miamis tended to be concentrated, the ethnographic and interview materials available for the proposed finding did not suggest readily identifiable residential concentrations which might be significant for establishing community under the regulations.

Definition of Core Geographic Area

The response characterizes the "core geographic area" as five counties rather than the four used for the proposed finding. Allen County and Fort Wayne are added to the four county-city combinations which were defined in the proposed finding as the core geographic area because these were the areas where the Miami communities which formed the immediate-post-removal tribe were located. Fort Wayne was an important area of historical Miami settlement before removal but was not a major population center afterwards. For purposes of discussion in this report, the five-county area will be used as the core geographic area. The five counties are approximately 2200 square miles in area and had a population on the 1990 census of approximately 482,000 (Hoffman 1992, 113). Of this, Fort Wayne and Allen County account for about 659 square miles and 300,000 in population.

The population statistics in the proposed report were based on zip code classifications which were less precise than the data provided in the response. Thus some of the figures in the proposed finding do not correspond exactly with those here.

Recalculating the geographical distribution inside and outside the core geographic area using five instead of four counties does not substantially alter the basic patterns of residence and kin group distribution described in the proposed finding. Using the five counties as a core area, a total of 1374 members out of 4288 (about 33 percent) are resident there (MNISI 1991a, appendix 4). Another 6 percent of the Miami membership is accounted for by a concentration of several closely related Meshingomesia family lines at South Bend/Elkhart, which has as many Miamis as several of the "core area" counties.

The subgroups most concentrated in the core geographic area are the Mongosa and Bundy/Slocum subgroups (defined by descent), with 46 and 47 percent respectively of their

total number within the core area. Thirty-two percent of the Godfroys and 32 percent of the Meshingomesias are within the core geographic area. The Richardville/Lafontaines have only 29 percent of their total members in the core area, reflecting the westward migration of these families in the 19th century (MNISI 1991a, Appendix 4).

Response

The response presents an exhaustive, highly detailed description of the geographical patterns of Miami households in each of the five cities and surrounding areas (MNISI 1991a, 64-71). This is accompanied by maps showing individual Miami households in the main city in each of the five counties (MNISI 1991a, Appendix 7). Colored dots are used to show the location of each household and its subgroup classification. Map scale was 2.5 inches for one mile or greater. A difficulty with the presentation of this data is that specific distances between households are not systematically described. Specific information, such as whether two households were on the same street, or within so many blocks, is not systematically described in the text, and was sometimes difficult to determine from the maps.

Description of Specific Geographical Patterns

Peru, a city with a population of about 10,000, exhibited the strongest geographical concentration of Miamis. Peru has 149 Miami households from 32 different family lines. One hundred thirty-six of these households are from the large Godfroy subgroup or from the Mongosas. A "family line" may itself encompass a fairly broad set of relatives, since the common ancestor may be as many as five generations earlier than the younger adults. The number of Miamis in Peru itself is 454, or about 11 percent of the entire membership, with more in the rural areas of Miami county.

Most notable is the half-square mile concentration on the east side of the downtown area, a clustering mentioned in interviews (Greenbaum 1989). Adjoining this is a strip 10 blocks long and two blocks wide which had about 25 households. There is another strip of about 10 households from multiple family lines in the downtown area. Elsewhere in Peru, there are several clusters (multiple households within an area of several blocks) of three to nine Miami families drawn from multiple subgroups and family lines within the subgroups. These include a

cluster of nine households from five Godfroy lines and a Meshingomesia family line, and a cluster of four households from two Godfroy, one Pimyotomah (a subdivision of the Godfroys) and one Mongosa line. According to the response, multiple residences in the same building, on the same block or across the street are common.

In Wabash, a city of with a population of about 13,000, there are 244 Miami members in 64 households drawn from 17 different family lines. This is about six percent of the Miami membership. The population is fairly diverse, with at least some from each of the five subgroups. Meshingomesias (23 households), and Bundy-Slocums (20 households) predominate, consistent with their historical migration patterns to Wabash in the early 1900's. There is no single highly concentrated area as there was in Peru, but there are seven or eight clusters in different parts of town where three to six Miami households from diverse lines and subgroups appear to be located within a total span of one-fourth mile or less, about four or five blocks.

In Marion, a city of about 36,000 residents, there are only 88 Miamis, from 25 households. Most are from two Meshingomesia lines, with one Bundy line also accounting for a large number. Altogether a total of 13 lines are represented. There were no discernible clusters or concentrations of households.

The Miami population in Huntington, a city of 16,000, is 89. It is primarily derived from two related Richardville/Lafontaine lines. There are no concentrations or clusters.

Fort Wayne, unlike the other four cities in the core geographic area, is a large city (population about 175,000) and was not a significant area of Miami residence in the post-removal 19th century. Overall, there are 277 Miamis, drawn from 21 different lines distributed across all five subgroups. However, about 60 percent of the Miami living in Fort Wayne are drawn from three family lines, one each from the Mongosa, Meshingomesia and Richardville/Lafontaine subgroups. There appear to be approximately six clusters of three to nine households each, drawn from multiple family lines representing at least two different subgroups. The size of the area included in what appears to be a "cluster" here are larger than for the other cities because of a larger map scale. The largest cluster, in suburban Marysville, consists of two Godfroy, three Meshingomesia, three Richardville/Lafontaine and one Bundy/Slocum household within a maximum area of one mile square.

Summary of Geographical Patterns of Distribution

The mapping of the location of Miami households shows some areas where they are both concentrated and diverse, i.e., drawn from a variety of lines and subgroups and located within a short distance of each other. The biggest, most concentrated location is an area one-half mile square in eastern Peru. The 28 households in this area are drawn from at least twelve different Godfroy lines, plus three Meshingomesia, one Pimyotomah and one Mongosa line. Elsewhere in Peru and the other cities, there are other small clusters where Miami households from diverse backgrounds are located quite close to each other (e.g., perhaps six houses within a three or four block square area). Some of the Miami still live in the Peru and Wabash "neighborhoods" where Miamis first moved into the towns from their rural lands in the late 19th and early 20th century, though many have moved elsewhere in the same town.

These geographic patterns are not so concentrated as to demonstrate on the basis of geography alone that they result from kinship or other social connections which have caused people to live near each other. The patterns may, further, reflect past rather than present social relations. The concentrations do provide some support for the likelihood of informal social interaction because of proximity, but are not strong enough to assume it on the basis of geography alone. There is little supporting interview data to account for these geographical patterns. In themselves, they only provide weak support for the limited direct evidence available concerning the current level of social interaction among the Miamis. Further, the latter evidence, which is discussed in the following sections of the report, does not show a high level of social interaction among the core area Miamis.

Direct Data on Social Interaction in the Core Geographic Area

Introduction

The response's detailed description of the geographic distribution of Miami households patterns was accompanied by certain general, and usually unsubstantiated, statements concerning the existence of social interaction within those areas. Some asserted that geographical patterns created the possibility of social interaction, e.g., "each town has a number of different descent groups who can interact with each other frequently and multi-dimensionally at the local level" (MNISI 1991a, 61).

Other statements, such as the following, were general assertions that such interaction does in fact occur: "Communication between members of different groups who live in close knit communities and between members within groups which have representation in different communities are continuous and extensive" (MNISI 1991a, 71). Referring to the concentrations of Miamis in parts of Wabash, the response states that "This pattern creates an interactive situation within which people from different families and subgroups can and do interact daily in many spheres" (MNISI 1991a, 67). These unsupported general assertions are of little value in determining whether and to what extent informal social interaction actually occurs among Miami within these geographic areas.

The response takes no note of and makes no analysis of the information on this question in the interview materials by the BAR contractor which were provided to the Miami after the proposed finding (Greenbaum 1989). That material was reanalyzed for this final determination report. There were two limited new sources of data concerning actual interaction in the core area. One source is some statements about social interaction within the response text describing geographical patterns in the five counties. The other is incidental data collected by the Miami researchers during the course of interviews on other matters and provided as a supplementary report to the initial response (Glenn 1991b). Additional field research was conducted by the BAR staff to evaluate the materials provided by the Miamis and the contract researcher for BAR (BAR 1992).

The report responding to the BAR request for data supporting the response statements claiming social interaction notes that the information was not systematically gathered and is often anecdotal in nature. It was obtained from key informants in the course of interviews on other matters, and portions are fairly general in nature (Glenn 1991b, 1). It provides additional information on the existence of informal social contact among some of the Miami within the core geographic area but does not represent systematic social research.

Description of Social Interaction in the Core Area

The general description below is based on the response and supplementary materials described above as well as interviews by BAR staff and the BAR contractor. The petition materials directly describing social interaction were limited, and BAR materials were intended primarily to supplement petition materials and provide a means to

evaluate them. As a consequence, the evidence does not provide a definitive picture of social interaction among Miamis in the core geographic area. It should be read against the background of the limited degree of close kinship ties among the membership and the geographical patterns described above.

Presently the Miamis in the core area tend to form large blocks of extended kin, i.e., most of their interaction with other Miamis is within their extended kin group (e.g., Pecongans, Stracks, Lavonchers). The links between these blocks are much weaker than the ties within. Thus the kin groups are only loosely linked to other kin groups by social ties between their members. Members of a group are at least aware of the other Miami family groups, but have much more limited contact with them than with their own extended kinsmen. Part of the contact between extended kin groups is through the annual reunion, part through past Miami Nation and other meetings, and part through other kinds of social contacts. This level of contact contrasts with the past when the subgroups were closely linked by many marriage ties.

While some groups within the core area, as described below, appear to be relatively cohesive within themselves, others within the core area could not be determined to be cohesive from the available evidence. For example, there is no evidence that the numerous members of the Godfroy subgroup by descent form a single cohesive group. There is also no evidence whether there are important but smaller kinship groups within the Godfroy population.

The Mongosas are the subgroup most concentrated in the core area. They comprise a relatively small number of family lines that are fairly closely related. The Mongosas have their own reunion in addition to being disproportionately active in organizing and maintaining the Miami reunion. However, not all of the local Mongosa families attend this reunion (BAR 1992). The Mongosas were characterized by a well-informed, active Miami as "able to turn on a dime," meaning that they acted as a unit in expressing opinions (Rafert 1991-92). However, other data indicates that while social contact was reasonably widespread, the group is not tightly-knit (BAR 1992).

The response text describes the Richardville/Lafontaine families in Huntington overall as a "well-defined, tightly knit, highly interactive group," and available information from interviews and other sources generally supports this characterization. Huntington is the historic home area for these families, which were centered until the 1940's

on the Richardville/Lafontaine home and land outside of Huntington. These families all attend the same Catholic church and evidently have done so since the 19th century (Glenn 1991b, 4). Their social relations with other Miamis in the immediate area are characterized by the response as "formal," apparently meaning related to activities of the Miami organization. Contrastingly, "their other Miami interactions are concentrated on their broad network of Richardville/Lafontaine and Godfroy relatives in other, sometimes quite distant localities"(MNISI 1991a, 68). The Huntington group's attendance at the annual reunion is disproportionately low (Glenn 1991a).

The supplementary report and other sources indicate that the South Bend group (which is essentially two related Meshingomesia family lines) is reasonably cohesive. It regularly meets informally, and there was evidence of widespread communication within it (BAR 1992, Greenbaum 1989). This group has its own representative on the Miami council.

The geography within the core area plays an important role in that Miamis appear to not know other Miamis in towns other than their own very well, except their close relatives (Greenbaum 1989, BAR 1992). In addition, the towns appear to differ significantly in the degree of acquaintance among Miamis that are not closely related. The various Miami families in Fort Wayne don't appear to be very closely linked together by informal social contacts. Few Miamis live in Marion. The Huntington population largely consists of the two interrelated Richardville/Lafontaine lines. This pair of lines together is still reasonably cohesive, even though they represent a fairly broad span of kinship. Their informal social contacts with Huntington Miamis outside these kin lines was limited, however (MNISI 1991a, 67-68). Specific information was not available concerning informal social interaction among Wabash Miamis.

Peru has the largest and most diverse concentration of Miami families. The field data that was available concerning interaction among Peru residents was quite limited. It indicated there is some interaction among these households across family lines (BAR 1992). It would appear that Miamis who grew up in Peru know or are aware of many other Miamis in town outside their immediate kinsmen. Residents can identify the residences of some other Miamis outside of those of their immediate kinsmen. The exact degree of informal social interaction and its extent among the Peru Miamis could not be determined. Intensive, day to day, interaction, was not indicated by

the data.

Most Miami informants had at least heard of other families and had some knowledge of them. They knew, though not necessarily well, at least a few other Miamis outside their kinship group, often from general meetings or the annual reunion.

The supplementary report on social interaction (Glenn 1991b) contains a number specific observations concerning social interaction within the core area. Paul Godfroy, presently a councilman, and a person long active in Miami organizational affairs, stated that in his travels around the area as a sports referee he frequently saw Miamis and knew them. His acquaintance was presumably from previous social contacts. How well he knew them was not stated (Glenn 1991b). Several individuals claimed that such familiarity was not unusual and the ethnographer who wrote the report found a broad degree of shared knowledge was common, although it is not clear how many examples this was based on. Details and supporting data for this generalization was not provided, and other interview sources did not support it (BAR 1992, Greenbaum 1989). Lora Siders, secretary of the Miami Nation, described meeting an average of 15 Miami that she knew in a half-hour downtown errand in Peru. However, because of her role, she has the broadest contacts throughout the membership. The report also contains several examples of groups of individuals who demonstrated knowledge of individuals outside their family line.

Within the general patterns described above are two networks, one old and one new, in which interaction is somewhat more regular. These networks, however, encompass only a small minority of the core area population, perhaps 300 people at most. This figures includes a small number of individuals resident outside the immediate core area. The old network is the group of individuals and families which have been active on the various councils over the years, in the past as well as the present. These have informal social relationships which may go back throughout their lives. In some cases, they, or their families, have relationships reaching back to the 1930's and before, when social relationships in the core area were more intense.

The "new" network is the result of the unified Miami Nation tribal organization that was established after 1979. That is, it represents social contact between those active on the council, powwows, junior council, or other activities. Informal contact between these individuals has been stimulated by the recent activities of the organization. The two networks overlap because

individuals from the families in the older network tended to be drawn into the 'Miami Nation organization's activities.

No significant additional data was supplied concerning whether Miamis who were members of same non-Miami institutions such as a church or club interacted with each other. Interviews indicated that such individuals were aware of each other, but it was not clear that they interacted differently or more intensively with Miamis than non-Miamis in these institutions (BAR 1992, Greenbaum 1989).

Social Contact Outside the Core Geographic Area

Proposed Finding

The proposed finding also examined what degree of contact was maintained between those within the core geographic area and those outside it. The proposed finding determined that the geographic distribution of members of Miami family lines was such that most of the membership had relatives of at least a distant kind within the core geographic area. Thus if information actually flowed between individuals in the core geographic area and other members of the same group of family lines resident elsewhere, the nonresident population conceivably maintained contact with the tribe. This evaluation of the potential for communication was based on very broad groupings, which consequently included individuals who were only distantly related to each other. The groupings were of related family lines, defined as the descendants of siblings on the base rolls, rather single lines. The recalculation of the core area as five rather than four counties for the final determination does not substantially affect the distribution of resident versus non-resident Miamis.

It was not determined that there was there a cohesive core social group in the core geographic area that these apparently peripheral members were maintaining contact with.

Response

The proposed finding concluded that there was theoretically a potential for communication within these broad groupings of family lines because the individuals within them were related. It did not conclude, however, that social contact was actually maintained. The Miami

response therefore needed to address the question of whether most of the non-residents maintained contact with these often distant relatives. No significant new data was provided in the response to show that information actually flowed along family lines, regardless of how grouped, to individuals outside the area.

Geographic Analysis

The response consists primarily of information on the geographic distribution of "absentee" Miami families. "Absentee" families are defined as family lines with no members in the five-county core geographic area (MNISI 1991a, 63). This approach is part of the primarily geographically-based argument used by the response to attempt to demonstrate community. It is essentially based on whether or not people are geographically close enough make the core area accessible within a day's drive or a day's return drive, rather than whether they actually maintain contact.

Forty-two percent of the membership were characterized by the response as "absentees." These had no relatives from their immediate family line within the core geographic area. The family lines which are "absentees" are categorized as "Elsewhere in Indiana, accessible to core in a one day return drive," accounting for 923, "Surrounding State--Accessible to Core in One Day Drive" accounting for 191, "Distant Area--Missouri, Kansas--Oklahoma--Western Miami Area" 672, and "Other Distant Area" with only 36 individuals) (MNISI 1991a, Appendix 5).

Some reanalysis of existing documentary and interview data was provided that gives a limited basis for demonstrating contact by these groups. Thus for 12 family lines listed in the "Elsewhere in Indiana" category, at least one member has attended an annual reunion. The response also noted absentee family lines where at least some family members have been active in "social and political tribal activities" (MNISI 1991a, Appendix 5). This activity was only very briefly noted, occurred at any time over a very broad span of time (as much as 60 years) and was not systematically described. While useful, it was far too limited to establish a pattern of systematic contact encompassing most of the non-core area Miami.

A family line is classified as in the core or in one or another category of absentee according to the location of its closest member. Therefore, all lines with at least one relative in the core geographic area are treated as in

contact. Thus, for the response's analysis, they are not "absentee," even though many or even most of the line may be resident outside the core area. The total number of Miamis accounted for by these non-absentee lines was 2414 of the 4288 Miami members (56 percent). Of these, only 1374 are actually resident in the core area. The balance, 1038, are only relatives, often distantly related ones, of someone in the core area.

These 1038 nonresidents are treated in the response as if they were in contact with the tribe and are not discussed further. Thus, the number of non-residents whose contact needs to be accounted for is greatly understated. No specific discussion is provided concerning the character of their contact with local relatives, even where the vast majority of the line lived far away. No interview data to substantiate contact was provided.

Other Data

The Miami response includes generalized assertions that relatives from the core area keep family members outside the area informed of "Miami news." A few additional instances were provided beyond the information available for the proposed finding. All of the examples related to communication with close relatives such as grandparent to grandchild or niece to aunt. Such communication would not account for communication with all of the descendants of a single line, let alone the broad grouping of lines based on common ancestors born before 1895 discussed in the proposed finding. For core area Miamis, the median generational distance back to the ancestor on the base 1895 list (i.e., within a single family line) was three generations.

The examples in the Miami response were analyzed, together with BAR staff interviews and a reanalysis of the interviews conducted by the BAR research contractor (Greenbaum 1989). Core area interviewees consistently described keeping their non-local relatives up to date on what was going on (BAR 1992, Greenbaum 1989). There were also a number of instances of individuals moving back to the area after having moved out earlier. However, the contact pattern was limited to the immediate kin group, usually parents, grandparents, siblings, children, with cousins, aunts and uncles sometimes reported. Thus these contacts don't cover more than a small portion of each "line" and does not provide information at all about the large number of nonresident Miamis with no local relatives from the same family line.

The South Bend group, constituting two closely linked Meshingomesia lines and comprising about six percent of the total membership, may be an exception to the generalizations concerning lack of contact with the core area. Their participation in the annual reunion and Miami Nation events is consistent. However, the extent of their informal contact with core geographic area Miamis could not be determined from the available data.

Interview data confirmed that there were at least two family groupings living out of state that were in regular contact with the core area. However, their contact appeared limited to the annual reunion and the tribal office. They did not know core area Miamis informally, other than in the context of the annual reunion (BAR 1992).

A cumulative list of annual reunion attendees between 1953 and 1990 (see detailed analysis below), indicated that five percent of non-residents had attended an annual reunion.

Conclusions

While the large non-resident portion of the Miami membership could potentially be in contact with the core geographic area based on broad kin connections beyond individual family lines, there is no evidence that the majority of them actually have such contact. In particular, this has not been shown for the large proportion (42 percent of the non-residents) whose family lines have no members in the core area. Even where non-resident individuals may have someone from their family line in the core area, contact has not been shown for non-resident individuals who are not closely related to their core area kinsman. The non-resident population is two-thirds of the membership, their kinship relationships are generally distant, and geographical distances generally great enough to prevent easy contact. The nonresident populations are by no means recent migrants, often being resident outside the core area for several generations and thus less likely to have significant local ties in the way that first generation migrants often have. Thus, contact with the core geographic area has been shown for only a minority of the nonresident Miamis.

Annual Reunion

The Miami reunion was instituted in 1903 and has been held annually since then. Its importance is that it is a

social occasion, not a meeting of a formal organization or voluntary association. It is an event where informal social contact occurs and is an indicator of some degree of social affiliation among the Miamis, on which attendance is based. (The relevance of the annual reunion to Miami political processes is discussed separately).

A review of the new as well as the existing evidence indicates that the annual reunion is primarily a social occasion and has been so since the 1930's. The reunion takes place over the course of one afternoon and is consistently described as a social occasion rather than a political one (Greenbaum 1989, BAR 1992). One interviewee referred to it as "a social party." It was described as an occasion for renewing acquaintance with persons who have not been seen recently -- for example, since the last reunion. This renewal of acquaintance referred to relatives as well as with other Miamis. While the reunion is an arena where informal social contact occurs more broadly among the membership than otherwise, it is not the equivalent of regular informal social relationships.

The new data and analysis contained in the supplementary report on the annual reunion provided more systematic and detailed information concerning attendance at the annual reunions than was available for the proposed finding (Glenn 1991a). It contained attendance information for 1982-90, which was added to that previously available for the period from 1953 to 1981, in the form of a list of all individuals who had signed up on at least one attendance register between 1953 and 1990. It did not make an analysis of how often individuals attended the reunion but did analyze the distribution of family lines attending and not attending. The report also included a brief ethnography of the 1990 annual reunion and some interview materials concerning previous reunions.

The report concludes that the Miami annual reunion originates from the general tradition of family reunions among non-Indian midwestern populations, as practiced since the 19th century (Glenn 1991a, 2). The Miami reunion shares many features with non-Indian family reunions. Shared features include being held annually at a "home place," a carry-in or potluck dinner, acknowledgment of "special people" such as the oldest or farthest traveled, and group pictures, as well as the primary activity of visiting and renewing contacts (Glenn 1991a, 1).

There are also features which distinguish Miami reunions from midwestern family reunions. The most important difference is that it is a reunion of the entire set of

families making up the Indiana Miami and is therefore much broader than an ordinary family reunion. Attendance is limited to Miamis, spouses and invited guests. Miami reunions also differ by including Indian music or other Indian cultural demonstrations or sources of information, and announcements of matters relating to "tribal business." However, there are no cultural differences such as religious beliefs or standards of behavior between the Miami reunion and non-Indian reunions, based on the information and description in the report.

The proposed finding noted that there was evidence that the signup lists were not complete, indicated by the fact that people were mentioned in the minutes who were not on the lists. The supplementary response report clarifies the limitations of the reunion lists (Glenn 1991a). Many of the signups simply indicated a family head. Interviews conducted for the report determined that it was common for individuals attending to not show on the lists. A systematic review of estimates of attendance and examination of group photos also indicated that attendance had been significantly higher than the signup lists showed. Thus the lists only give a minimum figure for the attendance. While the average number of signatures per year is 66, attendance has probably averaged 150 to 175 individuals.

The report on the annual reunion analyzed attendance by individual family line and also by the groupings of family lines used by BAR to review the potential for contact with non-resident Miamis (see above). Representation of a family line was defined to be attendance by at least one member from the line at least once in the 37-year span. The report concluded, not surprisingly, that proximity appeared to be the primary factor affecting attendance, with the size of the family line a secondary factor. The report found representation by family lines to be "fairly broad" but by no means universal. Of the subgroups, the Richardville/Lafortaines were the least involved and the Godfroy-Mongosas (combined) were the most involved. Five family lines with a significant number of members resident in the core geographic area had few or no members who had attended the reunion. Sixty-one of the 115 individual Miami lines, or 40 of the 63 BAR groupings of lines, had had at least one member attend, based on the comprehensive list. The report notes that 35 of the 54 individual lines not represented had no members who were local individuals (defined as northern Indiana rather than the core geographic area) and 13 others had five or fewer such members. Thus representation is quite broad across family lines, but is significantly restricted by proximity.

The average attendance indicates that at any given reunion only a fraction of the Miami population within the core area attends. Most reunion attendees are from the core area. Estimating approximately 125 individuals at a given reunion are from the core area, this is less than a tenth of the 1400 living within core area. Overall, however, a minimum of 22 percent of the core area members have attended at least one reunion within the 37-year time span. It was impossible to tell if the non-signers in a given year are people who never signed a roster in any year or signed in other years and thus are represented on the cumulative list. Thus it is not possible to tell how many Miamis who have attended are not shown on the cumulative list.

While the yearly lists of specific reunion attendees and the summary list are not an ideal measure of attendance, the list provides a long-term measure of participation in informal social relationships among the Miamis. Although the reunion is a limited social occasion, the overall patterns of attendance indicate that a major portion of the core area Miamis maintain at least a low level of informal contact with some other Miamis. It does not establish that a cohesive community exists, since by its nature it brings together many individuals who rarely interact with each other otherwise.

Some Miami families also have their own reunions. No detailed description of these was available. Among these are the Richardville/Lafortaines, the Godfroys (an extended kin group, not the entire subgroup), the Mongosas and the Marks. On the other hand, at least one or two family lines (Godfroy and Marks) participate in reunions with non-Miami relatives. To this extent they perhaps participate equally in that side of their kinship lines. The petition notes that the annual Miami reunion is scheduled at the time it is in August and at the location in Wabash in part to also allow Miamis to participate in other reunions.

Subgroup Distinctions

The response provided little significant new data concerning the extent to which subgroup distinctions remain important to the present-day Miami members. Interview data indicated that while there is still some identification by some individuals with the major subgroupings, this does not appear to be important among most of the Miamis now. There was no evidence that subgroups are of more than limited importance to contemporary Miamis, or are a major basis of organizing

social relationships among the members in general. There is knowledge of subgroup history and fights in the past. While some individuals are strongly aware of subgroup affiliation (as opposed to membership in more narrowly defined kin groups), others have only a limited knowledge about the subgroups or are unaware of which subgroup they would be classified in on the basis of genealogy. People are more likely to refer to the "Huntington group" or the South Bend group than to the Richardville/Lafontaine or the Meshingomesia subgroups of which these two narrower groups are genealogically part.

Council representation is still in part based on subgroups but is also based in part on "family" groups. Subgroup conflicts since the early 1980's have not been a major element in political processes. Subgroup distinctions in relation to political processes are discussed in detail in the section of the report on criterion c.

Social Distinction and Discrimination

Proposed Finding

The proposed finding was that there was some distinction maintained between the Miamis and the local non-Indian population but that it was a fairly minimal distinction. The basis for this included the conclusions in the anthropological report that local non-Miamis were aware of Miamis having a different family background and were aware of tribal activities. That report noted also that "self-identification [as opposed to distinction imposed from the outside] has perhaps been the stronger factor" in the maintenance of this distinction (PF/A, 24). Self-identification referred in part to enrollment on membership lists and attendance at Miami events such as the reunion. The overall context of Miami members' social relations with non-Miamis indicated little significant distinction beyond simply identification by non-Indians as Miami. Most significantly, there have been no intermarriage barriers for generations. Miamis belong to non-Indian clubs, churches and other institutions without restrictions.

The significant issue for the Miami response to address was whether it could be demonstrated that there is more than a minimal social boundary with non-Miamis. The petitioner was advised that patterns of social discrimination, which constitute a strong social boundary, was clear evidence that the community was distinct and further that discrimination provided supporting evidence for internal social cohesion. Conversely, a low level of

distinction did not provide evidence for social cohesion. This advice is quoted reasonably correctly in the Miami attorney's letter of October 25, 1990, concerning their research plan for the response (Locklear 1990). However, the response itself incorrectly quotes the advice to the Miami researchers as "discrimination was not a necessary condition to prove community but that it was a sufficient one" (MNISI 1991a, 47-48).

Evidence for Discrimination

The proposed finding was that the evidence indicated that the social discrimination experienced by the Miamis earlier in the century, which was quite strong, was no longer experienced today. The interviews done for BAR for the proposed finding indicated, in general, that discrimination or other negative social experiences as a result of identification as Indian had declined or disappeared over the course of the person's life or, for younger individuals, that of his parents or grandparents. No clear evidence of contemporary discrimination was found, although the petitioner was advised in meetings to explore this further because there were some hints in one or two interviews of recent discrimination or its reactivation as a result of assertion of Miami rights. At least 12 of the BAR contractor's interviews included information on past or present discrimination or other negative social reaction, but did not review the topic in depth (Greenbaum 1989).

The Miami response asserts that these interviews show that discrimination is current and constant (MNISI 1991a, 38). The examples cited do not support this. One example referred to the childhood of an individual who was 50 years old. Another reported negative comments from his boss. In the past his family had avoided the annual reunion to avoid being identified as Indian. A third interview mostly referred to past events but indicated that there has been some, increased, discrimination in the past four years. It stated that "...it [Miami relations with non-Miamis] was better earlier than it is now." The fourth interviewee said that some comments had been made by non-Miami friends, but that he hadn't experienced discrimination.

The response's conclusion does not take into account all of the materials in the BAR interviews concerning discrimination and does not differentiate between past and recent experiences. Overall, the BAR contractor's interviewees varied in their responses. Some reported negative social reactions by non-Indians to the

interviewees' being identified as Indian. These reactions ranged from minimal, e.g., occasional jokes, to actual discrimination. Others indicated that they had not experienced such reactions (Greenbaum 1989). Much of the information obtained through interviews referred to in the past (see below). The Miami Nation secretary stated that 60 years ago (her childhood) was "kind of the end of when it was so bad to be Indian." A member of the council denied that there had ever been discrimination in Wabash.

The response cites a report of a review conducted by researchers from Ball State University concerning problems of employment and discrimination among Miami membership (Cunningham and Keith 1991). The response states that report's conclusion that there were "inadvertent" discriminatory practices in employment strategies and in business opportunities for members of the Miami Nation. The report's conclusion is not supported by the information in it. It contains extensive data concerning individual Miami economic histories, but does not show that the poor economic status of many Miami members is the result of discrimination against them on the basis of their being Indian as opposed to other causes.

Other Evidence Concerning Social Distinction

Of the evidence provided in the response concerning distinctions between Miamis and non-Miamis, the most useful is the field observations and interviews of the Miami researchers concerning individuals and recent events in the core geographic area (MNISI 1991a, 42-45).

Individuals reported denial of minority status in employment. A state official visited the Miami office, doubting the validity of Indiana Miami certifications for minority status. The response reports that there have been several instances of physical harassment and negative remarks in schools. Other instances of derogatory remarks, including one to a petition researcher when he identified his purpose to local non-Indians. The data did not indicate how widespread such occurrences were and if they represented primarily a recent local reaction to Miami activities.

At the time the Miami response was prepared, the Miamis had recently opened Bingo Halls under existing state laws (not equivalent to bingo operations of recognized tribes under their own laws) in four locations around the state of Indiana. These halls, which competed with local churches and voluntary organizations, drew a vitriolic backlash from non-Indians which can clearly be

characterized as anti-Indian, sometimes challenging Miami claims to be Indian. Reactions were especially strong in the city of Kokomo, just beyond the core area. As of the date of the proposed finding response, none had been opened in the core geographic area, but halls were planned and announced for Peru and Wabash. A revision of the state law governing bingo has been proposed, apparently in reaction to the Miami bingo halls. Since all of the reported reactions to the date of the response were outside of the core geographic area, it does not appear that these reactions, albeit strong, represented a long-term pattern of discrimination against the Miamis.

At the time of the BAR research trip in February 1992, a Miami bingo operation had been running in Peru for at least four months. Interviews indicated that local reaction had been mixed. Contrary to the evidence cited above, they did not show a strong negative backlash (BAR 1992). The mixed reaction was similar to the local reaction more generally to the large increase in Miami Nation programs in a large former school building in Peru that was acquired by the Miami the previous year.

Summary on Social Boundaries Between Miamis and Non-Miamis

Many individuals clearly reflect a sense of their negative experiences in the past or the experiences of their parents or grandparents. It was not uncommon to downplay or conceal Indian identity and background in the earlier decades of this century. Some individuals reported comments or jokes in their recent experience, while some reported no such experiences in their lives.

There are a variety of reports of negative responses to the Miamis recently, partly as a result of recent bingo activity, but also in reaction to the possibility of asserting hunting and fishing rights. Overall, local reaction to Miami activities has been mixed. There were also reports of incidents such as differential treatment of Miami children by the schools and police. However, the strongest negative reactions to the bingo operations were not in Peru, the town with the Miami headquarters and the most Miami residents, but outside the core geographic area.

There is no social boundary to Miami intermarriage with non-Indians and to social participation within the non-Indian community. Miamis attend non-Indian churches, are members of non-Indian social clubs, and participate in other local civic cultural events such as restoration of the train station, junior circus, and like activities

without evident restriction. Though there were some negative events reported, a systematic pattern of discrimination or even negative relationships with non-Miamis is not evident from the available data.

Data is very limited concerning the extent of Miami interaction with their non-Miami relatives, but it appears significant. For example, Miamis attend family reunions of the non-Indian side of their families as well as reunions of the Indian side.

There appears to be a weak sense of being known as Miami to local non-Indians, although it is unlikely that everybody who is a member of the Miami tribe is known as such among the local non-Indians. Some of this identification comes from local "Indian" events and some from the historical acquaintance with the families. However, recent Miami Nation activities asserting special rights, as opposed to their assertions of Indian pride and demonstrations of Miami history, through parades and cultural events over the past decade, have stimulated and sharpened existing distinctions. Although the Miamis within the core area are somewhat more clearly distinct from non-Indians than the proposed finding concluded, there is only a minimal social boundary between them and the surrounding non-Indian community.

Cultural Differences

Cultural differences between a petitioner and the surrounding non-Indian community are not a requirement of the regulations, nor are they necessary to demonstrate distinction under criterion b. However, the maintenance of differences in culture is good evidence of such a distinction. The existence of such differences is also often strong evidence for the existence of significant social cohesion and internal political processes which have made it possible to maintain cultural differences against outside pressures to acculturate.

The proposed finding concluded that there were no cultural differences between the Miamis and the non-Indians in the area. Cultural traits, as the petitioner was advised in meetings and by letter of November 9, 1990, concerning the proposed Miami research plan, are "...shared items of belief, social organization, etc. To be meaningful here, cultural differences should extend beyond purely symbolic expressions of identity" (Bacon 1990).

The initial response provided no new data. It quotes portions of the proposed finding technical reports

describing Miami activities, especially in the past decade, such as participation in parades and powwows, membership in Indian commissions, knowledge of Miami history, or wearing Indian costumes, and argues that these represent cultural differences. These activities relate only to symbolic assertions of Miami identity. Further, there was and is little information concerning how widespread among the membership these symbolic expressions and activities are or how important their expression is except to the most active individuals in the group. The supplementary report on the annual reunion indicates that it is not culturally different than non-Indian family reunions, although it is clearly a separate and distinct social institution. Symbolic expressions and cultural events are not uncommon at reunions, according to that report.

Overall, there was no evidence in the petition or in the responses to the proposed finding that demonstrated that there are presently cultural distinctions between the Miamis and the surrounding non-Indian population.

DISCUSSION OF CRITERION C -- POLITICAL INFLUENCE

Background to Miami Organizations After 1940

The removal of part of the Miami tribe across the Mississippi in 1846 effectively divided the Miami Tribe politically and socially into an eastern (Indiana) and western Miami tribe. The last overall chief, Francis LaFontaine, died in 1847, while the process of removal was still being completed. He was not replaced as overall chief. Leaders of the particular segments of the Miami population which were allowed to remain in Indiana -- the Godfroy, Slocum (Bundy) and Richardville/LaFontaine families and the more conservative band led by Meshingomesia -- formed subgroups which lived in kinship-based communities on separate lands.

Meshingomesia was dealt with as principal chief of the Indiana Miami after the death of Francis LaFontaine. Beginning also in the late 1840's, Gabriel Godfroy, Peter Bundy, and Pimyotomah were considered leaders of their subgroups to the end of the 19th and into the 20th century.

After Meshingomesia's death in 1879, he was replaced by his grandson, William Peconga, although the latter was a less influential leader. From the mid-19th to early 20th centuries, Miami leaders often acted in concert with a "council" to exert political influence over the group's members and interact with outsiders. Actions for the overall tribe, such as treaty negotiations in 1854 and complaints over payment of annuities, were generally decided by a council of various subgroup leaders. Delegations sent to Washington in the 1850's, 1860's and 1880's were authorized to conduct business relating to the entire Indiana Miami group.

From the 1840's to the 1890's, the leaders of the Meshingomesia band and the family groups on individual reserves dealt with the same major issues: who was entitled to be on the Miami payment roll, the taxation of Miami land, and the payment of the principal sum due the tribe under the 1854 treaty. Although older leaders such as Gabriel Godfroy and William Peconga were still active between the 1890's and the early 1900's, younger leaders and new forms of organization were emerging to deal with new problems resulting from the loss of the Miami land base.

Gabriel Godfroy and William Peconga remained active as leaders until after the turn of the century. Godfroy was

the most important of the older generation of leaders and remained active until at least 1905. Sometime around 1900, the Miami created a formal organization to aid their attempt to protect their remaining land and regain tribal status. This organization seems to have been a unified effort on the part of all the Miami subgroups, and it continued to function as late as the late 1920's. However, from 1917 to the 1920's the relationships between the subgroups developed into sharp factionalism. The division occurred over the best approach to seeking restoration of tribal status.

Based in part on preexisting subgroup distinctions and the differences in the historic legal status of their lands, the Godfroys and the Meshingomesias formed competing organizations around 1930 to press their cases separately with the Federal Government. The Meshingomesia subgroup's organization was formed in 1930 and was incorporated as the "Miami Nation of Indians of Indiana" in 1937. It originally included a portion of the Bundy subgroup as well. The Godfroy organization was formed between 1930 and 1943. Both organizations were involved throughout the 1930's with supporting protests against State attempts to regulate and limit Miami hunting and fishing rights and the issue of tribal status because of the land loss and State taxation of Miami land.

Little information was available for the proposed finding concerning the activities of the Miami organizations after the early 1940's or their significance. The Meshingomesia organization became inactive after about 1944. There was some limited information that the Meshingomesia subgroup became active on claims work in the 1950's. Only the Godfroys maintained an organization, which included some Richardville/LaFontaine representatives, between 1944 and 1961. There was evidence of continued subgroup conflict, consistent in character with that of earlier periods in relation to the pursuit of claims and enrollment of members in connection with those claims. The death of the Godfroy organization's leader, Ira (Ves) Godfroy, in 1961 precipitated a short-lived attempt to form a Meshingomesia organization under the leadership of William F. Hale. This resulted in bitter conflict between the subgroups, as well as within the Meshingomesia subgroup itself, and the reactivation of the Miami Nation organization in 1964 by other Meshingomesia members.

The proposed finding concluded that throughout the latter 1960's and during the 1970's both Miami organizations were involved in only a low level of activity concerning the claims process, that the extent and significance of the factional differences throughout the Miami membership as a

whole during this period were unknown, and that the breadth of interest, support and involvement in council actions by the Miami membership could not be determined.

The documentation provided in the Miami response to the proposed finding, as well as the supplementary material requested after receipt of that response and the data collected during BAR's research visit to Indiana provided further information about the activities of the Miami organizations and the conflicts between them. This new information is discussed below in sections, first describing the reactivation of the Miami Nation of Indians of the State of Indiana (MNISI) and activities of the Godfroy Council and, second, analyzing the character of various meetings held by the several Miami organizations.

Reactivation of the Miami Nation of Indians of the State of Indiana

The Miami petition contains little documentation regarding the role and activities of the Miami Nation of Indians of the State of Indiana after that organization was reactivated in 1964. The historian's report for the proposed finding stated that in 1964 "Meshingomesia band descendants who had become dissatisfied with Hale's leadership reorganized the old 'Miami Nation of Indians of Indiana, Inc.,' which had been incorporated in 1937 but had been 'placed on stand-by status for patriotic reasons' during World War II." Francis Shoemaker, a grandson of Elijah Marks who had led the 1937 organization, became the reactivated organization's president (PF/H, 61).

The Miami response to the proposed finding (MNISI 1991a) also provided little additional information regarding the MNISI after 1964. At the request of the BAR, one of the Miami researchers provided further documentation (organization minutes and correspondence) clarifying that organization's activities between 1964 and 1979. On April 19, 1964, 75 adult Miami attended a meeting in Wabash "to re-activate the [1937] charter, bring it to date, [and] elect officers to replace the ones who are deceased" (MNISI 1964-74). Francis Shoemaker was elected chairman, John Smead Vice-Chairman, Mina Brooke Secretary, and Arthur Lavoncher, Duane Smead, Curtis Shoemaker, Rose Replogle, Donald Ross, and Delmar Godfroy were elected as directors. Three of the MNISI directors -- Duane Smead, Curtis Shoemaker and Arthur Lavoncher -- had been councilmen in William F. Hale's Miami Tribe of Indiana in 1961. Two of four new directors elected for the MNISI later in 1964 -- Donald Buzzard and Andrew Marks -- had also been members of Hale's organization; Andrew Marks had

been Hale's Vice Chairman (MNISI 1964-74; MTI 1961). Mina Brooke had been Secretary of Hale's organization, but had "encountered opposit on because she was for all Miami" and joined the MNISI (Ryan 1964b). On April 20, Francis Shoemaker and Mina Brooke filed papers with the State of Indiana to bring the 1937 charter up-to-date merely by changing the principal office and resident agent of the organization (MNISI 1937/1964).

Carmen Ryan, who was Recording Secretary of the MNISI, explained why the 1937 charter was reactivated. She said that the organization had originally formed in the 1930's to work on Miami claims for the entire tribe in order "to by-pass the feuding between the Godfroy and Meshingomesia families, although they were not excluded" (Ryan 1964b). Later, the MNISI organization was allowed "to lie dormant" both because of World War II and because there seemed to be more cooperation between the Meshingomesia and Godfroy subgroups (Ryan 1964b). In the early 1960's, however, when Larry Godfroy took over leadership of the Godfroy organization and William Hale took control of the Meshingomesia group, "the feuding was resumed" (Ryan 1964b).

"A number of months of discussion" of the advantages and disadvantages of reactivating the 1937 charter, preceded the actual event (Ryan 1964b). Two primary issues were involved in bringing about the reactivation. First, there was the perception on the part of the Miami that some sort of formal organization was necessary before claims award payments could be made. This perception may have been instigated by a May 1963 letter from Walter Maloney (the attorney handling the Miami claims) to Andrew Marks (who had been involved in the original 1937 MNISI organization as well as Hale's council) in which Maloney stated that "all Indian awards must be made to a tribal group instead of to individuals." Maloney urged that the feuding between the Indiana Miami subgroups cease: "This is the time that all Miami Indians of Indiana must close ranks and fight together. I see no reason why you cannot have your separate social organizations if you want them but when it comes to the business of the 'Miami Indians of Indiana' you must join hands, work together and take a united position" (Maloney 1963).

Another issue was the attempt by the Godfroy Council to exclude other Indiana Miami from participation in the claims payment. On April 20, 1964, the same day that the papers reactivating the MNISI were filed with the State, Senator Frank Church of Idaho, Chairman of the Subcommittee on Indian Affairs of the Senate's Committee on Interior and Insular Affairs, introduced the first

legislation (S. 2753) for the distribution of funds awarded the Miami by the Indian Claims Commission. This legislation had been recommended by the Department of the Interior (Bayh 1965; Hartke 1964). A newspaper article about the legislation aroused the concern of Carmen Ryan and other Miami who had begun efforts to reactivate the MNISI, and Ryan wrote to Commissioner of Indian Affairs Phileo Nash on May 12 requesting further information about S. 2753 (Ryan 1964r).

Before Ryan received a reply from the BIA, the Godfroy council called a meeting in Peru on May 24 to discuss the legislation. Although the Godfroys tried to limit attendance at the meeting (Callahan 1964b), Senator Birch Bayh of Indiana informed other Miami of the upcoming meeting (Ryan 1964r), and as a result "members of the other groups" attended (Ryan 1964e). The legislation as introduced had no generational limit on the distribution of the judgment funds. The Miami who met in Peru voted to limit the distribution "to those on the 1895 payroll, their children and grandchildren" (Ryan 1964r). A resolution from this Miami meeting, indicating Miami preference for the award distribution, was transmitted to the Indiana Congressional delegation, and the generational limit was adopted in later versions of the distribution bill (Hartke 1964).

Four days after the Peru meeting, Ryan received a reply to her May 12 letter to Commissioner Nash. The reply from the BIA indicated that the distribution of the judgment fund would be even further limited: The award of \$64,738.80 in Docket 124A would go to descendants of Miami listed on the Miami roll of 1895. However, a larger award of \$4,647,467.67 in Dockets 67 and 124 would be distributed to the Oklahoma Miami Tribe and those descendants of Indiana Miami listed on the Eel River Miami roll of 1889, a much smaller group of Indiana Miami descendants (Pennington 1964a).

The BIA's reply provoked a flurry of correspondence from Carmen Ryan. Limiting the four million dollar payment to descendants of the Eel River roll "show no consideration given to the greater number of Indiana Miamis ... but included the mother of Eva Bossley (Louisa Aveline) and the others of the Aveline family" (Ryan 1964). She wrote to an out-of-state Miami member that the limitation "excludes all Miamis on the four million payment except the Aveline Godfroys and Paul Walters" (Ryan 1964q). This would have the result of limiting the award to the Godfroys who led the Godfroy organization and some of its members.

Ryan believed that the attempt of the Godfroys to limit the payment was similar to earlier Godfroy attempts. She wrote Senator Bayh that "all I've heard for years is 'cut down the payroll.' Well, the Godfroys have practiced that all those past years" (Ryan 1964r). She also believed that the meeting the Godfroy council had held on May 24, which was supposed to have decided "eligibility to participate in the 'big mone,'" (Ryan 1964e), was actually "a blind to cover what was working under cover. If no one found out what was being engineered and did something about it, Eva [Bossley] and [Paul] Walters could pass the buck to the Bureau" (Ryan 1964p). Those Miami who were reactivating the MNISI tried to do something about it: "Telephone wires have been going heavy to make people understand that this is a real danger point" (Ryan 1964q); "I've been sending photostats of the Bureau letter to various people in the hope someone will keep the subject so much in the open the skulduggery can't go through" (Ryan 1964e). The MNISI planned to hold a meeting on June 7, 1964, to discuss the issue, at which time a further letter writing campaign was planned (Ryan 1964q, 1964r; MNISI 1964-74, 6/7/64). After this meeting, Ryan wrote that "Since this Wabash organization [the MNISI] seems the ones most concerned about the welfare of all Miamis, I found ... their meeting June 7th, like returning to real Miami days" (Ryan 1964e).

In late June, Ryan finally received a copy of S. 2753 from Senator Bayh. She realized that the bill had been misrepresented to her by the BIA. The bill did not limit the payment of the four million dollar award to the Eel River roll, but included the descendants of Miami on the 1895 roll. Ryan was still dubious, however, writing back to Senator Bayh that "I can't see why the Indian Bureau's interpretation applies unless somehow in the finding of the Court of Claims a joker is hidden" (Ryan 1964s)

Even though the bill had been clarified, during the remaining months of 1964 Ryan continued to write letters about "the old fear of Godfroy treachery" (Ryan 1964s). In August, she wrote that the "threatened side-tracking of most of those involved throughout Indiana, as to receiving their just portion of the money already appropriated" would not only have excluded "the majority of Indiana Miami from the Four Million," but also "would automatically exclude them from the remaining some six or seven treaty adjustments" (Ryan 1964f). Although through the efforts of the MNISI members, "with enough publicity turned on the subject, the danger point has become 'misinterpretation' of the proposed bill," she continued to relate this episode to older animosities between the Godfroys and Meshingomesias:

Some evidence of inter-tribal maneuvering pointed to some question of underhanded manipulation following up the old quarrel (which Syslvester Godfroy, during his lifetime, was so determined he would shut out any of the Meshingomesia group), the only thing I could see was to get enough photostats to enough key persons among the Miamis that correction should be made.... If some badly soiled linen from the past came to the surface, perhaps results might prevent a recurrence of some of the unfairness to which the true Miamis have been subject in the past. It's hard to face when you must question people you really care for -- it's still more unpleasant when methods used in the past seem to loom over these younger Miamis who ask nothing but a fair inheritance. (Ryan 1964f)

In November, Ryan contrasted what the MNISI was trying to accomplish with the tactics of the Godfroy organization: "When the Godfroy faction has proven for years their demands that only a portion of Indiana Miamis be considered eligible for payment, it is recognized that they can not be dealt with for the protection of the entire tribe"; the MNISI, on the other hand, "want recognition so that there may be someone in position to protect the entire Miami Nation (Ryan 1964u). In December, she wrote that "it took a real threat to start the descendants of the original incorporated group [the MNISI] to put it into action (Ryan 1964o).

For years following 1964, Ryan continued to write how the Godfroys' attempts to limit the claims payments brought about the reactivation of the MNISI. In 1966, she noted that the Godfroy descendants continually tried "to keep as many as they could off Miami payrolls, and that it was because of this the 1937 charter was reactivated" (Ryan 1966). In a 1967 letter to Lorene Olds, wife of the Chief of the Oklahoma Miami, Ryan stated that "the local newspapers here do not want to put in anything that might offend Eva -- or Mr. Hale, and it looks like Eva wants to keep most of the Indiana Miamis in the dark so she can 'cut down the pay-roll' as they always have cried, -- and practiced in her family.... That curtain around Peru gets pretty confusing at times, and it is good to let a little light in" (Ryan 1967a). A year later, i.e., four years after the MNISI was reactivated, Ryan was writing that the MNISI was still fighting "for those legitimate Miami members who have been brainwashed into belief this Peru Council [the Godfroy organization] can be depended [on] to work for tribal benefit" (Ryan 1968f).

That these two issues were combined in the minds of those involved in the reactivation is indicated in a letter from Mina Brooke, the MNISI Secretary and "Resident Agent," to Congressman Charles W. Halleck in September 1964, in which she stated that the inability of "the present Meshingomesia group" (Hale's Miami Tribe of Indiana) and "the Godfroy group" to organize on a tribal basis was detrimental to the entire tribe. "The group which we represent, ... known as the Miami Nation of Indians of Indiana, Incorporated, presently active, were issued papers of Incorporation by the State of Indiana in 1937, always working as a Tribal Unit, rather than as any one family division. Feeling that this group is more capable of complete fairness to the entire Miami Nation, we believe there is no necessity for re-incorporation with this early Incorporation in existence." Brooke addressed how the detrimental effect of infighting between the Miami groups helped the MNISI to decide to reactivate: "It was with the realization that this combined opposition was weakening the Miami position, that the Wabash group [the MNISI] (which had refrained from previous interference) took necessary precautions of bringing their long-standing incorporation into active status" (Brooke 1964c). Carmen Ryan wrote in a similar vein that the MNISI reactivated when the claims attorneys insisted that an organized group was necessary when the Godfroys refused to organize and "no one could reconcile the Godfroys to the Meshingomesia family, and other families were being put in a hazardous position" (Ryan 1964m).

The data provided in response to the proposed finding clarifies a statement in an October 29, 1964, memorandum prepared by Carmen Ryan regarding the reason for reactivation: "the inheritance of the Miami Tribe and descendants of the original members of the Incorporation [was] being placed in jeopardy through the obvious omission of necessary action on the part of other groups [Godfroy and Hale], organized subsequent to the Miami Nation of Indians of Indiana, Inc., in an attempt to regulate Miami affairs." This memorandum stated that the reactivated group would "welcome all Miamis who are interested in Tribal welfare above and beyond natural family loyalty" (MN/MNI 1964). The bylaws of the reactivated group similarly stated that it would represent "the complete Miami Nation of Indians, without separative distinction as to family, bands, or individual groupings" (MNISI n.d.). In her letter to Congressman Halleck, Brooke minimized the efforts of the Hale and Godfroy organizations to find a formal structure by insisting that the MNISI "is not a fly-by-night group, having existed longer than any of the various groups of the Meshingomesia organization, and having been organized previous to the

initial Godfroy family meetings" (Brooke 1964c).

The 1964-73 minutes of the MNISI provided with the Miami response indicate that its major focus during this period was payment of the claims award. One of the first orders of business for the MNISI after reactivation was to get some sort of official recognition of the organization by the Federal Government. The group believed such recognition was needed in order to share in the award. At its first meeting in April 1964, it was decided to hold a directors' meeting "as soon as an answer came from the Sec'y of Interior, concerning recognition of this group" (MNISI 1964-1973). The MNISI had already written to Secretary of the Interior Udall, requesting that the organization be recognized under the Wheeler-Howard Act, or Indian Reorganization Act (IRA) (Brooke 1964). A similar request was made to the BIA by the MNISI's attorney (Bostwick 1964). In May, BIA Tribal Operations Officer Robert Pennington wrote back that it was unnecessary for the Indiana Miami to have an organization formally approved by the Secretary of the Interior in order for eligible Miami to share in the claims award (Pennington 1964a). A similar letter was sent to the MNISI by Deputy Assistant Secretary Robert Mangan (Mangan 1964).

The MNISI was not convinced. In August 1964 the group wrote again to the Secretary of the Interior regarding their organization, and Pennington replied that as the Indiana Miami did not reside on a reservation they were ineligible to organize under the IRA; he again offered his assurances that lack of a formal organization would not interfere with the claims payment (Pennington 1964b).

There were still doubts within the MNISI. The concern about a tribal organization raised in 1963 was still an issue when Mina Brooke, who had become aligned with the MNISI, wrote to Congressman Halleck in September 1964 (Brooke 1964c). Andrew Marks had been elected a director of the MNISI in June, and the letter he had received from attorney Maloney the year before was read to a November 15 MNISI meeting held in Wabash (MNISI 1964-74). Carmen Ryan, however, wrote that "the important thing ... is that an Incorporated group can demand recognition that an unincorporated group can't. And since this incorporation was made in Sept. 1937 there can be no claim that it was fraudulently made.... As soon as the Miamis as a whole knew there was someplace they could go as a Tribe they began coming in" (Ryan 1964o).

The MNISI's efforts to obtain recognition under the IRA for their already incorporated group may have been a

reaction to similar efforts already underway by the Godfroy organization. In her letter to Congressman Halleck, Brooke stated that the MNISI were aware that a bill regarding the distribution of the Miami claims award, introduced by Indiana Senators Hartke and Bayh, "contains an additional clause which would permit the Miami Tribe to incorporate under the provisions of the Wheeler-Howard Act" (Brooke 1964c). The bill, S. 3040, introduced in the 88th Congress on July 29, 1964, was similar to a bill (H.R. 11824) introduced in the House by Congressman J. Edward Roush a month earlier. The bill included, as Senator Hartke stated when he introduced the legislation, "a statutory definition of the Miami Tribe of Indiana, which would be the basis for incorporation under the Wheeler-Howard Act should the tribe wish to do so." Hartke also stated that this provision was "in accord with the will of the Miami Indians themselves, as expressed in a resolution adopted at a meeting held in Peru, Ind., on May 24, 1964. At least 2,000-3,000 individuals are included" (Hartke 1964).

No documentation regarding the May 24, 1964, meeting was received with either the Miami petition or the materials submitted in response to the proposed finding. Neither the MNISI minutes (1964-74) nor the minutes of the Godfroy Council include a meeting on this date. The only available information about this meeting is found in Carmen Ryan's correspondence. Ryan indicated that she had attended "a Godfroy meeting in Peru May 24th where members of the other groups were advised to attend" (Ryan 1964e). It is not known how many Miami attended the May 24 meeting, or the breakdown of the attendance of the Miami subgroups. Ryan noted that "something over 350 people were there" (Ryan 1964e), but not all Miami were informed of the meeting (Callahan 1964b). Ryan also noted that after Walter Maloney and Paul Walters made statements at the meeting that there was no incorporated Miami group, "the ones who had gone to Peru to offer Malloney [sic] his incorporation kept still; ignored the voting -- and went home to get ready for their own meeting" (Ryan 1964o).

The fact that Mina Brooke wrote Congressman Halleck requesting copies of H.R. 11824 and S. 3040 indicates that some Miami (primarily members of the MNISI) were not completely aware of what was accomplished at the Peru meeting. It seems from Brooke's letter to Congressman Halleck that the efforts of the MNISI to become the only incorporated organization seeking recognition under the IRA may have been an attempt to forestall such action on the part of the Godfroy Council for fear that some Indiana Miami would be excluded. However, that Hartke mentioned that 2-3,000 individuals were involved would imply that

the membership of all the Miami subgroups would come under the provisions of the bill if it were enacted. In any case, the MNISI became involved, because it discussed H.R. 11824 at its November 15, 1964, and January 3, 1965 meetings (MNISI 1964-74).

Mina Brooke mentioned Maloney's 1963 letter to Andrew Marks again in a 1965 letter to Commissioner of Indian Affairs Philleo Nash. She stated that Maloney's insistence on the need "for organization among Indiana Miamis" had been expressed "on several occasions," and that Maloney had been expected to meet with the Miami in Marion in April 1964 to discuss the issue. Maloney did not appear at the meeting, giving as his reason "that he had on that date, renewed his contract with the Godfroy Group at Peru, Indiana." Brooke stated again that the MNISI had reactivated its 1937 charter because of the perceived need for such an organization, "knowing that the original Miami Charter was still applicable." Brooke told Nash that the MNISI had requested "recognition under the Indian Re-Organization Act" three times, "but were told that such recognition could not be given due to the fact that the Indiana Miamis are non-reservation Indians." She also said that "at a meeting in Peru, Indiana, some time ago," Maloney had stated "that possession of even so much as a speck of land" would allow the Indiana Miami to organize under the IRA. Brooke enclosed with her letter copies of "what we understand is proof of ownership of original Miami property" and again requested recognition. Brooke also mentioned that Senator Hartke had introduced S. 1416 (U.S. Congress, Senate 1965) which, like his proposed legislation the year before, would allow the Indiana Miami to organize under the IRA without regard to land ownership (Brooke 1965). No BIA response to Brooke's letter has been located, and Hartke's bill was never reported out of committee. Later legislation for distribution of the Miami judgment awards did not include provisions for recognition of the Indiana Miami.

Miami Indians of Indiana (Godfroy), 1944-67

Most of the data available for the proposed finding regarding Miami council meetings between the early 1940's and the late 1960's are found in the Minutes of the Godfroy council (GBMI 1944-67). A new set of minutes from the Godfroy organization, which were in the possession of Louise Hay, was provided in the supplementary materials in response to the proposed finding (Hay 1944-67). The Hay minutes cover the same time period as the minutes submitted earlier and are almost a verbatim copy of the earlier minutes. The Hay minutes differ somewhat from the

MII minutes submitted with the petition. The Hay minutes contain minutes from three meetings not included with the earlier set of minutes (6/26/54, 8/54, 10/54). Four meetings which were included in the original set (GBMI 1944-67, 6/11/45, 5/53, 6/1/53 and 2/5/61) are not included in the Hay minutes. Also, the meeting noted in the Hay minutes as taking place on March 22, 1958, is dated May 22, 1958, in the set originally provided. The minutes of two other MII meetings, on April 7, 1963, and April 11, 1965, which were not included in the Hay minutes or in the minutes provided with the petition, were submitted with the supplementary materials.

The additional MII minutes indicate that discussions as recorded at meetings primarily revolved around claims issues, including the distribution of claims awards, creation of a tribal roll for that distribution, and the necessity for all Indiana Miami subgroups to combine in an organization in order to share in the awards.

The Miami response to the proposed finding states that all the Miami subgroups, including the Meshingomesias, were represented on the Godfroy council "at least from 1956" (MNISI 1991a, 112). The response bases this conclusion regarding Meshingomesia representation on the council on the fact that one of the council members was Paul Walters, who "represented the Meshingomesia clan" (MNISI 1991a, 104). However, the Godfroy council minutes do not indicate that Paul Walters was on the council in 1956, although, being a minister, he often opened council meetings with a prayer (Hay 1944-67; 6/53); he performed the same function for the Hale organization (MTI 1961; 4/30/61) and the MNISI (MNISI 1964-74; 11/15/64). The minutes for the meeting of February 12, 1956, simply indicate that Walters, Ira Godfroy, and William Godfroy reported on their trip to Washington, D.C. to attend Miami claims hearings (Hay 1944-67; 2/12/56).

Even if Paul Walters was technically a Meshingomesia descendant, he was perceived by other Meshingomesias as strongly aligned with the Godfroy organization. Carmen Ryan wrote that although Walters' mother was a Meshingomesia (Ryan 1964o), he had other ancestors "on the Eel River Pay-roll" as did the Godfroys who were descended from Louisa Aveline (Ryan 1964p, 1964r). Ryan suspected that Walters and the Godfroys were working together in trying to cut the Meshingomesia descendants out of the claims payments, writing in 1964 that the Godfroys "& Walters would have eliminated the 1895 group by just keeping quiet if the information in newspapers hadn't sparked a lot of Miami resistance" (Ryan 1964j). Walters had attended the MNISI meeting in April 1964 when the

group decided to reactivate its 1937 charter, but Walters "evidently wasn't so enthusiastic," and at a meeting called by the Godfroy organization on May 24, 1964, Walters had "spilled the beans" to Ryan that the Godfroy organization had thwarted the reactivation of the MNISI "at [the] State level," which was untrue, as Carmen Ryan found out when she checked photostatic copies of the reactivated charter from the Indiana Secretary of State's office (Ryan 1964p, 1964d, 1964o). Ryan wrote that when Walters attended a MNISI meeting on November 15, 1964, he "was in full feather, ready to tell us what we should do"; when Francis Shoemaker "asked him why he didn't go to the Meshingomesia Council [Hale's organization] ... Walters said he didn't have any influence in that group" (Ryan 1964o). Ryan further wrote that "although each member [of the Godfroy Council] is said to 'represent' a different family, no one is on that council who is not tied to the Godfroy family by blood lines unless it is Al Peconga (Ryan 1964q).

Ryan's perception, and the perception of the reactivated MNISI, was that the Godfroy organization was separate from the MNISI. Ryan's correspondence differentiates between the activities of what she called the Godfroy "family" organization and the "tribal" activities of the MNISI (Ryan 1964n). This distinction was also maintained by the Godfroy council. The data provided with the response contain minutes from a Godfroy council meeting in August 1954, which had not been among the minutes provided with the petition, indicating that the Godfroys' attorney "thought two bands, the Godfroys and the Shingmessia, should combine and work together however it was not decided at this time" (Hay 1944-67; 8/54).

There are indications that the MII may have felt that the official meetings being held by their organization were primarily for claims purposes, and that other business should not be reflected in the minutes. For example, on November 11, 1947, following a discussion of claims issues, "other rights of the Miami were discussed, as of fishing and hunting." For 1959 there is a notation that "all councils held this year were to discuss letters from our attorney. No business was really transacted." The minutes for April 19, 1953 state: "In looking over the mail that the Chairman received, we found a letter from our attorney, stating we might be called to Washington." There is no indication as to what other mail might have been received, or what business or issues that other mail might have involved. Notations about answering "all letters" are found in MII minutes for August 21, 1948, December 1948, and February 1949. Distinctions made between mail received from the claims attorneys and other

mail are found throughout the MII minutes. At a council meeting on August 7, 1960, for example, "mail was read by Sec'ty," including "a letter from our attorney." This is different from instances where the minutes indicate that only correspondence from the attorneys was read and answered.

MNISI Meetings, 1964-74

There was little information available for the proposed finding regarding the MNISI's activities from its incorporation in 1964 to 1979, except for information on enrollment of members and the MNISI's attempts to intervene in the claims process in the 1960's (PF/AS, 16). As a supplement to the response to the proposed finding, the Miami submitted a copy of the MNISI minutes from 1964-1974. These minutes provide considerably more data regarding the MNISI's activities in this period.

Like those of the Godfroy Council, minutes for the MNISI meetings indicate that most of the business transacted by the organization in the period between reactivation of its charter in 1964 and when the minutes end in 1974 relates to the claims cases. Even the discussions of formal organization on November 15, 1964, and recognition under the IRA on January 3, 1965 (MNISI 1964-74) related directly to the perceived necessity of having a formally recognized tribal organization to benefit from the claims awards. The discussion of the settlement hearing in Washington at the June 26, 1969 meeting refers to Carmen Ryan's reading of her testimony and report on the ICC hearing at which she testified on May 27, 1968 (Ryan 1969a).

Exceptions to discussions of claims matters are the discussion of the Bundy cemetery in the June 7, 1964 meeting, the authorization of expenditures for "Floral Bouquet for Bundy's funeral" on November 15, 1964, and the discussion of a "memorial park in Montpelier" on January 26, 1969. Donations for the annual reunion in 1972 (\$20.00) and 1973 (\$25.00) were authorized; these donations to the annual reunion were noted in the annual reunion minutes of 1972 and 1973 as coming from the "Miami League of Nations" (MAR 1953-81). Another notation, in the minutes for January 3, 1965, indicates that following the discussion on an award distribution bill, "the rest of the time was spent in open discussion of matters pertaining to the Miami Indians." There is nothing noted as to what these "matters" were (MNISI 1964-74).

Carmen Ryan noted that the November 15, 1964, meeting of the MNISI was the first time we felt like a Tribe since Ves pushed away those Miamis he didn't want paid. A lot of things are becoming clearer -- but for years we've fretted and wondered -- at least those of us who wanted the tribe, not just families split-up the way they were, but it took a real threat to all but those who were on the 1895 payroll ... to start the descendants of the original incorporated group to put it into action" (Ryan 1964o).

Legislation for the distribution of funds in the initial claims case was passed in October 1966 (80 Stat. 909), and an enrollment office was opened in Marion, Indiana, to enroll the descendants of those eligible to share in the claim. It may have been the original intention to reactivate the 1937 charter only so long as it was necessary to finish the claims activities. The notation in the February 12, 1967, minutes that this was the "last meeting of Miami Nation of Indians" seems to bear this out. The award distribution bill had been signed into law in October 1966, and the only business noted as being carried on in the February 12, 1967, MNISI meeting was "to help any one who needed help to fill out Gov't applications." when, later in 1967, the officers of the MNISI found that claims issues were still significant, and the Godfroy council was still failing to communicate about those issues to other Indiana Miami, the MNISI continued to hold meetings as a separate, organized group.

The MNISI minutes add to and explain data available for the proposed finding regarding the meeting of September 12, 1971, at which the Miami present were encouraged "to write to attorneys and congressmen" (MNISI 1964-74). On August 23, 1971, Mina Brooke, the MNISI Secretary, wrote to Robert C. Bell, one of the Miami claims attorneys, that the MNISI would hold a meeting on September 12, at which time the judgment award and the bill introduced in Congress for its distribution would be discussed. Brooke asked: "Do you think it would be helpful for each individual Miami to write to the Sub Committee and their Congressmen pertaining to Bill H.R. 5199, now pending before the House Interior Subcommittee on Indian Affairs?" (Brooke 1971b). It is not known what Bell's response was, but between the date of the meeting (September 12, 1971) and the end of February 1972, at least 23 letters were sent to various senators, representatives, the Department of the Interior, the BIA and President Nixon requesting action on the pending bill (BIA 1969). Bell sent copies of some of the letters he received to the House Committee on Interior and Insular Affairs Subcommittee on Indian Affairs, with the statement that he was "receiving quite a number of letters from Indiana Miami Indians concerning

payment of the awards" (Bell 1971f). Some of these letters included statements such as "our Indian agent advised us to write to you" (Laughlin 1972), "I was asked to write you concerning the Miami Indian judgment fund" (Rokos 1972), and "we were informed at a recent meeting to the effect that new names would be added to the payroll" (Weimer 1971). Seven of the 23 letters were from Miami members outside of Indiana -- four from Illinois, one from Michigan, one from Florida, and one from Missouri.

General Meetings

Supplementary documentation provided by the Miami indicates general meetings involving members from all the Miami organizations were primarily related to claims activities in the 1960's. Documentation includes meeting notices inviting "all Miami Indians of Indiana" or "all members of the Miami Tribe of Indiana" to general meetings to discuss the claims award and the creation of membership rolls for the award payments, and to listen to presentations made by the claims attorneys, BIA personnel, and others. All three of the Miami organizations held these meetings. Meeting notices for May 21, 1961, October 14, 1962, September 1, 1963, October 10, 1964, and August 22, 1965, were all issued by the Godfroys' organization (MII 1961, 1962, 1963, 1964, 1965). All of these meetings were held in Peru. The Hale organization called a meeting for May 22, 1961 in Marion, apparently to discuss among their group what went on at the Godfroys' meeting in Peru the day before (MTI 1961b). The MNISI held a meeting on March 21, 1965 near Wabash (MNISI 1965a) and on March 30, 1968 in Marion (MNISI 1991b, 8).

The number of representatives of the various Miami subgroups attending these meetings is unknown, but it is obvious that those who went to these meetings reported on them to meetings of the individual subgroups. For example, although there is no firm evidence of the attendance of other Miami subgroups at the MII meeting on May 21, 1961, the Hale minutes for that group's May 22 meeting state that "minutes of the Peru meeting of the 21st were read" (MTI 1961b). It is not known whether these were the minutes of the May 21 meeting prepared by Eva Bossley, or if Mina Brooke kept separate minutes at that meeting for the Hale group. Similarly, Arthur Lavoncher, Andrew Marks and William Freet, all members of Hale's council, reported on the general meeting called by the Godfroy organization on October 14, 1962, when the Hale council met on October 29 (MTI 1961b). It was after these meetings of October 1962 that Walter Maloney, before the ICC, stated that "at the present time the bitterest

war is being fought between those two groups down there," and that when he attended the Godfroy meeting he found that "a very disturbing situation existed. They [the Godfroy group] think that they were the only real Indians" (Maloney 1962).

Another general meeting is referred to in the documents provided in response to the proposed finding. This meeting was held in Marion on March 30, 1968. In 1967, Carmen Ryan, on her way back to Indiana after visiting Muskogee, Oklahoma, stopped to visit Forest Olds, the chief of the Oklahoma Miami. Olds told her about "a meeting for settlement, which we [the MNISI] knew nothing about" (ICC 1968a, p. 36).

There are no available minutes for meetings held by either the Godfroy organization or the MNISI in 1967 after February. The Godfroys had discussed issues relating to Dockets 124-D-E-F at a council meeting on February 12, 1967 (Hay 1944-67) and had authorized its attorneys to accept a settlement (Harker 1967), but the MNISI seemingly were never informed about it; they held their "last meeting" in Wabash on the same date, February 12, 1967 (MNISI 1964-74).

By early July, however, Francis Shoemaker was made aware that the Godfroy organization had passed a resolution to accept a settlement and that the Department of the Interior had offered assistance in holding a meeting for the Indiana Miami to accept or reject the compromise offer. Mina Brooke drafted a letter to David Kiley, the attorney hired by the MII two years earlier to replace Walter Maloney, stating that the MNISI "would be glad to co-operate to the fullest extent if you decide to call a meeting of all Miamis.... If you would be so kind as to notify Mr. Shoemaker, he will make arrangements to send meeting notices to every Miami Indian on our Roster, and I'm sure Mrs. Bossley and Francis Hale would do the same" (Brooke 1967a). Mrs. Brooke also wrote to the BIA that the MNISI would cooperate with Kiley in calling a meeting, and suggested that a BIA representative assist in conducting the meeting "out of fairness to all Miamis" (Brooke 1967b).

By late July, the MNISI still had received "no word yet about any meeting called" (Ryan 1967c). On September 8, 1967, the MNISI held a "general council meeting" after meeting with Edwin Rothschild, the Oklahoma Miami attorney (MNISI 1967). At Rothschild's suggestion (Brooke 1967c), the officers of the MNISI wrote again to Kiley, stating that they had learned "that the Department of the Interior sent instructions to you ... to call a meeting of all

Miami Indians of Indiana for reason of a vote of acceptance or rejection of the compromise offer" on government offsets to the claims awards in Dockets 124-D-E-F and 256 (MNISI 1967). As the instructions from the Department of Interior had been dated June 20, almost three months earlier, the MNISI were concerned whether Kiley had "made any preparations for such a meeting, and to inform you that this incorporation will cooperate to the fullest extent to bring about such a meeting real soon, or not less than sixty days from your receipt of this letter" (MNISI 1967).

The MNISI was beginning to feel pressured. Not only had they learned nothing from the Godfroy organization's attorneys regarding the necessity for holding a meeting to approve the compromise, but by the beginning of 1968 Forest Olds, chief of the Oklahoma Miami, wrote to the Secretary of the Interior because no meeting of the Indiana Miami had been called, although the Oklahoma Miami had voted to accept the compromise on April 15, 1967. Olds stated: "I feel the Miami Tribe of Oklahoma, as a tribal entity recognized by the United States Government as such, should be recognized as the authorized group to make these decisions for all Miamis" (Olds 1968). The Department of the Interior replied that nothing would be done until the Indiana Miami had held "a satisfactory meeting so that the Indiana group may express its views on the proposed compromise" (Vaughan 1968).

Rothschild, the Oklahoma Miami attorney, tried to put the MNISI at ease. He wrote to Carmen Ryan that there was "no area of conflict between the Oklahoma Miamis or the Indiana Miamis who are represented by Mr. Kiley or your incorporated group ... (It is my understanding from you, Mr. Shoemaker and Mrs. Brooke that your group does not consider Mr. Kiley to be your attorney)" (Rothschild 1968). Rothschild agreed with the MNISI that "secrecy has no place in Indian matters," and urged that the MNISI induce Kiley or the BIA to hold a meeting to approve the settlement: "The best interests of all Miamis ... require the acceptance of the settlement.... The Oklahoma Miamis approved the settlement last April. I know that your group desires to approve the settlement. The Indians represented by Mr. Kiley, however, have not acted" (Rothschild 1968).

The Miami attorneys (David Kiley and Robert C. Bell) held the meeting to discuss the compromise offer on March 30, 1968, at the Bennett High School in Marion. Kiley chaired the meeting. Edwin Rothschild, the Oklahoma Miami attorney, later characterized the attendance as the "people represented by Mr. Bell [the Godfroy organization]

and the incorporated group [MNISI] of Indiana Miami" (ICC 1968a, 6-7).

Bell presented two witnesses at an ICC hearing in Washington, D.C., on May 27, 1968 -- Charles Robert Peconga, formerly a member of the Hale council, and Carmen Ryan of the MNISI, whom Francis Shoemaker had asked to attend the hearing "to represent our Incorporated group" (Ryan 1968e). Ryan later explained her appearance at the hearing: "When Francis decided he couldn't get there -- and that a trip by Francis Hale and Robert Peconga of Marion would do, I had too strong a hunch it was more important than it was being pictured. I verified that ... and then I found Hale 'was sick' -- anyway not there, even if he could have represented our group -- and Robert Peconga was a darned poor witness and Mr. Bell had an awful time getting information" (Ryan 1968d). Both Ryan and Peconga, however, testified that the Miami who attended the March 30 meeting understood the terms of the compromise and voted on resolutions to accept those terms. Although members of the Godfroy subgroup may have dominated the meeting in terms of numbers, Carmen Ryan's testimony seems to indicate that the meeting may have been controlled by the MNISI. Francis Shoemaker, "our own head ... made the motion that both settlements be approved. My cousin approved, acted and seconded on the one approval. So, I feel justified in saying I can say for my group that they approved and were willing to approve the settlement" (ICC 1968a, 36-37). Soon after the meeting, Ryan wrote to a member of the MNISI that:

Unless I had been there and testified, there would have been no one representing our Incorporated Miamis and all previous work would have been thrown away. As it is, with the man (Robert Peconga) from Marion representing those of Peru -- and overlapping to Mr. Hale's group because of Peconga's Meshingomesia blood -- and my testifying for our Incorporated group, including telling them it was our own Chief (Francis Shoemaker) who made motion to accept for both of the compromise offers, and a cousin of mine who seconded the one motion that tied up testimony for all Miamis. (Ryan 1968c)

The cousin referred to was Joe Mongosa, whom Ryan stated "takes care of his own families affairs" (Ryan 1969a).

Less than a month after the ICC hearing, Carmen Ryan wrote to Edwin Rothschild, expressing her gratitude for his assistance in informing the MNISI of the upcoming meeting on the claims award compromise:

Finally bringing that compromise offer before the Indiana Miami members, in spite of Mr. Kiley's obvious reluctance seemed at least one step in some open knowledge -- which I personally appreciate, as do most of our Incorporated group. Just what maneuvers prevent so much of this working in open unison, which has always been Miami practice, is one of those unsolved puzzles real Miamis resent. I think you should be aware now that we represent our 'Mississinewa Chiefs' who were our ancestors -- and the resentment of the weighted Wea-overtones of those still on the present Peru Council ... that makes us battle still harder for those legitimate Miami members who have been brainwashed into belief this Peru Council can be depended [on] to work for tribal benefit. (Ryan 1968f.)

This letter, and Ryan's frequent references in correspondence and in her testimony at the ICC hearing to "the group that became the incorporated group of the Miami Nation of Indiana," "my group," and Francis Shoemaker as "our head" (ICC 1968a, 35-36) indicate that there was still an awareness of the separateness of the Miami subgroups, despite the assertion in the Miami response to the proposed finding that "after 1965, the Miami Tribe of Indiana faded out as the Miami Nation gained more supporters and influence" (MNISI 1991a, 118).

Perhaps more important, the sense of conflict between the subgroups was still strong. Carmen Ryan had written to Rothschild in May 1968 concerning the March 30 meeting in Marion. The letter indicates that the MNISI was still being kept in the dark by the attorneys working for the Godfroy group, and Ryan had written to Chief Olds of the Oklahoma Miami to "give me some idea of what was brewing" (Ryan 1968b). One of the Godfroys' attorneys (probably Bell, as he is referred to as "Mr. Kiley's assistant") asked Francis Shoemaker to go to Washington to testify on May 27 (the date of the ICC hearing), but Shoemaker "was given no explanation of what was coming up there -- or what testimony they wanted" (Ryan 1968b).

Ryan went on to state that the MNISI had "some question in our minds of an attempt at double-cross that Peru group is so handy with," and also thought that Kiley might be trying "to cause conflict between your people [the Oklahoma Miami] and our Incorporated group" (Ryan 1968b; emphasis in original). Regarding the March 30 meeting at which the resolutions to accept the compromise had been signed, Ryan noted that "Francis [Shoemaker] was only one of our group signing agreement at Marion, with Eva Bossley

signing as Sect. of Peru group" (Ryan 1968b; emphasis in original). Ryan closed her letter to Rothschild with an account of what Shoemaker had told her about the signing of the resolutions: "'Eva's face fell when he brought out that Miami [MNISI] seal and put it over his signature'" (Ryan 1968b).

Most of these general meetings were attended by at least some members of all the Miami subgroup organizations. The only exception may be the May 22, 1961, meeting called by the Hale council. Certainly members of Hale's group attended the meeting called by the Godfroy council in Peru the previous day (May 21). The minutes of the May 22 Hale meeting indicate that what had taken place at the Godfroy meeting was discussed. Similarly, the Hale council minutes of October 29, 1962, indicate council members reporting on the general meeting that had been called in Peru by the Godfroy council on October 14 (MTI 1961). The general meeting called by the Godfroy council for September 21, 1963, was attended by former members of the Hale council (MII 1963b) who were now aligned with the MNISI.

Importance of Subgroup Distinctions and Conflicts

Proposed Finding

The proposed finding concluded that between the 1940's and the present, "there was evidence of continued subgroup conflict, consistent in character with that of earlier periods, in relation to representation in the claims process and over the issue of eligibility to receive claims payments" (PF/S, 12). This was evaluated in the context that there was no strong evidence that the Miami organizations, which were the vehicle of most of the conflicts, had broad support among the Miami members and there was no good evidence that the leaders of the organization influenced the Miami membership except in the role of pursuing claims. In the contemporary community, the level of subgroup conflicts appeared to have greatly declined. Orientation to subgroup distinctions appeared clear among those active in the Miami Nation organization, but it was not clear how important these distinctions continued to be among the membership as a whole (PF/AS, 21).

The continued importance of the subgroup distinctions after the early 1940's is one kind of evidence which can contribute to demonstrating both the existence of a community and of tribal political processes. To be important evidence, subgroup distinctions need to be clear

social divisions within the community, not simply differences in identity.

Miami Response Approach

Miami subgroups, in eras such as the 1930's when conflicts between them were very strong, were factional in character. They were, more precisely, internal social divisions whose sharp conflicts in some historical periods give them some of the important characteristics of factions.

The portion of the Miami response addressing subgroups misstates how subgroup divisions were viewed in the proposed finding. The response incorrectly interprets the proposed finding as treating the presence of sharp subgroup conflicts as evidence that the Miami had not maintained tribal political processes. The Miami response contends that the conflicts were "considered grounds for denial" of acknowledgment under criterion c (MNISI 1991a, 88). No such statements were made in the proposed finding. The subgroup conflicts were part of the evidence that the Miami continued to have significant political processes until the early 1940's. The researchers for the Miami were advised in meetings with BAR researchers to pursue information about the conflicts after the 1940's as a potentially fruitful avenue for research on political processes. However, the initial Miami response emphasizes evidence that cooperation or attempts at cooperation had existed and minimizes the evidence of conflict (MNISI 1991a, 122).

The response compares the treatment of Miami subgroups in the proposed finding with the treatment of factions in the 1981 decision to acknowledge the Tunica-Biloxi tribe (ASIA 1980/S, 3). In the Tunica-Biloxi decision, factions were viewed as evidence of conflict within a community and political system. They, therefore, provided evidence that a system existed, within which there was conflict, not evidence that community and political processes did not exist. The 1987 Samish final determination discusses the treatment of factions in other acknowledgment cases, including Tunica. It states that "In the latter cases, the divisions were manifestations of consistent alignments of tribal members in political conflicts within a single, tightly-knit, social community" (ASIA 1987, 16). The Miami proposed finding is consistent with the Tunica decision, since the proposed finding viewed the subgroup conflict as positive evidence, not negative evidence, of the existence of political processes.

Further, the Miami response also mischaracterizes the Tunica decision by stating that "...the Branch was able to reach a favorable determination, using the presence of sixty years of factional division as proof of the existence of continuous political process" (MNISI 1991a, 88). This overstates the importance of factions as evidence in the Tunica decision. The Tunica decision was based on the continued existence of traditional chiefs and the exercise of political functions such as apportioning land. The factional divisions, and the political processes for resolving the conflicts between them, were important supporting evidence.

Background

The Indiana Miami developed a formal organization (which seems to have been a unified effort of all the Miami subgroups) around 1900 as a mechanism to protect their remaining land, regain tribal status, and pursue claims. However, the relationship between the subgroups developed into factional disputes sometime between 1917 and the late 1920's. The subgroup divisions were based on preexisting subgroup distinctions, historic differences in the legal status of their lands, and disputes over what legal strategies were best suited to seek confirmation of treaty rights.

The subgroup differences crystallized in the 1930's through the formation of two formal organizations, one led by the Meshingomesia subgroup and one led by the Godfroy subgroup.

The smaller subgroups (Bundy, Richardville/LaFontaine and Mongosa) sided with each of the larger subgroups at different times in the 1920's and 1930's, with the Bundy subgroup becoming primarily aligned with the Meshingomesia and the Richardville/LaFontaine subgroup becoming aligned with the Godfroys. The Mongosa subgroup at different times aligned with different sides.

The Meshingomesia organization was formalized through incorporation in 1937 (MI/MNI 1937-42; MNISI 1937/1964). The Godfroy organization, although not formally incorporated, seems to have developed its own council in the same year (GBMI 1937). Both organizations, or individuals associated with them, were involved in similar issues in the 1930's and early 1940's -- protesting state limits on Miami hunting and fishing rights, seeking recognition of tribal status, protecting cemetery lands, and seeking restoration of tax-exempt status of the lands.

The Meshingomesia organization, the Miami Nation of Indians of the State of Indiana, Inc., became inactive around 1944. The rationale for this inactivity has been given as partly the patriotic desire of the Meshingomesia organization to support American involvement in World War II and the Korean Conflict (Ryan 1964b; Ryan 1964c; Brooke 1964c), partly because Clarence Godfroy, who led the Godfroy council until 1945, and Andrew Marks, whose father had led the MNISI from 1937 to the 1940's, "had been pledged to peace by the dying mother of one of them" (Ryan 1964b) and partly to end confusion between the Miami groups in their claims efforts when Ira (Ves) Godfroy took over the Godfroy organization after 1945 (Ryan, 1964c). This seems to have resulted, for a time, in a successful effort "to keep down the eternal feuding [sic]" between the Godfroy and Meshingomesia groups (Ryan 1964b).

Evidence Concerning Subgroups Between 1945 and 1970

The Miami response to the proposed finding contained little further evidence regarding subgroup conflicts and, in fact, minimized the importance of those conflicts (MNISI 1991a, 7-11). Supplementary material submitted by a Miami researcher at the BAR's request and data gathered during the BAR research trip to Indiana indicate that such conflicts continued at least through the late 1960's. A brief review of how this new information ties in with the material submitted with the Miami petition follows.

Cooperation between the subgroups may have lasted from the 1940's to the 1950's. There is evidence from the Godfroy council minutes in the mid-1950's, however, that there was considerable conflict as well as a decline in cooperation between the Godfroy and Meshingomesia groups, although it was known that all Miami would eventually share in awards resulting from the claims efforts begun by the Godfroy organization (Hay 1944-67). In 1964 Carmen Ryan explained some of this conflict in the 1950's over claims eligibility in a letter to attorney Robert Bell:

When Sylvester Godfroy refused to honor those of Meshingomesia blood, Mr. Maloney reassured me personally, during a trip I made to Washington just before Christmas, 1955, that all Miamis would share in any payments, and he had set up the cases on that basis. His continued practice to place in the hands of Andrew Marks, as long as he lived, duplicate information which was passed on to other available Miamis was the best proof in my mind that he was honoring that promise. (Ryan 1969d)

The "years-old feud between the Godfroy family and the

Meshingomesia group" (Ryan 1964c) came to the fore again in 1961, when Ira Godfroy died and was replaced by his brother, Larry, and the Meshingomesia organization "that Hale inherited along the way were reorganized" (Ryan 1967c). After Larry Godfroy succeeded his brother, the Godfroy organization "began a systematic shutting out of most Miami families who were not docile enough" (Ryan n.d.c, 1964n).

Hale's organization may have initially formed in part because of a change in the Miami political situation caused by Ira Godfroy's death. There is some evidence that another Meshingomesia organization, about which little is known, existed in the mid-1950's led by Robert Marks, Albert Peconga and Magdalene Quinn (Quinn 1953; Peconga and Quinn 1953). This probably merged with Hale's organization. This would explain Carmen Ryan's comment in 1964 that "the Marion group has changed leaders several times since first organized," although at the time she was writing Hale was "the present head of the Marion group" (Ryan 1964n).

The process of change after Ves Godfroy's death in 1961 provides some evidence concerning leadership and subgroup relationships. His death initially appears to have left something of a power vacuum in that his successor, his brother Larry, does not appear to have commanded the following that Ves Godfroy had. Ves is remembered as a strong, although cantankerous, figure. His brother, Larry, unlike Ves, lived in Indianapolis and did not have the informal ties that Ves had had with Carmen Ryan and some of the other Mongosa and Meshingomesias (Rafert 1991-92). These ties apparently in part counterbalanced suspicions of the Godfroy motives on the part of Ryan and others. Carmen Ryan's correspondence indicates that she felt there was a change -- i.e., the Godfroys became much less communicative in the 1960's than they had been before. The difference between the two Godfroy leaders may also, in part, explain why after Ves's death some of the Godfroy council temporarily defected to Hale.

At about the same time, activities of the councils were stimulated by Federal actions -- thus the changes and conflict are not solely because of the change in Godfroy leadership. The issue of whether an incorporated formal organization was necessary was raised during the process of seeking legislation to provide payment of the ICC award to the Miamis. Although it was a misinterpretation of what the Federal government required (see above), it became an issue in the conflicts between the Miami Nation and the Godfroys.

The disputes between the Meshingomesia and Godfroy subgroups which were exacerbated by the the death of Ves Godfroy and the organization of Hale's council in 1961, as well as issues regarding the claims awards, were a primary reason for the reactivation of the MNISI in 1964. Carmen Ryan wrote that the MNISI "was reactivated when the welfare of the Indiana Miamis was endangered" by the subgroup conflicts (Ryan 1969d; Brooke 1964c). Ryan often held that the MNISI represented "tribal" interests as opposed to the Godfroy council's representation of "family" interests (Ryan 1964b; Ryan 1964c; Brooke 1964c; Ryan 1966). The first section of the MNISI bylaws explicitly state that "this organization shall continue to be construed as representing the complete Miami Nation of Indians, without separative distinction as to family, bands, or individual groupings" (MNISI n.d.). Although this was the position taken by the MNISI when it was reactivated, and when it was originally formed, the MNISI did not encompass all of the subgroups until the present council was organized after 1979 (see above). The change in claims attorneys, and arguments between attorneys, also seem to have played a significant and continuing part in the subgroup disputes (Covey 1962; Ryan 1964c, 1964l, 1965e; Maloney 1965); one of the reasons Mrs. Ryan wrote to the Oklahoma Miami's attorney was because she felt she could receive more accurate information from him than from the attorneys originally hired by the Godfroy organization (Ryan 1965e).

The major disputes between the subgroups in the 1960's seem to have revolved around determining who was eligible to share in the claims awards. This involved conflicts over the blood degree which would be required for placement on the payment roll, as well as the perception that the Godfroy organization was attempting to eliminate the Meshingomesia group from the payment entirely (Ryan 1964e, 1964f). Another issue was the lack of communication between the groups about claims issues. These were issues which were raised frequently between 1964 and 1970 (Callahan 1964b; Ryan 1964o, 1965d, 1970c, 1970d; MNISI 1965b). The attempt of the Godfroy council to oppose the reactivation of the MNISI's state charter in 1964 (Ryan 1964o) is further evidence of the rivalry between the subgroups.

As early as 1962, when she was still secretary of Hale's council, Mina Broke wrote that "the Marion Group of Miamis" were "just as much Miami as the Peru group," but had "always been in the dark as to what has been going on" (Brooke 1962). In April 1964, Carmen Ryan received a letter indicating that a group of Miami living in Lafayette, Indiana, "wasn't going to be informed" about

upcoming Godfroy council meetings (Callahan 1964a, 1964b). Ryan also received letters from others who were not receiving notices about a Godfroy organization meeting called for October 10, 1964 (Ryan 1964j). There are other references to the Godfroy organization's attempts at "shutting out later Meshingomesia participation in Peru meetings (Ryan n.d.c).

In 1965, after David Kiley was selected by the Godfroy council to replace Walter Maloney as their claims attorney, Frances Shoemaker wrote that the selection was not valid because the Godfroy council had "only sent a few letters, to certain people, as to this special meeting. I sincerely believe that there should be another meeting called where all Miami Indians should be allowed to vote on appointment of Mr. Kiley" (Shoemaker n.d.a). In the same year, Shoemaker wrote to Walter Maloney, stating that the MNISI had no quarrel with him, as he was "the attorney for Miami Tribes of Indians of Indiana (Shoemaker 1965a). The problem was "that we never hear how the affairs are progressing it seems to me that [if] you would also send us reports as you do Mrs. Eva Bossley there would be no hard feeling between the two groups.... Every meeting we have held so far we have written to each member of both groups to attend our meeting but it seems that the Peru Indians have been told not to attend these meetings for some unknown reason" (Shoemaker 1965b).

The issue of relocating the Slocum cemetery was also disputed between the Godfroy organization and the Meshingomesia organization in 1964 (Ryan 1964f, 1964h, 1964i) (see below).

Analysis

Although the Miami response stressed evidence of unity and cooperation between the subgroups after the early 1940's, the supplementary documentary materials provided after the initial response provided detailed information about subgroup conflicts in the 1950's and early 1970's (see the discussion above of the Miami Nation and Miami Indian Tribe organizations). The intensity of the subgroup conflicts between 1961 and 1965 implies that subgroup identification and the opinions behind the conflicts extended beyond the body of individuals who were active as officers or other participants in the Miami organizations. Most of the descriptions are directly related to the activities of the organizations and their leaders. However, there was little direct evidence on which to base an accurate estimate of how broadly among the members the conflicts were relevant. For instance, it was not

possible to tell how large a proportion of the Miamis knew about or were concerned about not hearing about certain meetings or other details of the claims process that were of great concern to the officers of the organizations.

Another body of evidence concerning the extent to which the subgroups may have functioned during the 1960's is the "skewed" character of the membership lists of the Miami Nation organization (see detailed discussion of lists below). The disproportionate enrollment of Meshingomesia and the relatively limited enrollment of Godfroys appears to reflect the continuance of some degree of subgroup identification among at least a much broader portion of the Miamis than the immediate membership of the various councils. A more limited kind of evidence is the consistent characterization of the parties to the conflicts in the 1960's as "bands," Meshingomesia, "Peru Indians (i.e., the Godfroy group)," or other terms implying perception of a group (Bundy 1980, Shoemaker 1965b).

Subgroups from 1970 through the Present-Day

Although the period of greatest subgroup conflict seems to have ended around 1968, vestiges of that conflict continued through the 1970's and into the 1980's. The separate Godfroy council continued to exist in the early 1970's and after, and continued to work on claims matters into the mid-1980's (Godfroy, et al. 1982; MNISI 1985c, 10/24/82, 3/27/83, 3/25/84).

Evidence for the proposed finding indicated that the Godfroy council continued to work on claims matters in the 1970's and 1980's. Further documentation found in the Miami Tribal Archives supports that conclusion. In May 1970, a notice was sent by Eva Bossley, "Secretary of the Miami Tribe of Indiana," to "Miami Indians of Indiana" calling a meeting on May 24 to consider extending the contract for the claims attorneys (MII 1970). The contract renewal was approved by council resolution and signed by John Owens, Philip Witt and Eva Bossley as "authorized representatives of the council of the Miami Tribe of Indiana" (Owens, Witt and Bossley 1970); all were members of the Godfroy Council.

There is no indication that members of the MNISI participated in the contract renewal (Ryan 1970f). However, the MNISI as well as the Godfroys continued to correspond on claims matters with the attorneys (Ryan 1970a, 1970f, 1970g, 1970h; Brooke 1971a). In April 1970, at least a portion of the MNISI membership also desired to

hold a meeting regarding renewing or changing the attorney contract (Bulger 1970), and they proposed a sixty-day delay in approving a contract renewal until "a proper tribal meeting" could be held (Dein 1970).

On March 25, 1979, more than 70 Miami met in Huntington at the behest of leaders of the Richardville/LaFontaine subgroup in Huntington, acting separately from either Miami organization. Representatives of all the Miami subgroups attended this meeting, and were disposed to work together. A unified organizational structure, based on the MNISI but involving all of the subgroups, was created within the next two years (PF/H, 64; PF/S, 12). At meetings in 1979 and 1980, expressions were heard reflecting the desire to bury the old subgroup animosities, and when the MNISI formally adopted a constitution in 1983 the first three individuals who signed that document were Francis Shoemaker, Larry Godfroy, and Robert Owens, leaders of the major subgroups (MNISI 1983). However, there are indications that some of the old resentments continued to appear in the 1980's. Early in 1983, a Godfroy representative indicated that group's hesitation in seeking Federal recognition for the tribe (MNISI 1985c, 2/19/83), and there is documentation from later in that year urging cooperation between the Godfroy and MNISI leadership (Godfroy 1983). In 1984, copies of the Miami petition for Federal acknowledgment were provided by the Miami Nation to leaders of the Godfroy and Richardville/LaFontaine subgroups (MNISI 1985c, 10/21/84). In 1985, the Richardville/LaFontaine council wrote a letter to the MNISI expressing dissatisfaction with MNISI council procedures (MNISI 1985c 4/25/85).

Minutes of MNISI council meetings and general meetings from 1981 to 1985 reflect reports given by representatives of the subgroups, indicating activities they were involved in: representatives of the Godfroy group reported on claims; and, representatives of the Richardville-LaFontaine group reported on cultural activities (powwows) they had inaugurated but which were also sponsored by the MNISI (Shoemaker n.d.b). The Richardville/LaFontaine subgroup in Huntington continues to maintain a council, although the extent of its activities is limited (BAR 1992).

The question of whether subgroup differences continue to be important in the modern community was not addressed in detail in the response nor was detailed evidence provided. The response asserts that "clan sentiment remains strong, and rivalries do exist" (MNISI 1991a, 80), but does not elaborate upon the statement. Documentary or interview

evidence was not submitted in support of the statement. "Clan" is not defined, but appears to be equated with "subgroup" in the response (see discussion below of bases of selection of council members).

The primary available evidence concerning the present importance of the subgroups is from Miami Nation council minutes (MNISI 1984-8, 1988) and interviews which do not explore the question in depth. Field research for the proposed finding (Greenbaum 1989) and BAR research to evaluate the Miami response (BAR 1992) provides limited information which indicates that subgroup identification is not strong except among some core members active in council affairs. Interviews indicate that many have only a limited knowledge about the subgroups, or refer to them in terms of past events rather than the present community. Others indicated no knowledge at all of which subgroup they would be classified in on the basis of their genealogy. The available interview data does not permit more than general estimates, but the relatively low level of subgroup identification among the active members interviewed indicates that today a strong orientation towards subgroups exists only among a minority of the core geographic area Miami. Knowledge of subgroup ancestry or present-day identification with subgroups within a society can occur without this identification influencing social interaction. Among the present Miami membership, subgroup distinctions do not appear to be the basis for organizing political or community relationships.

The decreased importance of subgroup distinctions is indicated by the fact that many council members are now identified as representing more narrowly defined groups than subgroups, such as descendants of a particular family line or a related group of lines (see detailed discussion below). Subgroup conflicts are greatly diminished in comparison with previous decades, even among the active individuals on the council.

Two council members represent particularly cohesive, but narrow, portions of the descendants of the subgroups. Both of these "constituencies" are delimited geographically, being drawn from particular localities. They are also limited to a few family lines out of a given subgroup. One is the Richardville/Lafontaine descendants living in Huntington who are only drawn from two of the many Richardville/Lafontaine family lines. They represent about a tenth of the total number of Richardville/Lafontaine descendants in the Miami membership. The Huntington group has a separate council as well as participating in the Miami council. The other group is from a similarly limited set of families from

several Meshingomesia family lines living in South Bend. Both groups appear to be exceptions. It could not be determined from the available evidence that there were other kin groups with similar degrees of cohesion among the Miami population. About eight percent of the membership is accounted for by these two groups.

Carmen Ryan's Role

The Miami response to the proposed finding (MNISI 1991a, 127) states that Carmen Ryan "using her kinship ties, her knowledge of tribal affairs and her political skills ... acted as mediator between the groups." This is part of materials describing links between the subgroups, to demonstrate cooperation rather than conflict.

However, the documentation supplied with the Miami response and the supplements to that response indicate that Ryan, rather than acting as a mediator, acted more as a clearing house for information concerning Miami genealogy and tribal history, which she shared with anyone who needed it. She also worked "behind the scenes" in the conflicts of the 1950's and 1960's. Politically, although she was elected Recording Secretary of the Godfroy Council in 1953 or 1954 (MII 1954), she was primarily aligned with various Meshingomesia organizations, particularly the MNISI. She was impressed with Frances Shoemaker when he was elected to serve as chairman of the MNISI: "I studied the young man pretty seriously before I got myself involved -- and am convinced that this is ONE Miami who isn't about to "Sell Out" -- as has happened so many times in the past" (Ryan 1965a). Later, she wrote that Shoemaker didn't like the title "Chief" of the Miami, "because so many have used that title to make money from it" (Ryan 1969c).

Ryan provided genealogical information to the attorneys who were working on Miami claims cases, to Eva Bossley of the Godfroy council, to the Oklahoma Miami, to individual Miami who corresponded with her, and to government agencies to assist in correcting mistakes in Miami rolls (Maloney 1956; Rothschild 1964; Olds 1965; Ryan 1953, 1955, 1964a, 1964b, 1964c, 1964g, 1965d, 1966, 1967a, 1967b, 1970b, 1970c, 1970d, 1971a, 1973a, 1973b; Roven 1970). She also served as a source of information on the Miami annual reunions and on general Miami history (Martin 1946; Ryan 1964a, 1964c, 1967a, 1967b, 1968f). She stated that she seemed to be "elected to write out-of-state Miamis when anything important comes up" (Ryan 1967b).

Rather than being an unbiased mediator between the Godfroy and Meshingomesia organizations, however, Ryan held her own position and strongly disagreed with the Godfroy group. Her writings are full of sharp attacks on the Godfroys. In 1964, shortly after the MNISI charter was reactivated, she explained that earlier, when C.Z. Bondy, Andrew Marks and the latter's son, Robert J. Marks, led the Meshingomesia subgroup, "there were many of our Miamis who attended the meetings of both groups [Meshingomesia and Godfroy] in order to keep abreast of letters sent for tribal attention." When William F. Hale took over the Meshingomesia group, however, Ryan noted a change: "we just do not feel the same freedom we had with these others [Bondy and Marks] whom we knew so well. As the result, and the fact that information is not dispensed as freely in either group [Hale and Godfroy], there is much less understanding (and constant doubts raised) as time goes on" (Ryan 1964g). Soon after the reactivation, Ryan became involved in MNISI activities, not initially as a council member, but in passing "on to them information of interest to the tribe" (Ryan 1964n). By August 1965, because Mina Brooke, the MNISI secretary, was doing more overtime work where she was employed, Frances Shoemaker asked Ryan "to handle some part of correspondence, from time to time, along with checking of records I would be doing anyway" (Ryan 1965e), and she became the MNISI recording secretary. She explained that "as Recording Secretary, I have taken considerable responsibility for all Miamies, as has been family custom" (Ryan n.d.b).

Elsewhere, Ryan explained that the activities of the Godfroy council, particularly in attempting to cut some Miami out of the claims award and the Godfroys' reluctance to share information with the other Indiana Miami, were principal reasons for the reactivation of the MNISI (Ryan 1964b, 1964c). She particularly noted in regard to the Godfroys: "I like them -- I just do not understand how their minds work, especially as to keeping as many as they can off the rolls. That's the argument I had with 'Ves for so many years. Now it looks as if they had maneuvered things to cut off practically all of the Indiana Miamis -- not knowing that the group in Wabash had been Incorporated for a fifty year period" (Ryan 1964b). For years afterward, Ryan continued to express concern that the Godfroy group seemed to be acting for its own benefit, rather than for the benefit of all Indiana Miami (Ryan 1964b, 1964c, 1966, 1967a, 1967b, 1968f).

Issues Addressed by Miami Organizations

Claims

Claims activities involving a loss which is long past are not inherently evidence of significant political activity. They may continue to be of vital importance to a group or they may not. In particular, while it is evident that the Miami claims continued to be highly significant to the immediate group of individuals active in the Miami organizations, the response does not clearly address or provide direct evidence that it was of more than incidental significance to the Miamis as a whole.

The primary activity of the Miami organizations, pursuit of claims before the Indian Claims Commission, have been dealt with in detail above. The claim required decisions on hiring of attorneys, whether to accept awards, and a determination of who was eligible to receive payment. As noted above, claims issues, particularly who would be eligible to receive payment, were a major focus of conflicts. The available evidence does not, however, show a high degree of involvement of the Miami membership as a whole in these activities (see below). It also does not show that they were of more than incidental significance to most Miami members. The strongest evidence for the importance of claims as a political issue is the intensity of the conflicts of the 1950's and the 1960's. Secondary evidence is that claims issues were to some extent discussed at annual reunions.

Cemeteries

The proposed finding summary under the criteria noted that "Most of the action concerning cemeteries appears to have been family-based, rather than involving the group's leadership" (PF/S, 12). Additional evidence provided in the Miami response, together with a reexamination of the existing evidence, provides some additional demonstration that their cemeteries were of wider concern among the Miami members, and that action was taken concerning them by one or another Miami leader and organization.

The evidence for the proposed finding indicated that from time to time after World War II, protection of various Miami cemeteries was a concern for the Miami. Hale's organization (Meshingomesia families), discussed the possibility of the State of Indiana caring for the Meshingomesia Cemetery in 1961, and members of the group cleaned and restored portions of the burial ground that year (PF/H, 62). Other Miami groups were involved in

seeking National Historic Landmark status for the Godfroy Cemetery, and in the relocation of the Slocum Cemetery and other, smaller, cemeteries in advance of the flooding of the Mississinewa River due to dam construction in the 1960's (PF/H, 62).

In the 1980's, the reorganized Miami Nation council became active in the protection and preservation of the Godfroy, Slocum, Thorntown, Meshingomesia and other Miami cemeteries continued. The council has worked with various State and local organizations to maintain and restore these sites. The Miami successfully protested the burial of a non-Miami in the Slocum cemetery in 1987 by blocking access to the burial ground (PF/H, 67).

In 1961, a dispute arose over the removal of the Frances Slocum (or Bundy) Cemetery out of the way of the Mississinewa River dam and reservoir project. Congressman J. Edward Roush of Indiana received a number of letters regarding the issue, including one from a great-great-granddaughter of Frances Slocum and one from Eva Bossley, Secretary of the Godfroy council, who wrote "in behalf of the tribal council"; both letters urged that the Slocum gravesite be retained near its original location (Roush 1961, Roush 1962).

Roush also noted that "at a meeting of the Descendants of Frances Slocum in the City Park in Wabash, Indiana, on August 20, the question of her grave removal was raised. More than one hundred of her descendants voted to demand that her grave be retained near her former home" (Roush 1961). This meeting of Slocum "descendants" probably refers to the Miami annual reunion, which was held in Wabash City Park on August 20, 1961. If all of the reunion attendees were involved, this would indicate a broader concern for the cemetery than just the Slocum family. However, the Miami Annual Reunion minutes for 1961 are silent on the subject of the vote on the relocation of the Slocum Cemetery (MAR 1953-81).

Because of historical intermarriage between subgroups, the Slocum descendants included many Miamis considered part of other subgroups, such as Eva Bossley herself. The Godfroy organization (Miami Indians of Indiana) seems to have taken the lead in 1961 in petitioning for the relocation of the Slocum Cemetery, at least insofar as is evidenced from Eva Bossley's correspondence to Roush and Roush's letter to Clarence Godfroy regarding another petition Congressman Roush received on the subject in 1962 (Roush 1962).

An undated document (Ryan n.d.a) provided with the Miami response suggests ongoing involvement of the Godfroy organization. This document does not refer, as the response suggests (MNISI 1991a, 92-93), to the petition concerning relocation mentioned by Roush in his 1962 letter to Clarence Godfroy; instead, it refers to attempts in 1964 by the Godfroy organization to relocate the cemetery. The undated document refers to the 1964 petition regarding the cemetery's removal as "the Peru petition" (Peru was the seat of the Godfroy's organization). This petition suggested the relocation of the Slocum Cemetery to the Godfroy Cemetery in Miami County. The people listed as signatories of this petition are primarily members of the Godfroy and Bundy subgroups, with a few Meshingomesias. The document further states that the petition was being circulated in Miami County for not only Indians to sign, "but others as well.... It may be that a similar thing can be done here in Wabash County and Wabash County Indians can sign it along with the general public ...which might help to tip the scales in favor of the site chosen in Wabash County should such support be needed." The reference to "Wabash County Indians" is to the Miami Nation of Indians of the State of Indiana, the Shoemaker (Meshingomesia subgroup) organization which was reactivated in 1964. There is some indication, also, that besides pitting one Miami subgroup against another, the issue of relocating the Slocum Cemetery pitted non-Indian residents of the affected counties against each other (BAR 1992).

At the MNISI meeting of June 7, 1964, a petition was circulated "to keep the Bundy Cemetery in Wabash Cy." At the same meeting, Mary O'Hara, the Curator of the Wabash Museum, "gave a talk about keeping the Bundy Cemetery in Wabash Cy" (MNISI 1964-74). On June 18, 1964, Mina Brooke, the Secretary of the Miami Nation, wrote to Indiana's Secretary of State that "a group of Indians in Peru, Indiana" petitioned to relocate the Bundy Cemetery at the site of the Godfroy Cemetery in Miami County. "The majority of Directors, along with interested members of the Corporation [MNISI] have signed another petition to leave the Cemetery in Wabash County and to have it relocated in the Frances Slocum State Forest" (Brooke 1964b).

Most of the material in the Miami response (MNISI 1991a, 94-95) regarding Miami concern over the Slocum cemetery, including the information regarding the 1987 vigil conducted by various members of the Miami Nation of Indians of the State of Indiana (MNISI) at the cemetery to prevent the burial of a non-Miami at the site, was available for the proposed finding. The proposed finding

discussed the group's efforts to protect and preserve the various Miami cemeteries and the cooperation between the group and State and local agencies and organizations to maintain and restore these sites (PF/H, 67). The Miami response however, provided further information regarding the family connections of those attending the 1987 vigil which indicated that members of most Miami subgroups (Bundy, Mongosa, Richardville/LaFontaine and Meshingomesia) were in attendance. The Godfroys were not in attendance, however.

Further evidence that the various Miami cemeteries and other sites were tribal concerns rather than simply family-related is contained in the Miami Nation's 1937 incorporation papers, which list the Slocum Cemetery, Meshingomesia Cemetery, Wacoughn Cemetery and Meshingomesia Church as property taken over by the organization when it incorporated. In the dispute over the Slocum cemetery relocation, it was evident that the MNISI believed that because the cemetery was listed as one of the properties taken over by the organization when it originally incorporated, the MNISI still had jurisdiction over deciding where the cemetery should be relocated (MNI 1937; Brooke 1964b).

Hunting and Fishing Rights

The summary under the criteria for the proposed finding stated that there were limited instances of Miami activity regarding the defense of their hunting and fishing rights after the early 1940's (PF/S, 12). A statement in the Godfroy organization's minutes for November 15, 1947, that "other rights of the Miamis were discussed as of fishing and hunting" and that a motion was made by William Godfroy "that we still fight to retain our fishing and hunting rights," was the only evidence presented prior to the proposed finding that indicated that that issue was still being considered as important by one of the Miami subgroups (GBMI 1944-67).

Additional information was received in documentation accompanying the Miami response concerning hunting and fishing rights as an issue in the 1950's. In 1956, Curtis Shoemaker (a Meshingomesia descendant and formerly a councilman of the Miami Nation of Indians under Elijah Marks) was arrested for fishing without a State license. Correspondence prior to his arrest indicates that Shoemaker seems to have discussed hunting and fishing rights with representatives of the League of North American Indians, which was then involved in assisting the Godfroy organization in filing claims against the

government (LaHurreau 1956). Following his arrest, Shoemaker requested assistance from the League of North American Indians. On March 6 1956, Howard LaHurreau, the League's Indiana representative, wrote to Shoemaker that although "your request for help will not be set aside ... at no time did I tell you that you could fish or hunt in violation of Indiana State Codes." LaHurreau went on to state that

Your tribe the Miami Nation or Tribe of Indiana, is engaged in a Federal Court Case to test which is valid law in your groups [sic] present status: ARE THE HEIRS of the MIAMI NATION living in Indiana still wards of the Federal Government, and living within the scope of Treaty Law, as Indians. Or are your people citizens, only with no Treaty Rights? Until this matter has been cleared up by a Federal Court decision it was in no way wise to violate a state law.

It is the contention of our League and your Tribes [sic] Attorneys as you know that your members are Indians living under treaty law, as such we feel you do have as I stated a right to hunt or fish without a state license. (LaHurreau 1956)

It is unclear what litigation LaHurreau is referring to. No documentation has been provided to show that there was litigation filed regarding Miami treaty rights at as late a date as 1956. No evidence was found that the Godfrey Miami organization or other Miamis were involved. It is probable that he is referring to the claims case filed with the Indian Claims Commission. Unlike the cemetery issues, there is little information to show continued widespread interest or organizational involvement in the hunting and fishing rights issue after the early 1940's.

Evaluation of the Annual Reunion Under Criterion C

Although the response asserts that the annual reunion has continued to be a political institution of the Miami (MNISI 1991a, 130), there is no significant evidence that it plays a role in the exercise of political influence among the Miami. The reunion is not political (and has not been since the 1930's) in the sense of being a forum for decision-making or resolving conflicts (PF/S, 12). Little organizational effort is involved in preparing the annual reunion. The Miamis in interviews consistently emphasize that the reunion is a social occasion (Greenbaum 1989, BAR 1992). There is, however, evidence that a consensus has existed among the leaders of Miami

organizations and those Miamis attending the reunion to keep the reunion separate from the conflicts that have occurred among the Miamis over the years.

The annual reunion clearly does provide an arena for social contact during which information concerning issues of interest to the membership at large are discussed. However, the importance of this exchange to Miami political process is limited for two reasons. Almost all the social contact takes place during the course of one afternoon. Also, even among the core geographic Miamis, only about 10 percent attend in a given year and members of many kin groups have rarely attended a reunion or have never attended (see discussion under criterion b). The report on the annual reunion submitted as a supplement to the Miami response provided further evidence, beyond that available for the proposed finding, that issues such as claims, cemeteries and activities of the various Miami organizations were discussed in the course of social contact during the reunions (Glenn 1991a). Interview data also supported this conclusion (Greenbaum 1989, BAR 1992). However, there was no evidence that any formal or informal decision-making occurred or that the Miamis viewed the reunion as being an appropriate occasion for this.

The proposed finding noted that even in periods of severe conflict among subgroups, the conflicts did not affect reunion affairs and reunion officers were nominated and elected with cross-group support (PF/AS, 20). This cooperation was interpreted as an indication that some degree of political consensus existed concerning the relationship between the reunion and the activities of the Miami organizations. The additional evidence available for the final determination supports these conclusions.

The non-political character of reunions is borne out by the supplementary report's statement that the choice of reunion officers "seems to revolve around the relative involvement of the group or individual in the reunion rather than as a reflection of overall politics. The selection of William Hale in 1960 and his relatively brief term is an exception" (Glenn 1991, 8). Actually Hale was elected in 1961 to serve as president of the 1962 reunion, and seems to have been reelected for a second term in that office (MAR 1953-81). His two-year term as reunion president does seem to have been an exception to the non-political nature of the reunion. William Freet, who was on the Hale council at the time, served as reunion vice-president, and Lucy Covey, also of the Hale organization, served as reunion secretary for one year. Their elections are also an exception. In 1963, however, Hale attempted to hold a separate reunion of "the local

Meshingomesia Group" on the same day as the traditional reunion for all the Miami, "but evidently someone of their group convinced Mr. Hale that the conflict was not constructive" (Ryan 1964d). This illustrates that conflicts were kept out of the reunion as much as possible. The earlier elections of Andrew Marks (a Meshingomesia) as reunion president in 1953, and Clarence Godfroy's (a Godfroy) election in 1954 and 1955, were the only other times when major leaders of the subgroup organizations were also officers of the reunion. Particularly in the late 1960's, when subgroup conflicts over claims issues seem to have been greatest, the officers of the reunion were apparently chosen for non-political reasons, since the list of reunion leaders does not show leaders of factions serving as reunion officers.

The nonpolitical character of reunions is also borne out by the supplementary report on the annual reunion which states, based on observations of recent Miami reunions and analysis of past reunion minutes, that "tribal business is frequently announced," but only gives examples for 1963, 1965, 1979, 1981 and 1986 (Glenn 1991a, 8-9). The statement in the Miami response that acknowledgment, cemeteries, Miami participation in parades, and other topics were "discussed" at the reunions (MNISI 1991a, 132) does not indicate that such discussions were anything more than announcements about activities which were taking place elsewhere or informal conversations among attendees. The business noted in the reunion minutes for August 18, 1963, was Larry Godfroy's announcement of the general meeting to be held in Peru on September 1, at which attorney Maloney discussed the distribution of the claims awards (MAR 1953-81). The business discussed at the 1965 reunion included William F. Hale showing "many important documents" and Eva Bossley's announcement of an upcoming general meeting -- the August 22 meeting called by the Godfroy organization to discuss Dockets 124-D-E-F (MAR 1953-81). The fact that the minutes of the 1965 meeting indicate that Miami from "nearby states" (MII 1965) attended may indicate that out-of-state Miami who attended the reunion seven days before the general meeting may have remained specifically to attend that meeting, but there is no meeting registration list which can be compared to the annual reunion sign-up list for 1965.

One possible exception to the exclusion of "business" from the reunion, documented in the Miami response, is the vote which was taken in 1961 concerning the issue of where the Frances Slocum grave should be moved (see above). The Miami response to the proposed finding states that the discussion of the removal of Frances Slocum's grave at the

August 20, 1961, reunion is an indication that "important matters were formally discussed," even if the discussion is not noted in the reunion minutes (MNISI 1991a, 131-32). The fact that the discussion of this topic was not included in the reunion minutes may also reflect the possibility that this particular discussion only included the Slocum descendants. Congressman Roush's statement regarding the removal of Slocum's grave stated that "at a meeting of the descendants of Frances Slocum in the City Park in Wabash, Indiana, on August 20, the question of her grave removal was raised. More than one hundred of her descendants voted to demand that her grave be retained near her former home" (Roush 1961). It is not known whether this refers to the all of the attendees of the Miami reunion of that date, which is probable, or to informal discussions among only the Slocum descendants which may have taken place at that Miami reunion or at a meeting held separately from the reunion. Subgroup opinion at the time, as discussed above, was sharply divided over where the grave should be moved.

The utilization of the annual reunion for announcements of meetings rather than decision-making or voting demonstrates that the annual reunion is not a political meeting and is not utilized as such. The non-political nature of the reunion is indicated by the timing of general meetings to decide Miami claims issues or other such meetings of the Miami organizations. For example, in 1968, a claims meeting was held within a week or two of an annual reunion, even though the reunion date apparently could easily have been used (MNISI 1991b). The August 22, 1965 meeting discussed above similarly indicates the separate functions of reunions and meetings. The current Miami Nation organization uses semi-annual general membership meetings to announce council activities. The Miami Nation council does not appear to have substantially affected the character of the annual reunion until recently, except that announcements of "tribal business" are more common now (see PF/AS, 20, Glenn 1991a, MNISI 1984-8, 1985c).

Breadth of Interest, Support, and Involvement Among the Miami Membership

Proposed Finding

The proposed finding concluded that "the organizations, or those claiming tribal leadership in this period, had broad support among..." the Miami membership (PF/S, 12). Because the Miamis were widely dispersed and kinship ties were too distant to link them closely, direct evidence

that the activities of the various Miami organizations were of broad significance among the membership was necessary if tribal political influence was to be demonstrated for the period between the early 1940's and 1979. The proposed finding concerning the era of Miami organization beginning after 1979 (i.e., the present Miami Nation council) concluded that "It was not possible to determine the breadth of interest, support and involvement of council actions by the Miami membership as a whole" (PF/S, 13).

Response

Systematic interview and other ethnographic data directly addressing the breadth of interest, support and involvement of the Miami membership with the Miami organizations and their activities was not submitted as part of the Miami response. Such information could provide a valuable supplement to clarify the exact character of the Miami membership's relationship to the Miami organizations. The documentary sources discussed in this section which provide only limited and somewhat indirect evidence concerning this question.

Evidence from Lists of Members of Miami Organizations

The response included several lists of Miamis from the 1950's and 1960's which were not previously available. These are identified by the response as (1) a Godfroy council (Miami Tribe of Indiana) list from the 1950's with 285 names, (2) a Godfroy council list from about 1963 (381 names), (3) a 1965 Miami Nation list of 325 individuals from 120 separate households and (4) a 1968 Miami Nation list of 202 heads of households (MNISI 1991a, 106-8, 118-21).

The 1950's Godfroy Council list (list 1) had 285 names. It included individuals from all five subgroups, but their proportions on the list differed significantly from their actual proportion within the Miami population. The latter was judged on the basis of their proportion among the present-day membership, the only available measure. The Richardville/Lafontaine and Mongosa subgroups had a significantly larger percentage than their present proportions among the membership, while the Bundys and Meshingomesias had a disproportionately small representation. The number of Godfroys was roughly proportional. Geographically, the distribution was quite diverse. Indiana (70 percent) and the core geographic area (55 percent) had a disproportionately high

representation on the list in comparison with their present-day distribution of 52 percent in Indiana and 33 percent in the core geographic area.

The 1963 Godfroy List (list 2) had only a few individuals from the Richardville/Lafontaine families. The lack of Richardville/Lafontaine individuals is surprising in view of the consistent inclusion of members of this subgroup on the Godfroy council from its first formation through the 1960's. The Meshingomesias and Bundy's had a disproportionately high representation on this list, while the Godfroys and Mongosas were slightly underrepresented. No geographic breakdown was available.

Assuming these are lists of members of the Godfroy organization, and thus presumably those most actively involved in or interested in its activities, the distribution among the subgroups, especially on the 1963 list, would indicate that the Godfroy organization included not just members from the subgroups who were represented on the council, i.e., Godfroy, Richardville/Lafontaine and Mongosa, but also members of the other two Miami subgroups, the Meshingomesias and Bundys.

The 1965 Miami Nation list (list 3) had 120 households listed on it, representing 325 people. The list has essentially no Godfroys or Richardville/Lafontaines. The Mongosas had a disproportionately high number of members on the list, with the Meshingomesias and Bundys represented in proportion to their present numbers. No geographic breakdown was provided by the petitioner.

The 1968 Miami Nation list (list 4) had 202 names of heads of households, with about 390 names in all. Like the 1965 Miami Nation list, this one had almost no Richardville/Lafontaine names. The Godfroys had a much smaller proportion than their present numbers would indicate while the Meshingomesias, as on the 1965 list, were listed in double their actual proportion. The Mongosas and Bundys were listed in proportion to their present numbers.

Thus, although the Godfroy organization lists were reasonably representative of all of the subgroups, the early Miami Nation lists (lists 3 and 4) are quite skewed. The Godfroys and Richardville/Lafontaines were not significantly represented on these early Miami Nation lists. Where previously the Godfroy organization reportedly had at least nominal acquiescence of those in the other subgroups concerning its claims activities, and thus more or less represented all of the Miamis, after the

early 1960's, they were in conflict with the Miami Nation and Hale's Meshingomesia group. Thus, the two later Miami Nation lists correlate with the political conflicts and divisions of the mid-1960's. The Miami Nation, after it was reactivated in 1964, was predominantly Meshingomesia, although it sought to represent all Miamis. The sparse representation of the Godfroys and the Richardville/Lafontaine's on the Miami Nation lists, and the high representation of the Meshingomesa, Bundy and Mongosas, indicates that the Miami Nation's membership did not include all of the subgroups in any meaningful sense.

Because the lists are much broader than the officers of the organizations, they provide at least limited supporting evidence that there was some level of interest and affiliation which is broader than the immediate body of individuals directly involved in these organizations and their conflicts. The extent of activity and involvement of the listed members was not measurable from the lists themselves, and is not indicated by the organization's minutes.

Lists 2 (Godfroys) and 4 (Miami Nation) were compared with the cumulative annual reunion list. About 30 percent of the names on each list also appeared on the cumulative reunion list. This provides some evidence that those on the lists were more than members of a formal organization whose social contacts are solely limited to the organization itself, and who therefore have no other significant social ties with each other. To at least a limited degree, the Miamis on the two lists were informally socially connected with each other in other social contexts and to that degree there is contributing evidence that the organizations might have been political structures for the Miami.

The degree of overlap among the four lists was not analyzed in the response. The Miami attorney testified in 1968 that he had used a mailing list of about 750 to announce a meeting (ICC 1968a, 19). This was evidently created by combining lists from Eva Bossley (Miami Indians of Indiana), Carmen Ryan (Miami Nation) and Lucy Covey (Hale group). The fact that the combined list was so much larger than each individual list suggests there was relatively little overlap between the organizations' memberships. The significance of this is not clear, although it suggests that each of the organizations drew from a different portion of the Miamis. Since the lists are largely mailing addresses of households or individual adults, the total of 750 is a substantial fraction of what the total number of Miamis may have been at the time. The latter can be estimated at about 3000 adults and children

(see below), hence 750 households or 750 adults would conservatively represent at least half of the 3000 Miamis.

Definition of the Miami Membership

It is not possible to determine with complete accuracy how widespread the involvement of the Miamis as a whole was in the activities of the organizations because there is no readily available measure of how big the Miami group was in the 1950's and 1960's. It is not clear how membership in the Indiana Miami tribe may have been defined at that time. In particular, it is not clear if a distinction may have been made between members of the Indiana Miami and the presumably larger body of all Miami descendants. Miami discussions of eligibility for enrollment in the past have limited eligibility to descendants of the 1889/1895 "payrolls," thus excluding descendants of Miamis listed on earlier rolls but not included in 1889/1895 (PF/AS, 22, PF/AG, 1, Greenbaum 1989).

There appears to have been a distinction made between organizational members and members of the Miami tribe. Although the four lists discussed above are not labeled as such, there is reasonable, although not conclusive evidence, that these are membership lists of these organizations, or at least mailing lists for the organizations. They are clearly not intended to be enrollments of all Miami descendants or all Miamis known to the Miamis doing the enrolling, like Eva Bossley, secretary of the Godfroy organization.

At about the same time as these four lists were created, the Miami organizations, or at least their officers, such as Eva Bossley for the Godfroys, were compiling much larger lists of individuals in anticipation of claims payments. Major activities of the MIT and, later the MNISI were locating and informing individuals how to apply to share in the claims award (PF/AS, 15-16, 23). Even after it was clear to them that the BIA would compile the actual list of claimants and make the determination who would share, the Miamis continued these activities at the behest of their attorney, by making application forms and genealogical help available.

Newly available documentary information indicates that one of the compilers, Carmen Ryan, considered that all of those enrolling to share in the payment would be known to or closely related to individuals known "locally" (Ryan 1964). "Locally" appears to refer to the Miamis in the Peru and Wabash areas. However, there was no indication that Ryan or Eva Bossley felt that those Miami descendants

who weren't previously known to the officers of the organizations shouldn't share in the claims payment if they were descended from the "payrolls." Interview data indicates that any descendants from the "payrolls" were considered legitimate (Greenbaum 1989).

Size of the Miami Membership

The Miami membership in 1990 was approximately 4400 (PF/G, 1). The initial Miami judgement fund roll (dated 1968) compiled by the BIA had about 3000 Indiana Miami names on it. Applications for inclusion on this roll were filed in 1967. Although inclusion was solely on the basis of Miami ancestry from the 1889/95 rolls, most of the families on it have members in the present-day Miami Nation. The figure of 3000 is of the same order that the current membership would have been 25 years ago, if the families that are members today are projected backwards. Thus the current enrollment is consistent in character with the 1968 claims roll in terms of size, geographical dispersion of those listed and the family lines listed on it. The membership requirements of the Miamis today require only that descendance from earlier Miami rolls be shown. No additional requirements such as residence, blood degree or evidence of social or political participation are required (PF/GA, 1, PF/AS 23).

Evidence from Attendance at Meetings

This section examines the available information concerning the extent of attendance at Miami meetings to evaluate this as evidence for exercise of political influence within the Miami. As part of its supplement, the petitioner supplied a list of all known general meetings of the membership after the early 1940's to 1980, compiled from a variety of documentary sources (MNISI 1991b). Although meetings were often called by a particular organization, participation in them was not as a rule limited to that organization's members. Most meetings were called to provide information about or decide an issue concerning claims (see earlier discussion). One general meeting in 1979 was called to discuss whether to petition for Federal recognition. Descriptions indicate that, with some exceptions in the early 1960's, representation at meetings from among the subgroups was fairly broad.

There were 38 meetings listed between 1944 and 1980. There were no listed meetings in 1950-1952, 1955, 1958-60, and 1974-78. According to the supplementary materials,

although there were no Miami Nation minutes between 1974-78, the secretary of the organization said that council meetings and general meetings were held by the Miami Nation throughout the remainder of the 1970's (MNISI 1991b). There was no direct evidence of this, and it is not clear what general meetings might have addressed, since the most active period of claims activities, which required decisions from the general membership, had passed by 1974. After 1983, general membership meetings began to be held at regular intervals (eventually semi-annually) as the present Miami council became increasingly active.

Attendance estimates were not available for all general meetings. Available lists or estimates showed a range of 45 to 300 attendance, with 200 being not uncommon. Attendance of this size is thus of same order as the membership lists discussed above, which was 200 to 300 individuals, but much smaller than the 750 on the combined list from three organizations. It is also about the same size as an annual reunions, which averaged about 150. With the exception of the 1968 claims meeting and the 1979 recognition meeting, lists of meeting attendees are not available. MNISI minutes for some meetings indicate the number of Miami who were present at some of their meetings. This number varied greatly, from 45 to 150. However, notations in the minutes concerning the number of postcards purchased for mailings, two to three hundred, corresponds with the number of members on the MNISI mailing lists. It is impossible to determine the extent to which the same individuals were involved in meetings, organizations and reunions, and thus whether there was a consistently active core or what its size might have been.

It can normally be assumed that not all members of a family, or of an extended family, will attend an event, even though they may be knowledgeable and interested. Thus the number of members socially linked to the meetings is probably considerably larger than the numbers attending suggest. However, many of the Miami members live too far away to attend such meetings (about 52 percent of the present membership lives outside of Indiana, with about 33 percent (1400 people) within the core geographic area).

Interviews concerning past meetings provided limited evidence that attendees at past meetings had at least some past social interaction with each other outside of attendance at meetings (Greenbaum 1989, BAR 1992). Evidence supporting this conclusion is that about 35 percent of the attendees at the 1968 meeting had attended an annual reunion. On the one hand, given that the cumulative annual reunion list understates the total number of attendees, this provides some evidence that

many, probably the majority, of those attending this claims meeting had at least some other, informal social connections with each other. On the other hand, the cumulative attendance list covers a span of 37 years and does not indicate frequency of attendance. Thus it does not show whether the level of informal social contact existed between meeting attendees was high or low.

Conclusions

It is difficult to accurately evaluate how much of the overall Miami membership is represented by attendance at meetings or enrollment on organizational lists. A meeting attendance of 200 might reflect social connections with from 400 to 1000 individuals, depending on how the number of children, parents and siblings of the attendee is estimated. The 1968 combined mailing list (see above) had 750 names on it (all drawn from organizational memberships), evidently a much larger proportion of the total number of Miamis than any meeting. These figures compare with the potential estimated "membership" of 3000 in the 1960's if the same families who are currently Miami members are considered and if 3000 Miamis on the 1968 judgement roll are considered to represent roughly the membership of the Miami at the time. A substantial fraction of the 3000 is involved if the 750 organizational members are conservatively estimated as representing 1500 adults and children.

The large percentage of those on the organization lists and meeting lists who had also attended an annual reunion indicates that those attending claims meetings and becoming members of the organizations had at least some other, informal, social connections with each other outside of the organization, though it does not show that they had close social connections. This provides limited evidence that the organizations at times provided the vehicle for expression of Miami opinions and the means to accomplish actions desired by a social group. There is thus limited evidence that they were somewhat more than organizations whose members had no connection with each other outside the context of the organization.

The membership lists and meeting attendance figures indicate significant breadth of at least nominal involvement, but do not, however, indicate whether there was a high degree of interest or significant involvement. This information does not indicate how sustained the members' direct or indirect contact was with the organizations and their leaders. The lists and meetings provide evidence which would be supportive of more direct

evidence that the activities of the Miami organizations were of interest across a more than narrow portion of the membership and also that there were occasions for the membership at large to be informed about and discuss issues.

Political Contact Between Council and Membership

Proposed Finding

An important element of the proposed finding was that it was not demonstrated whether there was any significant support, interest or involvement of the membership as a whole in the activities of the council that claimed to represent them. Political process requires some flow of information and opinion between leaders and followers, and vice-versa. A particular point addressed in the proposed finding was that the council chose its own members, and appeared to be self-perpetuating (PF/S, 13), without any indication whether members of the subgroup or family purportedly represented were involved in, knew about or were supportive of this role. The proposed finding also stated that council members were reported to presently have the responsibility for passing information about council activities along by contacting local families "in their area" and having this in turn passed on along family lines (PF/S, 7). The effectiveness of this could not be determined, and there was no evidence that this had operated before 1979, when the present form of council was organized.

Data Presented in the Response

The processes by which individuals become members of a council claiming to be a governing body, who they are considered to represent, and what continuing direct or indirect flow of information and opinion between them and their "constituents" is important data for demonstrating that a bilateral political relationship exists within the membership of a group.

No significant new data was provided concerning how individuals became members of various councils before 1979, when the process of forming the current council began. Documents supplied as part of the supplementary response indicated that in some instances in the past, individuals were elected at general membership meetings.

The response and the additional research by the Branch provides some additional information indicating that

members of the present council are not solely the choice of the council, although it remains clear that council approval is also required. Regular elections for council members are not held. People have often gotten on council because the chief or the council initiated the request, although this was not true in all cases. In other cases, "families" have requested representation. The response contained general statements, without elaboration, claiming that "The council does not choose its members but does seek members from the various extended families and clans" and that "...if the extended family or clan objects, the individual would not be appointed" (MNISI 1991a, 79) Other statements indicated family or clan support was required to hold office and that, except for the Richardville/Lafontaine group, "families chose their representatives by consensus." Because of the importance of clearly documenting the nature of the Miami council's relationship with the membership, and because the response contained only general statements about this process, the Miami researchers were requested to provide field notes or other data elaborating on and supporting these statements. Data to evaluate this was gathered during the Branch's research trip to evaluate the response (BAR 1992).

The field notes supplied by one of the Miami researchers provide limited support for the proposition that council members have an active connection to the groups they appear to represent (Campisi 1991). The notes are, however, quite brief and clearly represent a limited investigation. The circumstances surrounding the selection of four important council members from four different subgroups are represented. A number of changes in council membership have occurred in the past ten years (MNISI 1985c, 1984-8), but no information was provided concerning how these came about. There were some contradictions, also, in that some informants said that the South Bend group had held an election and others said the council member was chosen by consensus. Some sources cited in the notes indicated that the Richardville/Lafontaines had chosen theirs by consensus, the reverse of the response statement.

The Branch's limited research indicated that in the process of becoming council members, individuals had some degree of consultation with, and continuing acquiescence, of their kinsmen (BAR 1992). However, the evidence indicates that this interaction was probably within a considerably narrower group than the kinship group they were supposed to represent. The Miami field notes did not provide evidence to the contrary (Campisi 1991). Thus the Lavonture representative had the apparent support of and contact with his immediate kinship group, but not that of

all of the Lavonture families. Similarly, the Godfroy representative sought to be on council to represent the Godfroys as a subgroup, but did not consult with more than her immediate kin group at the time she sought to be on the council.

The proposed finding was that claimed council representation was based partly on the subgroups and partly on smaller units. The smaller units were defined on the basis of family or kin group and also on geography (for example, several related family lines concentrated in one city). The evidence available for the final determination substantiates these conclusions. The Miami leadership has considered it important that all subgroups and major family groups have representation if possible, although this does not appear to be the sole reason someone goes on council.

In reference to council representation, the Miami response, its supplement and the related field notes, all used the term "extended family or clan" or simply "family," without followup questions clarifying the meaning of these terms. Clan is sometimes used in the response to refer to the subgroups, however, a much bigger group than an extended family (MNISI 1991a, 21). The term "band" also appears, without definition but apparently equated with "family" (Glenn 1991a, 5). The Branch's research indicated that "family" generally referred either to an extended family group or the descendants of an individual on the 1895 list. Both of these are fairly narrowly defined populations.

In a number of instances, "family" groups have asked for representation on the council, or the council members have felt that a particular "family" should have representation (MNISI 1985c). The Miami field notes indicate that the Witt and Adams "families" (much smaller than subgroups) had asked for representation on the council and gotten it (Campisi 1991), but no representatives appear on the current council list submitted with the response (MNISI 1991a, 81) or on other available lists.

There remains considerable uncertainty concerning how large a group a given council member actually represents and is in contact with. The "Meshingomesia" representative from South Bend clearly represents only the several Meshingomesia lines that are concentrated there, not the entire body of Meshingomesia descendants. The Richardville/Lafontaine representative actively represents only the particular Richardville/Lafontaine families centered in Huntington. The latter, besides being localized, does not include the majority of

Richardville/Lafontaine families, who historically have been resident largely in Oklahoma and other midwestern states. The Huntington group comprises about two percent of the Miami membership, whereas overall, the Richardville/Lafontaines comprise about 20 percent. One of the Godfroy representatives appeared to have little contact with most of the very large number of Godfroy descendants, who comprise about 30 percent of the entire Miami membership (BAR 1992).

All of the subgroups are nominally represented on the council. However, because it is not clear how big a group a council member actually, as opposed to nominally, represents, it is not clear that all or even most of the current membership has actual representation because it does not appear that a political relationship exists between the council members and all of their nominal "constituency."

The proposed finding concerning the petition's claim that tribal council members had a regular communication process, utilizing one or another network to keep tribal members informed of "tribal business," was that the effectiveness of this process had not been established. In addition, it did not appear to predate the current (post-1979) council (PF/S, 7). The response provided no significant additional data concerning this. The initial supplement provided limited additional information (Glenn 1991b, 5-6).

The supplement provided good information concerning communication between the South Bend/Meshingomesia group and their representative, George Dorrin (see discussion under criterion b). The supplementary information also supported the conclusion that among the Huntington group of Richardville/Lafontaines, the families' representative had significant support and that the families were reasonably well-informed through various means. A Bundy representative provided a more detailed description of how she kept in contact with her "family" ("band") members to inform them about "tribal," meaning council, business. How big a group was meant by "band" in this instance could not be determined from the data submitted. These examples only account for a small minority of the Miami. Other, less solidary, family groups were not demonstrated to have this level and consistency of communication (see criterion b).

There are currently significant strains within the Miami council and leadership concerning the handling of bingo and economic development (BAR 1992). These strains are hard to distinguish from conflicts within a voluntary

organization because there is no evidence that "constituents" are aware of or concerned about these, or that the council members have made their "constituents" aware of these issues or have heard from their "constituents" about them (BAR 1992).

The Miami council instituted semi-annual "general council" meetings in the early 1980's. Attendance at these is around 200 to 300, approximately the same as general meetings in earlier generations. The response provided little data concerning the nature of these meetings and their attendance. They appear to be primarily a vehicle for announcements to the membership of council actions, rather than a forum for political discussion.

Overall, the data for the modern community on whether the council members have support from and communication with the groups they are stated to represent is limited. The available information does not indicate that there is a consistent pattern of flow of information and influence, directly or indirectly, between the council and the membership as a whole.

Response Critique of the Proposed Finding

The response devotes several pages to a detailed discussion of a specific statement in BAR's supplementary anthropological report on Miami political processes for the proposed finding (MNISI 1991a, 74-77). The statement in question discussed the critical issue of contact between Miami leaders and members of the group. The report stated, "Extensive interaction between leaders and followers, i.e., consultation with constituencies, objection to or awareness of leadership action and policies was not demonstrated by the limited available data. Council members and leaders have almost exclusively been chosen by the existing leader and/or council. The petition explicitly characterizes this as an 'autocratic' form of government" (PF/AS. 22).

In an exchange of letters and phone conversations between BAR and the Miami's lead researcher and legal representative, clarification was provided to the Miami researchers that the characterization as "autocratic" was the Branch's rather than the petitioner's. "Autocratic" was used in the proposed finding report "as a short-hand reference to aspects of the political system such as those referenced on page 14...of the portion of the petition on Miami political processes, which said in part, 'There has been little acculturation of the tribal political process to the ways of the larger society (i.e., soliciting the

views of the tribal membership, election of leaders by ballot, free-ranging discussion of tribal business)' "(Bacon 1990).

The Branch urged the Miami researcher writing this portion of the response to focus on the underlying, fundamental issue of the extent and character of relationships between leaders and members in Indiana Miami political processes. In a letter to the Miami researcher, it was noted that "This aspect of the political system, the accuracy or completeness of such descriptions, and the possibility of other avenues of political support and contact were discussed at some length at your (Campisi's) October meeting with the Branch" (Bacon 1990).

Despite this clarification, and advice concerning the kinds of materials appropriate to respond to the proposed finding, the response does not provide systematic data which demonstrates that a political relationship exists between the council and the families and/or subgroups they are supposed to represent.

Comparisons With Criterion C in Other Acknowledgment Cases

The response contends that claims activities were treated differently in the proposed finding than they were in the decisions to acknowledge the Poarch Creek Band and the San Juan Southern Paiute (MNISI 1991, 90-91, 116-17). It characterizes these two decisions as giving significant weight to claims activities in determining that the Poarch and San Juan petitioners met criterion c, while giving it little weight in the Indiana Miami proposed finding. d

The response's characterization of the Poarch Creek decision as based on claims activities is misleading. The Poarch Creek Band had clearly documented leadership capable of organizing group activity such as a school boycott and exercising clear influence on members' behavior (ASIA 1982/S,5,1982/A, 35-39). The fact that it was a highly cohesive tribe with distinct settlements was important supporting evidence for political processes. The Miami response does not cite the section of the report describing the exercise of tribal political authority and thus misstates the actual grounds for the Poarch decision. The response notes that a special council was organized by the Poarch Creek leadership to conduct claims activities, but does not note that this council was distinct from the Poarch leadership and that the conclusion that political authority was exercised within the Poarch Band did not rest on claims activity or the activities of the organized council during the period of claims activities (ASIA

1982/S, 6, 1982/A, 2, 37-39). The issue of how claims was treated in the Poarch finding was discussed at length in a review of acknowledgement decisions included in the subsequent Samish final determination (ASIA 1987, 21).

The response's characterization of the San Juan Paiute determination is equally misleading and incorrect. The San Juan Paiutes are a traditional, culturally distinct and socially cohesive band. The Paiutes could demonstrate clear-cut leadership with sufficient authority to settle disputes, modify members' behavior and allocate resources (ASIA 1987, x). The "claims" activity referred to was the activities of the Paiute leader to promote efforts to regain land the Paiutes had lost to the Navajos in recent decades. It was a minor element in the determination that the band met criterion c, given the clear-cut evidence of political influence that was available. It further is quite different in character and significance than the Miami claims activities after 1940 cited by the Miami response as comparable. The Paiute leader's efforts were a meaningful political activity, which was given weight similar to that given to Miami efforts in the first several decades of the 20th century to reverse the loss of tax-free status of their land and the consequent land loss. It is much stronger evidence of political process than Miami claims efforts before the Indian Claims Commission in the 1950's and 1960's, in which a dispersed group of descendants sought payment for lands lost over a hundred years ago.

SOURCE MATERIALS

Listed in this section are additional source materials utilized for this final determination beyond those cited in the reports accompanying the proposed finding. The reader should consult the sections on source materials of those reports for materials not cited below.

Abbreviations

ASIA	Assistant Secretary-Indian Affairs. Reports accompanying the various proposed findings are identified as: S = Summary under the criteria; A = Anthropologist's Report; G = Genealogist's Report; H = Historian's Report.
BAR	Branch of Acknowledgment and Research, Bureau of Indian Affairs
MI	Miami Indians of Indiana
MNISI	Miami Nation of Indians of the State of Indiana
MTA	Miami Tribal Archives, Peru, Indiana
MTI	Miami Tribe of Indians
GBMI	Godfroy Band of Miami Indians
PF	Proposed finding of July 19, 1990, against acknowledgment of the Miami Nation of Indians of the State of Indiana; 55 FR 29423. The technical reports accompanying the proposed finding are identified as: PF/S = Summary under the criteria; PF/H = Historian's Report; PF/A = Anthropologist's Report; PF/AS = Anthropologist's Supplemental Report; PF/GA = Addendum to Genealogist's Report.
R.G. 279	Record Group 279, Records of the Indian Claims Commission, National Archives.

Sources

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