

Summary under the Criteria and Evidence
for
Final Determination Against Acknowledgment
of the
BURT LAKE BAND OF OTTAWA AND CHIPPEWA INDIANS, INC.

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

Petition Denied: ✓ SEP 21 2006

James E. Brown
Assistant Secretary – Indian Affairs

Final Determination

BURT LAKE BAND OF OTTAWA AND CHIPPEWA, INC.

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ABBREVIATIONS AND/OR ACRONYMS USED IN THIS REPORT

AS – IA	Assistant Secretary – Indian Affairs	LTBB	Little Traverse Bay Bands of Odawa Indians, Mi.
BAR	Branch of Acknowledgment and Research, now OFA	MFO	Michigan Field Office
BIA	Bureau of Indian Affairs	MIDA	Michigan Indian Defense Association
BLB	Burt Lake Band of Ottawa and Chippewa Indians, Inc.	MILS	Michigan Indian Legal Services
CFR	Code of Federal Regulations	MSU	Michigan State University
CHT	Confederated Historic Tribes	NARF	Native American Rights Fund
Department	Department of the Interior	NMOA	Northern Michigan Ottawa Association
DNR	Department of Natural Resources (State of Michigan)	OFA	Office of Federal Acknowledgment
Ex.	Documentary exhibit	PF	Proposed Finding
FD	Final Determination	RG	Record Group
FR	Federal Register	sess.	Session
GTB	Grand Traverse Band of Ottawa and Chippewa Indians, Mi.	SSM	Sault Ste. Marie Tribe
IBIA	Interior Board of Indian Appeals	U.S.	United States
IRA	Indian Reorganization Act	U.P.	Upper Peninsula of Michigan
LRB	Little River Band of Ottawa Indians		

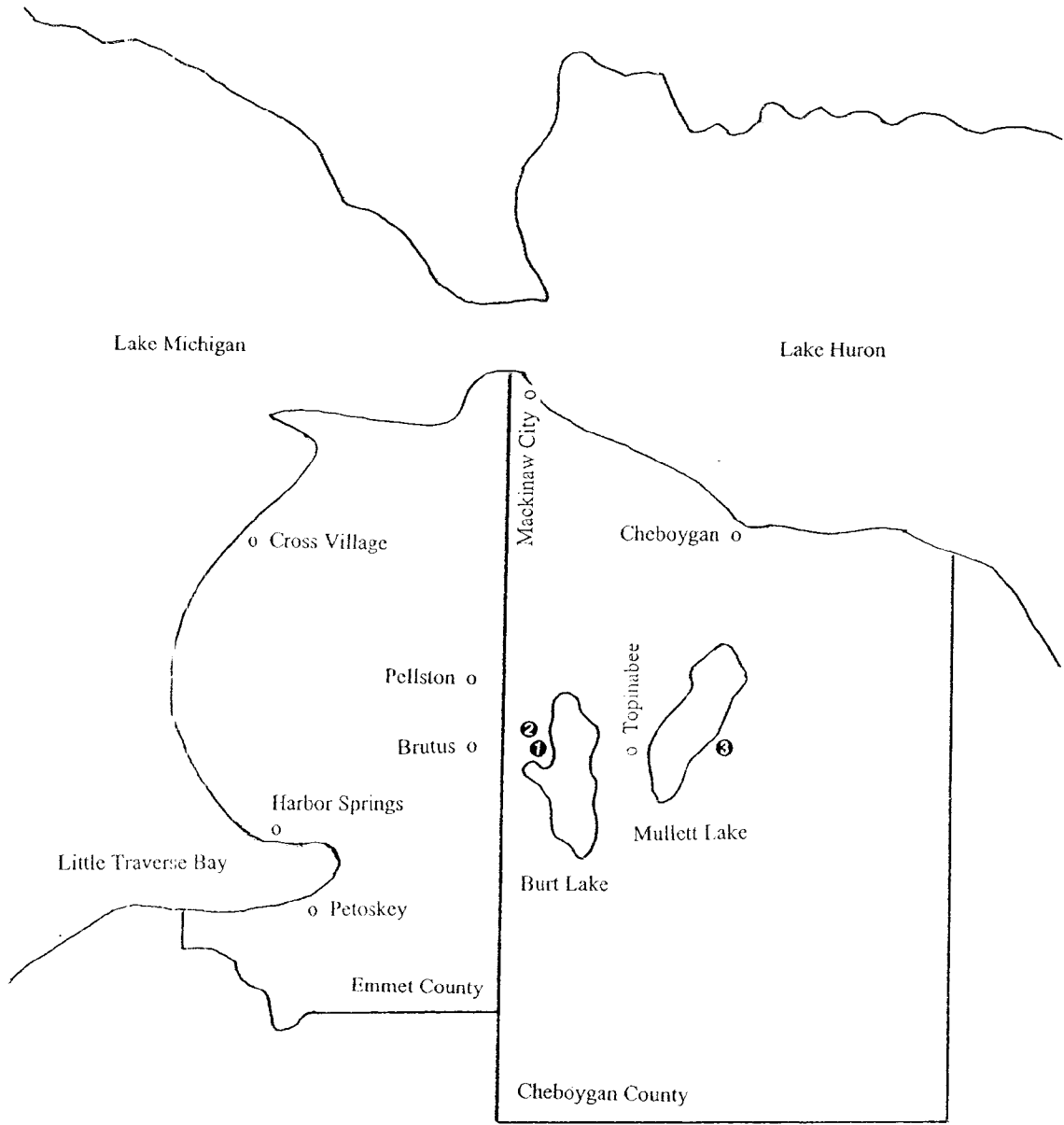


FIGURE 1: AREA MAP, MICHIGAN

Source: Office of Federal Acknowledgment

- Key:
- ① Indian Village, - 1900
 - ② Indian Road, 1900 -
 - ③ State lands, ca. 1903-1914

10 mi.

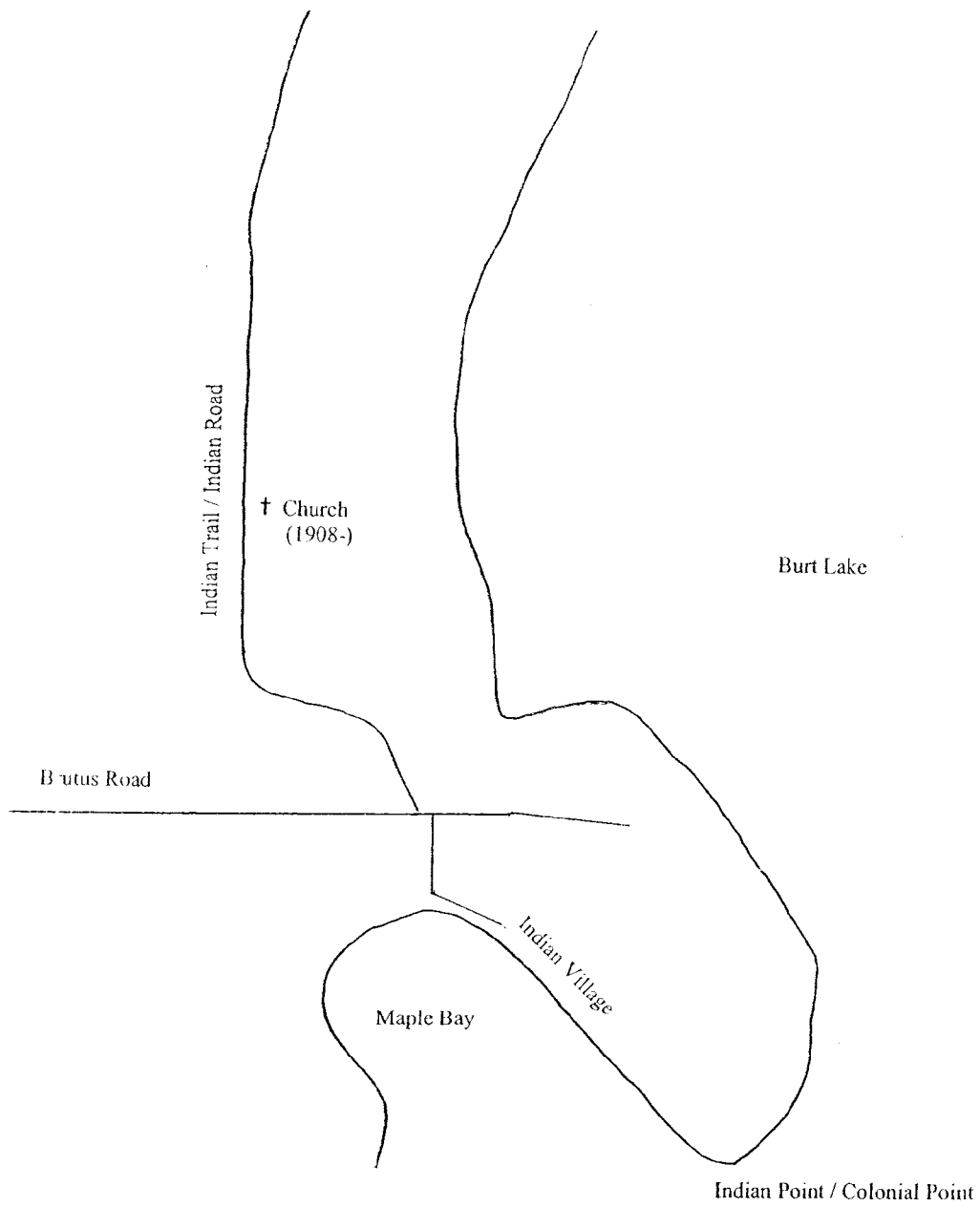


FIGURE 2: BURT LAKE AREA

Source: Office of Federal Acknowledgment

1 mile

INTRODUCTION

The Burt Lake Band of Ottawa and Chippewa Indians, Inc. (BLB) seeks Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the *Code of Federal Regulations* (25 CFR Part 83). The acknowledgment regulations under 25 CFR Part 83 establish the procedures by which non-recognized groups may seek Federal acknowledgment as Indian tribes with a government-to-government relationship with the United States. The Secretary of the Interior, by the Secretary's Order 3259 dated February 8, 2005, and amended on August 11, 2005, and on March 31, 2006, re-delegated to the Associate Deputy Secretary most of the duties formerly delegated to the Assistant Secretary – Indian Affairs (AS-IA). Among the re-delegated authorities is the authority to “execute all documents, including regulations and other *Federal Register* notices, and perform all other duties relating to Federal recognition of Native American Tribes.”

The petitioner must submit documentary evidence that demonstrates it meets the seven criteria set forth in section 83.7 of the regulations in order to be acknowledged as an Indian tribe entitled to a political relationship with the United States. Failure to meet any one of the criteria will result in a determination that the group does not exist as an Indian tribe within the meaning of Federal law. This Final Determination (FD) finds that the petitioner meets four of the mandatory criteria for acknowledgment under these regulations, but does not meet three. Therefore, the Department of the Interior (Department) declines to acknowledge the BLB petitioner as an Indian tribe.

A notice of this FD not to acknowledge the petitioner as an Indian tribe will be published in the *Federal Register*. The regulations (§83.11) provide that the BLB petitioner or any interested party may file a request for reconsideration of this FD with the Interior Board of Indian Appeals. This request must be made within 90 days of publication of this FD. If no timely request for reconsideration is filed, this FD will become effective 90 days from its date of publication in the *Federal Register*.

Bases for the Final Determination

This FD is based on an evaluation of materials that the petitioner submitted in response to the Proposed Finding (PF) and materials already in the record that the petitioner and third parties submitted for the PF. The researchers of the Office of Federal Acknowledgment (OFA) have incorporated evidence that they developed during their verification research. Therefore, this FD should be read and considered in conjunction with the PF.

Administrative History of the Petition

On September 6, 1985, the Department received a letter of intent to petition for Federal acknowledgment from a group known as the Burt Lake Band of Ottawa and Chippewa, Inc. The BLB petitioner claims continuous tribal existence from the 19th century Cheboygan band which had a village on the lake now known as Burt Lake. Pursuant to 25 CFR 83.8(a), the Department published notice of the receipt of a letter of intent in the *Federal Register* on October 15, 1985. As delineated more fully in the PF, from 1985, when the petitioner submitted its letter of intent, until 2004, the research staff of OFA provided technical assistance in person, by letter, and by telephone on numerous occasions.

Members of Congress introduced recognition legislation on behalf of the BLB on several occasions since 1987. The Department generally opposes recognition legislation that bypasses the Federal acknowledgment process. In this case, the Department expressed specific concerns in testimony before Congress in 1995 and again in 1997. A group of BLB members reported to the Department that a portion of the group's membership and leadership, contrary to what they claimed, did not appear to descend from the historical Cheboygan band which had negotiated a treaty with the U.S. in 1855. Departmental officials testified that the administrative process at 25 CFR Part 83 would allow an evaluation of the petitioner's evidence to determine the disputed facts of its case (Manuel 11/14/1995; Deer 6/24/1997).

Despite the Department's opposition, in 1994 Congress recognized the Little Traverse Bay Bands of Odawa Indians (LTBB). The LTBB accepts members based on descent from several historical bands, including the historical Cheboygan band. LTBB and BLB have competed for some of the same members; however, LTBB enrolls only quarter-blood degree or more descendants of the 1855 treaty. Even before the PF, numerous BLB members and others who would meet BLB's membership requirements enrolled in LTBB.

The Department made an initial review under sections 83.10(b) and 83.10(c) of the BLB's submissions. This technical assistance (TA) review resulted in a letter dated April 5, 1995, that made suggestions for improving the petition. The TA review letter advised the petitioner that it could ask the Department to go forward with the evaluation based on the materials the BLB had already submitted or to respond to suggestions made in the TA review letter (Morris 4/5/1995). This letter also addressed the petitioner's claim of unambiguous previous Federal acknowledgment. Section 83.8 would reduce the petitioner's burden for producing evidence if it could demonstrate that the present group was the same group with which the Federal Government may have had previous dealings.

In this case, the BLB claimed that the Federal Government had dealt with the historical band as recently as 1917, and that the current BLB is that same historical group. The Department made a preliminary decision that the BLB needed to provide evidence only from 1917 to the present for the applicable criteria, rather than from historical times to the present. The Department made it clear that the applicability of section 83.8 was

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“preliminary” and that the evidentiary burden could be changed during the in-depth evaluations of the evidence for the PF and FD, if the facts were found not to support the TA review’s finding. In addition, two membership problems concerned OFA. First, since 1984, the membership included a large number of people who did not descend from the Cheboygan band. Second, since 1991, Cheboygan descendants had left the petitioner to enroll in LTBB.

On March 30, 2001, the BLB petitioner filed a lawsuit in District Court in the District of Columbia, contending that the Department violated the Administrative Procedure Act (APA) by failing to place BLB on the Federal list of recognized tribes. A 1994 Federal statute requires the Department to publish this list periodically. BLB asked the Court to compel the Department to place it on this list. Two federally recognized tribes, the LTBB tribe and the Sault Ste. Marie (SSM) tribe, moved to intervene in this lawsuit. In August 2002, the District Court in Washington, D.C., granted the Department’s motion to dismiss this lawsuit because the plaintiff had failed to exhaust its administrative remedies.

The AS-IA signed the PF declining to acknowledge the BLB petitioner on March 25, 2004 (*Burt Lake Band PF*). The 180-day comment period provided at section 83.10 commenced when notice of the PF appeared in the *Federal Register* on April 15, 2004 (69 FR 20027) and ended on February 20, 2005. On October 12, 2004, the petitioner received its requested 120-day extension (Fleming 10/12/2004). On February 4, 2005, the Principal Deputy Assistant Secretary – Indian Affairs granted a second extension request based on the petitioner’s request for additional time to complete its research (Fleming 2/4/2005). On April 5, 2005, OFA received a letter from BLB, dated March 27, 2005, requesting a 21-day extension of the comment period to allow the petitioner’s officers and board to organize and to approve the submission. The Principal Deputy Assistant Secretary – Indian Affairs granted a third extension to the comment period ending on May 2, 2005 (Fleming 4/8/2005).

During the comment period, OFA provided technical assistance on October 26, 2004, to the petitioner (Fleming 11/17/2004). The petitioner indicated that the trend for Cheboygan descendants to join LTBB had continued since the publication of the BLB petitioner’s negative PF in 2004. During the meeting, BLB representatives told OFA researchers that some previous BLB members now enrolled with LTBB wanted to remain in BLB, but those members joined LTBB because they needed the services and rights that a federally recognized Indian tribe provided them. The petitioner estimated that as many as 75 individuals, most of them “elders,” would return to BLB if the petitioner were to be acknowledged. The petitioner had form letters from 36 members of LTBB. These letters stated that the signers would relinquish their membership in LTBB if the petitioner were acknowledged. However, BLB is reluctant to submit these letters or name on the record the individuals who claim they would return, indicating that the signers of these letters fear retribution from LTBB if their names become public knowledge. On July 27, 2006, OFA reviewed these letters. The petitioner’s statement that the 36 names represent “family heads” is inaccurate. In fact, some of those 36 individuals whose letters OFA

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reviewed are children. Even if all 36 individuals were to re-enroll in BLB, the membership problems delineated below under criterion 83.7(e) would remain.

On May 2, 2005, OFA received the BLB's response to the PF. No third party submitted comment or evidence. On May 30, 2005, the petitioner contacted the Department to express its concerns that the Department would not complete the FD in time to allow for the group's possible inclusion as a tribal entity in the Michigan Indian Land Claims Settlement Act of December 15, 1997 (Act), and become eligible for a tribal disbursement (Marks 5/30/2005).

The Department informed BLB that it would begin this evaluation in May 2006, with a FD to be issued in September 2006 (Fleming 3/16/2006). These deadlines were set to meet deadlines established by Congress for the distribution of funds under Sections 104, 106, and 110 of Public Law 105-143, of the Act (Olsen 3/27/2006). To facilitate the creation of the *per capita* distribution lists under the Act, OFA worked with the petitioner's attorney to provide up-to-date membership lists to the BIA office in Sault Ste. Marie, Michigan. In addition, the Department ceased its work on two petitioners that were actively being evaluated.

The Proposed Finding

The PF found that the petitioner met three, but did not satisfy four of the seven mandatory criteria set forth in 25 CFR 83.7. The failure to meet these criteria flowed from a crucial problem: the presence in the petitioner's membership since 1984 of the descendants of John B. Vincent (b. 1816). The Vincent families, composing almost half the membership at the time of the PF, could not demonstrate that they descended from the historical Cheboygan band, also known as the Burt Lake band, using evidence acceptable to the Secretary, as required by criterion 83.7(e). Just over half of the membership did not descend from the Burt Lake band as defined in the field notes for the Durant Roll, a historical list of descendants of various bands associated with the Treaty of 1855.

Because of these findings, the PF reversed the preliminary determination of April 5, 1995, that the Federal Government had previously acknowledged the petitioner when the Justice Department represented it in litigation in 1917. The local name of the previously acknowledged entity was the Burt Lake band. The PF concluded that although Indians at Burt Lake were acknowledged as a tribe as recently as 1917, most of the petitioner's members did not descend from the previously acknowledged entity, and therefore the petitioner could not be evaluated under provisions for previously acknowledged groups at section 83.8.

The PF evaluated the BLB petitioner under the criteria at section 83.7(a) through (g). It not only included analysis of the petitioner with a membership including the Vincent family, but also made a secondary analysis of the portion of the BLB membership that either descended from the Cheboygan band or was part of a small group of in-laws who descended from a different Ottawa band. The Department intended this two-part analysis

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to provide guidance to the petitioner if it were to revise its membership and submit a response based on the secondary findings, which it has done.

Under criterion 83.7(a), the PF found that external observers identified neither the petitioner nor a Burt Lake Indian entity on a substantially continuous basis. Prior to 1985, however, except during the periods from 1917 to 1931 and from 1956 to 1978, outside observers referred to an entity that did not contain any members of the Vincent family.

The PF found under criterion 83.7(b) that the current membership was divided into two main groups of descendants that had neither formed a single social community nor separate communities that amalgamated. Nevertheless, evidence from censuses, school records, interviews, vital documents, and county records supported a finding that descendants of the historical Cheboygan band maintained a community centered near Brutus, Michigan, until 1970, but that the petitioner needed to provide additional evidence of community at all periods, and especially to include evidence about people who had emigrated from the Burt Lake area.

The PF found under criterion 83.7(c) that evidence of political activities by Burt Lake individuals between 1900 and 1977 was often ambiguous as to whether those individuals were acting on behalf of a Burt Lake group, a larger or regional group, or only a family. In addition, the evidence did not demonstrate that the named individuals took these actions with other members' knowledge. The evidence showed that the Vincent families were not part of any of these political activities and had not presented themselves as Burt Lake Indians until the 1980's. Before then, the Vincents generally participated only in non-Indian activities, first in the town of Cheboygan in the 1800's and later in Cheboygan, on Beaver Island, and at settlements and towns on the Upper Peninsula in the 1900's. Before joining BLB, the Vincent descendants who became active in BLB joined commercial fishing organizations that attempted to keep Great Lakes fishing open to all commercial fishermen regardless of tribal status. From 1985 to 2004, the Vincents dominated the BLB chairmanship and, at times, the governing body. The presence of the Vincents became controversial among some other members and in 1991 a movement arose to oust them. It failed, and the Vincent families remained on the petitioner's membership list for the PF.

Under criterion 83.7(e), the PF found that because more than half of the petitioner's 490 members did not descend from the historical Cheboygan band the petitioner did not meet the criterion. This "more than half" included not only the Vincent descendants but also individuals in a family without Cheboygan band ancestry who moved to Burt Lake early in the 20th century and became in-laws to Burt Lake band descendants.

The petitioner met criterion 83.7(f) requiring that a petitioning group be composed "principally of persons who are not members of any acknowledged North American Indian tribe" because the criterion refers to the petitioner's current membership list. After LTBB's recognition by Congress in 1994, 174 BLB members joined LTBB, which recognized the Cheboygan band descendants named on the Durant Roll as qualifying

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ancestors for LTBB membership. At the time of the PF, 38 of those 174 individuals were enrolled in both LTBB and BLB. Despite that dual enrollment, the petitioner met the criterion because most of its current members were not members of an acknowledged tribe. Finally, the PF found that the petitioner also met criteria 83.7(d) and (g).

The PF expressed concerns that so many closely related people who were listed on its membership list or were socially, politically, and genealogically connected to BLB were members of LTBB. The PF noted the possibility that a Burt Lake entity may exist, which could meet all of the criteria, but that the main body of that entity may be part of LTBB. The PF indicated that after resolving its membership issues involving the Vincents,¹ the petitioner's response to the PF would have to deal with its significant membership questions unrelated to the Vincents. The petitioner needed to show during the comment period that the participants in an existing Burt Lake entity did not abandon the BLB petitioner to join the larger tribal entity of LTBB.

Historical Overview of the Burt Lake Band of Ottawa and Chippewa, Inc., Petitioner

The BLB petitioner claims to be a successor to a Cheboygan band of Ottawa and Chippewa Indians who lived in a village on Burt Lake near the northern tip of Michigan's Lower Peninsula before 1900 (see Figure 1). As early as 1830, the historical Burt Lake Indian village was situated along the northern shore of Maple Bay. The Indian village and fields in this location were documented by plat maps of the area made in 1841 and 1855 by the U.S. General Land Office.

The petitioner seeks acknowledgment as the Burt Lake band. It specifically claims to be distinct from any other treaty tribe and the present-day federally recognized Little Traverse Bay Bands of Odawa Indians (LTBB). The petitioner claims it made treaties with the United States in 1836 and 1855. The treaty with the "Ottawa and Chippewa Nations of Indians" made in Washington, D.C., on March 28, 1836, provided for a cession of land to the United States and a reservation of certain tracts of land to be held by the Indian tribes in common ownership. Article 2 of the treaty provided that a tract of 1,000 acres "on the Cheboigan" [River?] was to be chosen by Chingassanoo, or Big Sail. A scholar has identified a "Chingassamo" village at this time located where the Cheboygan River entered Mullett Lake. Chingassamo was one of eight signers for "L'Arbre Croche" bands, and the treaty did not explicitly mention a Cheboygan band. Although the original draft of the treaty provided that these lands would become permanent reservations, the United States Senate amended the treaty to end the reservation status of these lands five years after ratification of the treaty. The treaty also

¹ The petitioner could have resolved this matter in various ways: by demonstrating that the Vincents descend from the historical tribe, by demonstrating that the Vincents were an Indian group that amalgamated with BLB historically and evolved into the petitioner, by removing the Vincents from their membership, or by taking some other step. The Department did not advise or order the petitioner to take any particular action, but left the response up to the BLB.

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provided for annuity payments to the “Ottawa and Chippewa nations,” by geographical regions, for 20 years.

The Cheboygan band acquired title to the lands of the Indian Village on Maple Bay on Burt Lake by purchasing these lands from the United States land office between 1846 and 1849 and having that land patented to the Governor of Michigan in trust for the band. These State trust lands, a total of 374.9 acres on Burt Lake, were purchased from the Federal Government, at the prevailing public price per acre, as six separate parcels between 1846 and 1850.

The treaty with the “Ottawa and Chippewa Indians of Michigan” made in Detroit on July 31, 1855, indicated that it was an agreement with the parties to the Treaty of 1836. The petitioner contends that the Cheboygan band did not approve the treaty until July 2, 1856, at Little Traverse, when Ke-zhe-go-ne, with other chiefs and headmen who were not identified by band, gave his assent to Senate amendments to the treaty. The treaty provided that individual Indians could select land within designated reserves. Two townships were designated for “the Cheboygan band,” in Cheboygan County. The treaty also provided for *per capita* payments, which could extend for 14 years after ratification, or until about 1870. Some 83 percent of BLB’s current members claim to descend from 11 of the 33 individuals of the Burt Lake band on the 1870 annuity payment list; however, only 68 percent can demonstrate that descent.

The Treaty of 1855 provided that Ottawa and Chippewa Indians who were a head of household, single adult, or orphan minor could select allotments of land. It required Indian agents first to prepare lists of all the persons entitled to receive land and eligible individuals then to select their land. In 1872, Congress restored the unselected lands to public entry, which Indians who had not made allotment selections under the treaty could select as homesteads, and some Cheboygan band Indians did take up homesteads. Under Congressional Act, a schedule of allotments in the Cheboygan band reserve was approved and the lands selected by 45 individuals were patented in 1875.

The BLB petitioner’s members have 16 ancestors who were included on lists of the residents, at the end of the 1890’s, of the “traditional” Indian settlement, hereafter referred to as “Indian Village on Burt Lake” or “Indian Village.” The Cheboygan band lost title to the lands of this village through tax sales of the State trust lands because of delinquent taxes. In 1897, John McGinn notified the Indians living in Indian Village that in a tax sale he had purchased the lands on which they lived, and they should leave. In 1898, he took action in county court to gain possession. Some, but not all, of the residents of the Indian village moved to new locations after receiving McGinn’s notice. In October 1900, McGinn and the sheriff evicted the Indians, removed their possessions from their homes, and set fire to the houses, an event the petitioner refers to as the “burnout.” McGinn identified 22 household heads in his legal notice, and a former Indian Village resident Albert Shananquet created a list of residents. When combined, Shananquet’s list and McGinn’s notice identify 24 households in Indian Village prior to the burnout of 1900. Some of the petitioner’s current members descend from 15 of these 24 Indian households.

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In addition to descendants of the pre-burnout Indian Village on Burt Lake and of the treaty annuitants, another 17 percent of the petitioner's current members descend from two individuals who had no demonstrable connection to the historical Cheboygan band, but were living in 1910 in Burt Township in the geographical vicinity of Indian Village on Burt Lake. Even though the lack of evidence for connection to the historical tribe for specific families was discussed in the PF, the petitioner submitted no evidence to cure some of these problems and enrolled significant numbers of new members from these same families.

After the 1900 burnout, some of the former village residents settled along Indian Road north of Indian Village at Burt Lake on lands owned by Burt Lake Indian landowners who had obtained homesteads there under the Act of 1872. All of the residents along Indian Road for two and one-half miles north of Brutus Road were Indians, as revealed by a 1902 plat book of the county (see Figure 2). Some of the petitioner's members descend from 6 of the 11 Indian landowners on Indian Road at that time. This Indian settlement on Indian Road was only a portion of the residents of the burned Indian Village. Others moved to Harbor Springs and other Ottawa settlements in Emmet County. A small group moved temporarily to Mullett Lake, after the State legislature and Governor, believing they had a "moral obligation," approved a resolution in 1903 to provide land to be held by the State in trust for the band. The families at Mullett Lake left there before 1914, and the ownership of the land eventually was taken out of trust. A large family settled near the train line in Pellston, five miles from Burt Lake, where employment was available in a lumber mill.

By an Act of April 1908, Congress appropriated funds for an award won in the Court of Claims under the treaty of 1836 and directed the Secretary of the Interior to make a complete roll of the "Ottawa and Chippewa Indians of the State of Michigan" who were entitled to receive a share of the awarded funds. The Department of the Interior used Horace B. Durant, an attorney from Oklahoma, as a special agent to compile this roll, known as the "Durant Roll." The Secretary approved the final roll in January 1910. The Durant Roll listed descendants of the Burt Lake band headed by Joseph Waybwaydum among the descendants of the "Traverse" band. Durant based his descendancy roll of 1910 upon the treaty annuity list of 1870, and identified the page of that annuity list that listed the "Burt Lake" band.

In 1911, a U.S. district attorney in Michigan, on behalf of the United States acting as guardian of the Cheboygan band of Indians, initiated litigation in Federal court against John McGinn to compel him to return the band's State trust lands. The Department of the Interior provided information and personnel to the Department of Justice to use in the litigation. The Federal court found that State trust lands were taxable and that there was no Federal relationship. In 1917, the Federal judge dismissed the U.S. complaint and left McGinn's estate in possession of those lands.

The Federal censuses in 1910, 1920, and 1930 reveal that a small but exclusively Indian settlement continued to exist along Indian Trail Road [Indian Road] north of the

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historical Indian Village. Census evidence demonstrates that a number of major families persisted at the same Burt Lake Indian settlement from the 1890's to 1930. Many adults there continued to speak Ottawa, although most were bilingual. A 1938 survey of the rural property of the county also revealed that all of the residents along Indian Road for two and one-half miles north of Brutus Road were individuals who are identified in other sources as Indians. The 1930 census and 1938 survey together identified 30 possible adult residents of the Indian settlement on Indian Road during the 1930's. At the time of the PF, some of the petitioner's members had descent from 21 of these 30 adult residents or landowners in the Indian Road settlement in the 1930's.

St. Mary's Indian Roman Catholic Mission on Indian Road was closely associated with Indian Road residents in the 1920's and 1930's. St. Mary's church and cemetery provided a focal point of residents' identity; to be from Burt Lake meant to be baptized, married, and buried there (R. Shananaquet 2003). Before 1940, residents celebrated seasonal holidays in distinct fashion. Families held "ghost suppers" in late October, marked Christmas Eve with a midnight mass at St. Mary's, and celebrated "All Kings Day" in January. On New Years Day, they circulated from house to house to greet each other.

Poverty characterized the Indian Road settlement and residents turned to labor migration within the region before 1925, but increasingly traveled to the Upper Peninsula or lower Michigan urban areas in search of employment as the century progressed. School records indicate that some families came and went throughout the year and spent only one or two months at Indian Road. As early as 1927, families took up permanent residence away from Indian Road. Before the Second World War, lumberjacking was the main employment, although working at the nearby summer resorts provided employment year after year for some families. The men put together a band of fiddles, guitars, and organs (B. Parkey 2003). They held dances and social activities for Indians from the wider region inside homes in the winter and outside in the summer. Between 1920 and 1960, these parties, where locally produced moonshine was sold, attracted local and downstate Indians (H. Kiogima *et al.* 2/12/2001). Lookouts reportedly rang a warning bell from St. Mary's belfry when they spotted "the revenue people" (C.L. Martell 1/17/2005).

In the 1930's, various Federal programs, including the Works Project Administration (WPA), may have employed Burt Lake and Pellston residents and migrants on the Upper Peninsula. The State provided welfare services to the Indian population as they did to any other citizens (McClintock 7/17/1933). The Indian Reorganization Act (IRA) of 1934 produced a difference of opinion in northern Michigan between some Indians, like Peter Shenoskey, who supported obtaining land bases and organizing under IRA, and others, like John Parkey, who belonged to the Michigan Indian Defense Association (MIDA). MIDA opposed the IRA because they feared becoming wards of the state and losing self-sufficiency (Walker 3/12/1935, 2/6/1935; Burns 4/6/1936; Keuter 3/17/1936).

Michigan Indians found employment in heavy industry during the war years, and most stayed on in urban areas after 1945, attracted by the high pay in automobile and other down-state factories. About 1948, after passage of the Indian Claims Commission Act in

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1946, an Ottawa from Cross Village, Robert Dominic, began working on Ottawa and Chippewa Claims. Dominic developed the Northern Michigan Ottawa Association (NMOA), a claims organization representing Ottawa and Chippewa in many Michigan communities. Burt Lake descendants participated in NMOA activities in local chapters. Some of them held offices in local units in Lansing, Petoskey, Cedarville, or elsewhere. In March 1956, a group met with the Governor on behalf of the “Burt Lake Band.” At that meeting, Jonas Shawanese, a man from Harbor Springs, presented a manuscript arguing that the burnout lands had not been ceded and the United States had sold them illegally (Shawanese 1956). The people attending this meeting had little actual social or political connection to the people on Indian Road (Shawa 7/15/1995), although some, like the residents of Indian Road, descended from Cheboygan annuitants (Attendees List 3/12/1956).

Between 1950 and 1977, activities on Indian Road declined as people died or moved away. The new interviews submitted in response to the PF contain numerous statements that the local Indian Road population had declined, beginning in the 1930’s. Those left behind helped one another, worked for summer vacationers, locally dubbed “resorters,” made baskets, did construction, and used government commodities to eke out a living. The fall hunting season and the end-of-October ghost suppers were popular times to visit, and Burt Lake families took over a Pellston motel on summer weekends and during deer hunting season (Roy and April Parkey 9/15/2004; Lucius Cabinaw 9/1/2004). People described how favorite bars were “taken over” by visiting Indians (Ostwald 8/17/2004). Since people from Burt Lake continued to bury their dead in the St. Mary’s cemetery and hold wakes in family homes, people also returned for funerals. Relatives living in Lansing and Grand Rapids visited their families near Burt Lake from time to time, but urban residents reported that they were active in intertribal social activities often sponsored by intertribal organizations in Indian neighborhoods and social settings where they lived. They did not set up separate institutions catering primarily to other people from Indian Road while they lived “downstate” (Martell 2003), although the new interviews indicate that visiting among Burt Lake acquaintances in Lansing and Grand Rapids was prevalent within some families.

In the late 1970’s Burt Lake Indians residing in Lansing became politically active and founded a formal BLB organization. Margaret Martell, who as a teen-ager left the Indian Road settlement in 1927 and moved from there with her family to the Upper Peninsula, became senior coordinator at the Lansing Indian Center in the mid-1970’s. She contacted representatives of the Native American Rights Fund (NARF), apparently through her second cousin Louise Cabinaw, who was very active in Michigan Indian politics and an employee of the Governor’s Commission on Indian Affairs (Martell 2004; K. Kiogima *et al.* 10/16/2004; B. Massey *et al.* 10/15/2004a). Martell and Cabinaw at first attempted to convince NARF to represent the burnout families to redress their loss of Indian Village on Burt Lake (Martell 1977). Martell contacted her family, her husband’s relatives, and other individuals she had known from Indian Road before her immediate family moved in the late 1920’s. NARF reviewed their case and found it weak on technical grounds, but suggested that Burt Lake petition for Federal acknowledgment under the new 25 CFR 83 regulations. The formal incorporation of the BLB, which occurred in 1980, had its

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origin in this informal organizing about 1977 to pursue litigation. In July 1980, the BLB filed Articles of Incorporation with the State of Michigan as a non-profit corporation to be known as the “Burt Lake Band of Ottawa and Chippewa Indians, Inc.” This group worked with Michigan Indian Legal Services (MILS) on their land issue. They also held picnics, campouts, fund-raising events, and other activities near Burt Lake, Lansing, and Grand Rapids. Approximately 20 to 50 people attended “all-band meetings” each summer.

The presence of descendants of John B. Vincent on the petitioner’s membership roll at the time of the PF was a problem because evidence did not show any instance of Vincent or his descendants ever associating with the residents of the Burt Lake Indian Village or with the petitioning group prior to 1984. Some 48 percent of the petitioner’s members on the roll analyzed for the PF descended from Vincent (b. 1816), a shipbuilder and Civil War veteran in the town of Cheboygan. His parentage is not documented. During his life Cheboygan residents described him as one of the founders of their city, and as a man who participated in civic affairs and business with non-Indians. Vincent’s name did not appear with Cheboygan members on any historical documents, including treaty annuitants, census sheets, and McGinn’s or Shananquet’s lists of the Burt Lake Indians. The PF described how the Vincent descendants were accepted into the group’s membership after 1984, despite other members’ not knowing them, based solely on Vincent’s having received an Indian allotment in the area designated by the Treaty of 1855 for the land selections of the Cheboygan band. He never lived on this land and non-Cheboygan Indians were also allotted in the Cheboygan reserve, facts which the current petitioner’s members did not fully understand when they vetted the membership of the first Vincent descendant.

Vincent descendant Donald Moore approached BLB in early 1984, and he joined after Margaret Martell evaluated his documentation and approved his membership. Despite his lack of social and political connection to BLB, he was asked to stand for election to the board, won, and became chairman (Howard 4/5/1984; Minutes 4/30/1984). He and long-time secretary Irene Howard (Martell’s niece) stimulated constant activity in the group on a variety of issues for two years, including a proposed land transfer to the petitioner from the State. This deal failed after encountering local opposition from conservation organizations. Moore stopped participating after the petitioner dropped his fishing management plan from their agenda on the advice of their MILS attorney. Secretary Irene Howard retired at the same time that Donald Moore left (Minutes 6/29/1986). It appears that levels of participation and activity dropped for at least two years (Frazier 7/-/1987; Parkey 7/29/1987; Minutes 10/-/1987). At the end of 1989, Carl Frazier, another descendant of John Vincent, emerged as a leader. He was working on behalf of BLB with Confederated Historic Tribes (CHT), consultants in Lansing who were working with several petitioners in Michigan.

In April 1991, four descendants of John Vincent were elected to the BLB’s petitioner’s nine-member board. Carl Frazier became chairman of BLB. Member and BLB descendant Gary Shawa was hired as executive director. Frazier sent the members’ enrollment records to CHT in Lansing, offending the long-time enrollment clerk. Within

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weeks a “recall petition” began circulating at a picnic held on Indian Road next to the enrollment clerk’s home. The petition questioned the Cheboygan ancestry of the Vincents and called for the removal of the Vincent descendants, which would include Frazier, from the board of directors. Most recall signers were residents of Indian Road, or their close kin, including members of membership chair’s family and her neighbors. Interview materials indicate that the primary impetus for this petition was the treatment of the volunteer enrollment clerk, Loretta Parkey, and opposition to the Vincents’ memberships and control of the BLB organization. A year and a half later, some who had joined the group behind the recall effort withdrew BLB’s funds from the group’s bank account, and the petitioner sued them. The judge found in the petitioner’s favor and enjoined the group behind the recall from “engaging in any activity which purports to be the operation of Burt Lake Band” (Johnson 3/22/1995). This recall failed, and it had a social cost. A number of members appear to have left the group at this time. Helen Menefee and Alice Honson, leaders of the recall petition and the attempt to establish a separate governing organization a year and a half later, objected to the Vincents being part of the Burt Lake petitioner. Other issues of governance, financial management, and the Vincent’s involvement reportedly caused BLB board members Dorothy Boda, Mary Powell, and Edith Teuthorn to leave and to encourage others to follow them to LTBB in 1995.

In September 1994, Congress passed an act that “reaffirmed” the Federal recognition of the Little Traverse Bay Bands of Odawa Indians. Qualifying ancestors of LTBB overlap with several ancestors of BLB members who descend from Burt Lake, meaning that many BLB descendants have enrolled in LTBB. At the time of the PF, one-quarter of the members on the BLB petitioning group’s 1994 membership list were known to be enrolled in the Little Traverse Bay Bands (162 of 634). Another 12 members in 1994 were enrolled in the Sault Ste. Marie band. Interviews conflict as to whether the LTBB officially offered membership to the BLB petitioner’s members after its recognition, and whether the BLB chairman, a Vincent descendant, and executive director, a Cheboygan descendant, presented this reported offer to the council for action.

The BLB petitioner’s membership has changed significantly since the PF. The 2002 BLB membership list submitted for the PF identified 857 members, and the 2005 BLB membership list submitted for the FD identified 320 members. The differences are deeper than the simple totals suggest. After the PF, the petitioner removed a total of 624 members and added 87 individuals who never before appeared on a BLB membership list. The removed members included 300 descendants of John B. Vincent, most of whom the petitioner disenrolled because of the lack of Cheboygan affiliation for him and his descendants as disclosed in the PF. The petitioner also removed more than 200 individuals who had relinquished their BLB membership or enrolled with federally recognized tribes. Many of the 87 new members enrolled since the PF are from families that have been socially distant from BLB until joining recently, even though they were old enough to have been on the membership list at the time of the PF. The petitioner has also added to its membership some persons who do not descend from the historical tribe but who are collateral kin and in-laws of members who do have Cheboygan ancestry. This FD, therefore, evaluates a significantly different membership than the PF evaluated.

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Even before the PF, some BLB members left the petitioner to join LTBB. This trend to leave the petitioner's membership has continued since the issuance of the PF. Thus, individual membership decisions following Congress' recognition of LTBB in 1994 and the Department's issuance of the PF in 2004 have significantly altered the petitioner's membership. In total, only 233 of the 857 persons who were members of the BLB petitioner in 2002 are members of BLB in 2005. While many former BLB members joined LTBB, other BLB members do not qualify for LTBB membership. Of BLB's present membership of 320, as many as two-thirds would not meet LTBB's membership requirements. If the Vincent descendants are removed from prior membership numbers, more 1994 BLB members are now enrolled with federally recognized tribes than remain with the BLB petitioner in 2005.

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PREVIOUS FEDERAL ACKNOWLEDGMENT (25 CFR 83.8)

If “substantial evidence” demonstrates the petitioner had “unambiguous” previous Federal acknowledgment as an Indian tribe, then the requirements of the acknowledgment criteria in section 83.7 are modified by the provisions of section 83.8(d). The petitioner argues that it was last acknowledged by the Federal Government during the *McGinn* litigation on its behalf between 1911 and 1917. When a claim of previous Federal acknowledgment is made by the petitioner, the acknowledgment regulations (§83.10(b)(3)) provide that the petitioner’s evidence should be reviewed to determine whether or not it is sufficient to meet the requirements of “previous Federal acknowledgment” as defined in the regulations (§83.1). This inquiry is made solely for the purposes of this regulatory process. The intent of this evaluation is to determine only the petitioner’s eligibility to be evaluated under the reduced evidentiary burden of section 83.8(d) of the regulations.

The first aspect of the test of unambiguous previous Federal acknowledgment is to determine whether or not the Government acknowledged, by its actions, a government-to-government relationship between the United States and an Indian tribe and therefore accepted a Federal responsibility to the Indian tribe’s members. The explanatory comments in the preamble to the regulations state that “the regulations require that previous acknowledgment be unambiguous and clearly premised on acknowledgment of a government-to-government relationship with the United States” (59 FR 9283). The second aspect of the test of unambiguous previous Federal acknowledgment is to determine whether or not the petitioner has a claim to have evolved from the previously recognized Indian tribe. This test requires an initial threshold determination of whether or not the petitioner’s members are the descendants of the Indian tribe recognized by the Government. If the petitioner meets this threshold requirement, then it must also show that these descendants continued to participate in some activities together so that it is able to advance a claim that it has evolved as a group from the previously acknowledged Indian tribe.

On the first aspect of the test of unambiguous previous Federal acknowledgment, the Proposed Finding (PF) found, and this Final Determination (FD) finds, that there is “substantial evidence” that the Government acknowledged Indians at Burt Lake as members of a treaty tribe and provided for them in the terms of the treaties of 1836 and 1855. Those treaties meet the test of “unambiguous” acknowledgment. There is also “substantial evidence” that the Government accepted a responsibility to Indians at Burt Lake by pursuing the *McGinn* litigation on their behalf between 1911 and 1917. That Federal action undertaken by a U.S. Attorney meets the test of “unambiguous” acknowledgment. The “historical tribe” acknowledged by these actions was the historical treaty tribe, or tribes, and that portion of the treaty entity that continued to live at the Indian Village at Burt Lake prior to the “burnout” of 1900. Its historical members are

best identified by the treaty allotment list of 1857 for the Cheboygan Band, the page of the treaty annuity list of 1870 that Durant cited as “Burt Lake,” and the lists of village residents just prior to 1900 compiled by McGinn and Shananquet.

On the second aspect of the test of unambiguous previous Federal acknowledgment, the PF found that most of the petitioner’s members at the time of the PF did not descend from and had not evolved as a group from a previously acknowledged Indian tribal entity. Because the petitioner did not meet the threshold requirement, the PF concluded that the petitioner was not eligible to be evaluated under the provisions of section 83.8. Because of the changes the petitioner has made in its membership since the PF, eliminating the group of descendants of John B. Vincent, this problem has been resolved. The petitioner now meets the threshold requirement because most of its current members descend from a member of the historical Cheboygan band or a resident of Indian Village at Burt Lake prior to the burnout of 1900. In addition, the petitioner is able to show that some of its members or ancestors with descent from the historical tribe participated in activities together after last Federal acknowledgment, so it is able to advance a claim that it has evolved from the previously acknowledged Indian tribe. Therefore, this FD finds that the petitioner now meets the second test to be evaluated under section 83.8.

As the PF noted, the question of whether the petitioner is eligible to be evaluated under the provisions of section 83.8 of the regulations is subject to reconsideration at the time of the FD. Based on the evidence presented in the PF and reviewed here, and the changes in the composition of the petitioner’s membership, the petitioner is now eligible to be evaluated under section 83.8. This finding that some Burt Lake ancestors of the petitioning group were the beneficiaries of Federal treaties and the *McGinn* litigation does not represent acceptance of all the petitioner’s statements or interpretations about those treaties or the *McGinn* case. Although this FD accepts the petitioner’s argument that it was previously acknowledged, it does so for the reasons set forth here and in the PF, not for the reasons advanced by the petitioner (see Austin 2005, 3-12; BLB 2005, *passim*). The petitioner will be evaluated for this FD on the basis of whether or not it meets the seven mandatory criteria in section 83.7, as modified by section 83.8, from last Federal acknowledgment in 1917 until the present.

CONCLUSIONS UNDER THE CRITERIA 83.7 (a) – (g)

The Burt Lake Band of Ottawa and Chippewa, Inc. (BLB, the petitioner) submitted evidence in support of its petition for acknowledgment. The staff of the Office of Federal Acknowledgment (OFA) conducted independent research to attempt to verify the information submitted and to obtain additional evidence. The available evidence does not demonstrate that the petitioner meets the seven mandatory criteria for Federal acknowledgment. The petitioner as it is currently constituted meets criteria 83.7(a), (d), (f), and (g), but fails to meet criteria 83.7(b), (c) and (e). In accordance with the regulations set forth in 25 CFR Part 83, failure to meet any one of the seven mandatory criteria requires a determination that the petitioning group does not exist as an Indian tribe within the meaning of Federal law.

The petitioner meets criterion 83.7(a), under the provisions of section 83.8(d)(5), because outside observers identified it as an Indian entity on a substantially continuous basis since 1917, the date of last Federal acknowledgment. This Final Determination (FD) reverses the Proposed Finding (PF) on this criterion based on the submission of new evidence during the comment period. The petitioner meets criterion 83.7(d) because its constitution describes its membership criteria and governing procedures. The petitioner meets criterion 83.7(f) because its membership, as described by its official membership list, is not principally made up of members of a federally recognized tribe. The petitioner meets criterion 83.7(g) because neither the group nor its members are the subject of congressional legislation expressly terminating or forbidding the Federal relationship.

The petitioner does not meet criterion 83.7(b), as modified by section 83.8(d)(2), because it has not provided sufficient evidence to demonstrate that a predominant portion of its membership, as defined by its current membership list, exists as a community “at present.” The petitioner’s membership consists primarily of two parts. One part, roughly 48 percent of BLB members, is an active social core of people living on or near Indian Road at Burt Lake and their close relatives. The second part, roughly 43 percent of members, is composed of people who come from a social periphery of Burt Lake band descendants and Indian in-laws, and rarely interact with the Indian Road people or with each other according to interviews and other data in the petitioner’s submission. Thus, a predominant portion of the petitioner’s membership does not interact as a single community. The petitioner, as defined by its membership, does not form a distinct community at present.

The petitioner also has not provided sufficient evidence that it comprises a distinct community at present because its core members are part of a distinct Indian social entity which is not the petitioner. A majority of the individuals participating in this social entity are enrolled in Little Traverse Bay Bands (LTBB), a federally recognized tribe. There is strong evidence that an entity of Burt Lake band descendants exists among a group of

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related people who have interacted in significant ways both historically and at present. This group of Burt Lake descendants is much larger than the petitioner and includes not only the core group of the petitioner's members, but also Burt Lake band descendants who are not enrolled in the petitioner but are enrolled in LTBB. There is no evidence that the Indian Road social core of BLB and their many relatives and friends currently enrolled in LTBB have evolved into separate and distinct entities at this time. The petitioner's social core is not a distinct community, but only a portion of a larger community that includes Burt Lake Indian descendants at LTBB.

The petitioner does not meet criterion 83.7(c), as modified by section 83.8(d)(3), because it has not provided sufficient evidence of identifications of leaders or of a governing body of the petitioning group by authoritative, knowledgeable external sources on a substantially continuous basis since 1917. It is not able, therefore, to meet the criterion with one form of evidence specified in criterion 83.7(c). It must instead demonstrate with a combination of evidence that it meets the unmodified requirements of criterion 83.7(c). The petitioner does not meet criterion 83.7(c), under the provisions of section 83.8(d)(5), because it has not provided a combination of evidence sufficient to demonstrate that the petitioning group has maintained political influence or authority over its members from 1917 to the present.

From 1917 into the 1970's, the available evidence, with one exception, demonstrates political activity by Burt Lake band descendants within entities much larger than a group at Burt Lake. This historical pattern persists at present. Since about 1991, an inability to influence the elected and appointed leadership of the petitioner was a common reason given by individuals for leaving the petitioner and joining LTBB. Some individuals formerly active in the petitioner now serve on LTBB's council or work for LTBB and no longer are members of the petitioner. Certain previous members of the petitioner have worked behind the scenes to induce BLB members, including family, to join other Burt Lake band descendants in LTBB. The petitioner names current LTBB members as leaders of BLB petitioner, and evidence supports this observation. The current leaders of the petitioner are a political faction of a larger Indian entity. There is little evidence that members of the petitioner's social periphery participate in the petitioner's political activities, but sometimes consult with older relatives in BLB. This evidence demonstrates the existence of influence within a group of Burt Lake band descendants larger than the current membership of the petitioner, rather than a bilateral relationship between leaders and members within the BLB petitioning group.

The petitioner does not meet criterion 83.7(e) because only 68 percent of its members have demonstrated descent from ancestors who were part of the historical tribe, as defined in the PF. The petitioner's genealogical database links 17 percent of its 320 members to two women who were not part of the historical band and moved to the Burt Lake area after the "burnout" of Indian Village in 1900, and links the other 83 percent to at least one individual in the historical Cheboygan band. Evidence to support the claimed descent of 49 members, however, does not constitute "evidence acceptable to the Secretary" under criterion 83.7(e)(1) and does not demonstrate that those members

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descend from the historical tribe. By acknowledgment precedent, 68 percent descent from the historical tribe does not meet the requirements of this criterion.

When a FD is negative, the regulations direct that the petitioner be informed of alternatives to this administrative process for achieving the status of a federally recognized tribe, or other means by which the petitioner's members may become eligible for services and benefits as Indians (§83.10(n)). Many of the petitioner's individual members may be eligible for membership in federally recognized tribes or for individual services or benefits as Indians under certain Federal statutes. In addition, Congress may take legislative action to recognize groups it finds have merit even though they do not meet the specific requirements of the acknowledgment regulations.

In the summary of evidence which follows, each criterion has been reproduced in boldface type as it appears in the regulations. Summary statements of the evidence relied upon to evaluate the petition follow the respective criteria.

Criterion 83.7(a)

83.7(a) The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900.... by other than the petitioner itself or its members.

83.8(d)(1) The group meets the requirements of the criterion in §83.7(a), except that such identification shall be demonstrated since the point of last Federal acknowledgment. The group must further have been identified by such sources as the same tribal entity that was previously acknowledged or as a portion that has evolved from the entity.

The Proposed Finding (PF) concluded that the petitioner did not meet the requirements of criterion 83.7(a) because the available evidence did not demonstrate the petitioning group had been identified on a “substantially continuous” basis from 1900 to the present.

The evaluation for the PF was complicated by a conclusion that the petitioner’s membership consisted of two components, the descendants of Indians who received treaty annuities as members of the historical Burt Lake band, known originally as the Cheboygan band, and the descendants of John B. Vincent (1816-1903), who was not a member of that historical band. This situation raised the issue of whether a historical identification of a Burt Lake group that contained no Vincent descendants constituted an identification of a petitioning group in which Burt Lake descendants were slightly outnumbered by Vincent descendants. Since the Vincent descendants have withdrawn or been removed from the petitioner’s membership since the PF, the evaluation of this criterion does not now have to consider this issue. Ancestors of most of the petitioner’s current members were associated with the Burt Lake Indian entity that was identified historically.

The PF noted that, based on the available evidence, a Burt Lake Indian entity had not been identified on a substantially continuous basis because of the lack of such identifications between 1917 and 1931 and between 1956 and 1978. No comments on the PF disputed the conclusions that evidence of substantially continuous identification of a Cheboygan band or Burt Lake Indian entity existed from 1900 to 1917 and from 1978 to the present. With previous Federal recognition of a Cheboygan or Burt Lake band entity as late as 1917, the petitioner does not need to submit evidence to meet this criterion prior to 1917. The time periods between 1917 and 1931 and between 1956 and 1978, therefore, are the periods for which the petitioner needs to present new evidence of its historical identification.

Evaluation under Criterion 83.8(d)(1)

For petitioners with previous Federal acknowledgment, the requirements of this criterion are modified by section 83.8(d)(1). The petitioner's comment on the PF, however, does not address directly the requirements of section 83.8(d)(1) or present evidence to meet that section (Madison 2005a, *passim*). Instead, the petitioner contends that the regulations allow it to meet the requirements of criterion 83.7(a) without modification by section 83.8(d)(1) and argues explicitly that it meets unmodified criterion 83.7(a) (Austin 2005, 11-12). If a petitioner cannot meet the requirements of section 83.8(d)(1), the acknowledgment regulations provide, in section 83.8(d)(5), that the petitioner may demonstrate alternatively that it meets the unmodified requirements of criterion 83.7(a) since the date of last Federal acknowledgment. This Final Determination (FD) evaluates, as provided in section 83.8(d)(5), whether or not the petitioner demonstrates that it meets the requirements of criterion 83.7(a) from 1917 until the present.

New Evidence

The petitioner submitted a local newspaper account from 1924 which reported that a fire had destroyed a widow's home. The newspaper described that home as located in "the Indian settlement at Burt Lake" (*Petoskey Evening News* 2/23/1924). Another newspaper reprinted this account, using the same language (*Cheboygan Democrat* 2/28/1924). These brief references were similar to other evidence cited by the PF as examples of the identification of a Burt Lake Indian entity in other years.

The PF concluded that the Secretary of the Interior identified a Burt Lake band, using the older name of the "Cheboygan Band of Indians," as an existing Indian entity in 1917 (Interior 5/5/1917). It also concluded that author Wilbert B. Hinsdale identified a Burt Lake Indian entity in 1931 by writing that "[o]ne of the [Indian] villages upon Burt Lake is still occupied" (Hinsdale 1931). Based on acknowledgment precedent, these identifications in 1917, 1924, and 1931 were close enough in time to be considered substantially continuous and, together with other evidence after 1931 specified in the PF, demonstrate substantially continuous identification of a Burt Lake Indian entity from 1917 to 1956.

The petitioner submitted a letter written in 2005 by botanist Homer Pinkley, who had earlier conducted research in the Burt Lake area. Pinkley's letter referred to "the Burt Lake settlement," saying that he had learned of its existence while studying at the University of Michigan Biological Station on nearby Douglas Lake (Pinkley 2/3/2005). Pinkley wrote an undated paper which, while not identifying an Indian entity, referred to his research among the Indians on Indian Trail Road (Pinkley *ca.* 1961), a location just north of Burt Lake which the PF concluded was an exclusive Indian settlement from 1902 to at least 1938. Pinkley's research notes indicated that he conducted this research in 1961 (Pinkley 7/-/1961). Thus, Pinkley's 2005 letter, based on his personal observation, retrospectively identified a "Burt Lake settlement" as an Indian entity in 1961.

The petitioner submitted a proposal prepared by the Office of the Governor of Michigan in 1968. Staff member William Hagley described the proposal, which was submitted to the Federal Government, as one to create a State-wide Indian Community Action Agency for the purpose of securing Federal funds (Hagley 7/9/1968), apparently on behalf of off-reservation Indians (Hagley 5/21/1968). The proposal referred to a “settlement at Brutus, Michigan ... in Cheboygan County” as one of a number of Indian “colonies” in northern Michigan (Hagley 7/-/1968). This description certainly referred to an Indian settlement along Indian Trail Road several miles east of Brutus and north of Burt Lake. This reference to an Indian settlement in 1968 was similar to other evidence cited by the PF as examples of the identification of a Burt Lake Indian entity.

The PF concluded that a Grand Rapids newspaper in 1956 identified a Burt Lake band as an existing Indian entity by referring to “the Burt Lake band of Ottawas” (*Grand Rapids Press* 3/14/1956). It also concluded that a Michigan State University publication in 1979, which reported on an earlier reorganization of the Burt Lake band with the statement that “[o]n Oct. 25, 1977 the Burt Lake Indians became a band once again” (*MSU News Bulletin* 2/22/1979), identified a Burt Lake Indian entity as existing at least since 1977. Also, a faculty member of that university referred to “the Burt Lake band” as an “organized group” existing in 1978 (White 7/17/1978). Based on acknowledgment precedent, these identifications as of 1956, 1961, 1968, and 1977 and 1978 were close enough in time to be considered substantially continuous and, together with other evidence after 1978 specified in the PF, demonstrate substantially continuous identification of a Burt Lake Indian entity from 1956 to the present.

Petitioner’s Arguments

Despite the finding of substantially continuous identification of a Burt Lake Indian entity, some of the petitioner’s specific arguments that certain types of evidence constituted identification of such an entity have not been accepted. These rejected arguments include those about church membership and references to Catholic Indians in the area of a mission, a reference by a non-Indian in an oral history interview to the pre-1900 “Indian Village,” the Indian school enrollment papers of group members about 1920, references to Indians on the Federal censuses of 1920 and 1930, notations of “Indian reserve” lands on “Real Property Inventories” of the State of Michigan in 1938, notations of “Indianville” on highway maps since 1955, and references to individuals as Indians or families as Indian. Any other examples presented by the petitioner not specifically cited above as having been accepted as an identification of the petitioning group should be understood as being insufficient evidence of identification under the regulations.

The PF noted that although the Catholic Church long maintained an Indian mission church at Burt Lake, the available evidence did not include any statements by the Church or its priests that the mission served a specific Indian group. The petitioner has provided evidence that its Indian ancestors were almost all Catholics who utilized the mission church (Madison 2005a, 2-11). Despite showing that the mission church served the

residents of an Indian settlement near Burt Lake, the new evidence does not contain statements by external observers such as mission priests or other church officials that characterized these Catholic residents more specifically than as the “Indian families” or the “Indians in this area” (Madison 2005a, 5, 10-11, 25, 29). The petitioner notes that the church’s annual reports “did not mention the Burt Lake or Indian Road community by name” (Madison 2005a, 6, see also 25). Such general references to Indians residing within a geographical area do not constitute identification of an Indian entity.

Several applications for attendance at Indian schools in 1917 and the 1920’s included references to an “Ottawa” tribe as well as inaccurate references to a non-existent “Burt Lake Agency” or “Brutus Agency” (Cabinaw 9/3/1917; Grant 6/30/1920; Kishego 8/26/1920; see Madison 2005a, 15-16). Since these designations were supplied by the applicants, rather than by school officials, however, they are examples of self-identification that do not satisfy the requirements of this criterion. The “Indorsement” to the “Application for Enrollment in a Nonreservation School” included the information that “[c]hildren showing one-eighth or less Indian blood, whose parents do not live on an Indian reservation,” were generally “debarred from enrollment” in Government Indian schools (see Grant 9/3/1917). Later forms cited a blood degree requirement in a 1918 act. Government officials thus considered Indian blood degree, not tribal membership, as the qualification for attendance of these children and did not designate or identify any specific Indian entity as part of their approval of the application. School records in the application files which categorized these pupils as “Ottawa” or “Chippewa” referred to tribal designations too broad and too vague to identify a specific Burt Lake entity.

References to individuals as Indians and references to Indian families do not constitute identification of an Indian entity. Designation of individuals as Indians on the Federal censuses of 1920 and 1930, as noted by the petitioner (Madison 2005a, 16), did not constitute an identification of any group or Indian entity in those years. An undated document which referred to “Indian families in the Burt Lake area” did not identify a Burt Lake Indian entity (Anonymous n.d., “Indian families”). Although the petitioner presents this document as if it were part of a “county survey” in the 1940’s (Madison 2005a, 18), the records from that survey are annotated with the note that it “did not include Cheboygan or Emmet Counties” (see Nongueskwa Family 11/30/1938), so the submitted document obviously was not part of the survey. Not only did this document not identify an entity, it also cannot be said that it was written by an observer external to the group.

In an oral history interview taken by the petitioner in 2005 (Madison 2005a, 12-13), Henry “Hank” Ford said that he had been one of only two or four non-Indian children attending a school located on Indian Trail Road in the late 1920’s. In describing the route of his 2½-mile walk to the school, Ford referred to passing through “Indian Village” at a point early on his walk to the school (Ford 4/16/2005, 3, see also 7, 8, 13, 16). The context reveals that his reference to this “village” was to the historical site where Indians had lived prior to 1900, not to the place where the school was located in the 1920’s. Thus, this specific term in this interview did not constitute an identification of an Indian entity in the late 1920’s. Later in the interview, when asked what people called the place

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“where the Indians lived,” Ford, who was having trouble hearing the questions, said they referred to the “Burt Lake Indians” or “Burt Lake Indian Village” (Ford 4/16/2005, 8). The context indicates that while the question was intended to refer to the late 1920’s, its use of the past tense may have elicited an answer about the historical village mentioned earlier by Ford. Because of this ambiguity, this possible identification provides minimal support to other evidence of identification in the 1920’s and early 1930’s.

The PF used “Real Property Inventory” forms created by the State of Michigan in 1938 to provide evidence for the existence of an Indian settlement along Indian Trail Road. Individual Indian descendants were described on these forms only as individual property owners, and not as part of any group or settlement. The petitioner notes that these forms included three parcels of land in Burt Township designated “Indian Reserve” (Madison 2005a, 17). The likely explanation of these descriptions is that they referred to land claimed by individual Indian descendants, as part of the 19th century land allotment process described in the PF, which did not in 1938 contain any buildings or other improvements. These references did not describe the lands as reserved on behalf of any particular group or Indian entity and did not identify any Indian entity.

State highway maps between at least 1955 and 1979 used “Indianville” as a place name corresponding to a historical settlement along Indian Trail Road (Madison 2005a, 25-26, 29, 31). The distinction between the use of “Indianville” on highway maps after 1955 and the use of “Indian Village” prior to 1900 or general references to an Indian “village” or “settlement” into the 1930’s is that the earlier references all were used by contemporaneous external observers to indicate an existing group of Indians living in a specific place, while the later map references perpetuated a place name without any connotation that this continued map use was based on continued contemporaneous observations of an existing settlement of an Indian group.

Conclusion

The PF concluded that a Burt Lake Indian entity had been identified by external observers from 1900 to 1917, including identifications as the Cheboygan band at Burt Lake by a U.S. attorney during litigation that ended in 1917 and as an existing Cheboygan band by the Secretary of the Interior in 1917. New evidence submitted by the petitioner demonstrates that local newspapers identified an Indian settlement at Burt Lake in 1924. The PF concluded that an Indian village or settlement at Burt Lake was identified as a contemporaneous entity by a scholar in 1931, by local newspapers in 1932 and 1935, by an Indian school case card about 1935, by obituaries in 1939 and 1945, and by a report of a State investigation in 1947. The PF also concluded that a Burt Lake band was identified by a newspaper in 1956. New evidence submitted by the petitioner demonstrates a Burt Lake settlement existing in 1961 was identified by the later recollections of a scholar who conducted research there at that time. New evidence also demonstrates that the staff of the Governor of Michigan identified an existing Indian settlement or colony at Burt Lake in 1968.

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The PF concluded that a predecessor of the petitioning group was identified by Michigan State University faculty members and a university publication in 1978 and 1979 as existing since at least 1977. After the formal organization of a Burt Lake band in 1980, it was consistently identified until the present by local newspapers, a BIA superintendent, a staff member of the Governor, the Michigan Commission on Indian Affairs, the Catholic Church, scholars, members of Congress, and several federally recognized tribes. Despite the substantial changes in the membership of this petitioning group over time, its current members participated in this identified organization and the current group is derived from and continues the existence of the entity that has been identified for the last quarter century. Thus, these identifications are considered identifications of the current petitioner. These various identifications demonstrate the “substantially continuous” identification of a Burt Lake band from 1917 to the present.

This review of the evidence submitted in response to the PF, together with the evidence available for the PF, demonstrates that external observers identified a Burt Lake Indian entity on a substantially continuous basis since 1917. Therefore, the petitioner meets the requirements of criterion 83.7(a).

Criterion 83.7(b)

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

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

Overview of Findings under Criterion 83.7(b)

Overview and Introduction

The Proposed Finding (PF) evaluation under criterion 83.7(b) required the petitioner to demonstrate community “from historical times until the present.” The petitioner’s failure to meet criterion 83.7(b) in the PF flowed primarily from a membership problem: almost half the BLB membership evaluated in the PF were descendants of a man who was not part of the historical band. His name was Jean-Baptiste, or John, Vincent (1816–1903). Vincent’s descendants were never socially or politically part of a Burt Lake group. Because the BLB petitioner has removed the Vincent descendants from their membership, the petitioner now can be evaluated, as a group with unambiguous previous Federal acknowledgment, under criterion 83.7(b) as modified by 83.8(d)(2) with a reduced evidentiary requirement. The petitioner needs to demonstrate only that it comprises a distinct community at present.

The PF, however, raised a second membership issue that still complicates the petition. It noted that the BLB petitioner represented a part of a large social network that defined a Burt Lake community comprised of people who descended from the historical Burt Lake band. Until the early 1990’s, the BLB membership appeared to overlap with this Burt Lake community. In 1994 Congress recognized the Little Traverse Bay Bands of Odawa (LTBB), which had petitioned for acknowledgment under 25 CFR 83 in 1989. The LTBB members traced their ancestry to ten historical Ottawa bands in Charlevoix, Emmet, and Cheboygan counties, including the historical Burt Lake Band. Since LTBB’s 1994 recognition, at least 42 percent of the petitioner’s 1994 members, who did not descend from John Vincent, have officially enrolled in LTBB, usually after relinquishing membership in BLB. This report refers to the Burt Lake social grouping that includes persons from BLB and LTBB as the “greater Burt Lake community.” In addition to BLB members who relinquished since 1994, it includes other former BLB members who joined LTBB before 1994 following disputes within the BLB organization

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and some LTBB families, who have genealogical ties to the historical Burt Lake band, but never participated in the BLB petitioner.

Together, Burt Lake descendants who are members of BLB or of LTBB participate in the greater Burt Lake community. There is no evidence that the members of LTBB who were enrolled in BLB in the past and current BLB members are in two separate and distinct social entities. In fact, the evidence indicates the opposite: they have remained in close social contact. Evidence submitted by the petitioner demonstrates that the petitioner's members interact significantly and often with former BLB members now enrolled in LTBB. The evidence shows close relatives, related families, Indian Road neighbors, and life-long friends commonly interacting and identifying as Burt Lake, regardless of their official enrollments in the BLB petitioner or LTBB tribe. Many persons have close relatives in LTBB and in BLB. For example, the first cousins of the BLB chairman are almost all enrolled with LTBB, as are his mother's surviving sisters. It appears that he and his descendants interact socially with these LTBB relatives more than with other BLB members. The younger generations of descendants of John Nongueskwa, John Julius Parkey, or Albert Shananquet have enrolled in BLB, while the older generations have enrolled in LTBB. These younger generations connect to other BLB members and to the greater Burt Lake community only through their kinship ties to a parent, grandparent, or even great-grandparent in LTBB who grew up near the Indian Road settlement. These younger generations have few if any direct social ties to other BLB members and seem to be in BLB's social periphery.

Participants in the greater Burt Lake community are also part of a regional grouping of Ottawa and Chippewa Indians. Evidentiary materials, such as ghost supper sign-in sheets, captioned photographs showing "party" or wedding attendance, marriage data, political petitions, and interviews show that BLB members have socialized within a large grouping of Ottawa and Chippewa people tracing to several historical bands in Emmet, Charlevoix, and Cheboygan Counties. This regional grouping is larger than the greater Burt Lake community. Although BLB members hold their most intense social ties with people they have known since their childhoods spent near Burt Lake and with their own relatives, they also form social ties to the regional Indian society. They marry into surrounding communities, including not only Harbor Springs and Petoskey, but also Cross Village and smaller Indian settlements along Lake Michigan's shoreline. In the past, individual Burt Lake persons worked within this larger grouping on common political issues including claims, 1855 treaty rights, the IRA, social welfare strategies, and economic development programs. They attended political meetings that ended with social events, picnics, and dances. They helped organize and performed in Indian-run summer pageants put on for tourists. They attended senior citizens' lunches, craft programs, and training with Indians from other historical bands in the region. LTBB appears to draw its members from this regional social grouping.

The evidence leads to the conclusion that the petitioner represents only a minority part of a Burt Lake community, and therefore is not distinct from the greater Burt Lake community as the regulations require at 83.7(b). The following discussion of the Burt Lake community places in parentheses the affiliation of living individuals when possible

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to show the extent to which social networks of Burt Lake's membership overlaps with social networks of members of LTBB. These parentheses illustrate for the reader that the petitioner's members interact often and without distinction with LTBB members, most of whom were members of or participants in BLB.

The Composition of the BLB Membership

Remaining in the petitioner after the PF is a small, highly cohesive group of 154 members, or about 48 percent of the current BLB enrollment of 320. This group, referred to in this evaluation as the "BLB social core," consists primarily of four families.² These bilateral extended families include Amos and Ida Shawa's descendants (19 percent of total membership), Edmund and Laura Parkey's descendants (11 percent of the total membership), the Massey/Shenoskeys (11 percent of the total membership), and the people claiming descent from Rose Midwagon (7 percent of the total membership). Each of these families still has family members living on or very near Indian Road at Burt Lake, even though the number of BLB members living on or very near Indian Road probably does not exceed 15 to 20 people. Individuals who were paid employees of BLB in the 1990's belong to three of these families, and one of their spouses represents the fourth family. Members of the four core families maintain their closest social ties with people they knew as children in the Indian Road settlement and with their own relatives. Although tightly knit, these families also maintain close social ties to Burt Lake friends and family who have joined LTBB in the last 15 years or have always been a part of LTBB. Even within these families, there are qualifying individuals residing on Indian Road who have joined LTBB, primarily to receive health benefits.

The remainder of the BLB membership includes individuals who only rarely interact with the four core families (Kewaygoshkum 9/3/2004; Griswold-Willis *et al.* 9/15/2004; Henry Parkey in Honson *et al.* 10/15/2004b; D. Parkey *et al.* 7/17/2004). Examples are descendants of John Julius Parkey³ (13 percent of total membership), of Elizabeth Martell and Harvey Griswold (16 percent of total membership), and of John Nongueskwa (13 percent of the total membership). These families do not have members living on or near Indian Road or recently employed by BLB petitioner. There is little evidence in the record to indicate that the younger generations of these marginal BLB families have maintained social relationships with the four core BLB families, except in some cases through older relatives enrolled in LTBB.

Although the descendants of Louis and Irene Massey and of Amos and Ida Shawa have largely remained in BLB, other families with members enrolled in BLB appear to be split between the two organizations. For example, the first cousins of the BLB chairman are

² The families descend from Charles Massey (1860-1939), Edmund Parkey (1890-1962), Matthew Amos Shawa (1884-1963) and Rose Midwagon (1932-1968), individuals who lived on Indian Road during their lifetimes. At least three, possibly all four, of these individuals have direct descendants living on Indian Road at present. "Family" in this context means bilateral extended families founded by ancestors named in the above footnote.

³ John Julius Parkey and Edmund Parkey were brothers.

almost all enrolled with LTBB, as are his mother's surviving sisters. The Darling siblings are in LTBB or BLB, even though their mother is enrolled in BLB. The children of Indian Road resident Bernard Parkey (BLB) are also split between the two organizations. The descendants of John Nongweskwa are divided, generally with the younger generations enrolled in BLB and the older generations in LTBB.⁴ BLB has enrolled at least 44 of John Nongueskwa's great- and great-great-grandchildren (14 percent of total membership), whereas his surviving children, grandchildren, and at least 51 of their descendants are enrolled at LTBB.⁵ Among his descendants who have joined LTBB are BLB's first chairman Margaret Nongueskwa Martell (BLB) and her kin and in-laws, many of whom served on the BLB council and were very active in the 1980's. The Nongueskwa descendants in the younger generations link to the rest of the BLB membership only through their older kin who grew up in the Indian Road settlement and enrolled in LTBB. The petitioner also added three great-great-grandchildren of Burt Lake annuitant Nicholas Kishigo (1835-1890). Born around 1970, these three siblings have no intervening ancestors who were on any BLB membership list.

Differences between LTBB and BLB Membership Requirements

The LTBB tribe applies a "quarter-blood" membership requirement based on the Durant Roll. The petitioner, in contrast, computes membership by descent alone with no blood degree requirement, so that Indian descendants of the historical Burt Lake Band who do not meet the quarter-blood requirement of LTBB may enroll in BLB. OFA researchers examined blood degree to gauge its social and political significance in predicting the membership of former BLB members in LTBB and in BLB. As few as one-half and as many as two-thirds of current BLB members cannot meet LTBB's quarter-blood membership requirement.⁶ Even more than two-thirds of new members enrolled in BLB since the PF cannot meet LTBB's quarter-blood requirement.⁷ There is the appearance in some cases that parents and grandparents have remained in BLB for the sake of their descendants who do not meet LTBB's membership requirements, thereby showing family solidarity. Other families have enrolled in BLB only those family members who cannot

⁴ The Vertz family, for example, shows a grandmother, John Nongueskwa's daughter, and her children enrolled in LTBB and her grandchildren enrolled in BLB, although her great-grandchildren do not appear to be enrolled in any tribe or petitioner.

⁵ One family descending from John Nongueskwa has enrolled in SSM tribe.

⁶ This statement is based on blood quantum measurements made for the claims disbursement by the BIA. The lack of specificity occurs because the claims blood degree computations are only for Michigan tribes qualifying for the claims payment, while the LTBB's blood-degree computations may include other tribes.

⁷ The computation of blood quanta for the above statements is based on blood-quantum computations made by the BIA for an upcoming Michigan Indian claims payout. Thus, blood quanta were computed only for individuals who had applied for this payout and who are enrolled in BLB, most of them quarter-blood or more by virtue of descent from any Michigan tribe. Most persons on the current BLB roll who will receive a payment had descent from more than one historical band, indicating past marriages of individuals from different bands and kin ties extending widely to other bands. This information supplied to OFA, although partial, made it possible to estimate blood quantum for most individuals who had not applied for this payout, but who had family members who had applied.

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join LTBB, while the rest of their family members belong to LTBB.⁸ Some former BLB families in LTBB support its quarter-blood requirement even though some of their own grandchildren cannot meet it, and these families have not enrolled them in BLB.⁹

The acknowledgment process does not require any specific blood degree for individual members or average blood degrees of the overall membership. This FD refers to blood degree as context for membership choices BLB members have made and alternatives available if BLB is not recognized. The BLB organized formally in 1978, petitioned in 1985, and established its membership requirements in 1991, before Congress recognized LTBB in 1994. Thus, BLB was not formed to serve persons who could not join LTBB. As few as 105 and as many as 160 of the 320 current BLB members could actually join LTBB, but have opted to remain in BLB. Therefore, the quarter-blood qualification for membership in LTBB were not the only factor considered as individuals chose to leave or to stay in BLB. As discussed under criterion 83.7(c), leadership and membership issues within the petitioner also contributed to members' leaving and staying in the BLB membership after 1994.

Definition of "at present" under Section 83.8 (d)(2)

The definition of "at present" varies for groups evaluated under section 83.8(d)(2), as each case requires researchers to define a period tailored to each petitioner's unique history, to allow a period of analysis that shows important social processes. In this case, the BLB petitioner formally organized in 1978. In 1994, Congress recognized LTBB. LTBB drew its membership from Ottawa bands historically living in a number of settlements in Emmet, Charlevoix, and Cheboygan counties, including many people who descended from the historical Burt Lake entity. The petitioner argues that the "movement of BLB members to LTBB occurred only very recently ... over the past ten years, following the legislative recognition of LTBB," and that "many of those individuals who went to LTBB have continued to maintain social contact with the BLB" (Austin 2005). It is therefore necessary to describe social interaction and processes from 1978 to 1994, before LTBB's recognition, and from 1994 to the present to determine the accuracy of the petitioner's assumptions. Although some discussion concerning the 15 years before 1994 is necessary to describe recent social processes and evaluate the petitioner's arguments about the present, the "present" in this case actually pertains only to the period from 1994 to 2005. Therefore, the petitioner needs to meet criterion 83.7(b) from 1994 to 2005.

⁸ Some families descending from John Nonqueskwa and Albert Shananaquet, for example.

⁹ Rita Shananaquet's family, for example.

The Available Record

Since OFA does not maintain copies of federally recognized tribes' rolls in its files,¹⁰ it requested support from the BIA Office of Tribal Services in Sault Ste. Marie to determine whether persons on the BLB membership lists for the PF and FD were enrolled in federally recognized tribes in Michigan. Therefore, the most accurate and currently available evidence verified the enrollment of current or former BLB members on the 1994 or 2004 membership lists. OFA researchers determined the membership statuses of many other persons with Burt Lake heritage who were not on the 1994 or 2004 BLB membership lists, but were part of the greater Burt Lake community. They verified LTBB enrollment using a voter registration list of almost 1,000 LTBB voters, a list of actual voters in LTBB's 2005 BIA-Secretarial election, recent interviews, and the LTBB newsletter on LTBB's web site. The OFA researchers were able to verify LTBB membership of many people who attended ghost suppers, appeared in photographs at social events, or attended funerals, but not all of them. OFA analyses involving membership tabulations, such as the affiliations of individuals attending ghost suppers, does not attribute membership to any person without actual evidence, such as being named on the LTBB Voter List, even in cases where that person's children and siblings are known to be enrolled in LTBB. Therefore, statements and calculations based on enrollment data most certainly undercount LTBB membership for Burt Lake people who left BLB before 1994 or never joined BLB, but who participate in the greater Burt Lake community.

The petitioner submitted very few interviews for the PF. None of them dealt with events and activities after 1978. They focused primarily on the years before 1940. The petitioner submitted new evidence in response to the PF, including a collection of tapes and transcripts from recent interviews and focus groups, funeral memorial books, and captioned photographs. In focus groups, interviewers asked the same set of questions in directed interviews. This approach quickly provided comparable data sets on language, politics, ghost suppers, and other topics. A few interviewees cited the PF, which was available through the BLB office and the internet, and they could not provide information beyond what it had stated.¹¹ The petitioner's researcher wrote a narrative based primarily on these interviews and others. She named many individuals involved in various activities. She arranged the discussion primarily by topic, and then chronologically to illustrate the continuity and change in the practices of visiting, subsistence, ghost suppers, burial practices, and other cultural and social activities (Littlefield 2005). Naming individuals currently and formerly enrolled in BLB, the compilation of data reinforces these findings under (b) that the social core of the BLB

¹⁰ OFA's general procedure is not to obtain copies of rolls of recognized tribes during acknowledgment evaluations, but to rely primarily on the cooperation of field or regional offices to verify dual enrollment, under criterion 83.7(f).

¹¹ A methodological problem is that some of those people interviewed had read, and even studied, the PF, which in a few cases obviously informed their responses to questions. One man cited it twice. It soon became clear who these people were and their statements were weighed with care. They seemed to accept the PF. Most people interviewed had not read it.

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membership has historically and continues to participate in the greater Burt Lake community, which is significantly larger than the BLB membership. Because the actual interviews and focus groups are in the record, this report tends to deal with them as the source data. The interviews and the narrative together deal with informal activities of BLB members and the greater Burt Lake community and provide context to the written record. The interviews more fully explain recent disputes and controversial events. When combined with evidence from the PF, this new evidence tends to support and add to the PF under criterion 83.7(b) at present.

Evaluation of Community at Present: Criterion 83.7(b) as modified by 83.8 (d)(2)

The Enrollment of the Vincent Families

The new interviews combined with other evidence support the PF that John Vincent's descendants, who are no longer in the group's membership, did not interact with the people descending from the Indian village on Burt Lake. The petitioner does not dispute this particular finding in its response. Some 300 Vincents joined the petitioner after 1984, but only one of them regularly attended social events. Only four or five Vincents focused on the politics in the petitioner's formal organization, seeming to avoid social contact with non-Vincent BLB members. Several interviewees said they did not know any of the Vincents, except Carl Frazier, and were surprised to learn that hundreds of Vincents were enrolled in the petitioner at the time of the PF.

Only two new interviews were with Vincents. In 2004, BLB attorney Patty Marks interviewed Carl Frazier, a Vincent descendant who was chairman throughout the 1990's. Genealogist Barbara Madison interviewed Donald Moore, chairman in the mid-1980's, in 2002 (Moore 10/13/2002). The Moore interview contained almost the same information Moore gave an OFA researcher in an interview used during the PF. Moore seems to be the only Vincent ever documented who regularly socialized with the petitioner's members. Before and during his chairmanship in the mid-1980's, he socialized at Roy Parkey's Indian Road home with a group of men the PF designated as "local members," who often met at Parkey's house. The record contains no other instance of a Vincent descendant attending ghost suppers, funerals, wakes, and family reunions held in and near Burt Lake, downstate picnics, or hosting a ghost supper. Nor were they buried in the St. Mary's cemetery.

The interviews include substantial new information about the attitudes of Burt Lake people toward the Vincents since soon after they enrolled in the petitioner and the political strife their presence caused. Although well-liked by current Burt Lake members, the general belief of the people interviewed was expressed by a LTBB member who said the Vincents "didn't belong here," meaning BLB (Hoar 2/14/2005), and a BLB member and Indian Road resident who said they "didn't belong" (L. Parkey 7/20/2004). Another LTBB member, who still resides on Indian Road, said, "even the people that left the band [to join LTBB] . . . cared what happens to this band . . . It's our home. We lived there for years. All of our relations live here: our aunts, our grandparents, and great-

grandparents . . . That's people that we knew all of our life and then . . . somebody like [Carl] Frazier steps in and nobody even knows who he is" (B. Massey *et al.* 10/15/2004b). The Vincent descendants have been removed from the membership, largely in response to the PF and at their own volition.

The BLB's attorney's interview with Carl Frazier occurred after he left the membership. He referred to the tight social network of members who argued about the Vincents' eligibility in the early 1990's. Although BLB chairman for 15 years, he did not link his lack of connection to the Burt Lake social network to the attrition of members from the BLB membership and other problems arising while he was chairman. He says the "Vincent thing [whether or not John Vincent was a Burt Lake ancestor] . . . wasn't up front but I am sure it went around in the community – families" (Frazier 7/29/2004). He then indicates distance from that community by admitting that he "never had any control over that and we never ever got into that discussion" (Frazier 7/29/2004). He says that after people left the BLB membership following a dispute in the early 1990's with Helen Menefee, Alice Honson (LTBB), and others, he "never saw them again . . . ever" (Frazier 7/29/2004). This lack of contact differs greatly from the non-Vincent BLB members. Had he attended the social events, he would have seen them because many people who have left BLB to join LTBB continue to attend ghost suppers, funerals, birthdays, graduations, weddings, and informal social events where they come into contact with current BLB members (Combined Ghost Supper Attendance Lists, 1982-2004; Littlefield 11/5/2004). The interviews corroborate and reinforce the PF's conclusion that the Vincents were almost completely absent from Burt Lake social functions.

The Existence of a Burt Lake Community with Members Enrolled in LTBB and BLB

The petitioner maintains that "many of those individuals who went to LTBB [since the 1994 recognition of LTBB] have continued to maintain social contact with the BLB" (Austin 2005). The evidence shows that a large group of people identifying themselves as Burt Lake people and enrolled in either LTBB and BLB interact in the greater Burt Lake community. The interviews combined with other evidence demonstrate repeatedly that individuals enrolled in LTBB and in BLB attend ghost suppers, funerals, birthday parties, and informal social interactions together. Local BLB members who reside in Emmet and Cheboygan Counties welcome migrants enrolled in both organizations who are visiting from downstate. In interviews and focus groups, individuals name numerous individuals enrolled in LTBB or listed on the BLB membership list as part of their personal social networks. They repeatedly name individuals living on Indian Road and in Pellston, Brutus, Topinabee, Harbor Springs, and Petoskey who attend social events together, regardless of affiliation. The people who remain in BLB's membership and social core represent a small part of this greater Burt Lake community. Persons being interviewed make few distinctions between people based on their formal group affiliation. Using two colors of highlighter, one color for LTBB members and a different color for BLB members, OFA researchers highlighted the names of individuals mentioned in the interviews according to their current affiliation. These color-coded

interview transcripts provide a clear visual representation of personal social networks comprised of individuals in both of these organizations.

The members of BLB, with some exceptions, express little if any animosity toward people who have chosen to enroll in LTBB, and *vice versa*. OFA researchers advise petitioners to interview knowledgeable individuals who may not be members of the petitioning group. In this case, however, the underlying assumptions of both the interviewers and the persons being interviewed or participating in the focus groups reveal that little if any distinctions were made between people enrolled in the two groups. Anyone who is known to have lived in the Burt Lake settlement, to descend from the Cheboygan band, from the Indian Village at Burt Lake, or Indian Road/Pellston in 1910 and continues to interact with other such persons is treated as part of the greater Burt Lake community, regardless of their past or current official membership.

Participants in the newly submitted interviews and focus group transcripts include 37 current members of BLB, at least 17 members of LTBB tribe, one member of Little River Band, and one member of Sault Ste. Marie Tribe (SSM).¹² The interviewees include two past BLB chairmen, who are descendants of John Vincent and no longer enrolled in the petitioner. Three interviewees have died since their interviews; it would not be valid to anticipate in which organization, if any, they would enroll if they were still alive. Six other interviewees were not documented as enrolled in any petitioner or tribe, sometimes because they were non-Indians. The interviews show that the people interviewed from BLB and LTBB families described and participated in a Burt Lake community that was larger than the petitioner and not distinct from it. Interviewees only rarely make asides explaining that someone just named is “with the Ottawas” or “Odawas,” or has “joined Petoskey” [references to LTBB], showing that people are very knowledgeable about enrollments but consider it an irrelevant issue when describing their social relationships. Interview subjects seem to view membership as a formality, irrelevant to their personal interactions. People interviewed repeatedly named BLB members and LTBB members as part of their circle of friends, family, and associates. For example, Alice Littlefield asked David Massey (BLB) who attended Indian Road resident Roy Parkey’s funeral in 1999 to list “only the Burt Lake people” who had attended. He responded by naming: “Shananaquets (LTBB); Shawas (BLB) Helen Kiogima (BLB), Doris Beaudin (BLB), Jim Shawa (BLB) Ben [Shawa](BLB); Naganashes (LTBB), Dorothy Boda (LTBB), Nick Naganashe (LTBB), Tom and Diane Naganashe (LTBB) (Massey & Massey 7/6/2004). Basically, he listed three major Burt Lake families: the Naganashes and Shananaquets who are almost all LTBB, and the Shawas who are primarily BLB. The close relatives of the deceased are also primarily BLB. The point is not that people of different backgrounds attended a funeral because most modern-day funerals draw a diverse mix of family, colleagues, friends, and acquaintances. The point is that David Massey, like other BLB members, does not distinguish between BLB and LTBB members when asked to list “only the Burt Lake people.”

¹² Individuals have married into these tribes and their children sometimes have chosen to join the non-Burt Lake parent’s tribe.

The PF described social interactions at LTBB and BLB meetings and events attended by Burt Lake people belonging to both organizations, and the interviews tend to support that finding. The new interviews reveal that LTBB's casino, hotel, restaurant, and programs are important locations to meet other people from the greater Burt Lake community. Indian Road resident Loretta Parkey (BLB) says that "if we go to the casino or something, they (LTBB members) invite me to go along ... Edith Teuthorn (LTBB) and her daughters (LTBB) ... like if one of their granddaughters or even one of their daughters (enrollments unknown) gets married we're invited to the wedding" (Parkey 10/29/2004). Indian Road resident Doris Massey (BLB) works at LTBB's hotel and sees people she considers to be Burt Lake who belong to LTBB, and they find out news from each other and carpool together (Massey & Massey 7/6/2004). In the 2004 focus groups, people discussed how they found out when a relative of Sam Shananaquet (LTBB) was in a car accident. David Massey (BLB) relates that Annette Teuthorn Biskupski (LTBB) approached him at work, probably at one of LTBB's facilities, and told him that Shananaquet's brother (LTBB)¹³ and his wife were in a car accident downstate. David Massey said that he called his sister Doris Massey (BLB), and "I don't know who she told" (David Massey *et al.* 10/16/2004b).¹⁴ In a different focus group, people were asked how they knew about the accident and Loretta Parkey (BLB) said that Doris Massey (BLB) told her and Eleanor Barber (LTBB) told Edith Teuthorn (LTBB)¹⁵ (K. Parkey *et al.* 10/16/2004). Thus, this bit of information spread quickly throughout a group of Burt Lake people that included members of LTBB and BLB. The people named in this communications sequence are actually LTBB and BLB members living on or very near Indian Road and LTBB members who also live in or near Petoskey. The news radiated from interactions among Burt Lake people enrolled either in BLB or in LTBB, who either worked for or had a kin connection to someone who worked for LTBB's companies.

The Composition of the BLB Petitioner

The "local members" of BLB living near Indian Road and their families dominate the greater Burt Lake social identity at present because they, more than other descendants of the Burt Lake settlements, have maintained their membership in BLB, even though many qualify to enroll in LTBB. The new submissions include interviews with 37 BLB members, and tend to over-represent the views and activities of the four families who have members still residing near Indian Road: 7 interviewees descended from Edmund Parkey,¹⁶ 9 descended from Peter and Christine Shenoskey through their daughter Irene,

¹³ It appears that Sam's brothers are enrolled in LTBB.

¹⁴ Eleanor Barber was active in the 1980's in BLB and appears in many documents from that period. She attends the Massey Ghost suppers on Indian Road, descends from Martells and Shananaquets, but withdrew from BLB before 1990 and following a dispute in 1983.

¹⁵ Edith Teuthorn's nephew (sister's son) is chairman of BLB. Note that Edith's daughter Annette told David Massey about the accident.

¹⁶ John and Edmund were from a sibling group of seven brothers and sisters. The other siblings' descendants primarily belong to LTBB or their enrollment is unknown.

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and 10 descended from Amos Shawa and his second wife Ida.¹⁷ Two interviewees descended from Rose Midwagon. Thus, 75 percent of the members who were interviewed were from four families with members still residing near Burt Lake, but representing only 48 percent of the membership. All generations of these families are intensely involved in BLB activities. The interviews, therefore, give the impression that Indian Road and families with resident members still provide a geographical hub for social interaction.

The remainder of the membership not in the four core families, with some notable exceptions, does not appear to be involved in the petitioner's activities. Interviews combined with other evidence demonstrate that the petitioner has added individuals to their membership list in the last three years from a social periphery of the greater Burt Lake community. Even though the list submitted in 2002 contained 857 names, the membership used for the PF was 490.¹⁸ It now stands at 320, a difference of 170. However, far more than 170 Vincent descendants and Burt Lake people have left the petitioner. Part of the loss in members has been made up by the addition of people who have not been very involved in the petitioner or in the larger Burt Lake community. These new members include a substantial number of people from three families: the Griswold families, John Parkey's descendants, and John Nongueskwa's descendants from the youngest generations. Evidence rarely shows them interacting with other BLB members or with each other (Honson *et al.* 10/15/2004a). John Parkey's oldest descendants are likely to interact with Margaret Martell's (LTBB) associates in Lansing who were active in the petitioner in the early 1980's, but have since joined LTBB. There is little if any evidence that younger generations descending from John Parkey were involved with BLB. Separate interviews with members of the Griswold¹⁹ families reveal more social distance between them and other BLB members than the evaluation during the PF revealed, perhaps because their numbers have more than tripled by adding younger generations not involved with BLB activities (Griswold-Willis *et al.* 9/15/2004; Scollon 2/18/2005).

Four interviews with Griswolds were submitted. The Griswold families descend from Harvey Griswold and Elizabeth Martell, an Indian woman from Mackinac County who lived in Cross Village in 1908, who married a non-Indian Harvey Griswold. Elizabeth Martell's sister married a Burt Lake Indian man in 1910, and her brother married a Shananaquet in 1918. More of her siblings' descendants are enrolled in LTBB than in BLB if they qualify, as are some of her descendants. At least 51 of Elizabeth Martell Griswold's descendants, who do not trace to the historical Burt Lake Band, have enrolled

¹⁷ Twenty descendants of Amos Shawa's first wife are also enrolled in BLB.

¹⁸ OFA was able to analyze only 490 of the names on the 2002 list because a large number of individuals on it had no signed applications, had relinquished their BLB membership or were deceased (see discussion under Criterion 83.7(e)).

¹⁹ Griswold descendant Mary Hoar (LTBB) is married to an Indian, and she and her descendants are enrolled with LTBB. She is an exception because she is very knowledgeable about the BLB governance before 1994, but does not attend Burt Lake ghost suppers (Hoar 2/7/2005).

in the petitioner. These Elizabeth Martell-Griswolds represent a large part of the members who have enrolled since the PF. Their descendants made up 3 percent of the membership at the time of the PF (15 of 490 members). They now comprise 16 percent (51 of 320). Although the Griswolds reported holding a family reunion near Burt Lake annually, one woman (BLB) did not remember “if Indians from Indian Road showed up” (Scollon 2/18/2005). Indian Road resident Loretta Parkey said that she (BLB) stopped by this reunion and sometimes had a meal there, but maintained that she did not attend the reunion. Although the Griswold families have maintained contact with each other, little evidence showed that they, especially the younger generations, maintained contact with other Burt Lake members and peers (Beaudin 7/14/2004).

An interview with Anna Griswold and three members of her family in 2004 revealed that at least some of the Griswolds discussed the Indian Road residents as if they were somewhat removed from them (Griswold-Willis *et al.* 9/15/2004). Griswolds interviewed in 2004 referred to the Burt Lake Indians as “they” and describe the Indians as if they are different from themselves (Griswold-Willis *et al.* 9/15/2004; Scollon 2/18/2005).²⁰ When an interviewer asked Anna Griswold’s granddaughter if she knew the Shananaquets when she had lived in Topinabee, she replied “Oh I wouldn’t know” (Griswold-Willis *et al.* 9/15/2004). Kate Touhy (BLB), whose mother was Anna’s sister,²¹ could not name any Indian children in her class at school in the late 1940’s and 1950’s although she could list the school bus stops on Indian Road (Griswold-Willis *et al.* 9/15/2004). Anna’s sister, Mary Griswold Hoar (LTBB; b. 1925), married an Indian (LTBB). She was on the BLB board and an officer in the early 1980’s when Margaret Martell (LTBB) was chairman. She denied in a recent interview that she was closely involved with BLB, although she was well informed about events through the 1990’s (Hoar 2/7/2005).

The available evidence does not demonstrate social ties between the four core families in BLB and the peripheral families of the Griswolds, John Parkey descendants, or the younger Nongueskwias. As long as the group around Margaret Martell remained in BLB, the descendants of John Parkey, the Griswolds and the younger generations of Nongueskwias linked to the greater Burt Lake community through the older generations of Martells, Bodas, Cabinaws, and Nongueskwias. Margaret Martell (LTBB) descended from John Nongueskwa and Ida Cabinaw, and was a cousin of John Parkey. Her husband Garland was a Martell and a cousin of both Bodas and Griswolds. This generation of cousins connected to Margaret and Garland Martell, were socially connected to each

²⁰ Anna Griswold-Willis (no known membership) and Kate Tuohy (BLB) talk as if the Indians are the “other,” in a recent interview. For example, Anna says, “Well, most of the Indians out there got through eighth grade and that’s all they thought they had to go through, so they...” (Griswold-Willis 9/15/2004). And Kate Tuohy (b. 1942) says “I don’t remember seeing anything happen to the Indian children. I don’t recall any of the other Indian children in my class, specifically, but I know that they were good at sports, some of those” (Kate Tuohy in Griswold-Willis *et al.* 9/15/2004). There are many examples of this type of distancing in their interviews, which has been used as evidence in other cases, such as Duwamish.

²¹ Although Kate and her descendants are enrolled in BLB, one brother is enrolled in LTBB and one in BLB.

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other and through the older generations to Shawas, Shenoskeys, and other families who lived on or near Indian Road. Photographs show the Griswold, Boda, and Martell cousins interacting and visiting from the 1930's through the 1950's. Margaret and Garland Martell visited Indian Road even though they lived in Lansing. They came to hunt and to visit Garland Martell's father, who died in 1982. The PF noted that Margaret Martell had drawn in some members of her husband's Martell family, even though they did not have Burt Lake band descent. Evidence submitted for the FD, however, indicates that the connection of many of the Griswolds, John Parkey descendants, and younger Nongueskwas to other BLB members depended largely on their connections to Margaret Martell and her aging cohorts, who now belong to LTBB.

Although Alice Littlefield states in 2004 that "everyone" attending the Pellston focus groups knew about the Shananaquet accident before arriving at the Pellston motel where the groups were meeting, that is within 24 hours of the event, it is ambiguous whether "everyone" did know. Although given the opportunity to substantiate that they knew of the accident, the descendants of Harvey Griswold and John Parkey notably remained silent, while "local members" quickly volunteered that they had heard the news. These interviews and other data show that the Griswold descendants were also less likely to attend ghost suppers, claim to speak or even to have heard Ottawa, or remember notable Burt Lake individuals. For example, Anna (b. 1920), who is not enrolled currently in either LTBB or BLB, recollected that the Indian children spoke English, and that she never heard them speaking Ottawa (Griswold-Willis *et al.* 9/15/2004). Elizabeth Martell Griswold's 35-year-old daughter discussed her mother's speaking "her language," visiting relatives at Cross Village, and making and selling baskets among other topics. She related that she had often visited her Boda cousins in Pellston. Newly submitted photographs show Bodas and Griswolds together in the 1920's and 1930's. The younger generations did not discuss similar experiences or social contacts. This revised perspective on the Griswolds' rather tenuous social connection to BLB is significant because they represent 14 percent of the new members enrolled since 1994, 25 percent of the 87 new members added since the PF, and they now represent roughly 16 percent of the petitioner's total membership.

The 17 interviewees who belonged to LTBB were also from a few families, including Bodas, the descendants of John Nongueskwa (Margaret Martell's father), Albert Shananaquet, Julius Lewis (LTBB) (who is still alive and was interviewed), Charles Martell, and Steve Shenoskey. Most of these people have younger relatives in BLB and many lived near Pellston. When younger generations of LTBB families join BLB, they rarely have direct social ties with members of the four core BLB families. Their only connection to the greater Burt Lake community, which includes the BLB core families, is through their kinship connections to a single parent or grandparent now enrolled in LTBB. Death or incapacitation of their older relatives limits or cuts off the social access of these younger generations to other Burt Lake descendants in the greater Burt Lake community, including the BLB social core, except in rare cases. That their connections to other Burt Lake members can only be demonstrated through their connections to members of LTBB demonstrates that the community in which BLB members participate is not distinct from the greater Burt Lake community.

Ghost Suppers

The PF found that the organizational activities of Margaret Martell (LTBB) after 1977 brought descendants of Indian Village living on Indian Road, in downstate cities, and in Emmet and Cheboygan Counties into regular contact in activities sponsored by the petitioner's organization. Names on meeting sign-in sheets, in the BLB newsletter, on correspondence, and in other documents were used to determine who was participating in the activities and who was attending petitioner-sponsored events. The collection of sign-in sheets from Irene Massey's ghost suppers between 1992 and 1994 provided excellent data about ghost supper attendance in a Burt Lake home, but they were not sponsored by the BLB petitioner *per se* although the petitioner's researcher argued that the ghost suppers were viewed as Burt Lake events.

Analysis for the PF of the evidence revealed that residence, not membership in BLB, predicted who attended Irene Massey's annual ghost suppers, the only ghost suppers with specific attendance evidence, in the form of sign-in sheets, in the petitioner's submissions. Ghost suppers are night-time feasts held each year at the end of October to honor a family's dead ancestors. The Massey/Shenoskey family mounted these suppers on their own and with their own resources. Analysis of the attendance for the PF showed that 377 different people, almost all from Cheboygan and Emmet Counties, had attended at least one supper at the Massey home (Massey 1982-1994). OFA could not identify for the PF almost two-thirds of the people signing in at these ghost suppers because the majority of guests' names never appeared on documents submitted by the petitioner nor on the petitioner's membership lists. Only 46 (12 percent of 377) of them had ever signed in at a BLB meeting between 1980-1984, for example. Lansing residents and others most involved in the petitioner's organization were highly unlikely to attend Massey's ghost suppers. John Vincent's descendants never attended. Of people on the council, only Irene Howard, Gary Shawa, and Loretta Parkey, who had homes or close family members still living near Burt Lake, attended the ghost suppers. The PF suggested that "someone knowledgeable about the nicknames and married names of individuals attending the ghost suppers" interpret the names with the goal of demonstrating more overlap between the ghost supper guests and the people documented at the petitioner's meetings and on the petitioner's membership list.

The petitioner's response to the PF's analysis of ghost suppers tends to support the original finding that found that only a small portion of the attendees were members of the petitioner. The petitioner's response misinterpreted the PF as saying that the events were not Burt Lake events: "The OFA has asked if the Ghost Supper lists we submitted previously are really Burt Lake events" (BLB 2004). The point made in the PF was twofold. First, as part of the evaluation under criterion (c), it asked if the whole petitioner, as opposed to individual families, organized the events. Second, the PF asked if the events were attended by the members of the Burt Lake petitioner or a much smaller (family) or much larger (members of a larger regional band) group. The newly submitted information shows that the events were actually attended in large part by Burt Lake descendants and people who identified as Burt Lake people who are enrolled in LTBB

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and other recognized tribes, on BLB's membership list, or whose affiliation could not be determined. Thus, the Indian attendees generally had ancestors living at Burt Lake, and they came to the ghost supper to honor them. The ghost supper was not only for family, but also it was not for a wide-ranging regional grouping, although etiquette stressed that anyone would be welcomed and fed. It was primarily attended by Burt Lake people of whatever affiliation demonstrating the existence of the greater Burt Lake community.

The petitioner's response does not distinguish between the Burt Lake petitioner, as defined by its membership, and the much larger Burt Lake community, defined by participation and interaction. The regulations require that the petitioner, as defined by its membership list, be a community, as defined by participation of its members. The participants in the community and the petitioner's membership must be essentially the same or almost the same group of people. The membership may not contain a predominant portion who do not participate in a community, nor may it contain only part of a community. Social actions of non-members, non-member spouses, non-Indians, members of other petitioners or of tribes are not accepted as evidence demonstrating that a petitioner meets any of the criteria, including 83.7(b). The ghost supper evidence and other evidence indicate that the actual Burt Lake community, as defined by participation, and the petitioner's membership, as defined by its membership list, are significantly different, the latter being a subset of the former.

The petitioner submitted a spreadsheet analysis of the individuals who had attended the Massey/Shenoskey ghost suppers between 1988 and 2004. Column headings read, "First Name," "Last Name," and "Location," meaning where the individual resided at the time. The heading "Enroll No." shows a BLB enrollment number, even for individuals who have relinquished, or the acronym "OM," meaning "Old Member," for individuals who do not appear on any membership lists past or present, but the petitioner classes, for unstated reasons, as an "Old Member." The column under this heading is often left blank. "Old Member" referred to only 23 people. Harbor Springs resident Doris Adams (LTBB), classed "OM," descends from Burt Lake annuitant Nikolas Ignatus Ke-zhe-go-we/Gijijowi (Kishego) and attended only one or two BLB meetings in the late 1970's. Also classed as "OM" are Harriet Booth, who could not be identified in the OFA anthropologist's PF database, and Eleanor Barber (LTBB), who was on the BLB council in the 1980's but left in 1983, apparently taking a number of family members with her. Jim Naganashe [?], who was an incorporator of the BLB and sat on the first board, but has not participated since 1980, is also classed as "OM." His sister (LTBB) lives on Indian Road. Sibling pairs were identified in which one was classed "OM" and the other was left blank, so it is not known why only one sibling was viewed as an old member. Some of the people classed as "OM" may have died before 1994 and never had a membership number, however others are known to be alive and enrolled in LTBB. The next columns with headings are "Relationship," "Notes," and "Year" of the ghost supper.

The petitioner also submitted a first-person account by the petitioner's anthropologist Alice Littlefield, who attended the Massey ghost supper on November 5, 2004 (Littlefield 11/5/20024). According to Littlefield, "virtually all of the attendees are either Burt Lake members, former Burt Lake members, descendants of Burt Lake members, partners,

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girl/boy friends, spouses or children of one of these individuals.”²² She elaborated, the “majority of the names listed are related to the Burt Lake families of Massy [*sic*], Shenoskey, Kishego, Shananaquet, Boda, Shawa, Naganashe, Dashner, Cabinaw, Parkey, Micininee [*sic*], Hamlin, Kewaygoshkum and Midwagon.” Finally, she pointed out that “many of the Keshego descendants still attend ... and include the Gibsons, Sagataws, Gasco’s [*sic*] and Swadling families.”²³

The PF noted that the number of ghost suppers on Indian Road had declined after Irene Massey’s death in 1992. Nevertheless, at least two Indian Road families gave ghost suppers in the last two years.²⁴ Nancy and Sam Shananaquet (LTBB) started having one after Nancy’s mother died (M. Massey (BLB) 11/18/2004), and Irene Massey’s family (generally BLB) were able to continue her tradition of hosting ghost suppers. According to Alice Littlefield, both families held ghost suppers on the night of November 5, 2004, and many of the same people attended seatings at both. The chairman of LTBB, Frank Ettawageshik (LTBB), who reportedly has a genealogical connection to the historical Burt Lake band, attended both Burt Lake ghost suppers in 2004 (Littlefield 11/5/2004). In 1943, his father, Fred Ettawageshik, published a two-page “communication” on ghost suppers in the *American Anthropologist*, the journal of the American Anthropological Association. He named Burt Lake among five other “places”²⁵ where ghost suppers “are held each year during the first week of November by the Ottawas in the northern regions of the lower peninsula of Michigan” (Ettawageshik 1943). The petitioner notes that everyone is welcome at ghost suppers, and, indeed, the commonly expressed ideology is that all may enter. Nevertheless, the Indian attendees at the Massey/Shenoskey ghost supper represented a focused group of people with a historical or current connection to the greater Burt Lake community, and in this sense, the petitioner’s anthropologist is correct. The ghost suppers on Indian Road are Burt Lake affairs, and primarily involve the greater Burt Lake community.

²² Littlefield’s statements are accurate if one-third of the almost 700 total attendees named on the compiled listing who attended at least one ghost supper are removed. This third are people appear to be one-time visitors, neighbors, acquaintances, or other unidentified people. A caveat should also be made that attendees with some of these names are not always descendants of the historical Burt Lake band; rather, they are collateral kin of spouses and in-laws (e.g. Naganashes, Hamlin, Kewaygoshkum and Midwagon).

²³ These families were represented in the group who traveled to Lansing with Jonas Shawanese to meet with the Governor in 1956 about the Burt Lake burnout, but they have never enrolled with the petitioner and appear to be enrolled in LTBB. Victor Kishigo, who attended the ghost supper in 1998 and 2004, and has on occasion asserted that he is the chief of the Burt Lake Band, also belongs to this group of related people. These families moved to Emmet county about the time of the burnout.

²⁴ Some interviews, but not all, and Littlefield state that three ghost suppers were held at Burt Lake, the Shananaquets and Massey/Shenoskeys on one night and the Naganashe’s on the same or next night. It is, however, not made clear if the “Naganashe” ghost supper referred to is actually Dorothy Boda’s or Nancy Shananaquet’s, if they are the same supper, if people are including Josephine Naganashe in their descriptions even though she died in 2000, or some other situation, which was not established.

²⁵ The six places he named were “Cross Village, Middle Village (the oldest Indian settlement in this region), Five Mile Creek, Harbor Springs, Petoskey and Burt Lake.”

Fred Ettawageshik's 1943 description of contemporary ghost suppers indicated that families were hosting the event and "commemorating the spirits of their departed." The current Burt Lake ghost suppers also honor deceased family members. A list of names headed "IN MEMORY OF" was posted prominently on the wall at Doris Massey's (BLB) home, where the Massey/Shenoskey ghost supper was held in 2004 (Littlefield 11/5/2004). This list of 31 names was compiled by Alice Shenoskey Honson (LTBB) in 2003 (Littlefield 11/5/2004). The listed people are brothers Peter and James Shenoskey and their deceased descendants²⁶ and Parkey and Keway in-laws of two of the brothers' descendants. These 31 names represent a definite group of related kin and affines. Although neither a list of honored ancestors nor a sign-in sheet of attendees at the Shananaquet ghost supper is available, a large number of Nancy Naganashe Shananaquet's kin (LTBB) and in-laws attended the Massey/Shenoskey supper implying they had come over from the Shananaquet's home nearby, and that the Shananaquet supper honored the deceased of that family. These suppers were progressive in 1943 when Ettawageshik described them, and people still go from house to house.

The interviews and focus groups submitted in the petitioner's response contain new general evidence on ghost supper attendance. It appears that up until the mid-1960's ghost suppers were held in Burt Lake, which were attended by the residents of that settlement and by people who visited from downstate, Petoskey, Harbor Springs, and elsewhere. A man born in 1923 claimed that "everybody had ghost suppers. [They] went from house to house. This [one] would have it this time [and] next time somebody else would have it all the way down. But they all had it" (Lewis 8/12/2004). People born after 1935 actually named those who had ghost suppers; they generally listed the same three families: Naganashes, Shananaquets, Shenoskeys. Others mentioned were Amos and Ida Shawa, people at Harbor Springs, and one man listed Charles Levi Martell's daughter (LTBB) and Chet and Roseanna (LTBB) Dashner, probably in Lansing. Although the interviewer did not question people about the dates of these ghost suppers, the context is that the speaker is discussing his or her childhood in almost every case and the death dates of the hosts corroborate this assumption, so most of this information is dealing with 1940's, 1950's and, in some cases, the 1960's at the latest. Only two younger people were probably discussing the 1990's. In recent years there have been fewer ghost suppers, in part due to the expense of feeding several hundred people, according to Dorothy Boda (LTBB) (*Straitsland Resorter* 10/12/1988).

The interviews tend to corroborate and support the attendance analysis. A Boda descendant from Pellston born in 1941 said that he sometimes attended ghost suppers on Indian Road at Josephine Naganashe's (1912-2000) or Sam Shananaquet Sr.'s (1897-1967). The Naganashes and Bodas have intermarried. He did not mention going to Irene Massey's and he was not on any sign-in sheet. He responded to the question of whether ghost supper attendees were "primarily the Burt Lake people?" by stating "Yeah, but there were other people. There was a lot of people that were associated with the Band, people that had married someplace else in various places and they would come back." In fact, it does appear that was the custom. For example, the individuals who traveled with

²⁶ People who died in childhood are not included.

Jonas Shawanese to Lansing to meet with the Governor in 1956 about the Burt Lake Village burnout and their descendants attended the Massey ghost supper. Many Bodas from Pellston, who are currently enrolled with LTBB, but whose names appear on the 1994 BLB membership list, attended the Massey dinners year after year. The family of Lynn Carroll, whose descendants are now in LTBB and who was an in-law to Parkey's (BLB), came from Petoskey. Indian families such as the Kishiks, Gibsons, Gascos, Lewises, Kioginas, Barbers, Adamases, Davenports, Millers, Odeimens, Harringtons, and many others, who were previously members of BLB, or never joined BLB but are enrolled in acknowledged tribes, attended Irene Massey's ghost supper.

Ettawageshik's 1943 article states that "each family tried to outdo the other" (Ettawageshik 1943).²⁷ Such competition would possibly demonstrate a community-wide function of defining relative status of families and family heads. Sam Shananaquet's (LTBB) interview discussed possible status implications of the ghost suppers. Indian Road residents Sam (LTBB) and Nancy (LTBB) Shananaquet revealed that they felt hosting a supper was an honor to them. According to Nancy, her mother [Josephine Petoskey Naganashe], her grandmother [Mary Keway Petoskey], and her husband's mother [Elizabeth Ida Cabinaw] had hosted ghost suppers. When Josephine Petoskey Naganashe died in 2000, Nancy took over her leading role as hostess to the family's ghost supper, in the same way that the Shenoskey children took over their mother Irene's job after she died (see PF). Sam Shananaquet said he views giving a ghost supper as "sort of a special [honor].... We kind of got picked you'd say [for or by] the family ... so we just kind of carry on the tradition" (Sam and Nancy Shananaquet 12/2/2004). The Shananaquets imply that a woman or a family is selected by family members, apparently through some kind of an informal decision-making process. The interviews imply that a ghost supper hostess is held in high repute by the wider community, and not every woman or family puts on a supper at present.

Doris Massey (BLB) and Nancy Shananaquet (LTBB) both indicated that the decision to take on their mothers' roles as ghost supper hostesses was not automatic and appeared to take several years before a clear decision was made to do it. Both expressed the belief that they and their families had been influenced by family and community members to carry on the ghost supper tradition after the deaths of a former hostess. They described how the supper must be supported by their wider families, not only as financial backers but also, and even more importantly, as workers. Serving more than 250 people in one's home from 6 p.m. to midnight in numerous sequential seatings of 20 to 30 people depends on enlisting the help of cooks, servers, cleaners, fire-keepers, dishwashers, and others. Sam Shananaquet says, "Everybody pitches in and . . . our [nine] kids . . . they always bring something and [each one brings something] different . . . like one daughter (LTBB) will make pies and the other one (LTBB) will bake bread or stuff like that. No

²⁷ Ettawageshik also said that the people in the same age cohort as the deceased were individually invited and ate at the first seating. Alice Littlefield said that "among those seated at the [first table] were Alice Honson (LTBB), Hank Parkey (BLB) and his wife and son, and several people from Petoskey" (Littlefield 11/5/1004). Although Alice Honson appears to be the oldest living Shenoskey descendant, the Parkey descendants of Edmund Parkey's brother John do not appear to be seated based on their status or age and the people from Petoskey are not identified, so the evidence is ambiguous.

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we don't make all of it." His son (LTBB) brought ham from Wisconsin, and a lot of people brought dishes to pass (Sam and Nancy Shananaquet 12/2/2004). Having nine children obviously contributes to the Shananaquets' capacity to sponsor this event in their Indian Road home. Doris Massey is the oldest of the Massey siblings, and she now hosts the Shenoskey/Massey ghost supper. The PF discussed the difficulties that the Shenoskey's were having in continuing the tradition, but it appears that they have persisted. In both the Shananaquet/Naganashe and Shenoskey/Massey cases, time elapsed after the death of the family's former hostess.²⁸ When interviewed for the PF, Doris Massey (BLB) implied that she was weighing whether or not her family really had the personnel and resources to mount such an effort. When Doris Massey revealed the difficulty her family was having in picking up the hostess role, she acknowledged her mother's hard work and devotion to this Ottawa tradition, by showing that she was hard to replace.

More than 250 family and friends came in 2003 to Sam and Nancy Shananaquet's house. According to Sam, "We had 247 [or] 248 sign in, that's not counting the kids so you figure ... with the amount of kids that was there this year I'm sure it was way over 250 ... but we had 247 that signed in."²⁹ Apparently one of the guests was the sister (LTBB) of the chairman of LTBB, Frank Ettawageshick (LTBB), who reportedly has Cheboygan ancestry through her father (Sam and Nancy Shananaquet 12/2/2004).³⁰ Guests came from "the surrounding area like Harbor Springs, Petoskey, Topinabee, Cheboygan and naturally Burt Lake and then we had some from Grand Rapids and some from Lansing" (Sam and Nancy Shananaquet 12/2/2004). Alice Littlefield, however, was told by the Masseys that the Ettawageshicks³¹ had not attended in previous years, but the Masseys (BLB) were pleased the LTBB chairman had come in 2004.

The social and community function served by ghost suppers appears to be to designate "head couples" of large extended families and there is the expectation that they, and their children, will be able to feed significant numbers of Indian people from the greater Burt Lake community, relatives, and other Indians and non-Indians³² from the region. Hosting such an event contributes to the social status of the couple and their family, but the interviews indicate that people view women as the principal organizers and leaders of

²⁸ Nancy Shananaquet may have taken four years to step into this role, but Doris and Loretta Massey may have taken eight or nine years, during which they had some difficult times, to ensure their family's suppers continued.

²⁹ The sign-in list for the Shananaquet's ghost supper was not submitted with the petitioner's response.

³⁰ Frank's father, Fred Ettawageshick, attended the meeting on the Burt Lake burnout with the Governor in 1956 organized by Jonas Shawanessc.

³¹ Tim Ettawageshick (LTBB), described as Frank's brother, signed into the Massey/Shenoskey (BLB) ghost supper in 2000, 2001, and 2003.

³² Although non-Indians attended these suppers, Indians far outnumber non-Indians at these events. Non-Indian in-laws attend less frequently than Indians do. Co-workers and non-Indian friends are invited, but they do not come year after year.

these events. When listing ghost suppers attended, people usually listed the events by naming the hostess. These women's social status flowed from their roles as a ghost supper hostesses and was not dependent on a husband or being married. Even after her husband dies, a ghost supper hostess continues to serve these suppers, and at least one noted hostess (BLB) is not married. The husband of Irene Massey's husband died in 1953, but she continued to host ghost suppers until the early 1990's.³³

The interviews also revealed that people who attended these two ghost suppers at Burt Lake, usually attended the Petoskey (LTBB) and Kiogima (LTB/BLB) ghost suppers in Harbor Springs on a different night. Interviewees mentioned Dorothy Boda's (LTBB) ghost supper in Pellston, and in former years the Margaret Martell (LTBB) and Roseanna Dashner (LTBB) and Ben Shawa (BLB) families living in Lansing and Grand Rapids. The petitioner did not submit information about these other ghost suppers even though a young woman indicated that she went in the later 1980's to Robert Shagonaby's (LTBB)³⁴ in Harbor Springs and then to a ghost supper at Gary Shawa's (BLB) in Burt Lake where she "would see the same people there" (Boda *et al.* 10/16/2004). Robert Shagonaby (LTBB) attended the Massey/Shenosky ghost supper in 2000, and his wife attended in 2000 and 2004.

The petitioner's spreadsheet analysis and the long list of attendees' surnames with current or historical connections to Burt Lake Band and Alice Littlefield's description of the 2004 Massey/Shenosky ghost supper shows again that the current BLB membership represents only part of the greater Burt Lake community. The OFA made further analyses of this same spreadsheet data to determine how many of those attending the Massey/Shenoskey ghost suppers between 1982 and 2004 are currently enrolled in BLB and how many are known to be enrolled elsewhere. Because of the limits of the data on LTBB enrollment, the number of attendees who are LTBB is most likely undercounted. Nevertheless, the available data, even though partial, indicates that a significant number of guests are enrolled in LTBB.³⁵ Primarily Indian people who have a historical, kin, or in-law attachment to Burt Lake attended the Massey/Shenoskey ghost supper. They are descendants of a historical Burt Lake ancestor or a spouse or step-child of a descendant. Two-thirds of those named on the compiled listing of attendees, around 500 people, are Indian people or non-Indian in-laws, step-children, partners, or other close relationship. Roughly one-third of the individuals on the compiled list (spreadsheet) were not identified by the petitioner or they were identified as a "friend" of someone in the host families or a visitor. This category of attendees were not historically connected with Burt

³³ No one discussed how in the past these hostesses may or may not have been related to the "head men of the band," but the possibility exists that these roles were complementary or related in some way.

³⁴ Shagonaby is probably not a descendant of the historical Burt Lake band. He is described on the Massey/Shenoskey ghost supper sign-in as Augustine Kiogima's "uncle," probably through his Harbor Springs father, rather than through his mother's Burt Lake Shawa side.

³⁵ For example a woman named S. Gasco [a well known Ottawa name] is listed as residing in Harbor Springs and as descending from "Naganashe/Keshigo." No evidence in the files allows the OFA to attribute LTBB membership to her, but it seems likely. Many attendees fall into similar categories.

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Lake and can be viewed as visitors, non-Indian friends, neighbors, distant non-Indian in-laws, and colleagues. They often attended only one time. Because they attended only once or twice while Indians attended year after year, these visitors are over-represented on the compiled list and make up a smaller portion of all other individuals attending a ghost supper in a single year and they are removed from the following analysis.

OFA determined that approximately 20 percent of the ghost supper attendees are Indian people (including some Naganashes and Petoskeys) whose collateral relatives have married Burt Lake people, but who appear not to have an ancestral relationship to Burt Lake. Neither the petitioner nor OFA can link them to Burt Lake or to LTBB. This means that the remainder, that is fully 80 percent of the Indians, appears to have a kinship or affinal link to Burt Lake, according to the “Relationship” column on the spreadsheet analysis made by the petitioner. Current BLB members represent only 15 percent, a very small portion, of the identified Indian people who attended the Massey/Shenoskey ghost supper. In contrast, 27 percent of the identified Indian people are documented members of LTBB because they are registered to vote in the 2004 LTBB election or gave up BLB memberships to join LTBB since the PF. OFA did not have a comprehensive roll for the LTBB tribe, so the 27 percent that could be connected to LTBB is probably undercounted. However, it is clear that none of these people are on the BLB membership list, which is complete and available to OFA.³⁶ Although most of the Indian guests could not be connected to either BLB’s membership list or to LTBB’s voter’s registration list, which is an incomplete listing of LTBB’s membership, LTBB still had more people attending than BLB did.

The petitioner’s analysis lumps together everyone who was ever enrolled in the BLB petitioner and adds “Old Members,” that is, the Kishigos, Keways, and related lines of descent with Burt Lake ancestry. The petitioner does not view as a negative the fact that large numbers of LTBB members attend the Massey/Shenoskey ghost suppers, and that their neighbors, the Shananaquets, who themselves belong to LTBB, attract large numbers of LTBB and BLB members who also attend the Massey/Shenoskey supper. What is especially impressive about this collection of data is the large numbers of individuals whom the petitioner indicates in the “Relationship” column have descent from a Burt Lake ancestor, but who were never enrolled in BLB or participated in the petitioner’s events after 1978. People attending these events, although part of an on-going and vigorous greater Burt Lake community, are split between the LTBB tribe and the BLB organization.

Families in the Indian Road settlement coordinate the suppers and hold them on the same night, so that those attending one supper in a settlement can also attend others. The

³⁶ The petitioner did not actually make that analysis. In the “Relationship” column they identified people in various ways, sometimes linking them to a deceased ancestor or ancestors (e.g. “Charlie Martell/Shananaquet great-granddaughter”), which allowed OFA to assume Burt Lake ancestry. But in other cases they merely stated a family connection (e.g. “Naganashe”) which could be problematical if that family had some members with Burt Lake ancestry and some without Burt Lake ancestry. The petitioner gives individuals membership numbers; however, a large number of those people have relinquished and joined LTBB, so they are no longer in BLB.

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Petoskey, Harbor Springs, and Pellston families hold ghost suppers which do not conflict with Burt Lake. Scheduling among families in these various locations indicates that some group planning takes place above the family level. A single ghost supper is held by a family to honor their own family's deceased, and it is not a community event *per se*. The sum of all of these ghost suppers, however, is a community event, because inter-family coordination minimizes scheduling conflicts. A great number of individuals – sometimes more than 250 – attend a ghost supper, and BLB families and related families not in BLB make up a significant portion – some 80 percent – of the Indian guests. In addition, the family-selected hostesses find their social status in the wider community raised by their role, and customs and expectations are shared by community members. There is also evidence from two cases that etiquette and respect require that when a hostess dies, her family does not rush to replace her but go through a rough period of doubt and family council before settling on a new hostess. New ghost supper evidence, when combined with evidence available for the PF, indicates that the ghost suppers are held by the greater Burt Lake community that is not the same as the membership of the BLB petitioner. The ghost suppers do not demonstrate a distinct BLB community; rather the evidence from them demonstrates the existence of a greater Burt Lake community that is larger than the BLB petitioner.

New evidence about ghost suppers that the petitioner submitted, including interviews and the spreadsheet analysis of the Massey/Shenoskey ghost suppers, combined with other evidence demonstrates that in the last 20 years ghost suppers were more important for population living on or near Indian Road and visitors from downstate than the PF stated. On Indian Road, ghost suppers were held by Josephine Naganashes' daughters Nancy (LTBB) and Dorothy (LTBB) and by Sam and Nancy Shananaquet (LTBB), in addition to Irene Massey (BLB) (M. Massey (BLB) 11/18/2004; Roy and April Parkey (both BLB) 9/15/2004). Interviewees reported attending ghost suppers in Harbor Springs at the Kiogimas (LTB & BLB) and Petoskeys (M. Massey 11/18/2004). The people discussing ghost suppers were as likely to belong to LTBB as to BLB petitioner, illustrating that the BLB as it existed in the 1950's and 1960's is now split between LTBB and BLB people only rarely distinguish who belongs to the petitioner and who belongs to LTBB in conversation. The descriptions of ghost suppers in Grand Rapids and Lansing do not include any comprehensive descriptions of the attendance, but the people named were generally relatives. The ghost supper attendance shows that Burt Lake descendants form a community larger than the petitioner, that the people living on Indian Road or near Burt Lake and their relatives representing some 48 percent of the BLB membership attend the ghost suppers in high numbers, and that some major BLB families, representing another 43 percent of the membership list, do not participate.

The Participation of Peripheral BLB Members in the Ghost Suppers and Other Activities

Fewer than one-third of the BLB current membership ever attended a Massey/Shenoskey ghost supper, and they generally were from the four core families. The marginal families, including the descendants of John Parkey, the younger generations of the John Nongueskwa family, and the Griswolds were notably absent. Thirteen percent of BLB members descend from John Julius Parkey. For example, only one BLB member

descending from John Julius Parkey attended the Massey/Shenoskey ghost supper. At least 41 of John Julius Parkey's descendants are enrolled in the BLB petitioner. Little evidence shows this family interacting with other members of the group or with the larger Burt Lake community. The ghost supper compilation of names of people attending a Massey/Shenoskey ghost supper only names Henry "Hank" Parkey (BLB) and his wife Tina McCoy, with Jessie Parkey, identified as his son but not enrolled in BLB. They attended the ghost supper in 2004, shortly after Hank and his brother Donald Parkey attended the focus group and interview sessions sponsored by BLB in Pellston two weeks earlier.

Although Hank Parkey, who lived in Lansing and was active when Margaret Martell was chairman, has some knowledge about the Vincents and the Menefeas, which does not add to or amend what the PF said, neither he nor other members of his family are named by others in their interviews. New evidence includes the memory book from Paul T. Parkey's 1993 funeral at the Gorsline-Runciman Lansing Chapel on April 19, 1993, before he was buried at Pleasant Hill Cemetery in Lansing. More than 200 people attended, among them a few Cabinaw/Boda who were his cousins through his mother, Elsie Clementa Cabenaw. These Cabenaws do not appear to have ever joined the petitioner. Of course, his many children (primarily BLB) by two wives, their spouses and spouses' close kin attended. Also attending was an identifiable group of Burt Lake Indians living in Lansing. The oldest Indians were Paul Parkey's age-cohorts, cousins primarily through the Cabinaws, or Pellston residents before 1940. Their descendants also attended. The Burt Lake Indians included Garland and Margaret Martell (LTBB) and others from the group around Margaret Martell, when she established the BLB in 1978.³⁷ Most were relatives of both Margaret Martell and of Paul Parkey, and they lived in Lansing. While these Parkeys, who represent 13 percent of the BLB petitioner's members, may be interacting with relatives in Lansing, the evidence in the record does not show them interacting at a significant level with the rest of the petitioner's current members, including the core Indian Road families of the Shawas, Edmund Parkey descendants, Shenoskey/Masseys, and Midwagons.

The Griswolds, representing 16 percent of the BLB membership, also did not regularly attend the Massey/Shenoskey ghost suppers. Only three members of that family are recorded ever attending. The interviews indicated that the Griswolds interacted with their Boda cousins in Pellston,³⁸ but they probably did not attend ghost suppers there, because

³⁷ Attendees included Thomas Nongueskwa (LTBB), sisters Roseanna Dashner and Rose Marie Dashner Deland (LTBB), Hank and Darlene Rowland (LTBB), Mr. and Mrs. Gerald DeLorme, Rita Shananquet (LTBB), Christie, Pat, Tom (BLB) and Jamie Dashner, Mary Griswold Hoar (LTBB), and John and Rosanna Kewaygoshkum Givens (LTBB). Rita Shananquet, from a much younger generation than most of the others, was not actively involved with Margaret Martell and has withdrawn from the petitioner at this time and is actively encouraging others to do the same.

³⁸ Descendants of Jennie Martell and Daniel Boda. None of their descendants appear to be enrolled in the petitioner. Some descendants through the two male lines (two men who appear to have married sisters) are enrolled in LTBB. Photographs submitted show Jennie and Elizabeth Martell's daughters together in the 1930's.

Griswold descendants denied that they attended ghost suppers in general. The interviews also indicate that Elizabeth Martell Griswold only gave a ghost supper “maybe once” and that she never went to “Ghost Suppers and such” (Griswold-Willis *et al.* 9/15/2004). The new interviews reveal that the descendants of Harvey Griswold and Elizabeth Martell were not so closely tied to the Burt Lake Indians, especially the Indian Road settlement, as stated in the PF. This new understanding was reinforced by the ghost supper data. Only one Griswold, Julia Griswold Borowicz, who died in 1995, signed in at Irene Massey’s ghost suppers between 1982 and 1994. An interviewer in a focus group in 2004 asked people if they had attended ghost suppers. Of the group, only Isabel Scollon (BLB), a Griswold descendant, acknowledged she had not attended one. However, two weeks later, she, and her daughter (BLB) attended the Massey/Shenoskey ghost supper in 2004. These three attendances at the Massey’s ghost suppers are the only documented instances of Griswold descendants attending a Burt Lake ghost supper.

Finally, the younger generations of John Nongueskwa’s descendants (1879-1964), some 14 percent of the BLB membership, also did not attend the Massey/Shenoskey ghost suppers. One granddaughter and her husband attended the Massey/Shenoskey ghost supper in 1994.³⁹ The older generation of Nongueskwas are said to have put on ghost suppers in Lansing but their failing health has reportedly made that difficult, and the record is silent about recent years. About half of the great- and great-great-grandchildren of John Nongueskwa are enrolled in the petitioner and the rest are enrolled in SSM or LTBB. None of them have ever been to a Massey/Shenoskey ghost supper. There is little if any evidence to connect them to other Burt Lake members except through their older relatives and in-laws. Older relatives and in-laws included the John Nongueskwa descendants who attended the 1993 funeral of John Julius Parkey’s son Paul in Lansing and the 1975 wedding of Paul Parkey’s son Donald, and Chet Dashner and Garland Martell who regularly hunted near Burt Lake (P. Parkey 4/19/1993; photographs submitted by Don Parkey 4/17/04).

At least 43 percent of the membership, belonging to the families descending from Elizabeth Martell Griswold, John Julius Parkey, and John Nongueskwa were not shown by any evidence to interact in informal social events with the 48 percent of the members of BLB from the four families on or near Indian Road at Burt Lake. The remaining 9 percent include 3 percent descending from Hattie and Albert Shananaquet,⁴⁰ which includes the current BLB chairman, several Cabinaw and Boda descendants, and some random individuals including single people whose siblings belong to LTBB or to no organization. This 9 percent has demonstrated few if any social ties to each other, to the 43 percent of BLB that are only distantly related to other BLB members, or to the 48 percent who are the four core families. It is ambiguous as to whether they participate in the greater Burt Lake community. For them, their only ties to BLB are through a parent

³⁹ Rose Dashner-Deland and her husband Ken attended in 1994.

⁴⁰ The current chairman of BLB falls into this three percent. Also in this category are his descendants, two of his siblings, and one first cousin with her descendants. The majority of his family including many siblings and cousins are enrolled in LTBB.

or grandparent, who grew up on or near Indian Road, Pellston, Topinabee, or Brutus, but is enrolled in LTBB.

The apparent lack of a social relationship between the 48 percent of the BLB membership in the core families and the 52 percent in the marginal families and other unconnected family segments presents a problem for the petitioner. The current BLB membership seems to represent two major groupings that do not interact with each other. The first grouping, a tightly knit group of families with at least one member living on Indian Road, is highly involved in social activities with each other and with the greater Burt Lake community. The second group appears primarily to represent two almost complete extended families and the younger generations of a third extended family. These families demonstrate few contacts with the core families in the first group. Photographs and documents from the 1930's show the ancestors of the Massey/Shenoskeys, the Nongueskwaw, Shananaquets, Cabinaws, Shenoskeys, John and Edmund Parkeys and Shawas together in various situations, picnics, and posed photographs between 1920 and 1940. The petitioner did not submit similar documentation to show the John Parkey and Griswold descendants, or the younger generations of other families, such as the Nongueskwaw and selected Shananaquets, interacting with the core BLB families or with the greater Burt Lake community.

Other Evidence

The questions arises as to whether other, less formal, non-ritual, events and activities, when analyzed, describe a social interaction pattern or community different from that demonstrated by the evidence from ghost suppers. The answer is that other social interactions illustrate the same or very similar patterns of participation as the ghost suppers do. For example, the ghost supper is associated with decorating graves with crepe paper flowers on All Saints Day, October 31. Women of the household spend long hours making the colorful wreaths. The handful of women living on Indian Road are sometimes contacted by downstate residents who do not attend the ghost supper to prepare wreaths and place them on graves of their family members in St. Mary's Cemetery. Charles Levi Martell (LTBB), who lives in Lansing said that Sam and Nancy [Shananaquet] (LTBB) takes care of his family: "We just send them up the donation and then they go ahead and do the graves" (C.L. Martell 1/17/2005). Others reported they also contracted out this traditional function to Indian Road residents. However, it is also clear that local members in BLB and LTBB make sure that every cross in St. Mary's cemetery and in the historical cemetery near Maple Bay are decorated, if not with a full wreath, then with a nosegay or bunch of paper flowers. Many of these graves are unidentified, and the women, including Doris Massey (BLB), Nancy Shananaquet (LTBB) and others, decorate them because they know they are the graves of Burt Lake Indians. The priest blesses the wreaths that remain on the graves for a year.

The petitioner submitted many recent photographs of birthday parties, social events in "Parkey's Field," and similar non-BLB sponsored activities. These photographs reflect a social pattern of interaction very similar to that revealed by the analysis of ghost supper interactions. Members from the four main families who have members still living on or

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very near Indian Road tended to interact intensely and did not distinguish between BLB members and significant numbers of LTBB members who also attended these events. The Griswolds, John Parkey, and most other BLB members who are not in the BLB core families rarely if ever attended these informal events.

The new interviews also indicate that the ghost suppers often capped off a hunting trip by families from Grand Rapids and Lansing. Roy Parkey, Jr. (BLB) remembered family trips in the 1970's and 1980's, when "a pretty big crowd" used to come hunting every hunting season. "Harry (d. 1995) and Tom (LTBB) Nongueskwa [brought] a motor home, plugged the electricity into the house and stay there ... right in Dad's yard ... every year they brought someone different.⁴¹ Chet used to come up all the time during the summer" (R. Parkey and Parkey 9/15/2004).⁴² Lucius Cabinaw (BLB) corroborated Roy Parkey's description and added the Martells (LTBB) and Cabinaws to the list of people who came to hunt in the fall (Lucius Cabinaw 9/1/2004). Little information about recent hunting activity appears in the record, and interviewees blame the drop-off in hunting as a special Burt Lake activity on the declining participation of younger generations.

Many of these original BLB members are not in the current membership, having left since arguments concerning the presence and role of the Vincent descendants in the BLB between 1990 and 1995, or after the PF. Many of the people and families who no longer appear on the BLB membership list were important actors in the original petitioner. Of a core group of 17 persons who held office or served on the BLB council between 1978 and 1983, 6 have died since serving, leaving 11 persons. Of this 11, fully 9 individuals with the rest of their families who qualify have left BLB and joined LTBB, and 2 with their families have stayed in BLB. The descendants of three of the deceased have stayed enrolled in BLB, but families of two others have left, the descendants of one are split between BLB and LTBB. Griswold descendant Mary Hoar (LTBB), part of this original group, says that she kept in touch with Margaret Martell (LTBB) in Lansing until recently (Hoar 2/14/2005). When she calls Margaret Martell now, Mary Hoar says that "her grandkids answer and, of course, they don't know me so they don't give out any information" (Hoar 2/14/2005). Mary Hoar also says that her niece Isabel Scollon (BLB) no longer relays important information to her. She gives an example of her cousin Charlotte Boda's death. When her sister told her that Charlotte Boda had died, she said, "Well, Charlotte Boda passed away, it was in the paper," but when Mary Hoar then asked about the time of a memorial services, her niece responded, "Well, ah! It's too late now.

⁴¹ Roy Parkey, Sr., belonged to BLB at his death in 1999. He lived in a house beside St. Mary's Church on Indian Road. Chet Dashner was married to Harry and Tom Nongueskwa's sister.

⁴² Charles Dashner was a Boda married to Margaret Martell's sister Rosanna. He died in 1990. His children and grandchildren are enrolled in LTBB; his great grandchildren in BLB. The latter are in the category for John Nongueskwa descendants. His mother was Maud Martell Boda and his birth family lived in Pellston. The social importance of the hunting season each year was not discussed in the PF, but the new interviews reveal its importance in connecting downstate emigrants, U.P. temporary migrants, and Burt Lake residents from the 1930's at least to the 1980's. The combination of hunting, ghost suppers, and wreath-laying in late September and early October guaranteed that a large number of Burt Lake families reunited each year. The social interactions that occurred crossed family lines.

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It's a year later, you know." Once older people die, the communications links dependent on relationships forged as children growing up near Burt Lake also fade. Their children from subsequent generations raised in Lansing and Grand Rapids are less likely to interact with other BLB members. This is especially true about people living downstate. Even as they aged, people in Emmet and Cheboygan Counties tended to maintain contact, especially if they married within the regional Indian population.

Summary of 83.7(b) as modified by 83.8(d)(2)

The evidence reveals that the petitioner's membership is divided. Approximately 48 percent is comprised of four core families who are closely associated and identified with Indian Road, where family members reside, and with the BLB organization, where family members work. Approximately 43 percent is comprised of three families who do not appear to interact in significant ways with the four core families or with each other. The remaining 9 percent represents individuals and small family segments, which generally could not join LTBB and rarely interacted with other BLB members. Often, the only social tie that BLB members in the socially peripheral groups have to BLB members in the social core is through a parent, grandparent, or even great-grandparent enrolled in LTBB who grew up on or near Indian Road and who still maintains contacts with families in the BLB social core. Therefore, the first part of the finding under criterion 83.7(b) is that a predominant portion of the BLB membership does not comprise a community under the regulations.

Nevertheless, a greater Burt Lake community exists that is larger than BLB. It is comprised of those BLB members from the four core families and Burt Lake descendants who were on the PF membership list but have dropped their memberships to join federally recognized tribes, especially LTBB. More of the Burt Lake descendants in the group's membership in 1994 are now enrolled in LTBB or in other federally recognized tribes than in BLB. Also participating in this greater Burt Lake community are Burt Lake people enrolled in LTBB now, but who were not on the PF membership list in 1994. This last group includes persons who never participated in the formal activities of the BLB, but whom the petitioner argues in their discussions about the ghost supper attendees maintain a social relationship with other Burt Lake people. The greater Burt Lake community also includes people who participated in BLB but withdrew before 1994. Individuals involved in political disputes, the original incorporator of BLB and his descendants, attendees at social events held on or near Indian Road, persons active in BLB in the 1980's, and Indian people buried in recent years at St. Mary's Church cemetery, are not named on the 1994 or 2002 membership lists.

Personal networks of communication laid out in recent interviews indicate that BLB members do not distinguish socially between BLB members and LTBB members whom they consider related to Burt Lake through ancestry and association. The large majority of individuals in this greater Burt Lake community are now enrolled in LTBB. BLB members, especially those four families who form the BLB social core, are neither distinct from this greater Burt Lake community nor from the social core of the greater

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Burt Lake community. Even BLB members from the social periphery of BLB sometimes tie to other BLB members only through their kin connections to persons enrolled in LTBB, who maintain social connections to BLB members. Groups of siblings, first cousins, or parents and children, divide between BLB and LTBB. Therefore, the second part of the finding under 83.7(b) is that neither the petitioner nor its the social core is distinct from the greater Burt Lake community at present.

Conclusion

This review of the available evidence submitted in response to the proposed finding, together with the evidence summarized in the proposed finding, demonstrates that the petitioner does not meet 83.7(b) as modified by 83.8(d)(2). The petitioner has not demonstrated that a predominant portion of the petitioning group comprises a distinct community at present.

Criterion 83.7(c)

83.7(c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.

83.8(d)(3) The group meets the requirements of the criterion in § 83.7(c) to demonstrate that political influence or authority is exercised within the group at present. Sufficient evidence to meet the criterion in § 83.7(c) from the point of last Federal acknowledgment to the present may be provided by demonstration of substantially continuous historical identification, by authoritative, knowledgeable external sources, of leaders and/or a governing body who exercise political influence or authority, together with one form of evidence listed in § 83.7(c).

(5) If a petitioner which has demonstrated previous Federal acknowledgment cannot meet the requirements in paragraphs (d)(1) and (3), the petitioner may demonstrate alternatively that it meets the requirements of the criteria in § 83.7(a) through (c) from last Federal acknowledgment until the present.

The Proposed Finding (PF) concluded that the Burt Lake Band (BLB) petitioner did not meet criterion 83.7(c). The evaluation for the PF found that almost half of the petitioner's members descended from a portion of the historical Cheboygan band that had an Indian village on Burt Lake, and almost half descended from John B. Vincent, who was never documented as part of that historical band or that settlement. Because there was no evidence in the record of any interactions, whether political or not, between Indian village descendants and Vincent's descendants as part of any entity prior to 1984, there was no evidence for the exercise of political influence in an entity composed of both groups of descendants before 1984. In addition, the PF determined that there was no evidence that Vincent's descendants were part of another Indian entity that exercised political influence and later amalgamated with a Burt Lake group.

Because the Vincent descendants are no longer on the BLB membership list, the petitioner no longer needs to demonstrate that the two groups were part of the same polity. Even without John Vincent's descendants in the membership, however, the PF noted that the remaining members may not be able to demonstrate political authority based on deficiencies in evidence for political activity of a Burt Lake entity. In addition,

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the PF called the petitioner's attention to recent changes in the BLB membership following the recognition of Little Traverse Bay Bands (LTBB) in 1994, and requested further explanation and description of the effect of these changes on political authority. Because the petitioner has been found now to be eligible to be evaluated under section 83.8 of the regulations, it need meet this criterion only since 1917.

The evaluation under criterion 83.7(b) for this Final Determination (FD) has found that a Burt Lake grouping larger than the petitioner's members exists at present. This community is defined by actual social connections, marriage ties, friendships, and social interactions among people from Burt Lake, but also connects to in kin, friends, in-laws, and cohorts living in Harbor Springs, Petoskey, Cross Village, and other Indian settlements along Lake Michigan's shoreline. These social ties reflected and supported political activities jointly taken by descendants of these bands in the 20th century. Descendants of these bands produced identical Indian Reorganization Act petitions over a short period. They joined the Michigan Indian Defense Association in the 1930's. In the post-war years, Burt Lakers at first supported and latter quarreled with the leaders of the Northern Michigan Ottawa Association (NMOA). They belonged to NMOA "units" where they lived rather than to a distinct Burt Lake unit. Political ties to other Ottawa were also evident in social interactions in downstate urban areas where BLB migrants interacted with larger Indian groupings at places like the Lansing Indian Center.

This larger Northern Ottawa grouping of bands historically living in Emmet, Charlevoix, and Cheboygan Counties has organized as the LTBB tribe, a Federal tribe recognized by Congress in 1994. LTBB has always included Burt Lake people in its membership and its leadership. The BLB petitioner at this time represents a relatively small political faction, not only of Burt Lake descendants and participants, but also of part of the LTBB tribe, which members of the greater Burt Lake entity have joined. The BLB petitioner represents the failed attempt by Margaret Martell and others in Lansing in 1978 to establish a separate Burt Lake political organization. The evidence demonstrates that the two-decade-long movement by some Burt Lakers to establish an autonomous Burt Lake political organization has failed because the majority of Burt Lake band descendants and participants in that organization have joined the amalgamated bands of the LTBB tribe.

The petitioner's comment on the PF, in a manuscript entitled "Social and Political Relationships within Burt Lake" (BLB 2005), puts its emphasis on the political activity of a group member rather than the political influence of the group over its members. Its descriptions of political activities deal with responses to events outside the group rather than with political influence exercised within the group. The petitioner's comment reargues the points it presented for the PF rather than effectively responding to the evaluation of those arguments contained in the PF. The petitioner presents little in the way of new evidence to supplement the evidence analyzed in the PF. By presenting little new evidence and little new argument, the petitioner provides little basis for changing the conclusions of the PF.

Evaluation under Criterion 83.8(d)(3)

The regulations, in section 83.8, modify the evidentiary burden for petitioners that had been previously acknowledged by the Federal Government. The regulations provide that the petitioner still must demonstrate that it meets the requirements of criterion 83.7(c) “at present.” The reduced evidentiary burden for criterion 83.7(c), set forth in section 83.8(d)(3), is that the petitioner may provide sufficient evidence to meet the criterion between last Federal acknowledgment and the present by demonstrating that “authoritative, knowledgeable external sources” identified leaders who, or a governing body which exercised political influence or authority over the petitioning group. In addition to demonstrating that such identifications were made by knowledgeable sources on a “substantially continuous” basis, the petitioner must also demonstrate one form of evidence listed in criterion 83.7(c).

The petitioner notes that “much of the [Burt Lake] Band’s leadership after 1917 is not identified by knowledgeable external sources” and concludes that, after 1917, “it becomes less clear that the Band continued to have named leaders ... that would meet the requirements of 83.8(d)(3)” (Austin 2005, 11). The petitioner does not present evidence of “substantially continuous historical identification, by authoritative, knowledgeable external sources, of leaders and/or a governing body who exercise political influence or authority,” as required by section 83.8(d)(3), and the available documentation does not include such evidence. Because the petitioner does not meet this provision of section 83.8(d)(3), it is not able to meet the criterion with an additional demonstration of one form of evidence specified in criterion 83.7(c). The petitioner does not meet the requirements of criterion 83.7(c) as modified by section 83.8(d)(3).

If a petitioner cannot meet the requirements of section 83.8(d)(3), the acknowledgment regulations provide, in section 83.8(d)(5), that the petitioner may demonstrate alternatively that it meets the unmodified requirements of criterion 83.7(c) since the date of last Federal acknowledgment. The regulations provide that the petitioner must meet the regulatory definition of political influence or authority (§83.1) with a combination of evidence. This Final Determination (FD) evaluates, as provided in section 83.8(d)(5), whether or not the petitioner demonstrates that it meets the requirements of criterion 83.7(c) from 1917 until the present.

Evaluation under Criterion 83.7(c)(3) of Historical “Community”

The regulations state in criterion 83.7(c)(3) that meeting the requirements of criterion 83.7(b)(2) provides sufficient evidence for meeting criterion 83.7(c) for the same time period. A petitioner is not required to meet the provisions of criterion 83.7(b)(2) and may satisfy the requirements of criterion 83.7(b) solely with a combination of evidence described in criterion 83.7(b)(1). A demonstration that a petitioner meets the provisions of criterion 83.7(b)(2), however, is evidence sufficient in itself to meet criterion 83.7(b) for a specific period and, by the transfer provisions of criterion 83.7(c)(3), to meet criterion 83.7(c) for that period as well. A review of the available evidence and the

petitioner's arguments concludes that the petitioner does not demonstrate that it meets the criterion 83.7(b)(2) standards after 1917.

The petitioner attempts to show that more than 50 percent of members lived in an exclusive residential settlement, married other members, or were fluent in the Ottawa language for various periods of the 20th century. The petitioner argues that such evidence shows it meets criterion 83.7(b) at the level required by criterion 83.7(b)(2) and, therefore, also meets criterion 83.7(c) for the same periods of time (Austin 2005, 2-3). In making this argument, the petitioner misstates the regulatory standard for an analysis of rates of intermarriage (§83.7(b)(2)(ii)) as the percentage of members rather than the percentage of marriages. The petitioner also does not provide citations to the sources of data it used to create its tables and appendices for individuals' residences, marriages, and language use. More generally, the petitioner fails to explain adequately the methodology it used to choose the historical individuals included in its tables and its analysis.

The acknowledgment regulations describe the standards in criterion 83.7(b)(2) as 50 percent or more of group members for the tests of geographical concentration and cultural patterns such as language (§83.7(b)(2)(i) and (iii)) and as at least 50 percent of the marriages of group members (§83.7(b)(2)(ii)). An evaluation of the evidence against these standards requires a definition of the petitioner's membership and a determination of the size of that membership at various historical times. The petitioner presents appendices that list reputed group members by decades (Austin 2005, App. A, B, and C). The petitioner, however, presents no discussion of the standards of selection it used to choose these historical individuals as "members" of the group and to exclude other Indian descendants as non-members of the group at certain times (Austin 2005, *passim*). Although the petitioner's appendices include some brief statements to explain some decisions about individuals, the petitioner does not explain its general principles of selection of "members."

In addition to its appendices with information on historical members through the 1930's, the petitioner also submitted a series of maps of the locations of member households since the 1930's (Madison 2005b). The discussion of residential patterns in the petitioner's argument concerning criterion 83.7(b)(2) does not reference these maps for the 1930's. These two presentations differ from each other concerning the residential location of a few individuals during the 1930's, but these differences do not affect the evaluation under the criterion. Both of these sources will be considered for the decade of the 1930's. This evaluation, however, will focus on the appendices accompanying the petitioner's specific argument that it meets the requirements of criterion 83.7(b)(2) for certain times (Austin 2005, App. A, B, and C).

The petitioner submitted three appendices consisting of claims about historical group members: one for residence (Appendix A), one for marriage (Appendix B), and one for language use (Appendix C). In each appendix, the petitioner arranges its information by decades from the 1870's to the 1930's. This evaluation of the petitioning group from 1917 to the present need only consider the petitioner's claims for the decades of the 1910's, 1920's, and 1930's. The petitioner's three appendices include a total of 245

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historical individuals for those three decades. Not all of those individuals, however, appear in each appendix. The petitioner includes 226 individuals in its residential analysis, but 219 individuals in its analysis of language use. Its marriage analysis includes 93 individuals; this number is smaller because few children born during the 1920's and 1930's were old enough to marry by the end of the 1930's and some previously married group members were widowed during these decades. The petitioner includes 13 individuals solely in Appendix A, 12 individuals solely in Appendix B, and 5 individuals solely in Appendix C. In short, the petitioner lacks a consistent definition of the people it considers to have been members of the group.

The petitioner's tables of residence (Table 6) and language use (Table 10) mask this inconsistency by using the same number of total group members in each decade: 149 for the 1910's, 166 for the 1920's, and 185 for the 1930's. It is possible to identify from Appendix A 149 individuals apparently used for the 1910's and 166 used for the 1920's, but the appendix appears to include 189 rather than 185 individuals for the 1930's. It is not possible, however, to identify the same number of individuals for these decades from Appendix C. For example, the 166 individuals included in the appendix of residence in the 1920's (Appendix A) are not the same individuals included in the appendix of language use in the 1920's (Appendix C), which appears to include only 159 individuals. While 150 individuals appear in both appendices (with one person appearing twice in Appendix C), 16 individuals in Appendix A are not in Appendix C, and 9 individuals in Appendix C are not in Appendix A for the 1920's. Thus, the petitioner's appendices are not entirely consistent and do not completely support its tables.

This inconsistency in the petitioner's definition of historical group members is most apparent in its analysis of marriage patterns, where the petitioner includes as group members descendants of other bands who married a Burt Lake band descendant and, perhaps, then lived near Burt Lake. For purposes of its residential analysis and language analysis, however, the petitioner does not include these spouses who had married into the group as members of the group. A consistent application of this latter standard would treat Burt Lake band descendants who married descendants of other bands and moved to live with their spouses as not being members of that other band, but as remaining Burt Lake band members. The petitioner, however, often notes that it considers such individuals to have "left tribal relations" with the Burt Lake band.

While the petitioner sometimes cites a marriage outside the group as a reason for no longer considering an individual a group member, in other cases it cites no reason for declaring that an individual counted as a member in some decades was considered to have "left tribal relations" in later decades. In some cases, the petitioner counts a historical individual as a group member during a decade in one analysis, but excludes the individual as having left tribal relations by that decade in another analysis.⁴³ In previous

⁴³ There appear to be 11 examples of the petitioner including a historical individual as a band member for one analysis and excluding them for another analysis in the same decade on the grounds that they had left tribal relations. Individuals used for the analysis of language use but not the analysis of residence include Frank and Ben Shenoskey (Austin 2005, App., pp. 16, 66) in the 1920's and 1930's and Alice, William, and Henry Galoway (pp. 23, 24, 71, 73) in the 1930's. Individuals who appear to have been used for the

acknowledgment cases, parents, siblings, and children of members have also been considered members. This principle would include more historical individuals, and more individuals who lived away from Burt Lake or married outside the group, than the petitioner includes in its appendices and tables of members.

To evaluate the petitioner's arguments, this FD revises the petitioner's tables relating to residence and language use in two ways: first, by basing them on a consistent selection of presumed historical members of the band and, second, by defining the historical population as those individuals alive in a specific census year, rather than at any time during a decade. The group of presumed historical members selected for analysis consists of individuals included by the petitioner in either its Appendix A on residence or Appendix C on language, but not individuals included by the petitioner exclusively for its marriage analysis in Appendix B. Two exceptions to this standard of selection have been made. One individual included by the petitioner for its analysis of the 1910's has been excluded from this group because this entry was a variant name for another individual included in the group, and thus a duplicate. Three individuals the petitioner has included for its analysis of the 1910's but not the 1920's or 1930's, although they had not died, have been included in this group for all three decades. This standardization of the historical members identified by the petitioner results in three cohorts: 122 members alive in 1910, 142 members in 1920, and 165 members in 1930.

Residential Concentration under Criterion 83.7(b)(2)(i)

Criterion 83.7(b)(2)(i) provides that sufficient evidence to meet the criterion is provided, first, if the petitioner demonstrates that “[m]ore than 50 percent of the members reside in a geographical area exclusively or almost exclusively composed of members of the group.” If this condition can be demonstrated, the regulations additionally require a demonstration that “the balance of the group maintains consistent interaction with some members” of such an exclusive geographical community. While the petitioner makes assertions about the residence of its historical members in an Indian village on the shores of Burt Lake before 1900 and after 1900 in an Indian settlement along Indian Trail Road about two miles north of the original village site, it does not define the boundaries of the geographical area it considers to have constituted an area “almost exclusively composed of members of the group.” For this reason, it is ambiguous what the petitioner means when it labels an individual a “Burt Lake” resident.

The Proposed Finding (PF) presented evidence of the existence of an exclusive Indian settlement at “Indian Village” prior to 1900 and along Indian Trail Road between 1900 and 1938, so the existence of an area “almost exclusively composed of members” of a historical Indian group is not in dispute. What is in question, given the petitioner's lack of a residential definition, is whether the historical “members” the petitioner counts as

residential analysis but not for the language analysis include Caroline Kezhegowe (pp. 13, 63) in the 1910's, Coletta Kewayquom (pp. 15, 65) and Daniel Wongezhick (pp. 17, 67) in the 1920's and 1930's, and Enos and Ella/Helen Kezhegowe (pp. 16, 66) in the 1930's. Agnes Gabriel (pp. 14, 37, 63) appears to have been used for the residential and marriage analysis but not for the language analysis in the 1920's.

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“Burt Lake” or “village” residents in fact resided within an almost exclusively Indian residential area. The petitioner does not explicitly offer an alternative to the definition of an exclusive residential area presented in the PF. The petitioner appears to count as “Burt Lake” residents those people who lived after 1900 within the vicinity of, or within the same township as, the Indian settlement on Indian Trail Road. This method inflates the petitioner’s measurement of residential concentration.

The petitioner argues that more than 50 percent of band “members” resided in a Burt Lake Indian “village” as late as 1919. Since its data are largely derived from the Federal census of 1910, however, that evidence can demonstrate such a pattern only as late as 1910. For its analysis of residence during the decade of the 1910’s, the petitioner includes 149 individuals born before 1920 and claims that 128 of them (127 according to its appendix of residential data) lived at “Burt Lake” at some time during the decade (Austin 2005, 28, Table 6, App. A). Fourteen of these individuals alive in 1910 have not been found on the 1910 census, either on the Indian schedule or the regular schedule of Burt Township, while three individuals not counted as Burt Lake residents by the petitioner in fact were listed on the 1910 census. The cohort of the historical members identified by the petitioner who were alive in 1910 consists of 122 individuals, and 86 of them (70 percent) were listed on the Indian schedule of Burt Township on the 1910 census (see Appendix R).

The Indian schedule of the 1910 census, however, removed Indian residents from the regular geographical order of the census enumeration, and thus did not show them living adjacent to each other. The petitioner makes an unfounded assumption that the Indian schedule was an enumeration of an Indian “village” or exclusive residential area of Burt Township. The available evidence suggests that not all Indians in the township lived in an exclusive village. The PF noted that 8 of 23 households listed on the 1900 census were not included on lists of the households in “Indian Village” as of the late 1890’s, although some probably were located close enough to the village to have been part of an exclusive area. The Indian schedule of Burt Township in 1910 lists 5 of 29 household heads as non-Indians (“W”). Other evidence suggests that several of these households were not located on Indian Trail Road. Since 10 of the 86 Indian residents of the township lived in these 5 households headed by a non-Indian, then 76 of 122 historical members (62 percent) claimed by the petitioner lived in Indian-headed households. This count may be understood as a maximum estimate of members who resided in an area of Indian settlement in 1910.

The petitioner’s reconstruction of the historical membership of a Burt Lake band, however, excludes individuals who were siblings, children, or parents of members, and can be assumed to have been in contact with members. At least 31 such individuals may be considered to have been group members in 1910 not counted by the petitioner (see Appendix R). Six of these 31 close relatives appeared on the 1910 Indian schedule of Burt Township, 5 of them in Indian-headed households, along with people the petitioner counts as members. The result of including these 31 family members in the analysis is that the number of members in 1910 increases from 122 to 153, the number of individuals on the Indian schedule increases from 86 to 92, and the number in Indian-headed

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households increases from 76 to 81. With this more expansive definition of the group's historical membership, 53 percent (81 of 153) of group members were listed on the Indian census schedule of Burt Township in 1910 in households headed by Indians.

The petitioner notes that its data for the decade of the 1920's show that less than half of the individuals it considers group members at that time lived in a Burt Lake Indian "village." For its analysis of residence during the decade of the 1920's, the petitioner includes 166 individuals born before 1930 and claims that 77 of them (76 according to its appendix of residential data) lived at "Burt Lake" at some time during the decade (Austin 2005, 28, Table 6, App. A). Fourteen of these members have not been found on the 1920 census in Burt Township, while two members not counted as Burt Lake residents by the petitioner in fact were listed on the 1920 census of the township. The cohort of the historical members identified by the petitioner who were alive in 1920 consists of 142 individuals, and 47 of them (33 percent) were listed on the census schedule of Burt Township on the 1920 census (see Appendix R).

The 1920 census enumeration shows an actual order of households in Burt Township, including Indian households, because Indian residents were not listed on a separate Indian schedule as had been done in 1910. The census forms show an area almost exclusively inhabited by Indians, as 10 of 11 consecutive households (#31-41) were headed by Indians and consisted of Indian residents. While Burt Township was not predominantly composed of Indian residents (see Madison 2005a, 16), this neighborhood, certainly one of households along Indian Trail Road, was a settlement almost exclusively composed of Indians descended from the Burt Lake band. The census forms show that 42 of the 47 individuals in Burt Township considered by the petitioner to be members of the historical group lived within this Indian settlement. Residence within such an exclusive settlement, rather than residence within a political township, is required by the regulations. Thus, 30 percent (42 of 142) of historical group members as defined by the petitioner resided in an area almost exclusively composed of members in 1920.

The petitioner's reconstruction of the historical membership of a Burt Lake band, however, excludes individuals who were siblings, children, or parents of members, and can be assumed to have been in contact with members. At least 28 such individuals may be considered to have been group members in 1920 not counted by the petitioner (see Appendix R). Three of these 28 close relatives appeared on the 1920 census of Burt Township, but not in the area of almost exclusively Indian settlement. The result of including these 28 family members in the analysis is that the number of members in 1920 increases from 142 to 170, the number of township residents increases from 47 to 50, but the number of residents of the Indian settlement remains 42. With this more expansive definition of the group's historical membership, 25 percent (42 of 170) of group members lived in an Indian settlement in 1920. Thus, the available evidence shows that by 1920 less than half of members resided in a geographical area almost exclusively composed of members of a historical Burt Lake Indian group.

The petitioner's table of residential patterns concludes that one-third of the individuals it considers group members during the 1930's lived in a Burt Lake Indian "village." For its

analysis of residence during the decade of the 1930's, the petitioner includes 185 individuals born before 1930 and claims that 61 of them (or 62 of 189 according to its appendix) lived at "Burt Lake" at some time during the decade (Austin 2005, 28, Table 6, App. A). Fourteen of these members have not been found on the 1930 census in Burt Township, while five members not counted as Burt Lake residents by the petitioner have been found on the census of the township. The cohort of the historical members identified by the petitioner who were alive in 1930 consists of 165 individuals, and 41 of them (25 percent) were listed on the census schedule of Burt Township on the 1930 census (see Appendix R).

As the PF noted, the 1930 census forms show an area almost exclusively inhabited by Indians in nine households (#37-45) along Indian Trail Road (*Burt Lake Band PF*, 47-48, and Description, (b) 9-12, Figure 8, and Table 6). The exclusiveness of this Indian settlement was also demonstrated by a rural property inventory conducted by the State of Michigan in 1938. This evidence defines a "geographical area ... almost exclusively composed of members of the group" as required by the regulations. The 1930 census enumeration shows that 36 of the 41 individuals in Burt Township who were considered by the petitioner to be historical members of the group lived within this Indian settlement. Thus, 22 percent (36 of 165) of historical group members as defined by the petitioner resided in an area almost exclusively composed of members in 1930.

At least 33 individuals who were siblings, children, or parents of members may be considered to have been group members in 1930 not counted by the petitioner (see Appendix R). Ten of these 33 close relatives appeared on the 1930 census of Burt Township, including 5 within the area of almost exclusively Indian settlement. The result of including these 33 family members in the analysis is that the number of members in 1930 increases from 165 to 198, the number of township residents increases from 41 to 51, and the number of residents of the Indian settlement increases from 36 to 41. With this more expansive definition of the group's historical membership, 21 percent (41 of 198) of group members lived in an Indian settlement on Indian Trail Road in 1930.

The petitioner presents a map of household locations of its historical members during the 1930's (Macison 2005b). This map is in agreement with the PF and the Federal census about the households in an exclusively Indian area along Indian Trail Road in 1930. Eleven of its households match the nine households on the census because three households identified by the petitioner were included within one household on the census. The map shows a few additional households north along Indian Trail Road and a few additional households both east and west of that road. The map, however, shows residence at any time during the decade of the 1930's, based on oral history recollections. In addition, because it shows only the locations of members, without noting the presence of non-Indians, it is not capable of demonstrating that a larger geographical area was composed almost exclusively of its members. Even if the Indian residents of these additional claimed households were counted as residents of an almost exclusively Indian area, the residents of this larger area were less than one-third of all members in 1930.⁴⁴

⁴⁴ The households identified by the petitioner that were included on the Federal census in households #37-45 are the petitioner's #s 5, 6, 9, 10, 14, 15, 18, 19, 20, 21, and 25. The petitioner lists two deceased men

The petitioner's own data and assumptions do not show the petitioner meeting the (b)(2) standard of geographical concentration after 1910. The table presented by the petitioner claims that 46 percent of the group's members resided in a Burt Lake "village" at any time during the 1920's and that 33 percent of its members did so at any time during the 1930's (Austin 2005, 28, Table 6). The petitioner has not cited the evidence which supports its claims about residence. It has only asserted that residence was within a "village," without actually defining its area or boundaries. By not measuring residence within an exclusive area, the petitioner has not correctly defined the regulatory requirement of criterion 83.7(b)(2)(i). The available evidence shows that 30 percent of the members of the group selected by the petitioner resided in an area almost exclusively composed of members in 1920, and that 22 percent did so in 1930. If close relatives are added as members of the historical group, the result is lower percentages of residential concentration. The residential data presented by the petitioner do not alone provide sufficient evidence for meeting criterion 83.7(b) and thus do not provide evidence, under the transfer provisions of criterion 83.7(c)(3), for meeting criterion 83.7(c) after 1917.

Marriage Rates under Criterion 83.7(b)(2)(ii)

The regulations pose a test of the percentage of marriages in a petitioning group that were "between members of the group" (§83.7(b)(2)(ii)). The petitioner presents its analysis of marriage rates as a calculation of an "endogamy rate" for the group (Austin 2005, 29), presumably treating an "endogamous" marriage as one between members of the group. The petitioner's analysis, however, counts as "endogamous" some marriages made by Burt Lake band descendants with descendants of other bands. If the petitioner treats these marriages as marriages within a group, it would appear to adopt an interpretation

on its map of the 1930's: Moses Nongueskwa (d.1918) in household #8, although his surviving wife is also listed in household #9, and Francis Shananaquet (d.1919), in household #11, although Jonas Shananaquet, not listed by the petitioner, was included on the 1930 census. It includes one household (#22) of a couple who were teenagers in 1930 and did not marry until 1937. The petitioner notes households of two non-Burt Lake band descendants, William (Bill) Keway (#2) and the Stoll family (#17). The petitioner's map includes seven additional households of descendants outside the area identified in this finding as an exclusively Indian settlement. Although the census listed Edmund Parkey and his non-Indian spouse on Burt Lake Road, the petitioner shows his household along a road connecting Burt Lake Road to Indian Trail Road. It shows a household of Francis Massey on a similar connecting road, although its appendix lists him as not residing in the area at this time. Also in this area north of the settlement, it lists a household of Henry Massey "up the hill" from Indian Trail Road, while its appendix counts him living only in the vicinity of the settlement. West of Indian Trail Road the petitioner's map shows a household of Annie (Mixcenine) Midwagon, although oral history interviews appear to place her there only during the 1940's, and a household of Angeline (Waugezhik) Norton, based on the State's rural property inventory which showed her husband as a property owner there in 1938, but without a dwelling. East of Indian Trail Road the petitioner's map shows a household of Maud (Boda) Dashner and her non-Indian spouse, which its appendix counts as living only in the vicinity of the settlement, and a household of Louis Massey, listed by its appendix as living in Detroit as well as Burt Lake during the decade. These seven households would have contained 7 adult descendants and a presumed 11 minor children in 1930; counting them as well as the 36 residents of the settlement on the 1930 census would mean that 54 of 165 members lived near the settlement. The available evidence, however, does not demonstrate by a reasonable likelihood that these seven households were part of the exclusively Indian settlement in 1930.

that a Burt Lake band was a portion of a larger group, rather than a distinct band. For an evaluation of an hypothesis that some Burt Lake band descendants formed a distinct community, such marriages made by them with descendants of other bands should be classified under the regulations (§83.7(b)(1)(i)) as patterned out marriages. The regulations do not consider patterned out marriages to be marriages between members of the group.

For example, the petitioner counts as “endogamous” a marriage between Frank Mixcencna, a Burt Lake band descendant, and Mary Nahnahtanequa (aka Munson), a woman the petitioner describes as a member of the Grand Traverse band (Austin 2005, App. B, p.38). The petitioner also counts as “endogamous” the marriages of Charles Massey (p.34, 35, 43) and Joseph Parkey (p.41) of the Cross Village band, Eva Keway (p.37) of the Garden Island band, Eliza Odagaukee (p.39) of the Bay Shore band, and Moses Hamlin, Sr. (p.39) of the Mackinac band. The petitioner provides these band identifications from information given in the field notes for the Durant roll (Durant 1908). In the case of Sophia [Sengoby] (p.38), whose band was not given in Durant’s field notes, the petitioner has treated her as a band member. In most of these cases, the petitioner argues that the marriage partner from one of these other bands was born at or grew up at Burt Lake, had lived there long enough to be part of the band, or was considered by members to be a Burt Lake band member.

A number of historical Burt Lake band descendants are not considered by the petitioner to be “members” of the historical group because they married outside the group and lived with their spouse away from the Burt Lake settlement after their marriage. Even if they left tribal relations with the Burt Lake group as a result of marriage, as the petitioner contends (see Austin 2005, App. A and C, *passim*), they should be considered members of the group at the time of their marriage and thus counted as having married outside the group. For example, for the decade of the 1910’s, at least 16 individuals who were at least 21 years old by 1910 and were related as siblings to “members” of the group are categorized by the petitioner as having left tribal relations. If all of these individuals married outside the group, including them as members of the group at the time of their marriage would increase the number of marriages of group members during the decade and thus reduce the petitioner’s calculated endogamy rate for that decade.

The petitioner acknowledges that its analysis of historical marriage patterns among Burt Lake band “members” shows that less than 50 percent of members married other members after 1900 (Austin 2005, 31, Table 7). Thus, even by the petitioner’s interpretation that criterion 83.7(b)(2)(ii) of the regulations should be evaluated as a percentage of married individuals rather than a percentage of marriages, the petitioner notes that its data show results “below the 50 percent mark required under 83.7(b)(2)” for the period since the 1890’s (Austin 2005, 29 and n.9). The language of the regulations, however, refers to “[a]t least 50 percent of the marriages in the group” (§83.7(b)(2)(ii)), not to 50 percent of group members.⁴⁵

⁴⁵ The issue of the calculation of marriage rates under criterion 83.7(b)(2)(ii) arose in the Schaghticoke case. The Department explained the position it would adopt on this issue in a technical assistance letter (Fleming 7/14/2005) and in the Schaghticoke reconsidered final determination (*Schaghticoke RFD*, see

The petitioner's data on the number of intermarried members can be converted to a number of "endogamous" marriages by dividing by two, since two members formed one endogamous marriage. For example, 26 members in endogamous marriages during the 1910's constituted 13 endogamous marriages. The number of "patterned" marriages outside the group and the number of "exogamous" marriages outside the group remain unchanged, since each of those marriages consisted of one member. Thus, the "totals" of the petitioner's table for each decade decline by the same number as the decline from the number of intermarried individuals to the number of endogamous marriages. The petitioner's data on marriages existing during a decade, however, are not easily converted to an analysis based on the starting date of marriages or unions, which is how the Department would analyze this criterion. It is not necessary to do so for the purposes of this FD, however, since the petitioner's presentation demonstrates that even if an alternative analysis is based on marriages that continued to exist in certain decades the petitioning group does not meet the standards of criterion 83.7(b)(2)(ii) after 1917.

Recasting the petitioner's table of marriage patterns (Austin 2005, 31, Table 7) as an analysis of marriages, rather than married individuals, indicates that a majority of the marriages identified by the petitioner were "endogamous," by its definition, until the 1890's. For marriages existing at any time during the 1890's, the petitioner classifies 18 of 35 marriages, or 51 percent of them, as endogamous. The petitioner's appendix (Austin 2005, App. B) shows that seven marriages it counts as endogamous ended at some time during the 1890's. Three of these marriages may have ended as early as 1890, and one ended in 1892, so the petitioner's presentation suggests that endogamous marriages fell below 50 percent of group marriages at least by 1892.

Revising the data in the petitioner's table (Table 7) to count marriages rather than individuals shows that marriages the petitioner has identified as endogamous were less than 30 percent of group marriages for the period between 1900 and 1939. A few discrepancies exist, however, between the marriages listed by the petitioner in its appendix (App. B) and its tabulation of that marriage information (Table 7).⁴⁶ Adjusting

pp. 34-36). This technical assistance and this decision were issued after the Burt Lake Band petitioner submitted its marriage analysis as part of its response to the PF during the comment period. Therefore, the Burt Lake Band petitioner was not able to benefit from that advice and that decision in preparing its submission.

⁴⁶ For the decade of the 1910's, the petitioner counts an endogamous marriage of William Hamlin, even though it did not include Hamlin in its residential analysis because of his death in 1909 (App. B, p.41, and App. A, p.6). Therefore, for the 1910's, the petitioner's number of endogamous marriages should be reduced by one. Also for the decade of the 1910's, the petitioner's appendix lists 10 rather than 11 exogamous marriages. For the decade of the 1920's, the petitioner lists twice and counts twice an endogamous marriage between Leo Cabinaw and Mary Hamlin (App. B, pp.42, 45-46). Therefore, for the 1920's its number of endogamous marriages should be reduced by one. For the decades of the 1910's through the 1930's, the petitioner lists two marriages of John Nongueskwa as existing simultaneously rather than consecutively (App. B, pp.35, 44). For the same decades, the petitioner does not count a patterned marriage of Hattie Mixcene, although it provides no information that the marriage had ended (App. B, p.45). Subtracting a Nongueskwa marriage and adding a Mixcene marriage would not change the

the petitioner's table to correct for these discrepancies and to correspond with its appendix, the petitioner's data show that marriages it has identified as endogamous were 28 percent (12 of 43) of group marriages existing at any time during the decade of the 1910's, 25 percent (13 of 51) during the 1920's, and 19 percent (10 of 53) during the 1930's (see Appendix M).

The petitioner counts as "endogamous" one marriage or union not shown to have existed, one between Edmund Parkey and Mary Hamlin in the early 1920's. Not accepting this marriage reduces the number of both endogamous marriages and total marriages during the 1920's by one. The petitioner counts as "endogamous" some marriages made with descendants of other bands. Not accepting these marriages as marriages "between members of the group" reduces the number of marriages within the group in each decade. With these revisions, the petitioner's data show that the rate of marriage within the group was 19 percent (8 of 43) of marriages existing at any time during the decade of the 1910's, 18 percent (9 of 50) during the 1920's, and 13 percent (7 of 53) during the 1930's (see Appendix M). If this analysis were to include marriages of siblings of group members who married outside the group, but were excluded by the petitioner as individuals who had left tribal relations, then the result of an increased number of marriages by group members would be reduced percentages of marriage within the group in every decade.

The petitioner's calculation of an endogamy rate is unreliable, given its questionable use of marriages of Burt Lake band descendants to descendants of other bands as if they were marriages within a Burt Lake group. In addition, the petitioner appears to categorize a number of historical Burt Lake band individuals as non-members precisely because they married outside the group. For these reasons, the petitioner's presentation overstates the rate of marriage "between members of the group" during the period from 1870 to 1939. Although the petitioner's calculation of endogamy rates by decade based on marriages existing at any time during the decade is not the method the Department would use to calculate rates of marriage between members of the group, the petitioner's presentation shows that even its maximized rates do not reach the standard of "[a]t least 50 percent of the marriages in the group" at any time since the 1890's. Revisions of the petitioner's data show that the rate of marriages between members of the group was below 20 percent after the 1910's. The marriage data presented by the petitioner do not alone provide sufficient evidence for meeting criterion 83.7(b) and thus do not provide evidence, under the transfer provisions of criterion 83.7(c)(3), for meeting criterion 83.7(c) after 1917.

Language Use under Criterion 83.7(b)(2)(iii)

The regulations provide, in criterion 83.7(b)(2)(iii), that a petitioner will satisfy the requirements of the criterion if "[a]t least 50 percent of the group members maintain distinct cultural patterns," and mention language use as a possible "cultural pattern." The regulations thus require use of a language as part of a pattern of behavior, not merely

number of patterned marriages for each of those decades. For the decade of the 1930's, the petitioner's appendix lists 28 patterned marriages rather than 27 as indicated in its table.

some knowledge of words and phrases in a language, for the existence of a distinct community of the speakers of a group's language to demonstrate the existence of a distinct social community. Rather than demonstrating that historical members spoke the Ottawa language with each other, the petitioner makes assumptions that members learned the language, often only as children and perhaps outside of any existing community of the speakers of that language. The petitioner's argument is based primarily on a series of assumptions about language fluency that are not accepted here.

The petitioner contends that at least 65 percent of its historical members were "fluent" in the Ottawa language until the 1930's. The petitioner's evidence of language fluency consists of information on the 1910 census and information provided in oral history interviews. The 1910 census identified eight Ottawa speakers (Austin 2005, Table 8), but only four of them are included in the petitioner's appendix of language use (Austin 2005, App. C). The individuals identified by the petitioner as "known speakers" of the Ottawa language number 42 (Austin 2005, Table 9), but only 31 of them are included in the petitioner's appendix. The fluency of these individuals, according to the petitioner, is based on documentary and oral history evidence. In addition, the appendix includes 10 parents or grandparents of these identified speakers. From this basis, the petitioner then assumes that siblings and children of "known speakers" also were fluent in the language, with the exception of children raised in a household with one non-Indian parent. The petitioner has attributed "some" fluency to some children raised in households without two Indian parents, however, and counted them as "fluent" in calculating its percentages of language use.

If the petitioner's calculation of language fluency is based on the individuals it has identified as "known speakers" of the Ottawa language, either from the census or oral history interviews, a revision of its table (Austin 2005, Table 10) would show that in the decades after 1910 "known speakers" plus their parents were no more than 30 percent of the people it considers historical members. The available data on the historical members identified by the petitioner show that "known speakers" plus their parents constituted 30 percent (36 of 122) of the members alive in 1910, 25 percent (36 of 142) of the members alive in 1920, and 23 percent (38 of 165) of the members alive in 1930 (see Appendix L). Most of the individuals the petitioner counts as fluent it merely assumes were fluent. Almost half of the individuals it counts as fluent in 1920 and one-third of individuals it counts as fluent in 1930 were under the age of 21. Thus, the petitioner's argument that more than 50 percent of members were "fluent" in the Ottawa language depends upon the assumed language fluency of the children and grandchildren of "known speakers."

Oral history interviews, however, provide examples in which individuals assumed by the petitioner to be fluent either denied their fluency or had it challenged by others. This evidence from the petitioner's own oral history interviews undermines the validity of the petitioner's assumptions. If the minors the petitioner assumes acquired language fluency grew up in a household of two individuals who knew the Ottawa language, especially in households located outside of an exclusively Indian settlement, they would not necessarily develop and retain fluency in the language. Some of the historical individuals

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the petitioner assumes were fluent may have used the Ottawa language while living in Ottawa, or partially Ottawa, settlements away from Burt Lake, and thus may not have used the language as part of a Burt Lake community. In addition, even children born after 1920 who lived in the Indian Trail Road settlement did not retain language proficiency as adults.

The available evidence does not demonstrate that more than half of the petitioner's historical members used the Ottawa language as a distinct cultural practice after 1910. The petitioner's argument that its members exceeded this standard is based on flawed assumptions. The petitioner does not demonstrate with evidence of known language use that at least 50 percent of group members maintained a distinct cultural pattern through use of the Ottawa language for any time period after 1917. The claims of historical language use presented by the petitioner do not alone provide sufficient evidence for meeting criterion 83.7(b) and thus do not provide evidence, under the transfer provisions of criterion 83.7(c)(3), for meeting criterion 83.7(c) after 1917.

Summary

Neither the petitioner's arguments in its comment on the PF nor the available evidence demonstrate that the petitioning group meets any requirements of criterion 83.7(b)(2) at any time after 1917. For this reason, the carryover provisions of criterion 83.7(c)(3) are not applicable in this case. The petitioner therefore must demonstrate, without relying upon sufficient evidence from criterion 83.7(b), that it meets the requirements of criterion 83.7(c) from 1917 to the present.

Evaluation of Political Influence, 1917-1977

The PF emphasized in several places that the main problems in the petitioner's presentation for this criterion for the period prior to formal organizing efforts in the late 1970's consisted of a lack of evidence, whether documentary or oral history evidence, of an informal political process within the group and a bilateral political relationship between the group's members and the individuals the petitioner claimed acted on the group's behalf (*Burt Lake Band PF*, 62, 68-69, 81-82). The PF observed that the available evidence dealt with activity within entities larger than a Burt Lake group, and noted the need for the petitioner to demonstrate, perhaps with evidence from oral history interviews, that such activity occurred as representation to outside entities based on an informal and internal group process of reaching consensus or making decisions for the group.

The petitioner's comment on the PF, in a manuscript entitled "Social and Political Relationships within Burt Lake" (BLB 2005), reargues the points it presented for the PF rather than effectively responding to the evaluation of those arguments contained in the PF. The petitioner's descriptions of political activities deal with responses to events outside the group rather than with political influence exercised within the group. Its comment puts its emphasis on the political activity of a group member rather than the

political influence of the group over its members or the bilateral political relationship between members and an individual possibly acting on their behalf. The petitioner presents little in the way of new evidence to supplement the evidence analyzed in the PF. By presenting little new evidence or new argument, the petitioner provides little basis for changing the conclusions of the PF about the period prior to 1977.

Intertribal Indian Organizations, 1920-1924

The petitioner's comment on the PF discusses the activity of Albert Shananquet, between 1920 and 1924, within two organizations and concerning two issues (BLB 2005, 46-59). The first was the role he played in a group known as the Ottawa and Chippewa Indians of Michigan, including his attempt to obtain on behalf of that group \$423 of judgment funds unpaid to individual claimants. The second was the role he played in a group known as the Michigan Indian Organization, including his attempt to pursue a claim related to land lost at the Indian Village on Burt Lake. These activities are presented by the petitioner as activity on behalf of members of a Burt Lake or Cheboygan band within these organizations on the theory, as one member stated, that Albert Shananquet was "our guy" (BLB 2005, 48). Both of these organizations and both of these activities were described and evaluated in the PF (*Burt Lake Band PF*, 64-65). The PF noted that both these organizations were much larger in scope and membership than a single band, and the petitioner's comment refers to both these organizations as "intertribal" ones (BLB 2005, 47, 53).

The new evidence submitted by the petitioner for this FD includes minutes of a meeting of the Ottawa and Chippewa Indians of Michigan in April 1920 at which a resolution was adopted to instruct Albert Shananquet and another individual who was not a Burt Lake band descendant to act as delegates to obtain the \$423 of unpaid judgment funds (J. Parkey 4/27/1920). The minutes of this meeting at Harbor Springs, not Burt Lake, show at least two Burt Lake descendants acting with several other officers of the organization on behalf of a number of Ottawa and Chippewa bands. The petitioner's new evidence also includes minutes of a meeting of this organization in December 1921 at Pellston in which a contract made with an attorney by Shananquet and the other delegate was cancelled (J. Parkey *et al.* 12/29/1921). The minutes show possibly three Burt Lake band descendants among the twelve officers of the organization acting on behalf of a group larger than a single band.⁴⁷

The petitioner submitted one piece of new evidence of possible activity by a Burt Lake group within the Ottawa and Chippewa Indians of Michigan. A list of persons granting "power of attorney" to Albert Shananquet, about 1920, included some grouped under the header "Cheboygan band" (Shananquet *et al.* ca. 1920). Although 109 individuals were

⁴⁷ The chairman of this meeting was Joseph Parkey, described by the petitioner as a "Burt Lake member" (BLB 2005, 49). In the petitioner's analysis of residence and language use, however, Joseph Parkey was not included as a band member (Austin 2005). Parkey (b.ca. 1860) was included in Durant's field notes in 1908 as a descendant (#45-21) of a Cross Village band (Durant 1908). He married two Burt Lake band descendants.

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listed in this category, the petitioner claims the list contained at least 76 band members and notes that some of them were included under the header “Pellston” (BLB 2005, 52). This difference in numbers implies that the petitioner does not consider the “Cheboygan band” category to have been a very accurate representation of group members. Because this document is a typed list of names, and grants of “power of attorney” signed by these individuals have not been found, it constitutes claimed representation. The title of this document describes it as a list of “the Members of the Ottawa and Chippewa Tribe,” and the “Cheboygan band” consisted of about one of eight pages of names of members. This list is consistent with other evidence which indicates that the activities of this organization were undertaken on behalf of a group larger than a single band. This evidence does not show Burt Lake group activity within a larger entity.

As new evidence, the petitioner submitted a two-page typescript of testimony by Albert Shanquet before Senator E. F. Ladd of the Committee on Indian Affairs (U.S. Senate 3/2/1922) concerning a proposed bill (S. J. Res. 141), discussed in the PF, to pay the undistributed \$423 of judgment funds directly to Shanquet and the other authorized representative of the Ottawa and Chippewa Indians of Michigan organization. Shanquet’s testimony concerned the number and identity of the unpaid individual claimants of judgment funds due “the Ottawa and Chippewa Indians of Michigan.” The testimony included possibly conflicting statements by Shanquet that they were seeking the unpaid \$423 “to defray our expenses,” leaving unclear whether the expenses were those of the organization or of Shanquet and the other authorized representative, and that they were “asking that the balance be paid as due to the whole tribe” (U.S. Senate 3/2/1922; see BLB 2005, 53). Shanquet’s reference to the “tribe” referred to the Ottawa and Chippewa Indians of Michigan, and his testimony made no reference to any Burt Lake band or his representation of any such entity.

Additional new documentation submitted by the petitioner of Shanquet’s correspondence with members of Congress adds little information to the evidence of his claims activities already discussed in the PF. Newly submitted letters of Shanquet to Senator Charles Townsend in 1922 refer to “the Ottawa and Chippewa Indians of Michigan,” but contain no references to Burt Lake (Shanquet 4/22/1922, 12/10/1922; see BLB 2005, 49, 52). A letter to Shanquet from Senator Ladd, after Shanquet’s testimony, provided him with information about the unpaid claimants and the Department of the Interior’s opposition to his bill (Ladd 4/8/1922). These details supplement the account given in the PF without providing a basis for revising the evaluation of the evidence under this criterion. Much of the documentation described by the petitioner in its comment, such as meeting notices from 1916 to 1922 (BLB 2005, 47) which reflect claims activity over a geographical area and within a group of Indian descendants much larger than Burt Lake, is not new evidence and was considered for the PF.

The petitioner uses newly submitted newspaper notices of social news from Long Point, where Albert Shanquet was living, to claim he was in regular contact with Burt Lake band descendants (BLB 2005, 59). Two notices merely mentioned Shanquet’s departure for trips to Washington, D.C., without mentioning contacts with other people (*Cheboygan Democrat* 2/9/1922; *Cheboygan Tribune* 11/21/1923). One item mentioned

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him visiting Cross Village with two men who had no known Burt Lake band connection and another mentioned his attendance at a meeting in Harbor Springs without mentioning other people (*Cheboygan Tribune* 12/-/1922, 9/27/1923). Two items noted visits to the town by Burt Lake band descendants without mentioning Shanauquet (*Cheboygan Democrat* 2/9/1922; *Cheboygan Tribune* 12/-/1922). One item mentioned the Shanauquets visiting with a descendant from Topinabee (*Cheboygan Tribune* 12/-/1922), but the only visits specifically with Shanauquet by likely residents of Indian Trail Road occurred in early 1924 (*Cheboygan Tribune* 3/26/1924, 4/30/1924). These brief notices from the years 1922 to 1924 do not support a conclusion that Shanauquet was acting as a group leader or representative from a Burt Lake entity to intertribal organizations.

The petitioner suggests that activities relating to claims and judgment funds followed from the Government's earlier organization of bands into treaty tribes, and these activities therefore were necessarily intertribal. The petitioner does not show, however, that Albert Shanauquet or other Burt Lake descendants participating in this Ottawa and Chippewa Indians of Michigan organization were in any sense delegates from a Burt Lake group or acted together to represent the wishes of group members. The evidence in the record also does not support the petitioner's assertion that "Burt Lake members were in control of the Ottawa and Chippewa" organization (BLB 2005, 51). In addition, political activity related to claims and intertribal organizations is the only form of such activity the petitioner discusses. For this period before the 1930's, the petitioner provides no evidence of political influence within a band on any issues not relating to claims and insufficient evidence that activity within a claims organization was representation based on a bilateral political relationship between alleged leaders and group members.

The petitioner places its emphasis on the Michigan Indian Organization (MIO), formed in 1922 or 1923, because its constitution provided for organization by bands, or "charts," and the evidence shows the existence of a Burt Lake band of the MIO in late 1923. As the petitioner notes, each MIO "chart" was authorized to elect its own officers and to elect its delegate or delegates to the Council of the larger organization (MIO 1923, sec. 2, 4; BLB 2005, 53). The petitioner does not, however, address the language of the MIO constitution providing that its component bands must "obey all orders of this organization," which at least theoretically limited the autonomy of member bands (MIO 1923, sec. 1). To satisfy the requirements of this criterion, a petitioner must have maintained political influence over its members as "an autonomous entity," and the regulations (§83.1) define "autonomous" as the exercise of political influence independent of the control of any other Indian entity.

The PF noted evidence in the form of pages of an anonymous ledger which documented the existence of a "Burt Lake Band" component of the MIO, its officers, a record of dues payments, and copies of some correspondence between Albert Shanauquet and other officers (*Burt Lake Band PF*, 64-65; MIO 11/6/1923). The petitioner's comment on the PF clarifies the source of that evidence as a "journal" of Lucius Cabinaw (BLB 2005, 54), and the petitioner submitted a full copy of that ledger book (Cabinaw 1923-1937). The full copy reveals that this ledger was not mainly a record of the MIO band, but a personal journal of jobs, accounts, and other information, into which some information

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about the MIO was copied. The petitioner emphasizes that this ledger identified 44 members of the band who were representative of the Indian Road settlement at that time (BLB 2005, 54-55). The ledger also reveals, however, that the dues payments of those members were limited to the three-month period from November 1923 to January 1924 (MIO 11/6/1923; Cabinaw 1923-1937, 17-19).

The submission of the complete ledger book of Lucius Cabinaw adds little new information. The petitioner reads a nearly illegible notation in this ledger about claims attorney Webster Ballinger as April 1921, and thus as extending the first date of Albert Shanquet's efforts on behalf of a claim based on the loss of land on Burt Lake to 1921 (BLB 2005, 56). No other entries in this ledger, however, appear to be dated earlier than 1923, so the petitioner's dating is not persuasive. If the notation is to April 1924, the ledger might provide evidence to extend the last date of his efforts on the issue from January 1924 to April 1924 (Cabinaw 1923-1937, 6), but other evidence indicates Shanquet had returned to Michigan by then. The ledger includes a notation or copy of a document, which may not have been in the record for the PF, which referred to Shanquet "working for Indians" and said that if his proposed bill were passed by Congress "the Indians will get what [is] coming to them" (Cabinaw 1923-1937, 12; BLB 2005, 56). This account did not characterize the bill as a measure on behalf of a Burt Lake band.

The petitioner's submission of Lucius Cabinaw's ledger clarifies some of the details provided in the PF about the Burt Lake band of the MIO and Shanquet's lobbying for claims related to lost lands. In addition, the petitioner provides a persuasive explanation that Shanquet's reference to the Indian Village at Burt lake land issue going to a "Federal Court at Washington" (Cabinaw 1923-1937, 16) referred to an unsuccessful attempt to obtain passage by Congress of an enabling act to authorize submission of a case to the Court of Claims (BLB 2005, 58). These details supplement the account given in the PF, but do not provide a basis for revising the evaluation of the evidence under this criterion.

A newspaper article submitted by the petitioner as new evidence noted Albert Shanquet's departure from Long Point, Michigan, to Washington, D.C., about November 14, 1923 (*Cheboygan Tribune* 11/21/1923). Cabinaw's journal included a brief notation that Shanquet left for Washington on November 10 (Cabinaw 1923-1937, 16). That journal's record of MIO membership and dues payments of a Burt Lake band dates the first payment of dues as November 6, 1923, with additional dues paid on November 27 (Cabinaw 1923-1937, 17-19). The ledger suggests that these dues amounted to only \$6.00 prior to Shanquet's departure and another \$13.75 later that month, so these dues cannot have paid the expenses of his trip. This payment of dues just before his departure for Washington and soon after, however, supports an inference that in this particular instance Shanquet was acting to bring a claim on behalf of lost lands at Burt Lake with local support of band descendants.

Shanquet's lobbying on behalf of a Burt Lake claim relating to former Indian Village at Burt Lake lands does not appear to have continued after January 1924. The journal

entries listing the dues payments of the members of the Burt Lake band of the MIO were limited to the same period in late 1923 and January 1924. Thus, the only evidence that shows a reasonable likelihood of bilateral political influence among Burt Lake band descendants, as opposed to activity of descendants of a larger Ottawa and Chippewa group, is limited to a three-month period in 1923 and 1924. Documentation relating to the MIO is confined to the years 1923 and early 1924 and provides little evidence of other band activity within this intertribal organization during a period barely exceeding one year. This limited evidence does not demonstrate continuity of political activity or influence within the petitioning group from 1917 into the 1930's.

Indian Reorganization Act and Michigan Indian Defense Association, 1930's

The petitioner's account of political activities during the 1930's is almost exclusively concerned with the Indian Reorganization Act (IRA) of 1934, which the PF discussed (*Burt Lake Band PF*, 65-67). The petitioner's comment on the PF seeks to explain Federal policy in enacting and implementing the IRA more than to describe the actions of the petitioning group and demonstrate the group's influence over its members on this issue (BLB 2005, 72-79). The petitioner's comment discusses the opposition to the IRA by Father Aubert Keuter ("Father Aubert"), the local priest, at more length than the response of the petitioning group to the IRA, and emphasizes the priest's political influence more than the band's political influence. The petitioner points to Father Aubert's opinions and his role in the Michigan Indian Defense Association (MIDA) as a possible explanation of why some Burt Lake band descendants and Indian Trail Road residents did not sign a petition to organize under the IRA (BLB 2005, 71).

The new evidence submitted by the petitioner and cited in its discussion of the 1930's relates to Federal officials and Federal policy and to the role of Father Aubert in the MIDA. Other evidence it cites was considered for the PF.⁴⁸ Assistant Commissioner of Indian Affairs William Zimmerman, Jr., explained in 1934 letters that funds authorized by the IRA for the purchase of lands had not yet been appropriated and that "the half-blood rule laid down in Section 19 of the Act" would be applicable to "practically all of the Michigan Indians" (Zimmerman 8/7/1934, 12/17/1934). Secretary of the Interior Harold Ickes also noted in a 1935 letter that Congress had not appropriated funds authorized by the IRA (Ickes 1/12/1935). Ickes and Zimmerman discussed the situation of the Potawatomi, but not of Burt Lake. Commissioner of Indian Affairs John Collier commented in 1935 letters about Sections 17 and 18 of the Act, which the petitioner does

⁴⁸ The petitioner's discussion of the IRA does not distinguish between newly submitted evidence for the FD and previously submitted evidence considered for the PF. The evidence cited by the petitioner in its comment on the PF that was considered for the PF includes a MIDA constitution, minutes, and news article (MIDA 3/23/1934, 3/21/1936, and n.d.); letters by Mrs. James Walker (Walker 2/11/1935 and 3/21/1935) and Peter Shawanasige [Shenoskey] (Shawanasige 6/17/1935); letters by Federal officials (Collier 4/24/1935 to Shawannesse; Zimmerman 6/26/1935 to Langdon; and Burns 8/15/1935 and 4/6/1936); and a group interview conducted by George Cornell (Interview 7/15/1995). The petitioner asks the OFA researchers to read the "minutes" of a March 21, 1936, meeting in their entirety (BLB 2005, 79; MIDA 3/21/1936). This transcript was read in its entirety for the PF and was discussed in the PF (*Burt Lake Band PF*, 67; Description, (c) 28).

not claim were relevant to Burt Lake, and merely noted that Section 19 defined “three classes of Indians” (Collier 3/1/1935, 3/20/1935). These details do not conflict with the discussion of the IRA in the PF.

The new evidence cited by the petitioner relating to Father Aubert includes a series of his letters dealing with his problems at Peshabetown, a letter to a family at Good Hart, and his transfer out of Michigan, which contain isolated references to MIDA, an American Legion program for Indians, and an employee of the Indian Service (Kcuter 1/31/1934, 6/3/1934, 6/4/1934, 5/16/1935, 5/17/1935, 8/28/1936, and Blackman *et al.* 2/19/1935). These cited letters contain no mention of Burt Lake. Two new oral history interviews are cited by the petitioner merely to document Father Aubert’s language proficiency and regular visits (BLB 2005, 69; Lewis 8/12/2004; H. Parkey *et al.* 10/15/2004). While this evidence reveals something of Father Aubert’s personality, it does not explain anything about an internal political process of a Burt Lake band.

As the petitioner notes, the IRA provided a Burt Lake group a possible means of being organized under the Act if its members had an Indian blood quantum of one-half or more and if the Federal Government purchased land for the group’s use. The petitioner refers to a petition submitted in May 1935 (Kishego *et al.* 5/13/1935) to organize under the IRA as a “Cheboygan band petition” and as “the Tribe’s IRA petition” (BLB 2005, 74, 71). As the PF noted, however, the petition itself included no such identifying names or terms. The PF noted that this IRA petition used the same language as several other petitions. Although this evidence suggests that the petition was submitted as part of an effort of a group larger than a single band, and raises a question about the autonomy of the group submitting the petition, the petitioner has not commented on this evidence. The petitioner presents no documentary or oral history evidence to explain why a petition was submitted or how its signatures were collected.

The petitioner’s portrayal of Father Aubert’s influence as an opponent of the IRA and supporter of the MIDA provides an incomplete explanation of the IRA issue (BLB 2005, 68-71, 78-81). The petitioner contends that “Father Aubert was very popular at Burt Lake” and that oral history interviews reveal no group conflicts with him but rather respect for him as a leader (BLB 2005, 69). This interpretation suggests that most Burt Lake band descendants living on Indian Road and attending the mission church would have followed his direction and declined participation in the IRA. Instead, many of them signed an IRA petition. While the petitioner notes that people associated with the MIDA did not sign the IRA petition, it leaves unanswered the question of why more Indian Road residents and church members did not join MIDA or refuse to sign an IRA petition if the popular priest’s influence was so strong.

The petitioner concludes its discussion of the IRA issue with the admission that “we are left without any definite answer to this question” of why some Burt Lake band descendants signed the IRA petition to organize and others did not (BLB 2005, 80). It notes that signers “were predominately from or related to the Shenoskey, Cabinaw, and Mickceninne families,” while John Parkey of the MIDA and members of the Parkey and Boda families did not sign the petition (BLB 2005, 80, 74). The petitioner speculates that

Peter Shenoskey circulated the petition and simply stopped when he believed he had “enough” signatures, rather than the signatures of as many group members as possible (BLB 2005, 80, 74). It also speculates that he could not get, or believed he could not get, the support of group members “who were listening to Father Aubert” (BLB 2005, 80). The petitioner finds it “more likely than not that there was clear controversy within the Band over the IRA” (BLB 2005, 80).

The petitioner’s interpretation of this issue does not differ significantly from the PF. The petitioner does not provide any oral history recollections of group meetings or consultations to settle controversy or develop group consensus on a response to the IRA. It does not note any leadership role by the man it claims emerged as the group’s leader or spokesman in the 1910’s, although he was still living, or discuss any leadership transition. Contrary to the petitioner’s assertions, the IRA petition did not claim to be the petition of a Cheboygan or Burt Lake band. Left unanswered by the petitioner are questions of how the petitioning group dealt with such internal differences of opinion and attempted to resolve them. The impression left by the petitioner’s account is that on the divisive IRA issue, Burt Lake band descendants made individual decisions or family decisions whether or not to sign an IRA petition, and whether or not to join MIDA and oppose the IRA, without any attempt to resolve such differences of opinion through an informal political process of a Burt Lake band. The evidence available about the IRA issue does not demonstrate the petitioning group maintained political influence over its members at that time.

Political Activities, 1930’s-1960’s

The petitioner claims the petitioning group was represented by several individuals on local governing bodies such as the school board and county government during the 1930’s and 1940’s. The petitioner says that during the 1930’s the local school board “was composed primarily of Burt Lake people” (BLB 2005, 61). It mentions only two family surnames, and the only individual board member it identifies, Alice Stoll, was not a Burt Lake band descendant and is not included by the petitioner as a “member” in its analysis of residence and language use in the 1930’s (see Madison 2005b, 15). The participation of non-Indians on the local school board indicates that the board did not necessarily function as an Indian community political organization. The petitioner has not provided evidence that an Indian majority on the school board used that board for any general governance of its group members or any attempt to influence their behavior.

The petitioner quotes one oral history interview to suggest that the petitioning group was represented to local government by Laura Parkey, the non-Indian wife of a Burt Lake band descendant, during the 1940’s. The interviewee, who was born in 1935, suggested that Laura Parkey was consulted by members for information and advice on issues like taxes, deeds, foreclosures, and township ordinances (BLB 2005, 85; Sam Shananaquet 1/5/2005, 3-4). The petitioner’s attorney then introduced the information that Laura Parkey held office. The interviewee responded that Parkey generally won re-election without opposition (BLB 2005, 86; Sam Shananaquet 1/5/2005, 3-4), implying there was no conflict over these elections between the Indian and non-Indian population of the area.

The office Parkey held was never actually mentioned, but the implication was that she served as a township supervisor. The petitioner provides no specific example or anecdote of how a group decision or interest was represented on the group's behalf by Laura Parkey as an elected official.

For the decades of the 1940's, 1950's, and 1960's, the petitioner describes participation of group members in various social activities which it portrays as the group "mobilizing" people (BLB 2005, 81-85, 88-90, 91-92). Although these people came together voluntarily to perform certain tasks, the petitioner draws upon oral history interviews to depict such voluntary actions as grounded in a sense of social obligation. Without being directed that "you belong to this or that," as one man recalled, "you just did it" (BLB 2005, 84; Julius Lewis in Massey *et al.* 10/15/2004, Group 3, 5-6). Participation developed from "word of mouth" communication, the petitioner contends, rather than overt organizing. For example, the petitioner describes an effort in the 1950's to rebuild a house that had burned down and notes that two men made the point that "no one person organized this construction effort, people just showed up to help" (BLB 2005, 89; Sam Shananaquet and Julius Lewis in Shenoskey *et al.* 10/16/2004, 18-20). Such examples demonstrate that some group members were influenced by internalized group norms, but they do not show that the group acted directly to influence or compel such behavior from individual members.

The petitioner represents operation of the church as "a community function" (BLB 2005, 84), but in the sense that only Burt Lake band descendants participated in these functions, not that the group made decisions for the church. One interviewee recalled that church bingos and church socials were "organized by the priest" (BLB 2005, 85). Another interviewee noted that "people depended on the church for leadership" (BLB 2005, 85; B. Shawa *et al.* 7/15/1995). Evidence about care for the church as well as the church cemetery and prior cemeteries is ambiguous, with one recollection that people would pick a weekend to clean the church property together and other recollections that one individual simply assumed the job of maintaining the church cemetery, possibly distinguishir g between annual and regular chores (BLB 2005, 84, 91, see also 89-90). The available evidence does not show whether such tasks were assigned by the church or the group. The petitioner has not demonstrated that efforts to maintain the church and its cemetery and to hold church social events were the result of any form of group decision making.

After 1948, many Burt Lake band descendants participated in a new organization formed that year called the Northern Michigan Ottawa Association (NMOA), which the PF discussed (*Burt Lake Band PF*, 67-68). The petitioner concludes that "the majority of members of the Burt Lake Band attended, or had a family member who attended NMOA meetings" (BLB 2005, 86). The petitioner also suggests that a difference of opinion between group members developed about the value of participation in NMOA and the integrity of its leader Robert Dominic, and describes the difference as largely one between group members living in northern Michigan and those living in the southern part of the state (BLB 2005, 87). Most group members stopped participating in NMOA, it says, while others continued to do so. NMOA presents another example of Burt Lake

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band descendants participating in a group larger than a single band. It appears that decisions to participate in that organization were made by individuals and families, and there is no available evidence of a group political process being used to form a group position on NMOA or its policies. The petitioner presents no evidence of any group attempt to resolve differences within the group over NMOA and Dominic.

The PF discussed the activities of Jonas Shawanese who met with the Governor's staff in 1956 and raised issues related to the "burnout" of Indian Village in 1900. The petitioner contends that group members at that time "did not view Jonas as a leader," but did see him "as a spokesperson for the Band" on the issue of lost lands (BLB 2005, 90). The only evidence it cites for Shawanese having such a role is an interview with a man who said people knew what Shawanese was doing and "were supportive" (Sam Shananaquet in B. Farkey *et al.* 10/16/2004, 20-24; BLB 2005, 90). The petitioner cites oral history evidence that Shawanese met with many families of Burt Lake band descendants (BLB 2005, 90-91). The available evidence does not show, however, that his activities were the result of any political decision by descendants of the band still living at Burt Lake. The petitioner does not directly respond to questions raised in the PF about the group acting with Shawanese (*Burt Lake Band PF*, 70-71). The petitioner apparently does not dispute that Shawanese was acting with a group of Burt Lake band descendants living at Harbor Springs, not Burt Lake, and claiming to represent a group of Burt Lake band descendants larger than the petitioning group.

The PF concluded that no Burt Lake political activities were documented in the 1960's and most of the 1970's other than references to claims activities as part of NMOA (*Burt Lake Band PF*, 71). It noted claims of negotiations with the State of Michigan, testimony in an Indian Claims Commission case in 1957, and a statement prepared in 1969 for an unknown purpose, but found the available evidence insufficient to show group activities or political influence. The petitioner's response mentions some social activities in these years, without attempting to describe any informal process of group organization of such activities, and notes only an oral history comment that people gossiped and disagreed about Dominic's NMOA activities (BLB 2005, 91-92). Thus, the petitioner has not made new claims for new evidence on the issues considered for the PF, or other issues, for this period.

To the extent the available evidence concerns political activity between 1917 and the 1970's, it describes the political activity of individual Burt Lake band descendants, not a Burt Lake group. With one exception, the available evidence demonstrates political activity by Burt Lake band descendants within organizations larger than the petitioner at Burt Lake and larger than the greater Burt Lake band community in organizations with members drawn from several Ottawa bands. Thus, this evidence of political activity does not demonstrate activity by the petitioning group as an entity and does not demonstrate a bilateral political relationship between group leaders and members. Although these activities may have been political in nature, they do not demonstrate the group's political influence or authority over its members.

Evaluation of Political Influence, 1978 – Present

In 1977, Margaret (Nongueskwa) Martell (LTBB), who lived in the Indian Road settlement as a child and descended from residents of the Indian village at Burt Lake, wrote a letter to invite “Burt Lake Band Member[s] and Heirs” to a meeting in Lansing, where she was living. The meeting was with the Native American Rights Fund (NARF) about a proposed lawsuit (Martell 10/5/1977). In early 1978, 27 individuals signed a document, requesting NARF to represent the “Cheboygan Band of Ottawa” in a lawsuit “relative to the Band’s title to land lost” at Burt Lake (Cheboygan Band 1/14/1978). At least half of the signers represented close relatives of Martell and her husband Garland Martell, who died in 1997, and included their siblings and their siblings’ children or grandchildren. Other signers included some of their relatives’ Indian in-laws. These relatives of Martell and Peter Shenoskey’s descendants who lived in Brutus and Grand Rapids signed a second litigation request, in late 1978 (BLB 11/18/1978). The petitioner claims that BLB members still consult Margaret Martell (LTBB), among other former members, on issues involving BLB at present. The BLB membership no longer lists her, and she belongs to LTBB, yet they claim in their most recent submissions that she and others in her same position are BLB leaders (BLB 2005). If accurate, and it appears to be correct, BLB is claiming that important leaders of the BLB petitioner are not members. These former members have left the BLB petitioner only in the last 15 years, not a long enough time for BLB to become an autonomous political entity, as the evidence demonstrates.

A conclusion in the PF that Margaret Martell was the prime mover in organizing the petitioner in the late 1970’s is modified slightly by recent interviews, which add new information about the role of Louise (Cabinaw) Reznik (1914-1998), who would later enroll in SSM and would drop her membership with BLB in the early 1990’s.⁴⁹ She has no descendants, but the only members of her siblings’ families who have joined BLB are the descendants of her sister’s son John Parkey and a small number of her brother Henry’s children who joined BLB only recently. Louise Reznik was a paid employee of the Governor’s Commission on Indians that was established apparently in response to pressure in the 1950’s on the Governor to compensate Burt Lake for the “burnout” of the Indian village on Burt Lake. Interviews describe Reznik as political and very knowledgeable. She worked throughout the 1960’s and 1970’s to educate and politicize Burt Lake people. She visited homes and discussed Indian politics. She apparently had some influence on Margaret Martell (LTBB) and connected her to the Native American Rights Fund (NARF). She also approached Indian road resident Loretta Massey Parkey (BLB) in 1978 and invited her to meetings in Lansing in 1978 (L. Parkey 7/20/2004). By 1981, Reznik appears to have dropped out of the BLB organization, and interviews indicate she joined SSM. The additional information about Louise Reznik does not change the PF about post-1981 activities. The available evidence indicates that a relatively small, closely related group of middle-aged women around Margaret Martell (LTBB) dominated the BLB organization’s leadership from 1978 to 1983, but that they consulted with Loretta Parkey (BLB), Sam Shananaquet (LTBB), and others living on Indian Road.

⁴⁹ Reznik and Martell shared a great-grandfather.

The petitioner submitted no membership lists of this organization in its early years, but sign-in sheets exist for some of its meetings and two litigation requests. Some 164 individuals attended at least one meeting between 1978 and 1983, or signed the first 1978 resolution to retain the legal services of NARF. Not all of them could be linked to the petitioner in 2002 and even fewer of them link to BLB at present. About 60 percent of these people (99 of 164) attended only a single meeting or signed a single resolution. A significant number of these people or their descendants appear on LTBB voter lists, are listed in LTBB newsletters or other documents, or are named as LTBB members in interviews. George Naganashe (LTBB), for example, an original signer of the papers of incorporation, soon stopped his political involvement with BLB in the mid-1980's, although he continued to attend social events of the greater Burt Lake community, and the great majority of his descendants are in LTBB. The PF found that the composition of the participants in these early BLB activities reinforced the notion that Margaret Martell (LTBB) was primarily enlisting her relatives, age peers, and their descendants into the BLB membership, although Louise Reznik also recruited residents of Indian Road near Burt Lake. Most of these individuals recruited by Margaret Martell (LTBB) are now missing from the membership as are many of their descendants. Of the 28 people who attended three or more meetings between 1978 and 1983, 14 are known to have descendants in BLB and 20 do not. Loretta Parkey (BLB), recruited by Louise Reznik (SSM) from Indian Road, and Gary Shawa (BLB), who Margaret Martell (LTBB) pressed to become active in the early 1990's, however, are members of two of the four core families that have maintained their memberships in the BLB organization. They have been central actors in the BLB organization during the last 15 years.

The people active in this BLB organization with Margaret Martell (LTBB) between 1978 and 1983 were Burt Lake band descendants whose families remained on Indian Road after the burnout, rather than individuals whose families had moved away from the immediate area of the traditional village to places like Harbor Springs and Petoskey soon after 1900. Despite their link to the post-burnout Indian Road settlement, however, most individuals who attended meetings of the organization between 1978 and 1983 lived away from the immediate Burt Lake area because they, their parents, or grandparents migrated to find work. The two most common addresses of attendees were Grand Rapids and Lansing, and about 42 percent (66 of 164) of attendees resided in those two cities, where no distinct Burt Lake communities or institutions existed. About 31 percent of meeting attendees in those years gave their residence as a town within 30 miles of Burt Lake, that is, they remained in the upstate region. Masseys, Parkeys, and Shananaquets who continued to reside on Indian Road attended meetings in the early 1980's.

The four core families identified under the discussion for criterion 83.7(b) each had members who attended three or more meetings between 1977 and 1984. Gary Shawa (BLB) attended at least six meetings, and Loretta Parkey (BLB), a Shenosky/Massey family member, and her husband Ken Parkey, attended at least seven. Shawa and Parkey maintained a high level of participation in the BLB petitioner to the present and were paid employees of BLB in the 1990's. The Menefeas, related to the Midwagons, also attended more meetings than other members. Therefore, members of the four core

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families that would become important figures in politics of the BLB organization in the 1990's were present in the late 1970's and early 1980's, when the group was organizing. Family members of Sam Shananaquet (LTBB), whom the petitioner lists as a leader of BLB at present, even though he and his family have enrolled in LTBB, also attended these early meetings. Unlike the four core BLB families, no one in the Shananaquet family took up an official position in the petitioner's organization until the early 1990's when Sam Shananaquet's daughter Mary Powell (LTBB) served on the board, and no member of that family worked for the BLB organization as a paid employee in the 1990's. In addition, members of the Griswold and Nongueskwa families currently in the petitioner's membership also attended at least three of these meetings. The older generation of Griswolds were age peers of Margaret Martell and they were active in her administration. The younger generations of Nongueskwas descend from Margaret Martell's father, John Nongueskwa. Decendants of John Parkey were known to have attended the meetings, but none of them attended more than one meeting. Therefore, it is accurate to conclude that the composition of the current petitioner has its roots in the organization established in 1978 by Margaret Martell and others.

Because the first BLB meetings were often held in Lansing, it was difficult for Burt Lake residents to attend. According to Loretta Parkey (BLB), upstate people did not attend meetings because "they couldn't afford it, some of them didn't have cars that ran," but Sam Shenoskey (LTBB), Ken Parkey (BLB) and Sam Shananaquet (LTBB) sometimes drove to the meetings (L. Parkey 7/20/2004). Louise Reznik (SSM) brought Loretta Parkey (BLB) into the organization and she, Loretta, and Julius Kewaygoshkum (LTBB) traveled to Sault Ste. Marie to do genealogical research (L. Parkey 7/20/2004). This work with Louise Reznik started Loretta Parkey's work on the genealogy and enrollment of BLB. She has been the BLB enrollment clerk or registrar for approximately 25 years.

Between 1980 and 1983, a small number of individuals undertook the BLB group's activities. The petitioner had received a small grant for a crafts co-op and "culture classes" (BLB 6/1/1983, 11/10/1983, 2/11/1984). The group has consistently been able to obtain grants for cultural pursuits, beadwork, language study, and ethno-history from its founding to the present. The BLB's newsletter has covered in detail these programs, while giving other more controversial topics almost no coverage at all.

Primarily made up of Margaret Martell's close relatives and in-laws, the BLB board of trustees during the first administration from 1978 to 1984 appeared to do most of the work. The PF noted that Board membership changed often. Newsletter descriptions of the organization's activities in 1983 and 1984 disclosed that Margaret Martell and a small group influenced activities, group and council composition, and significant decisions made by the council. Activities of the general membership were not documented, although newsletter references to "poor" meeting turnout implied they were not particularly active (BLB 12/1984). Low participation rates, changing board membership, the abandonment of the original geographical representation, and involvement of a tightly-knit group of kin and age-cohorts suggested that the petitioner was having problems finding representative and dynamic leaders and attracting active members. Interviews also indicated that the board found that leadership and organization was weak

in 1984 (Shawa 2003). After one board member (LTBB) was accused of embezzling and another chairman withdrew from participating in 1983, Margaret Martell (LTBB), her niece Irene Howard (LTBB), and their close associates asked Donald Moore, a descendant of John Vincent, to run for one of several board vacancies in April 1984, and he was elected chairperson with 32 votes. Interviews claim the voters were attracted to his personality, communication skills, and political shrewdness (Shawa 2003; Martell 2003; R Shananaquet 2003). Interviews recount that Indian Road resident Sam Shananaquet (LTBB) opposed Moore's participation (Moore 2003), and Henry Shenoskey (1922-1995) may have backed Shananaquet. Moore's presence was controversial from the beginning.

In some ways, the status and participation of local members living along Indian Road in the organization rose under Moore's administration. Before 1986, the council and leadership was dominated by people living away from Burt Lake, and the only Indian Road residents to regularly participate in the group's leadership were Ken Parkey (BLB) and his wife Loretta Massey Parkey (BLB), the group's registrar.⁵⁰ After 1989, a tiny handful of local members, council members and officers, and the paid staff ran an organization that spent as much as \$100,000 in grant money a year on BLB business. In addition, the Vincents' had little obvious Indian ancestry, so that some Burt Lake families with family members with blood-quanta below one-quarter allied with them, especially after 1991, when other Burt Lake members used the Vincents' purported low blood quanta as a reason to remove them from the BLB membership.⁵¹ Using descent only as a qualification for membership is a highly contentious topic for the greater Burt Lake community now in BLB, LTBB, and other organizations and tribes. Most interviews appear to avoid discussing this topic, even though it has informed individuals' and the group's decision-making at critical points, especially since Vincents and some other people who themselves or whose children cannot demonstrate quarter-blood quantum have claimed the majority on the board of trustees since the early 1990's.

Recent interviews reveal that members of the four core families (the Edmund Parkeys, Massey/Shenoskeys, Amos Shawa's descendants, and people related to Rose Midwagon) who still have family members living on Indian Road became politically powerful within the BLB organization between 1985 and 1994 and some other families viewed them as Vincent supporters. Their family members became important, but sometimes reluctant, political allies of the administration of Carl Frazier who was elected chairman in 1991. Former members who left to join LTBB were sometimes frustrated by a lack of communication and responsiveness that they believed characterized the BLB organization during this period.

Donald Moore and Carl Frazier were cousins who each served as chairman of the BLB petitioner during the period from 1985 through 2004. Both men were Vincent

⁵⁰ Gary Shawa later moved to Burt Lake, but lived in Grand Rapids during this period (Committee for the Burt Lake Band of Ottawa Indians, 1978).

⁵¹ Even accepting that John Vincent was Indian, he married a non-Indian before 1850, and few subsequent marriages with Indians occurred among his descendants.

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descendants. Neither they nor their 300 relatives who would eventually join BLB associated with the greater Burt Lake community before the mid-1980's, and only a handful socialized with any Burt Lake person after the mid-1980's. They, but especially Donald Moore, heightened the public profile of the BLB organization in Cheboygan and Emmet Counties, which brought positive attention to the local Indian Road members. Donald Moore served as BLB chairman for approximately two years in 1985 and 1986, when he suddenly left without explanation. During that two-year period, BLB talked with the Governor and State legislature to obtain State-owned property near Indian Road, surveyed member's attitudes on *per capita* versus tribal claims disbursements, represented Burt Lake in dealings with other petitioners and with tribes, supported a crafts co-op, raised funds, and submitted an acknowledgment petition. Moore also tried to create a Burt Lake Indian fishing authority, which was his primary interest because tribal management of Indian treaty fishing had blocked him and his family from commercial fishing in Lake Michigan.

New interviews indicate that Don Moore gained access to BLB through a group of local men who socialized at Roy Parkey's home next to the church on Indian Road. According to one of these men, they were people who "were not really too involved in the beginning with Margaret" Martell. Don Moore got along very well with these local men and made them members of a fishing committee he created (BLB 3/1986). The PF questioned why these men would take up the cause of treaty fishing, when neither they nor their ancestors had fished the Great Lakes. According to recent interviews, it now appears that they were convinced by Don Moore that they could gain recognition as part of a suit in Federal court for Indian treaty fishing. Bernard Parkey (BLB) who first met Don Moore at a fishing committee meeting claimed Moore tied fishing to acknowledgment, "because being that we're fighting for recognition ... they'd have to go down through the Federal courts." Don Moore had "his theory" which was to first "get ... caught [fishing illegally] and then get [recognition] in court quicker" than through the acknowledgment process (Parkey 10/29/2004). With acknowledgment their goal, these local men backed Moore.

Interviews available for the PF indicated that the "local" members, the only BLB members on the fishing committee, and even Margaret Martell (LTBB) from Lansing became enthusiastic, especially after Donald Moore was successful in dealing with State government on land and petitioning for acknowledgment (Martell 2003; Moore 2003; BLB 5/4/1986). Recent interviews indicate that the local members remember him as a good speaker and his communications were more politicized than Margaret Martell's had been. He talked about their "rights," projected a can-do spirit, and lobbied the State and governor. He appeared to come very close to compelling the State to turn over public land on nearby Maple Bay to the group. BLB's successes upset conservation groups and others, and earned news coverage. According to a Shawa family in-law (BLB), "They kept him because he was a good speaker. He understood technical things better than many" (M. Shawa 7/26/2004).

Moore took steps to change BLB to the good of the local members and the four core families. He moved the center of activity from Lansing to Brutus, and he personally intervened with the Roman Catholic priest at St. Mary's, who attempted to evict Roy

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Parkey from a house on church property which had been used for years by Burt Lake people who needed a place to live (Parkey 10/29/2004). He socialized on Indian Road and visited homes. The result was that he upgraded the status of local members, including the four core families in BLB at present, and their concerns within BLB's organization. By nurturing this segment of the group's membership, he changed the character of BLB to focus on the local Indian Road members and location. He diluted the importance of down-state urban members and the middle-aged women attracted to the organization by Margaret Martell, including the Griswolds and Martells.

The PF described how the formal organization founded in 1978 tended to rotate around Margaret Martell's family, peers, and cohorts, primarily middle-aged women, who lived away from Indian Road. Most of these women's family members have now joined LTBB, except for those who cannot meet LTBB's requirements, including younger generations of Nongueskwas⁵² who make up 14 percent of the current membership and younger generations of Griswolds who make up 16 percent of the membership. These Nongueskwa and Griswold families are somewhat peripheral to the four core families that have the most political influence in the BLB organization at present. Both the families of the fishing committee members and Mary Shawa (BLB) speak well of Don Moore. Their families form the backbone (48 percent) of the current membership.

Henry Parkey (BLE), a descendant of John Parkey and not part of the local Indian Road members, expressed a different perspective that implies he was probably not personally involved with Moore in the mid-1980's, an conclusion directly supported by interviews. He did not make the connection between acknowledgment and fishing rights, but viewed Moore's actions as motivated by self-interest. He believed Moore's emphasis on fishing "would benefit one group within the tribe, that's it." Henry Parkey, not a "local member" and a descendant of John Parkey, said that Don Moore and his Vincent relatives "alienated people" because "fishing on Lake Michigan was not important to people at Burt Lake. They didn't have big boats and didn't go on Lake Michigan." Henry believed it "more important [to] be looking for benefits to take care of elders" (Henry Parkey in Boda *et al.* 10/16/2004).

Donald Moore also brought his cousin Carl Frazier to meetings of the fishing committee (Frazier 2003; Frazier 4/9/1986; Parkey 10/29/2004). According to Ken Parkey (BLB), "he got Carl Frazier down here because Carl had a business up there and he figured if he got in jail, Carl would bail him out. That's how Carl got in ... here" (Parkey 10/29/2004). Donald Moore and Carl Frazier had different backgrounds, but both men wanted to fish commercially or distribute commercially caught fish. Moore, who certainly identified as a fisherman, had been in the armed forces and worked outside of Michigan for about ten years. Carl Frazier had very successful commercial fishing and fish distribution operation and was active in non-Indian fishermen groups, established to react to the negative impacts treaty fishing was having on non-Indians. Nevertheless, Moore and Frazier could not convince the group's legal services (MILS) attorney to back a plan to fish illegally to ultimately gain fishing rights and become acknowledged by a Federal court, and the BLB board refused to back Moore's plan (BLB 6/29/1986). The

⁵² These are younger generation descendants of Margaret Martell's John Nongueskwa.

Burt Lake fishing committee stopped meeting, and Donald Moore dropped out of BLB immediately. His cousin Carl Frazier and another Vincent descendant was elected to the board in 1937. Carl Frazier took up the chairman's job in 1991. Donald Moore denied that the Vincents coordinated Don Moore's leaving and Carl Frazier's entrance so that the Vincent families' interests would be represented on the BLB board. Donald Moore said in 2003, that he realized that, "Carl [Frazier] and them were attending meetings," and he knew that "someone could step in" (Moore 2003), and there is other evidence to indicate that, like other BLB families, the Vincents coordinated their actions.

The record makes it appear that Don Moore and the group was active. Actually, BLB showed little political momentum after Moore left in 1986. Although the petitioner held the 1987 all-band meeting and covered topics like land acquisition, Federal recognition, and enrollment, documentation for this period is slim, and it is difficult to determine the memberships' level of involvement in the topics on the agenda of the board of trustees. No newsletter came out between 1988 and 1992 (Parkey 7/29/1987), and check and membership card processing took months (Frazier 7/1987). The Chairman's job stood empty for two years, until earlier leaders Margaret Martell (LTBB) and Katy Beech (LTBB) stepped in reluctantly to work with Confederated Historic Tribes (CHT) in Lansing, a non-profit consulting group on acknowledgment. The BLB organization seems to have had difficulty in recruiting volunteers during this period. Although Carl Frazier was identified as CHT's contact at BLB in 1988 (MCIA 1988), CHT consultant Phil Alexis came to the February 3, 1990, meeting to energize the board and membership (BLB 2/3/1990). Mary Hoar (LTBB), one of the people active with Margaret Martell in the early 1980's, indicated in a recent interview that she quit going to BLB activities after Martell left the council because she became unhappy with the Vincents, and that other people felt the same way she did. "Well everything he'd [Moore] get involved in, it was [for] the benefit of his family, nobody else ... I thought, I'm not going to get involved to help his family. This is for everybody" (Hoar 2/7/2005).

The petitioner's attorney participated in focus groups and interviews in Pellston in 2004, leading the questioning on BLB politics. She probed why, if long-time Burt Lake descendants did not know the Vincents, they let them join, elected them to the board, and gave them the group's highest leadership position for more than 15 years. The response seemed to be that at first they did not realize the Vincents were probably not Cheboygan Band descendants (L. Parkey 7/20/2004). Even after people talked about the Vincents' lack of Burt Lake ancestry, the group did not remove them. One man said that he remembered "a lot of talk about that they weren't Indians and that they couldn't prove their blood line," but that if they were removed, 200 or 300 members would be gone "between Vincents and Fraziers. I remember them saying, by God that it was going to hurt our membership or hurt our organization if we didn't get them off from the board and get them off from the tribe" (Shawa and Kiogma 2/25/2005). In retrospect in 2004, many members blamed the executive director between 1991 and 2004, Gary Shawa (BLB), who they said "didn't listen" and allegedly refused to hear their complaints about the Vincent's role in the petitioner. The petitioner's narrative discusses Shawa's legalistic explanation of why he felt that the John Vincent allotment record made it impossible for the group not to enroll the Vincents, but does not mention that Shawa had

a personal stake in maintaining the descent requirements. Not only was Carl Frazier his boss, but also a quarter-blood requirement would negatively affect members of his family.

The narrative maintains that the Burt Lake tradition was to avoid confrontation at all costs and that they did not act to avoid unpleasantness. That people were reportedly “uncomfortable” talking about blood quantum or other subjects with Gary Shawa may have resulted from their knowledge of his family’s situation and their avoidance of topics that could hurt the feelings of people they knew well (Frazier /29/2004). Little evidence about disagreements, sometimes mentioned in interviews, appears in the petitioner’s documentary materials, controlled in large part by Gary Shawa when he was executive director. Nevertheless, conflict appears in the record. For example, the PF discussed the 1991 petition to remove Carl Frazier and the Vincent families from membership and noted that the petitioner’s submissions contained little contextual information to explain this document. Recent interviews supply new information and perspective on the production of this petition.

In 1991, two months after ANA awarded a grant for status clarification to BLB, Carl Frazier was elected chairman. The PF discussed how Frazier’s business-like approach immediately changed the way the petitioner ran its affairs, and how the local members benefited under his administration. The influx of ANA money into the local community provided employment for Gary Shawa (BLB) as executive director. Shawa rented an office five miles from Indian Road and hired staff over the next few years. It soon became apparent that some ANA money would return to CHT in Lansing for that organization’s overhead. Christine Vincent was hired to do the petitioner’s genealogical work, supervised by CHT’s professional genealogist. The plan was for the long-time volunteer registrar, Loretta Parkey (BLB), who maintained the files in her home, to send out membership cards from Brutus, but the paid genealogical research would move downstate. Up to this point, Loretta Parkey had worked with the CHT genealogist, who was “teaching [her]” until “she called [her] one day and told [her] that [CHT’s executive director] had called her and said that he was coming to pick up the files ... [A]t that time the Board members didn’t know anything about it.” With only two days before the files would be taken, a group met at Gary Shawa’s (BLB) house on Indian Road. There, Loretta Parkey told Mary Shawa (BLB) that CHT was “coming to pick up the files” (L. Parkey 7/20/2004).⁵³

Loretta Paarkey (BLB) then sent a letter to the board *via* Mary Shawa (BLB). The PF found this letter difficult to connect to on-the-ground events. Apparently the board meeting became heated when the letter was read, and they “turned off the tape recorder.” Loretta Parkey recalled in a 2004 interview that she “gave that letter to [Mary Shawa].” Parkey described her letter: “It had to do with [Loretta’s] feeling like they were trying to shove [her] out of [her] job and making Christine their genealogist” (L. Parkey 7/20/2004). Christine Vincent and Phil Alexis, CHT executive director, visited Loretta

⁵³ Loretta Parkey claims that Carl Frazier did not know Phil Alexis and Christine Vincent were going to take the files (L. Parkey 7/20/2004).

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Parkey's Indian Road home and removed the enrollment files from her control to deliver them to CHT (L. Parkey 7/20/2004). What they did not know when they took the boxes was that the registrar only sent the Vincent families' files, having already removed the documents of Burt Lake people from their file jackets. Before taking any steps, however, Loretta Parkey (BLB) lined up support from executive director Gary Shawa (BLB) and board member Mary Shawa (BLB). Who else attended the quickly called meeting at Shawa's home is not known, although it seems likely that at least some of her Parkey in-laws and her Massey/Shenoskey kin attended. That most of the people who came to Loretta's defense lived near Indian Road and are still BLB members today, shows the influence that these families had in representing the interests of members of the greater Burt Lake community to the BLB organization. This incident demonstrates that Loretta Parkey distinguished between files belonging to the Vincents and files belonging to non-Vincent BLB members. The petitioner states that Loretta Parkey is a leader, and interviews mention her often as a source of information and advice on Burt Lake issues.

Interviewees who witnessed these events claim that BLB began to complain that Christine Vincent was using her board position to "pull ... things her way" and make "some money off of the Burt Lake Band." Mary Hoar (LTBB) referred to community gossip in bringing this issue before the membership, "Christine kind of took over. The people just got upset because they kept saying that they weren't one of the Burt Lake people and they come in there and started to run the thing and that's how come everybody got out of there," meaning left to join LTBB (Hoar 2/7/2005). Registrar Loretta Parkey (BLB) reluctantly admitted that Christine's receiving a salary was a problem, "because I wasn't getting paid at the time. They thought that I should be paid for what I was doing" (L. Parkey 7/20/2004). A secondary issue, according to Mary Hoar, was that Christine Vincent "was doing histories" and "getting paid for that and everybody was unhappy because she was not one of the Burt Lake people."

This new evidence supports statements made in the PF about the importance of local members in BLB's affairs. Loretta Parkey, who one man described as the "go-to" person in the group, galvanized public opinion. A recall petition, which Parkey signed, was circulated and delivered to the BIA in Sault Ste. Marie. Parkey has said that her main concern was the legal and ethical problems of releasing the documents from BLB's control. The recall petition was aimed directly at the truth of the Vincent families' ancestry. Isabel Scollon (BLB) related that she was on the board only a short time before Christine Vincent returned the files, which she thought looked incomplete because there were "not many files there ... a couple boxes of files," corroborating Loretta Parkey's claim that she only gave CHT the Vincent families' records (Scollon 8/12/2004). When the confrontation was over, however, Loretta Parkey had a paying job. In the end, the Vincents had less influence than the local members and the BLB membership. However, Shenoskey descendant and Loretta's first cousin Alice Honson (LTBB) and Helen Menefee, who circulated the recall petition were the most important persons associated with it, ended up leaving the membership.

According to the petitioner, Gary Shawa would become controversial over the years based on his support of Carl Frazier. "While some respected him for his integrity, others

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saw him as betraying the people he was raised with” (BLB 2005). Unlike Gary Shawa, members in interviews did not view Loretta Parkey as a Vincent crony. Gossip circulated that she had concerns about the Vincent’s role in the organization, and certainly, when Carl Frazier and Christine Vincent seemed to attack her position as registrar, she fought back and won. She gathered the support of local members, who Don Moore had cultivated and depended on for support, and of Gary Shawa. Loretta Parkey avoided being viewed by the greater Burt Lake community as overly supportive of Carl Frazier, even though she remained registrar during his 13-year administration. The key to her popularity with other BLB members may be her central position in the network of communications. Interviewees repeatedly named her as the person they would go to for information about the BLB organization, unlike Gary Shawa who was described as “uncommunicative” and “unresponsive.” The outcome of these events also showed the Vincents who had become involved in BLB governance, to cultivate and respect Loretta Parkey and probably other local members in the group, who in turn viewed the Vincents as outsiders.

Loretta Parkey (BLB) credits Alice Honson (LTBB) with spearheading the recall. According to Parkey, Alice Honson said that “Carl was white and didn’t belong [and] another thing that Alice talked about” was that the Vincents “didn’t prove they were Indian like we had to,” that is by doing genealogy and supplying proof of birth and other documents (L. Parkey 7/20/2004). Alice Honson brought her petition to “some kind of doings up at the house ... out there in [Parkey’s] field that week” where picnickers signed it (L. Parkey 7/20/2004). Almost immediately, Loretta Parkey and Alice Honson, identified as Parkey’s assistant, wrote, and with Helen Menefee⁵⁴ visited BIA offices in Sault Ste. Marie seeking information on the genealogy of Vincent’s descendants and on the ethics of removing the enrollment files from the Burt Lake office or Loretta Parkey’s home. But according to Loretta Parkey, she, Honson, and Helen Menefee also went “to try to find out about the Vincents. To see [if] they [were] from Burt Lake.” The BIA told them that “sometimes white people were allotted or given land allotments and things like that,” thereby casting doubt on the single document, a land patent on the Cheboygan reserve, connecting the Vincent families to the historical Cheboygan band (L. Parkey 7/20/2004).

Honson’s (LTBB) petition to “recall” board members who did not descend from a Burt Lake annuitant and have a quarter Burt Lake blood quantum was circulated, probably in the summer of 1991. The petitioner’s researcher claims it was a temporary dispute involving a hiring decision that degenerated into “finger pointing” about the Vincents’ genealogy (Littlefield 2002). The recall was directed at unnamed members on the board of directors, who “are not ¼ Indian Blood and direct descendant of the historical Burt Lake Band . . . appear on the Durant Roll of 1910 . . . censuses, or record made for the Burt Lake band by officials, or Agents of the Department of Interior or Bureau of Indian Affairs” (BLB n.d.). Parkey’s and Honson’s communications with the BIA had raised the same issues. According to Mary Hoar (LTBB), “everybody” knew the Vincents were not “Burt Lake people” by 1991. Mary Shawa (BLB) said recently that even though Carl Frazier “was a good chairperson . . . they checked into it and found he wasn’t part of the

⁵⁴ Helen Menefee died in 1995 so it is not known what organization she would join, if any.

Burt Lake Band.” She said that when, after the 1987 election, [Frazier] brought in other Vincent descendants Christine Vincent and Gerald Moore, “many Burt Lake people thought there must be documentation that they married into Burt Lake or something.” But people who had been involved for a long time knew they weren’t Burt Lake “because they weren’t Indian” (Scollon 8/12/2004; M. Shawa 7/26/2004).

According to Isabel Scollon (BLB), it would be a mistake to infer that people stayed in the membership “because they supported Carl [Frazier]. Carl had to watch his back all the time” (Scollon 8/12/2004). Not only did Mary Shawa (BLB) and Rosanna Martell, who died in 1999, not support him, according to Scollon’s recollections of board business, but also Loretta Parkey (BLB) did not support him. According to Scollon, Loretta Parkey “did what she thought she had to do. She was staying in there. She was doing her job.” Gary Shawa (BLB) and others claimed that Helen Menefee, who reportedly became angry when the board hired Gary Shawa and not her son (BLB) as executive director, led the recall. The PF perpetuated this theory, perhaps erroneously. Shawa and others also said that the dispute basically concerned “who the Vincents were and where the Fraziers came from” (B. Parkey (BLB) 2003; R. Shananaquet (LTBB) & E. Fenner (LTBB) 2003). The motives for the dispute relates directly to the recall petition’s content questioning the Vincent families’ blood degrees and proof of Indian descent. Loretta Parkey (BLB), her first cousin Alice Honson (LTBB), and Helen Menefee passed the petition to people attending a picnic at “Parkey’s Field.” Most of Loretta Parkey’s relatives (Masseys and Shenoskeys) and her husband’s relatives living near Indian Road signed the petition because they attended the picnic. No one signed from the extended family of the newly hired executive director Gary Shawa or those who claim descent from Rose Midwagon.⁵⁵ No one from the families that are peripheral to the four core families signed, including Griswolds, John Parkey descendants, or younger Nongueskwa descendants currently in BLB or any other identifiable group in LTBB. Thus, the petition appears to have been a reaction primarily from a narrow family grouping, the relatives of Loretta Parkey, aimed directly at Carl Frazier and Christine Vincent, rather than a wide-spread reaction from non-Vincent BLB members concerned about maintaining specific membership requirements. In fact, some signers probably have quarter-blood quantum and descend from the “historical Burt Lake Band” as defined by “the Durant Roll of 1910,” but their children do not (Petition for Recall, post 1990). Of 36 signers, 14 are currently in BLB, 14 in LTBB, and 1 in SSM. The remainder are non-Indian (1), or deceased (7).

At the time of the recall, both Shawas and Griswolds had family members on the three-member enrollment committee. Two Griswolds were on the committee. The petitioner asserts that committee members became “infuriated” by the recall as a “challenge to their own integrity” (Littlefield 2002). Certainly, the three women also saw that the call for a quarter-blood requirement and descent from the historical Burt Lake band, affected them personally or their close family members. The four core BLB families, the Griswolds, Nongueskwās, and John Parkeys, like many from the greater Burt Lake community enrolled in LTBB, have members who fall below quarter-blood quantum. Using a quarter-blood quantum requirement as an instrument to remove the Vincent families and

⁵⁵ Descendants of Amos Shawa

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Vincent leadership from BLB's membership had consequences for non-Vincent members who could not demonstrate a quarter-blood quantum, especially based on descent from the historical Cheboygan band. One affected person (BLB) believed that the willingness of others in the greater Burt Lake community to support these membership requirements was tied to their possessing relatively high blood degrees. They "wanted to raise the issue about quarter bloods because they themselves knew that they were quarter bloods and the [Vincent] family couldn't fit into that criteria." However, she also believed that the issue of blood was really secondary "for the original inhabitants of Burt Lake," because she thought the real issue was "who was in this community and who was out of the community" (Moses 10/1/2004).

The lines drawn by kinship and residence set apart those who signed the recall and those who did not. The presence of a grouping of members, whom others view as "local Burt Lake," may explain political processes that go on outside of public view. Donald Moore already identified them as "a little pocket" or "local members," whose support he sought on treaty fishing. Alice Honson (LTBB) and Helen Menefee obtained the Parkey and Massey/Shenoskey signatures, including all the Indian members of the fishing committee, when they attempted to oust John Vincent's descendants from the board of directors. Interviews also reveal that "just the people at Indian Road" or "old time Burt Lake people" were influential, in part because they were the central locus of communications.

Oral histories referred to a "volatile" meeting in Pellston where the quarter-blood issue was discussed, and Margaret Martell argued against such a requirement. The petition narrative says that the meeting where the blood quantum issues erupted was on April 27, 1991. According to the petitioner, "Margaret Martell (LTBB), Mary Shawa (BLB), and Mary Hoar (LTBB) were in a literal screaming match with Helen Menefee" over whether the council could change the membership rules without a vote from the membership. According to the group's attorney, Margaret Martell was virulently against a quarter-blood requirement because some of her family who had been adopted would have problems in meeting the requirement, as would Mary Hoar's nieces (BLB) and nephews (BLB). Helen Menefee's descendants and collateral family had clear problems meeting higher blood requirements, even though she supported them. Interviewees credit Margaret Martell's influence in maintaining a descent-only membership policy. The petitioner submitted no documentation of this meeting in the response, and most of the evidence used in the new narrative on political authority is from interviews. Most of this oral history was available during the PF, but without corroborating documentation. The petitioner's response to the PF has not provided the documentation to corroborate events independently. It appears from the petitioner's narrative, however, that Gary Shawa interpreted the original membership clause from a 1980 unratified BLB constitution in a way to include individuals receiving allotments on the Cheboygan Reserve and to not include quarter-blood language (BLB2005). Rumor and gossip plays a large role in the politics of this organization. The minutes and newsletter in the petitioner's submissions contain very little information about the group's activities, but interviews note repeatedly that "news was getting around," or "everyone was talking about" certain topics. The reaction of the chairman and executive director appears to have been to become very secretive rather than to air out controversial issues. Carl Frazier believed this was

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because Gary Shawa was a “control freak” and wanted to control events. Interviewees particularly characterize Gary Shawa’s mode of operating as secretive and a problem for many members. Because the board and meetings did not provide an arena to discuss these controversies, rumor and gossip took on an important role in spreading controversial and contentious information throughout the greater Burt Lake community. The so-called “rumor mill” incorporated the greater Burt Lake community, not merely the official membership of BLB. Therefore, a significant number of individuals who would leave BLB either to join LTBB or to relinquish BLB membership and not join another Indian organization or tribe after 1994, are part of this network of communications that influences BLB politics and decision making.

The recall petition presaged events that would erupt in the following years and which would result in the attrition of the group’s non-Vincent membership. Half of the individuals signing Alice Honson’s (LTBB) recall petition never returned to the petitioner or were disenrolled, and are currently members of recognized tribes. Throughout this period, Alice Honson attended ghost suppers on Indian Road at Irene Massey’s home, and she continues to attend them to the present. Helen Menefee and Alice Honson led a disgruntled group, comprised almost entirely of the descendants of Peter Paul Shenoskey and Christine Mixcenney, Loretta Parkey’s maternal grandparents. This group asked the BIA to help them remove Vincent’s descendants from their membership and board. They wrote and visited government agencies in Washington doing business with the petitioner, may have held separate meetings, represented its group as the petitioner, and criticized the BLB governing structure that allowed the board to make most decisions without input from the membership. After they removed the petitioner’s funds from its bank account, BLB sued and in 1995 a Michigan Circuit Judge found against Honson and her followers, by this time a small group of Shenoskey relatives and Menefeas. Two of 12 people named in this judgment are currently enrolled in BLB, six enrolled in LTBB, and 2 enrolled in SSM, one is deceased and one other’s affiliation is not known.⁵⁶

The BLB board’s response to these events in 1992 was to institute several changes in governance suggested by Menefee, to review their constitution, and to write a letter of apology to Loretta Parkey in April 1992 (Minutes 4/18/1992). The enrollment records were returned to her, and she continued to be the enrollment clerk or registrar, in a paid position. Although some of her matrilineal Shenoskey cousins and their children persisted in their attempts to take over the BLB until the court stopped them or they enrolled in LTBB in 1995, she and the other Shenoskey/Masseys and Parkeys living on or near Indian Road continued to work with Carl Frazier as members of BLB until after the PF.

In the context of the current BLB membership, each of the four core families of Burt Lake today had a major actor involved in the dispute concerning Loretta Parkey’s role in the BLB organization, although only Shenoskey/Massey’s and Menefeas continued the dispute after the board had the records returned and apologized to Loretta. Alice Honson (LTBB) and Loretta Parkey (BLB) are Shenoskeys, and Loretta Parkey’s husband Ken

⁵⁶ They are related to Helen Menefee and are not Shenoskey descendants.

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(BLB), is an Edmund Parkey descendant. Helen Menefee's step-son (BLB), who was named in the suit, is the son of Rose Midwagon. Gary Shawa (BLB), who hosted the planning meeting, is an Amos Shawa descendant, and his sister-in-law is Mary Shawa (BLB). The same families and group of local members continue to be most active in the petitioner at present. Although others like Isabel Scollon (BLB) and Mary Hoar (LTBB), who are Griswolds, and Margaret Martell (LTBB), a Nongueskwa married to a Martell, are discussed in interviews, they seem to have observed and supported other's actions in this dispute after the fact, rather than initiate action themselves.

Carl Frazier ran the petitioner almost as a small business. Rather than exhorting members to volunteer as Donald Moore and Margaret Martell did in the 1980's, the board bought services they needed: an executive director (BLB), office assistants (BLB), genealogical researcher (BLB), summer youth workers (BLB), and a research consultant at CHT. In 1993, the trend to buy services continued. The group hired an accountant, and the treasurer's volunteer tasks were delegated to him, prompting the treasurer, Dorothy Naganashe Boda (LTBB), to ask what she was expected to do other than monitor the paid accountant. She said that she would complete her term before stepping down. Melissa Moses (BLB), part of the Midwagon family, was hired as the "organizer facilitator" of a community health grant. The group changed character under Carl Frazier from an amorphous group of volunteers, dependent on donated space, raffles, and the personal characteristics of its leaders to a community action program with a budget near \$100,000 and a paid staff. That Dorothy Boda's (LTBB) volunteer position involving accounting for the group's money was contracted out had repercussions within the group as well. The new interviews indicate that she was pressing Carl Frazier to account for the grant money more fully and to manage the staff more forcefully in 1994. The record does not show Dorothy Boda responding to her replacement by galvanizing public opinion in the same way that Loretta did in 1991. A year after she was replaced and when LTB was recognized, she and her family left to enroll in LTB.

The interviews imply that Dorothy Boda (LTBB) and the executive director, Gary Shawa (BLB), were in conflict over the way work hours and expenses were accounted. In addition to criticizing Gary Shawa for "not responding to peoples' concerns," the interviews also reveal that she, Mary Powell (LTBB), and Edith Teuthorn (LTBB) raised questions about money and time management and about the Vincents, couched in discussions of installing a quarter-blood requirement.⁵⁷ As early as 1991, or even earlier, some members were publicly advocating a quarter-blood requirement for BLB and removal of the Vincent families from the organization. Few of them are current BLB members. They were stymied in their attempts to change BLB's leadership, mode of operations, and membership requirements, largely by the core families who remain in the petitioner's membership at present. They allied with prominent Margaret Martell (LTBB) and the Griswolds (BLB), who advocated for a descent only rule, and with the Vincents who are no longer in the membership, but represented a significant portion of the membership until recently. Congress recognized LTBB in 1994, but did not recognize BLB, which had legislation introduced at the same time LTBB did. The BIA

⁵⁷ Shawa has left his position in the petitioner and did not attend the focus groups. However, his family members were there.

offered testimony in 1994 to the Congress stating that it had received letters from group members, including Alice Honson (LTBB) and Helen Menefee, questioning the Vincent families' historical connection to the petitioner and purported Indian ancestry. Even though the petitioner's narrative discounts the Department's testimony as instrumental in the failure of their recognition bill to pass, it discusses at length how this news was viewed on Capitol Hill (BLB 2005). The petitioner's response describes meetings in Washington where these concerns were discussed with Gary Shawa (BLB) and Carl Frazier, a Vincent descendant (BLB 2005), and congressional staffers reportedly advised them (BLB 2005). The petitioner's submissions of documents and interviews did not indicate whether the BLB membership knew about the Department's testimony about the reports that people with no historical connection to the historical Burt Lake band had taken over the petitioner, although they did know that Alice Honson and others were making these claims. The newsletter did not discuss this issue, nor is there any evidence that the perceptions of government officials, CHT staff and researchers, and Indian neighbors about the group's membership and the Vincent families were shared with the group's members. Interviews reveal that gossip and rumor relayed information on other topics that were not covered in BLB documents such as the newsletter and meeting minutes. News circulated in this way to the BLB members, but the interviews failed to reveal the members' understanding of why the BLB recognition legislation failed to pass.

As this argument was gaining steam, Congress recognized LTBB. Soon after LTBB's recognition, a large number of individuals joined LTBB rather than continue with BLB. More people left than stayed. A relatively small number of Burt Lake descendants have chosen to remain in BLB even though they can join a recognized tribe. Some families' decisions are informed by whether one and one's descendants qualify for LTBB membership. Some families forged early marriages to non-Indians, métis, or others, and then continued to marry non-Indians or other Indians with non-Indian ancestry. Other families have members whose genealogical claims cannot be substantiated because there was of an unknown father or closed adoption in an earlier generation. These families, including parts of the Parkeys, Shawas, Midwagons, Nongueskwes, Griswolds, and Martells, tended to support BLB's descent-only membership policy.

The dispute came to a head in May 1995. It appears that Rita Shananaquet (LTBB) was appointed to the Council of the newly-recognized LTBB. According to Loretta Parkey (BLB), after "she got appointed on the [LTBB] council then she went and got everybody and said, 'I cuit,' and they all took off and left" (Parkey 10/29/2004). Rita Shananaquet grew up on Indian Road and is Sam Shananaquet's (LTBB) sister. Interviews indicate that she influenced Dorothy Boda (LTBB), Edith Teuthorn (LTBB), and Mary Powell (LTBB) to leave BLB, and their families and supporters followed them. The documents in the record are ambiguous about how these women became unhappy with BLB's organization, and what specific issues they raised before leaving, but agree that they were disgruntled with how BLB operated. At the May 6, 1995, board meeting, Dorothy Boda and Mary Powell called for the board to enter a closed executive session. Notes to that session only contain a statement about the policy of descent from the Durant Roll and the allotment lists as the group's membership requirements. No discussion of what the women said or their position appears in the record. The purported meeting minutes who

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that they resigned during the executive session. The roll call after the executive session shows that two Vincent descendants and two Griswold descendants remained at the council meeting. Thus, the record would appear to indicate that the membership requirements and the Vincent's presence in the membership were at issue and that four Vincents and Griswolds who had difficulties demonstrating descent from the historical band had allied themselves against three descendants of Indian village at Burt Lake. However, ambiguity exists about the three women's motives because the resignation letter appearing in Edith Teuthorn's file states that she does not believe a proper accounting of the BLB's grant monies was taking place and did not mention membership requirements. "The lack of respect and cooperation of the Chairperson, Project Director, and CHD coordinator, have made it impossible to accomplish anything of meaning. They have no thought or respect for anyone's needs or wants other than their own" (Teuthorn 5/6/1995). She then referred to audits she had signed going to the CHD [CHT?], which she felt were "not giving a complete picture of what [was] happening." She also wrote that a "necessary audit" had not taken place (Teuthorn 5/6/1995). Roseanna Martell (1934-1999), who was absent from this contentious meeting, attended subsequent board meetings, and she and other Martells and Nongueskwias did not relinquish their memberships immediately as did the families of the three other Burt Lake descendants serving on the board of trustees in 1995.

The enrollment files of members of these three women's families immediately began to show that the families had decided as a group to relinquish their memberships in BLB. Some reveal an intent to join LTBB. On May 6, 1995, Donald Boda (LTBB) relinquished his membership and wrote in a note that he wanted his family's files. He said his mother's and his families' files "should go at the same time as Dorothy Boda's (LTBB) files." He writes that the membership clerk can cite "conflict of interest," and he ends his letter, "sorry that this did not work for us." On the same day, Mary Powell (LTBB) wrote requesting that BLB "return all my paper work that you have" (Powell 5/6/1995). On May 9, 1995, Mary Powell's parents Sam and Nancy Shananaquet (LTBB) relinquished their memberships. Sam requested "complete files not copies" (Sam Shananaquet 5/9/1995; Nancy Shananaquet 5/9/1995). Then Karen Boda (LTBB) and her family relinquished. She said that her father planned to travel to Grand Rapids and she wanted the registrar to give the records to him to bring to her (Parkey 5/12/1995). Then all of Sam and Nancy Shananaquet's children and their children relinquished (Shananaquet 5/17/1995), and Edith Teuthorn's family began to ask for their files (Biskupski 5/16/1995). Because all of these letters not only relinquished membership, but also asked for their files, there is the appearance that the different families consulted each other.

The resignations of these three women on the board of trustees precipitated the relinquishment from BLB and subsequent enrollment in LTBB of a large number of people in the greater Burt Lake community from the BLB organization. These people were not peripheral to the BLB membership nor were they marginal members of the greater Burt Lake community: they were elected members of the BLB board of trustees and their families. Even the petitioner argues that some of them remain important at present and still exert influence over BLB members. For example, the narrative states

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about Mary Powell's father Sam Shananaquet (LTBB) "we still hear Burt Lake people reference the fact that they 'talked to Sam about it' or 'Sam said' or 'I'm going to stop by and talk to Sam' when Burt Lake and Indian Road issues are discussed. In short, his role as a community leader is quiet but clearly visible to outsiders" (BLB 2005). Mary Powell, Edith Teuthorn, Nancy Shananaquet, continue to interact socially with many BLB members, as do and many others who left the membership of BLB just after May 6, 1995.

This dissatisfaction, according to some, extended beyond "these three ladies" (Frazier 7/29/2004; Ken and Duane Parkey 7/6/2004). Others found Shawa "protective of his ... domain" (Frazier 7/29/2004). According to Carl Frazier, Shawa's grant-writing had brought in "well over 1 million dollars in ANA funding ... received in the ten-plus years that [Frazier] was tribal chair" (Frazier 7/29/2004). Frazier was reluctant to criticize a successful grant writer, even when part of the board expressed unhappiness with his oversight of grant execution, and he downplayed Dorothy Boda's stated concerns about money management as not understanding how expense accounts work and how much Shawa worked when he traveled. Loretta Parkey, stated that the three women thought Carl Frazier and Gary Shawa "were colluding and making decisions" on their own and without board involvement (Parkey 10/29/2004). The three board members "would make suggestions and then they figured Carl and Gary didn't listen and did what they wanted to do anyway" (Parkey 10/29/2004). Griswold descendant Isabel Scollon (BLB) was on the board during the Menefee incident between 1991 and 1995. She indicated that "the Menefee" incident was "handled pretty much by Gary [Shawa] and Carl [Frazier]" (Scollon 8/12/2004). Interviewees in 2004 described Rita Shananaquet's involvement as a decisive factor for the three BLB board members who felt left out of decision-making, when they decided to leave the BLB petitioner. As a new member of the LTBB council, Rita Shananaquet (LTBB), already dissatisfied, became privy to information on a variety of topics, and may have used this information to persuade others to join her in LTBB, which added credibility to her advice to disenroll from BLB and join LTBB.

Isabel Scollon (BLB) also said that the board did not discuss why people left to join LTBB because there was little that could be done about it. "They just left for their own reasons," including "because Carl's not Indian" and "because of Gary's attitude; he wasn't cooperating with the rest of the tribe." Like others, Isabel returns to the fact that some "didn't like the way the money was being spent . . . a lot of money went toward Gary's family . . . he earned his wages, but he also had extra funds shuffled his way." Scollon, who was treasurer in the 1990's, stated that when she held that position she "wrote checks [she] didn't approve of," and when she checked with Carl Frazier, he told her to "write 'em." Some of these expenses were for travel and workshops, according to Frazier. Scollon continued, "the tribe supported Gary, I know that, and that was bothering a lot of the people that left. Gary was not cooperating (Scollon 8/12/2004). In discussions about why people left BLB, few raise the issue of available services, although that clearly was an issue especially for older individuals or people with special needs. The interviews demonstrate that many BLB members and also LTBB members who are part of the greater Burt Lake community blame the failure of the band to maintain its membership at least in part on political in-fighting. They not only view the attrition only

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as an attempt to gain services, but also as a reaction against the chairman and his supporters.

Dorothy Boda's (LTBB) kin ties connect her to Burt Lake families that have opted to join LTBB, but do not connect directly to the four core families of the BLB currently. Dorothy Boda's sister Nancy Shananaquet (LTBB) lives on Indian Road with her husband Sam Shananaquet (LTBB). This couple is believed to be part of the local members, and Sam Shananaquet is very popular with the men who served on the fishing committee, and Nancy is a ghost supper hostess. Dorothy Boda and the Shananaquets were mentioned often by LTBB members and BLB members, especially in reference to ghost suppers. One woman used Sam Shananaquet, who attended the focus groups at Pellston to exemplify the continuing warm social relationship between BLB and LTB members, "He will always be friends of ... the people that are Burt Lake, even though he may have joined Little Traverse, he will always befriend us and we will always befriend him" (Melissa Moses in Boda *et al.* 10/16/2004). When the Bodas, Naganaashes, Shananaquets, and Fenners left the membership, BLB lost individuals who were and are prominent members of the greater Burt Lake community.

Carl Frazier's interpretation of the three women's motives was that "there was never [any] discussion about quarter blood," so why the minutes of the executive session reflect that a discussion of descent occurred is not explained. Their unhappiness, according to Frazier, was over "Gary's personal behavior outside of the office ... he was the executive director of the band and" they believed some of his actions reflected poorly on the Indians, which "really did set those ladies up in arms," according to Frazier (Frazier 7/29/2004). Actually, it appears that the women were also frustrated that the chairman did not rein in Shawa on a variety of issues in addition to personal behavior, including financial management, communications, and work hours. They believed that the executive director acted as if he "was not accountable to anyone" (Frazier 7/29/2004), but the interviews reflect that people who criticized Gary Shawa also criticized Carl Frazier. This dissatisfaction with the way BLB affairs were managed by a paid staff member and the chairman was added to the "question about the Vincents' belonging and ... weren't even Indian," and Rita Shananaquet raised that issue, too (Frazier 7/29/2004).

The new interviews provide context for the decision by some long-time members to leave BLB and join LTB after its recognition in 1994. Those who decided to stay with BLB came from families whose needs were being met to some extent by the petitioner. Those who left were frustrated and felt locked out of decision-making and consultations with the executive director and the chairman, who in their minds often made decisions without input of other members and the board of trustees. That so many people interviewed claim that Rita Shananaquet, Mary Powell, Edith Fenner, and Dorothy Boda quit and took a large number of members with them demonstrates that they were influential.

The families, including those descending from John Vincent, generally acted together when making membership decisions. Families who have a member living on Indian Road or working as a paid employee of the Burt Lake organization and their close relatives and in-laws account for 48 percent of the petitioner's membership (n=320).

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Many of the remaining BLB members who descend from ancestors on the Durant Roll, who are qualifying ancestors for LTBB, are people who appear to have blood quantum which fall below LTBB's requirement. Although current members deny that blood quantum was an issue and that Gary Shawa's and Carl Frazier's management led to so many disenrollments, in fact even Carl Frazier admits that "after Rita, Edith, or Dorothy left . . . there was never [any] discussion about quarter blood," indicating that it was no longer an issue but had formerly been one (Frazier 7/29/2004).

Gary Shawa had supporters on the board in addition to Carl Frazier. According to Frazier, as Shawa increasingly brought in his family members, currently the largest family in the petitioner, "they became part of the tribe and then that became even a little more exclusive family controlled thing and I think that had a real bearing on a lot of these people going to Little Traverse" (Frazier 7/29/2004). The Shawas, Shenoskeys, and Parkeys have remained in the petitioner even though some of them meet the blood and other requirements of LTBB. Congress recognized LTBB in December 1994. A sign-in sheet from a picnic in Grand Rapids on July 15, 1995, contains the names of 21 people who can be identified in the petitioner's genealogical database: 13 were Shawa family members, 3 were Griswolds, 2 were Vincents, 2 claim Midwagon ancestry, and one person who could not be identified was a Martell. Six of the 21 were listed as board members: 2 Griswolds, 2 Vincents and 2 Shawas. This and similar data show that previously active families withdrew within a seven-month period following the recognition of LTBB. The membership of the group narrowed significantly. The make-up of the board at the July 1995 meeting shows that two Vincents and two Griswolds continue to serve, but that several local members were now on the council including one Massey, one Martell, and two Shawas. The Shawas would step in at this point and become extremely important in the group's politics.

The petitioner submitted a long discussion concerning events in Washington, D.C., related to legislation being introduced to recognize the BLB. Although information about meetings on Capitol Hill with legislators and others individuals is discussed, few if any references in documents or interviews show that the contents of these discussions returned to the BLB board or membership. The central question for acknowledgment evaluation under criterion 83.7(c) is not necessarily what Congress or the BIA did about this legislation, but what BLB members were doing about it. The minutes and newsletter, almost the only documentary materials in the petitioner's submission and response for this period, do not discuss these events, and the interviews almost never raise the topic, indicating that the rumor mill may not have honed in on this issue. Of special interest is whether the people who attended the Washington meetings ever informed the board and the members about the concerns the BIA had about their enrollment. Because the recognition of LTBB came at the same time that BLB's bid for congressional recognition failed, it is difficult to parse the petitioner's response to LTBB's success and willingness to place former BLB members on their roll on the one hand and to BLB's failure on the other.

Only after the publication of the PF in 2004 do the submissions again document activity on the part of the BLB members and the greater Burt Lake community. The petitioner's

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narrative indicates that at a meeting in Pellston, attended by the few Vincents who had been active in the petitioner, some Vincents said that they and their families were withdrawing. After a tearful parting, the petitioner's non-Vincent members at the meeting voted to disenroll all of the Vincent families, almost 300 members.

During the next few months, disagreement arose between the BLB Board of Trustees and the new chairman Robert Swartout. They reportedly argued over "strategy and approach," but whether the disagreement involved acknowledgment, membership, development, or some other topic is unexplained. Swartout resigned May 15, 2004, but remained in the membership. It is difficult to evaluate these events without more information.

The petitioner's narrative discusses how family leaders influence decisions, an observation most visible in the membership decisions that individuals have made (BLB 2005). The petitioner gives as an example Harry Nongueskwa (BLB), who "sees and talks with his aunt Margaret Martell (LTBB) and her family at least once a week" (BLB 2005). The large grouping of Nonqueskwa descendants, including the children, nieces, and nephews of Margaret Martell (BLB) have acted together as a family in deciding that those individuals who are able to join LTBB will join it, and those who cannot meet the membership requirement will join BLB. The petitioner claims also that Bill Massey (BLB) and Bernard Parkey (BLB) influence people who are not BLB members but who are part of the greater Burt Lake community, including Sam Shananaquet (LTBB), Charlie Martell (LTBB) and Julius Lewis (LTBB), although on what specific topics, other than the St. Mary's cemetery, is unclear (BLB 2005). The petitioner implies also that elections since the Vincents left in 2004 reflect that individuals are elected by their families.

An interview with Edith Teuthorn (LTBB) and Rita Shananaquet (LTBB) in 2004 revealed that they discussed issues of membership and governance with their family members in BLB (Teuthorn and Shananaquet 2004). Rita Shananaquet's position was that quarter-blood requirements should be maintained. Her beliefs are reflected in the actions taken by her family members. In her family, individuals who are lower than quarter-blood quantum have generally not joined any other Indian organization including BLB. Edith Teuthorn's belief that only descent, not quarter-blood requirements, should determine membership is reflected in the choices made by her sister's son Curt Chambers (BLB). He and his siblings (BLB), like his many first cousins (LTBB), presumably meet LTBB's membership requirements, even though some of their descendants may not. He, his siblings, and their nuclear families generally appear on the BLB membership list. Edith Teuthorn's continuing social interaction with members of the BLB petitioner through her kin who are members, illustrates the petitioner's point that family relationships influence political behavior because political influence flows from members of LTBB to members of BLB and *vice versa*. Quarter-blood requirements are not a condition of acknowledgment. In this case, however, with so little specific information about other issues in the record, choices families make to deal with the parameters defined by their own blood-quantum, illustrates how influence has been applied and resulted in family groupings taking specific actions.

The Shananaquets provide further examples of the political interconnectedness of people enrolled in BLB and people not enrolled in BLB, who are participants of the greater Burt Lake community. Interviewees repeatedly named Rita Shananaquet, a LTBB council woman, influencing others to “follow her” to LTBB. Rita Shananaquet’s (LTBB) niece Mary Powell (LTBB), who is Sam Shananaquet’s (LTBB) daughter, was one of the three women who left the BLB board in 1995. Sam Shananaquet’s sister-in-law Dorothy Boda was also a BLB councilwoman in 1995. One interviewee claimed that after Rita Shananaquet (LTBB) was appointed to the LTBB council, she talked these two women and BLB councilwoman Edith Teuthorn, into leaving BLB. In her role in LTBB, Rita came across new information about important issues for petitioners and for BLB and came to believe that joining LTBB was the best option for BLB people (Shananaquet and Teuthorn). The interviews imply that she shared her new perspectives with her family and with others. Her family members included her brother Sam Shananaquet (LTBB), his daughter BLB councilwoman Mary Powell (LTBB), and his wife Nancy’s sister BLB councilwoman Dorothy Boda (LTBB) (Shananaquet and Teuthorn 2003). Rita Shananaquet’s information reportedly persuaded them to disenroll from BLB, and they in turn convinced their family members to take the same step. These enrollment decisions in 1995 best illustrate how Rita Shananaquet used her family connections to bring about specific actions by others. Family solidarity and discipline, therefore, becomes an important political factor. After the Shananaquets, Naganashes, Fenners, and others left BLB’s membership, power fell primarily to the Shawas, Maseys, Griswolds and Vincents, who remained allied in the BLB membership.

It is unclear whether the membership had information on some topics. The petitioner states that their research team encountered a problem in collecting decision-making data because, “it is not unusual for any member of council persons and any number of tribal members to respond by saying that they thought the issue [apparently any issue under discussion] has already been decided, even though the records reveal that it has never been brought before the Council itself” (BLB 2005). This is a problem for the evaluation. The minutes and newsletter, almost the only documentary evidence submitted for the last ten years, rarely discussed contents of board discussions or even listed topics to reveal what may have been discussed. For example, development companies were investing in BLB as early as lobbyist Joseph Findaro’s 1996 visit to a board meeting. Public records indicate that the Da Vinci group lobbied the U.S. Congress on behalf of Burt Lake Band during the 1999 election cycle. A three-year contract with some sort of business venture was in place in 2004, and the board was expecting to receive a report on accounting procedures on the money from this venture. The decision to participate in these relationships, often contentious decisions in other petitioners, is completely missing from this petitioner’s submissions. These activities were not discussed in minutes submitted as part of the petition nor in the newsletter until after Gary Shawa left his position as executive director. Only one interviewee raised the development issue, and that was in his statements in an interview with an OFA researcher before the PF. He linked his belief that LTBB opposed BLB recognition to the gaming

potential BLB had that could infringe on LTBB's casino profits (Bernard Parkey 2003).⁵⁸ No one else in recent interviews and focus groups raised the issue when discussing politics and disputes. This lack of evidence raises the question of whether the group's membership knew about some of the activities of the board of directors, or even if the board members knew about activities of Carl Frazier and Gary Shawa. The regulations do not require petitioners to reveal plans to undertake any kind of development or agreements with outside organizations during the acknowledgment process. OFA does not expect nor ask for the financial records of such arrangements or details of legal advice given to the petitioner by attorneys because the existence or details of these arrangements are not relevant to an acknowledgment evaluation. The political knowledge or participation of a petitioner's members, however, is relevant to this evaluation of political influence.

In this case, there is the appearance that the petitioner's members may not have been informed of the actions of its leaders. This lack of awareness is an issue because it reflects on the bilateral political relationship between leadership and followers. Whether the petitioner was able to control its membership so they did not discuss this issue at any time or memorialize it in documents seems unlikely in an environment such as this one where rumor, rather than the newsletter, seemed to be the main method for disseminating news throughout the group. After Gary Shawa was no longer executive director in October 2004,⁵⁹ direct references to outside investors, lands owned by the petitioner, and business decisions appear in the newsletter and minutes for the first time, implying that the administration of Curtis Chambers, the current chairman, is more open than past administrations. This change in approach may be a result of influence from the members, who strongly criticized Gary Shawa's and Carl Vincent's purported tendency to act on their own and not to respond to members' inquiries. Edith Teuthorn, whose 1995 resignation letter stated that she felt Gary Shawa and Carl Frazier were "not giving a complete picture of what is happening" is the current chairman's maternal aunt. Interviews demonstrate that others had the same and similar concerns. Chambers recent openness about business matters seems to respond to his aunt's and others' concerns 10 years earlier, although no evidence directly revealed that the chairman and his aunt actually consulted on this matter.

There are many places in the interviews and the record where distinctions are made between the Vincents or Fraziers and the the greater Burt Lake community. The 1991 example of Loretta Parkey's sending only the Vincent files to CHT stands out, but the interviews are filled with statements isolating the Vincents from current and former Burt Lake members. In contrast, no distinction is made between people who are part of the greater Burt Lake community, but are not enrolled in BLB, and people who are part of the greater Burt Lake community who are enrolled in BLB. The decision concerning criterion 83.7(c) must be based on the documented enrolled membership of the petitioner,

⁵⁸ LTBB is an interested party in the BLB petition, but submitted no materials or comments to indicate to OFA that they oppose or support BLB's recognition through 25 CFR 83.

⁵⁹ No explanation of discussion deals with why Gary Shawa was no longer executive director.

not on some unknown entity that is not reflected by the petitioner's official membership list.

The main problem blocking the petitioner's meeting criterion 83.7(c) at present is not specifically that part of the participants in a Burt Lake political organization are members of LTBB or any other recognized tribe. Rather, the crux of the problem is that many of BLB petitioner's claimed leaders are not enrolled in the BLB petitioner. Removing the Vincents from the membership did not resolve the dilemma that a majority of the non-Vincent members present in 1994 are no longer present and that people who the petitioner's members consider to be integral and important participants in their community and influential in their political dealings and decision-making are not officially members of it. The petitioner includes a chart to support their statement that 75 percent of the members and their close kin are involved in the petitioner's meetings and in events during the 1990's. This analysis ignores completely the major differences between the pre-1995 membership and the post-1995 membership. They include in their analysis people like Margaret Martell (LTBB), Edith Teuthorn (LTBB), Mary Powell (LTBB) and omit from the analysis all of the Vincents, including the BLB chairmen of 13 years, Carl Frazier, at least two board members who were Vincents, and the 300 Vincents who were members throughout the 1990's. To include the Vincents would lower the percentage of participation, because only a handful of the 300 Vincents ever attended meetings and social events. The petitioner's analysis excluded and included relevant data without explanation and did not distinguish between the periods before 1995 and after 1995. This analysis is not valid for the petitioner's membership, although it may apply to the greater Burt Lake community, an entity larger than the petitioner. Nevertheless, the essential findings of the petitioner's analysis reveals that people who are not BLB members have political influence on BLB members and issues, and that BLB members influence non-members within a greater Burt Lake community.

The petitioner claims that BLB's former non-Vincent members continue to influence the political behavior and decision-making of both the BLB members and former members who are part of the greater Burt Lake community. Elsewhere, the petitioner contends that some members of the BLB membership, such as Loretta Parkey and Bill Massey, influence the political behavior of former members, who are not enrolled in BLB, but who are part of the greater Burt Lake community. The petitioner's analyses reinforces this finding that the BLB political organization is not distinct because the evidence of political influence shows that it operates within a group significantly larger than the petitioner.

Summary of 83.7(c) for the period 1978 to the present

The evidence is not sufficient to demonstrate autonomous political authority or influence within the petitioner because the politically active members of the BLB organization are part of the greater Burt Lake community and are influenced by members of that community who are not members of BLB. In addition, the members of BLB who are

active politically did not include most of the membership outside of the four core families who represent 48 percent of the petitioner's members. The members of the non-core families are more likely to consult with non-BLB members of their families in older generations who belong to LTBB. This tendency applied to the younger Nongueskwa generations (BLB), who are part of Margaret Martell's (LTBB) family, and to the chairman (BLB), whose aunt Edith Teuthorn (LTBB) and cousins (LTBB) continue to influence their family members in both organizations. The older generations of John Parkey's descendants interact with Margaret Martell's cohorts, and it is not clear what their social and political connection is to BLB or to the greater Burt Lake community, and what connections, if any, the younger generations of that family have to other BLB members. The petitioner places emphasis on the influence that flows among family members, and since many of the families have members in both LTBB and BLB, the influence flows between members of both groups within the greater Burt Lake community. Therefore, although certain members of the BLB, with certain former members, maintain political authority over BLB members and former members, this authority is not exerted within an autonomous entity. Rather, such authority is maintained within an entity significantly larger than the petitioner's membership.

Since 1994, the BLB political organization is not autonomous from political leaders who have disenrolled from BLB membership during the last 15 years. These former members, many of them enrolled in LTBB, include Dorothy Boda, Sam Shananaquet, Rita Shananaquet, Mary Powell, Edith Teuthorn, Margaret Martell, and others. They had clear and significant influence on the BLB membership in 1996, particularly through family connections, so that a majority of BLB members, many unhappy with the leadership and alienated from participation, left BLB to join LTBB. As one man said, the BLB members "followed" the three councilwomen to LTBB. Other actors, such as Margaret Martell, her nieces and nephews, Mary Hoar, and others, exerted pressure on their families, so that they made decisions concerning membership that advised family members to enroll in LTBB, if they qualified, and family members to enroll in BLB, if they did not qualify for LTBB's membership. The Martells and Nongueskwas, who had been very active during the establishment of BLB in the 1980's, were slower to drop BLB membership than the Shananaquets were. Simultaneously, people in the greater Burt Lake community continue to consult with Loretta Parkey, Bernard Parkey, the Massey's and others in BLB concerning cemetery issues, news, gossip, and welfare of members of both organizations. The majority of the community over which political decisions are made is not enrolled in BLB. The core families in BLB represent a political faction of a larger Burt Lake community in which they participate, most of whom vote in LTBB elections, attend LTBB meetings, and receive services and rights through LTBB or other federally recognized tribes, or do not belong to any Indian organization. Therefore, the petitioner's political actions are not autonomous.

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Conclusion

This review of the relevant evidence submitted in response to the proposed finding, together with the evidence summarized in the proposed finding, does not demonstrate that the petitioner has maintained political influence or authority over its members as an autonomous entity. Therefore, the petitioner does not meet the requirements of criterion 83.7(c).

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Criterion 83.7(d)

83.7(d) A copy of the group’s present governing document including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.

83.8(d)(4) The group meets the requirements of the criteria in paragraphs 83.7(d) through (g).

Governing Documents

Constitution

The Burt Lake Band (BLB) petitioner met criterion (d) for the proposed finding (PF) by submitting governing documents that described its then-current governing practices and its membership criteria. Its articles of incorporation (filed on July 16, 1980) and bylaws (adopted on March 6, 1993) described its governing practices, and its Resolution #2002-14 (passed on December 14, 2002) defined its membership criteria. During the comment period, the BLB petitioner drafted, adopted, and submitted a new governing document (BLB 2/18/2005). Meeting minutes and monthly newsletters reflect the involvement of the membership in drafting the new governing document, and the February 2005 newsletter alerted members that ballots to adopt or to reject the draft constitution would soon be mailed (BLB Newsletter 2/2005, 17).

The April 9, 2005, resolution certifying the new constitution states that the group’s election committee mailed copies of the proposed constitution to its members in early February 2005, and an “absentee ballot referendum vote,” conducted by the election committee, resulted in the BLB petitioner’s members voting “overwhelmingly to adopt that proposed constitution” on February 18, 2005 (BLB 4/9/2005a). The numbers of qualified voters and participating voters were not evident in the petitioner’s submission. Although the petitioner stated the constitution adoption date as February 18, 2005, a narrative submitted for the final determination (FD) stated that “the ballots were mailed out on February 15, 2004” [*sic*], with instructions to send the ballots back “no later than February 28, 2004” [*sic*] (BLB n.d.(c), 10). The minutes of the March 2005 meeting do not furnish the election results, although they appear to confirm the adoption of the new constitution by the membership, because a motion to approve “Resolution 2005-1, Constitution” carried (BLB Minutes 4/12/2005, 1). The governing document submitted for the FD was accompanied by “Resolution #2005 – [blank], Certification of Official Governing Document” certifying it as the current governing document, and signed on April 9, 2005.

Bylaws

Minutes of BLB meetings held in 2004 refer to changes being made to the bylaws. The current “constitution” does not refer to bylaws, and no separate set of bylaws accompany the new constitution, which includes many of the same basic categories as found in the former “bylaws.” Therefore, it appears that post-PF references to the “bylaws” in fact pertain to what would later be adopted as the group’s new “constitution.”

Changes in the New Governing Document

The article headers of the 1993 bylaws reflected the petitioner’s status as a non-profit corporation, such as “corporate name,” “incorporation and location,” “corporate purposes,” and “board of directors.” No corporate references appear in the group’s 2005 constitution, which contains article headers such as “tribal name,” “jurisdiction,” “territory,” and “tribal council.”

The composition of the governing body remains at four officers (chairperson, vice-chairperson, secretary, and treasurer) and five council members, all serving four-year terms. Article X, “Tribal Council,” does allude to the corporation in Section 4, “The Initial Tribal Council,” stating that the nine members serving on the “Board of Directors” of the corporation at the time of this constitution’s adoption will serve as the initial “tribal council.”

The 2005 constitution also provides for the creation of a “Tribal Court” (Article XII), and describes the “Initiative and Referendum” process, through which a voting member “(1) calls for a recall election, (2) seeks redress of grievances, (3) mandates an investigation, (4) refers a matter for disciplinary action; or (5) mandates a change in tribal law or policy other than an illegal termination of an existing contract with a third party” (Article XIII).

BLB’s new constitution calls for the creation and enactment of two ordinances: a “tribal enrollment ordinance,” and “a tribal election ordinance” (Articles IV and VII). The governing document refers to both of these future ordinances as the authorities in multiple places, yet no copies of these ordinances, if they yet exist, were found in the petitioner’s submission.

Membership Criteria

Almost half of the petitioner's members evaluated at the time of the PF (233 of 490) were descendants of John Vincent (born 1816 – died 1903), who obtained a Cheboygan reserve land allotment in 1875 but did not appear in any of annuity lists associated with the band at Burt Lake. The PF reported that evidence reviewed up to that time did not demonstrate that John Vincent ever resided on the allotment granted to him or that either he or his descendants interacted with those listed on the 1870 annuity list for “Burt Lake” Indians or their descendants until after 1980.

At the petitioner's April 17, 2004, meeting held in Indian River following publication of the PF, the three members of the BLB governing body who descend from John Vincent resigned their positions. Approximately 52 members attended this meeting, and passed a motion to “have the Vincent family relinquish their membership” in BLB (BLB 4/17/2004). The September 2004 meeting minutes recorded that the “disenrollment procedures” were then in place, and at the October 9, 2004, meeting at Pellston Airport, those in attendance voted to “send letters of disenrollment to all Vincent families by registered mail” (BLB 9/11/2004, 10/9/2004). The petitioner's members discussed and approved additional membership issues that were incorporated into the constitution. As a result, the membership criteria now differ from those in place before the PF in several ways.

Requirements: Descent

The previous membership criteria offered membership to direct descendants of an Indian whose name appeared on: (1) the list of the Joseph Way-bwaydum Band in the “Ottawa Chippewa Annuity of 1870”; (2) the “Cheboiganing/Burt Lake Band's land allotments or homesteads pursuant to the 1855 Treaty of Detroit,” or (3) the “1910 Federal Enumeration of Indian Population Census, Burt Township, Cheboygan County” (BLB 12/14/2002, “Resolution # 2002-14”). The current constitution, at Article IV, Section 1-A, describes the group's descent qualifications differently. Prospective members must now demonstrate that they meet at least one of the following:

- (1) They descend from one or more tribal members who were domiciled at Colonial Point, Burt Township, Cheboygan County, Michigan[,] before or at the time that the Tribe's village was burned in October 1900, as said tribal members are identified in the U.S. v. McGinn litigation and related documents, and/or the 1950 Albert Shananaquet list of Colonial Point Residents[, or]⁶⁰

⁶⁰ The 2005 membership list includes 244 members, or 76 percent of all members, who qualify for membership under this option.

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- (2) They descend from one or more tribal members who are listed on the 1900 and/or the 1910 Burt Lake [*sic*] Township Federal Census, Indian Enumeration Schedule;⁶¹ or
- (3) They have an Indian ancestor who was, prior to 1910, living in tribal relations with the Burt Lake Band of Ottawa and Chippewa Indians as the Burt Lake Band is defined in subsections 1 or 2 above;⁶² or
- (4) They descend from Rose Midwagon Moses.⁶³ (BLB 2/18/2005, Constitution, 2)

No mention of the 1870 annuity list, land allotment records, or Durant's roll survive in the current definitions of descent requirements. Instead, the first-listed qualification for membership is descent from someone residing at Colonial Point at the time of the "burnout." The next option for descent, from someone on the 1900⁶⁴ or 1910 Indian schedules of the population census of Burt Township, tends to bracket the time period of the burnout, but also encompasses the post-burnout time period when the Mackinac County Indian Martell family and the possibly Canadian Indian Boda family arrived in the area. The third option allows for descent from Indians who were living in "tribal relations" with the Colonial Point Indians at the time of the McGinn letter (1897), the Shanauquet map (*ca.* 1899), the 1900 Federal census (June 1900), the burnout (October 1900), and the 1910 Federal census (April-May 1910), but who were not enumerated within those specified reconstructions or census documents.

The fourth option allows membership to descendants of Rose Midwagon (1932 Emmet Co., MI – 1968 Muskegon Co., MI).⁶⁵ No evidence of Cheboygan band ancestry has

⁶¹ The 2005 membership list includes 53 members, or 17 percent of all members, who qualify for membership under this option, as descendants of Elizabeth (Martell) Griswold and Charlotte Boda.

⁶² None of the 2005 members appears to rely on descent through this option for membership.

⁶³ The 2005 membership list includes 23 members, or 7 percent of all members, who qualify for membership under this option, as descendants of Rose Midwagon.

⁶⁴ A comparison was made between the 26 people identified on the combined 1897 McGinn and 1899 Shanauquet lists and the 73 people on the Indian schedule of the 1900 Federal census of Burt Township to determine whether the addition of the 1900 census afforded membership to descendants who did not trace to individuals identified by the 1897-1899 documents. The only people on the 1900 schedule who did not appear on the 1897 or 1899 lists — or were not represented on those lists by a grandparent, parent, parent-in-law, sibling, spouse, or child — are Lucy (Waybwaydum) Keywayquom, Jane (Waybwaydum) Grant and four of her Grant children, and Thomas Norton and wife Susan (Misquado/ Pawseque) Norton, none of whom has descendants in the 2005 BLB membership (although Susan Misquado/Pawseque by another husband has three descendants who were formerly BLB members but who enrolled with LTBB prior to the PF).

⁶⁵ A photocopy of the Emmet County birth register shows "Rosie Evans" (born February 23, 1932; recorded April 12, 1932), daughter of John Bayler and Ida Evans; a transcription of the baptismal register of "Churches of Holy Cross - St. Nicholas - St. Ignatius" in Cross Village, Emmet Co., shows "Rose Midwagon" (born February 23, 1932; baptized May 31, 1932), daughter of Jonas Midwagon and Ida

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been submitted for Rose Midwagon⁶⁶ or for either of the two fathers of her known children.⁶⁷ The birth records of her children place Rose Midwagon in Petoskey, Emmet County, Michigan, in 1948, in Detroit, Michigan, in 1955 and 1956, and in St. Ignace, Mackinac County, Michigan, in 1958, although the January 1958 obituary for her natural or step-father Jonas Midwagon stated that his “daughter Mrs. Rose Moses” then resided in Brutus, Michigan (Midwagon 1958). An obituary for Rose (Midwagon) Moses in 1968 identified her as a “former Burt Lake resident,” although the time period during which she reportedly resided there is not stated in the obituary nor does her entry in the petitioner’s genealogical database cite evidence that substantiates the time period of Rose Midwagon’s residence at Burt Lake.

Requirements: Interaction

Section 1-B of the 2005 constitution places three more requirements on prospective members:

- (1) That he or she can demonstrate that he or she is in tribal relations with other Burt Lake Band members, and that his or her ancestors have lived in tribal relations with other Burt Lake Band members on a substantially continuous basis from 1910 to the present.
- (2) That he or she has a completed tribal membership enrollment file as prescribed by the Tribal Enrollment Ordinance.
- (3) That his or her membership application has been processed, and that he or she has been approved for membership in the Burt Lake Band in the manner prescribed by the Tribal Enrollment Ordinance.

Section 5 of Article IV indicates that a “Tribal Enrollment Ordinance” was yet to be adopted: “The Tribal Council shall enact a Tribal Enrollment Ordinance consistent with the provisions of this Constitution” (BLB 2/18/2005, 3). Article IV refers to a future

Gibson; and a photocopy of a Michigan state death certificate shows “Rose Moses” (born February 23, 1932; died October 3, 1968), daughter of Sam Evans and Ida Gibson. The informant listed on the death certificate was the Muskegon County Department of Social Services.

⁶⁶ The petitioner’s genealogical database asserts, but does not document, that Rose Midwagon is a descendant of 1870 “Burt Lake Band” annuitant Harriet (Mrs. William) O’Flynn. The record does not indicate what, if any, interaction the Wisconsin-born Mrs. William O’Flynn may have had with the Indian residents of Colonial Point. The Federal census recorded her as a resident of Inverness township in Cheboygan County in 1860, 1870, 1880, and 1900.

⁶⁷ The petitioner’s genealogical submission lists three spouses for Rose Midwagon: Kenneth Menefee (birth record photocopy shows one son by Menefee), Robert Charles Shawa, and Francis Joseph Moses (birth record photocopies submitted for three children by Moses). A 1948 marriage record for Rose Midwagon and Kenneth Menefee is transcribed but not provided (OFA n.d., “Notes” field for Rose Agnes Midwagon). The petitioner claims that the Menefee son was actually the child of Robert Charles Shawa, whose obituary photocopy includes the Menefee offspring among his named sons.

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“Tribal Ordinance” seven times as the authority on matters of enrollment, disenrollment, relinquishment of membership and appeal of enrollment denial (BLB 2/18/2005, 3). However, a post-February 2005 “Tribal Enrollment Ordinance” has not been found in the petitioner’s comment period submission, so it was not possible to evaluate the petitioner’s governing procedures that make reference to this ordinance. Minutes of the group’s November 13, 2004, meeting included, under “new business”: “Tribal Enrollment Ordinance: The following need to be completed by Feb. 11th, 2005 – Dual enrollment, Dis-enrollment procedures, and Tribal Constitution” (BLB 11/13/2004). Thus, there is evidence that this ordinance was in the process of being drafted in 2004, but no draft or final form appears in the record.

Disenrollment and Relinquishment

The 2005 constitution also addresses disenrollment and relinquishment of membership, subjects that were missing from the governing documents in effect for the PF. The current constitution states that any member enrolled due to a “mistake of fact or intentional fraud” would be subject to disenrollment after notice and an opportunity to be heard. Reapplication after disenrollment is possible only if the enrollment criteria are amended or if the member can produce new evidence that he or she meets the membership criteria specified in the constitution “and the Tribal Enrollment Ordinance” (Article IV, Section 2).

Members may relinquish membership in the group by submitting a written and signed request “in the manner which is prescribed in the Tribal Enrollment Ordinance” (Article IV, Section 3). The relinquishing member may not reapply for membership “except in the manner prescribed in the Tribal Enrollment Ordinance.” An exception is made for minors whose membership was relinquished by their parents. Those individuals may reapply at any time before their 25th birthday.

Adoption and Enrollment Elsewhere

The 2005 constitution does not include language addressing the subjects of adoption or enrollment in federally recognized tribes. However, minutes of the group’s November 13, 2004 meeting show that the subject of “dual enrollment” was being discussed as part of the “Tribal Enrollment Ordinance,” targeted for completion by February 11, 2005 (BLB 11/13/2004).

Enrollment Decisions

At its November 13, 2004, meeting, the BLB governing body formed a “permanent Enrollment Committee” to which five individuals were appointed, one of whom did not appear as a member on membership lists provided by the petitioner. This non-member may be the committee person replaced at the February 12, 2005, meeting (BLB 2/12/2005). The petitioner’s April 2005 submission of its comments on the PF included an “Enrollment Committee Resolution 2005-1” which was signed by the four November

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2004 appointees and the February 2005 probable replacement appointee (BLB 4/9/2005b).

This “Enrollment Committee Resolution” stated that, following adoption of the new constitution (in March 2005?), the governing body “reviewed and adopted standards of proof to be applied to the Criteria contained in Article IV” the membership provisions of the constitution (BLB 4/9/2005b). The narrative accompanying the petitioner’s comments similarly describes that, before March 5, 2005, the governing body and the Enrollment Committee “both reviewed and approved the written standards of proof” that would be applied to applicants under Article IV of the new constitution (BLB n.d.(c), 10). These “standards of proof” do not appear to be among the documentation submitted by the petitioner.

Conclusion

The petitioner submitted a “constitution” adopted in 2005 as its current governing document, defining its governing procedures and describing its membership criteria that have been revised since the PF. Therefore, the petitioner meets the requirements of criterion 83.7(d).

Criterion 83.7(e)

83.7(e) The petitioner's membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity.

83.8(e)(2) The petitioner must provide an official membership list, separately certified by the group's governing body, of all known current members of the group.

83.8(d)(4) The group meets the requirements of the criteria in paragraphs 83.7 (d) through (g).

Membership List

Summary of the Proposed Finding (PF)

In its initial petition for Federal acknowledgment, the Burt Lake Band (BLB) petitioner submitted a membership list of 634 people, certified on September 9, 1994 (BLB 9/9/1994). At the outset of active consideration, BLB submitted a membership list of 858 people on December 16, 2002. That list lacked the categories of information required by the regulations, and OFA requested a revised list. The petitioner submitted a revised list, certified as being complete through December 23, 2002, and the revised list identified 857 people among 861 entries (BLB 12/23/2002).⁶⁸ The PF reported that the December 23, 2002, list carried 38 deceased and 114 relinquished people as current members. The PF also reported that the petition lacked signed applications or other written consent to being listed as a member for 319 members (*Burt Lake Band PF*, 90). That total included 41 members for whom membership folders (and thus applications as well as evidence of descent) were missing. As a result, the PF found only 490 people to be living, consenting, and non-relinquished members of the group, and thus the 490 were evaluated for the PF as then-current members of the BLB petitioner.

Current Membership List

After the Department issued the PF, the petitioner removed 624 members who had appeared on its December 2002 membership list of 857.⁶⁹ 300 descendants of John

⁶⁸ The PF reported a total of 858 members; however, one non-member who had been assigned a membership number was inadvertently included in the 2002 total.

⁶⁹ Some former 2002 BLB members who were removed fall into more than one of the categories listed. Therefore the sum of the individual totals by category exceeds 624.

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Vincent,⁷⁰ 43 deceased members, 112 members who had relinquished BLB membership, 217 who had enrolled with federally recognized tribes,⁷¹ 6 descendants of a non-Cheboygan historical individual (Enais Martell), and 63 others who do not fall into those categories.⁷² The petitioner also added 87 new members since the PF.⁷³

In its comment period, the BLB petitioner submitted an updated membership list of 320 members (BLB 4/-/2005). This list was separately certified by all members of the governing body, and dated April 2005. All categories of information required by the regulations were included on the list — full name (including maiden names of married women), date of birth, and residential address — and the petitioner provided data in each category for all members without exception. The 2005 membership list also provided the names of each member's parents.

Minutes of the November 2004 meeting show the group agreed to close its membership as of November 30, 2004, and that all new members accepted after that time (and, presumably, before the end of the comment period) would be children of those members with completed application files and born between December 1, 2004, and February 10, 2005 (BLB 11/13/2004, 2-3). BLB subsequently moved the “cut off date” for new applications to February 11, 2005, according to a narrative submitted for the final determination (FD) (BLB 5/-/2005(a), 9).⁷⁴

Most of the new members added since the PF (62 of 87, or 71 percent) were under age 18 in 2005, therefore born in or after 1988. The remaining 25 members were born in the 1940's (2 members), 1950's (3 members), 1960's (1 member), 1970's (9 members), and 1980's (10 members born before 1988). An additional 19 people (6 new applicants and 13 members at the time of the PF) who were yet in the process of supplying “missing documentation” were kept off of the membership list by the group's enrollment

⁷⁰ The petitioner's “Changes in Membership since the Proposed Finding” at page 4 states that 289 Vincent descendants who had been on the 2002 membership list were removed (BLB 5/-/2005(a), 4). OFA found 300 Vincent descendants on the 2002 membership list (233 of whom were among the 490 “current members” evaluated for the PF), none of whom appeared on the April 2005 membership list.

⁷¹ An additional 29 of the 857 members of BLB in 2002 (or 19 of the 490 members of BLB considered for the PF) enrolled with four federally recognized tribes by 2006. Three of these post-PF enrollees are current BLB members.

⁷² The petitioner included 52 of these 63 former BLB members in a database identifying members with two types of membership problems (including “missing documentation”) (BLB 4/27/2005a, “tblP&MD”).

⁷³ The petitioner's “Changes in Membership since the Proposed Finding” at page 10 states that the group accepted 83 new members at its March 2005 meeting (BLB 5/-/2005(a), 10). The dates upon which the additional four members were accepted into membership were not determined.

⁷⁴ This passage states that the new deadline date was voted on at the group's February 2005 meeting, but the minutes of the regular February 12 and special February 16 meetings do not mention it specifically (BLB 2/12/2005; 2/16/2005).

committee, and the petitioner submitted a list identifying them, furnishing the same categories of information on them as found on its membership list.⁷⁵

The minutes document the ongoing efforts to correct and update the group's official membership list for submission in the comment period, even though a separate statement describing the circumstances surrounding the preparation of this list, as required under 83.7(e)(2), was not seen in the submission. These efforts included creating lists identifying members who fell into seven different categories of membership problems, holding a "special informal membership meeting" after the September 2004 meeting at which "members who were present went name by name though those people with incomplete files and relinquishment issues" and were "assigned to make personal contact with the people on the incomplete files list, persons without signed applications[,] and persons who presented relinquishment issues" (BLB 5/-/2005(a), 4-6), voting to send letters of disenrollment to all the Vincent descendants (BLB 10/9/2004), and suggesting "using overnight mail or driving to people's homes if necessary" to complete the membership files (BLB 11/13/2004).

As a result, the petitioner provided most of the membership and genealogical data for the FD that had been missing for the PF. The petitioner obtained signed application forms for all but five of its 320 members, and also supplied copies of 39 applications signed between 1984 and 1986 (which satisfied a deficiency noted in the PF for 2 members). Two siblings among the 320 current members had paperwork showing that their mother signed a BLB relinquishment form in their behalf in 1995. Each submitted a signed BLB application in 2004.

Of the 320 members appearing on the petitioner's 2005 membership list, 233 were on the membership list submitted in 2002 (but only 184 of those were among the 490 "current members" evaluated for the PF), and 166 were on the 1994 membership list. The PF evaluated 490 of the 857 individuals on the 2002 membership list because only 490 were living, consenting, and non-relinquished members of the petitioner, based on documentation furnished at that time. At the time of the FD, the 2005 membership list of 320 members included no deceased members, no relinquished members, and only 5 who were missing consent to being listed as a member (signed applications). Therefore, this FD evaluation included all 320 members on the 2005 membership list.

Enrollment in Federally Recognized Tribes

A total of 945 individuals have appeared on one or more of the 1994, 2002, or 2005 BLB membership lists. Comparison of those three membership lists quantified the exodus of BLB members since 1994 to federally recognized tribes (see Figure 3). This analysis appears under criterion 83.7(f), but the result is that more of the non-Vincent descendants

⁷⁵ An electronic database submitted by the petitioner includes a table that provides detail on these 19 people (with their "file status" marked "MD") and on 39 other individuals (with their file status marked "P"), the latter of whom were on the 2002 membership list but not on the 2005 membership list (BLB 4/27/2005a, "tblP&MD"). The definition of the "P" status of the 39 individuals was not seen.

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who were BLB members in 1994 are now enrolled in federally recognized tribes than remain with BLB.⁷⁶

At the time of the PF, 38 of the 490 BLB members evaluated for the PF simultaneously held membership in the LTBB tribe (none of whom were Vincent descendants). Since the issuance of the PF, 19 more of the 490 members evaluated for the PF enrolled with the LTBB tribe. A total of 8 of the 320 members on the 2005 membership list evaluated for the FD are simultaneously enrolled elsewhere. Seven are members of the LTBB (three having joined since the PF), and one is a member of the Little River Band.

A letter from the petitioner to the AS-IA and a narrative in the petitioner's comment on the PF both made the statement, "the fact remains that the majority of people who descend from the Burt Lake Band as constituted at the time the U.S. filed the *McGinn* case, as their guardian and trustee, remain members of the Burt Lake Band and have adamantly refused to join LTBB" (Chambers 2005; BLB 2005, 159-160). The petitioner's genealogical database shows 771 living descendants of the 26 historical individuals in the 24 households identified by the 1897 McGinn letter and the circa 1899 Shanauquet map (OFA n.d.(b)).⁷⁷ More of these descendants belong to neither BLB nor one of four federally recognized tribes in Michigan (43 percent, or 332 of 771) than belong to BLB alone (31 percent, or 242 of 771), to four federally recognized tribes alone (25 percent, or 190 of 771), or to both BLB and a recognized tribe (1 percent, or 7 of 771).⁷⁸

However, this analysis is incomplete for several reasons. First, the earliest membership list provided by the petitioner is dated 1994, yet many earlier BLB members had left the BLB by that date, some of whom joined LTBB. Second, the Department checked for the names of BLB members only since 1994 in the rolls of the LTBB and three other federally recognized Michigan tribes, and, therefore, did not capture the matches of any pre-1994 members in the LTBB or other tribal rolls. Third, the petitioner was not required to identify all descendants of the 1897-1899 Cheboygan historical individuals, which was beyond the scope of what was needed for the BLB petition, and its genealogical database may or may not contain all of the descendants. The actual number of descendants may increase, and the number of those descendants now enrolled with federally recognized tribes can only increase, but the number of descendants who are members of BLB in 2005 will not increase. Details of this analysis appear in Table 1 in the appendix.

⁷⁶ The Michigan tribal rolls checked were GTB, LRB, LTTB, and SSM.

⁷⁷ Table 1 shows 853 descendants born in or after 1922 (the birth year of the oldest BLB member), 82 of whom are known to be deceased, leaving 771 presumed to be living.

⁷⁸ The four Michigan tribes checked for the PF and FD were GTB, LRB, LTTB, and SSM,

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Potential Returnees

Another comment period activity related to clarifying the petitioner's membership was the procurement of statements from former BLB members, now enrolled in federally recognized tribes, about their intentions to return to BLB if the group were acknowledged. The petitioner's attorney made these statements available to the OFA staff for review during the FD analysis although the documents themselves were not submitted into the record. The petitioner's attorney explained that the LTBB signers expressed concern that their membership at LTBB might be in jeopardy if their signed statements became part of the record and known to LTBB.

Thirty-four self-described LTBB members signed such statements, and another LTBB member's verbal statement of an intention to return to BLB was transcribed.⁷⁹ One Grand Traverse Band of Ottawa and Chippewa Indians (GTB) member also signed a statement of intent to return to BLB. However, this GTB member is not among the 945 people found on the combined BLB membership lists of 1994, 2002, or 2005, and does not descend from the BLB historical band, as defined in the PF, although 11 descendants of this person are current members of the petitioner.

Only 27 of the 35 individuals claiming LTBB membership actually appear on the 2006 LTBB membership list, and 8 do not. Three of those eight are current BLB members (two added since the PF). All but one of the eight signers who do not appear on the 2006 LTBB membership list have a living parent who is enrolled with LTBB. Three of the signers are under age 18.

These 36 LTBB and GTB potential returnees have 130 distinct descendants, according to the petitioner's genealogical database. The 130 descendants include 60 other LTBB members who did not sign intention to return statements, 3 dual LTBB and BLB members, 29 current BLB members, and 38 others identified in the petitioner's genealogical database as descendants who are not now or never were members of either group. Thirty-three of the 36 potential returnees claim descent from the BLB historical band; 3 do not.⁸⁰

⁷⁹ Most but not all statements were form letters addressed to the petitioner's attorney, and had the following text:

Despite the fact that I have joined the Little Traverse Bay Band, I still consider myself to be a member of the Burt Lake Indian Community. I still socialize with Burt Lake Tribal members and I still attend social functions at Burt Lake whenever I can. I joined the Little Traverse Bay Band primarily to gain access to the health care and other federal services that I was denied at Burt Lake. For all of these reasons, I would like to have the opportunity to rejoin the Burt Lake Band following its federal acknowledgment.

Lines at the end of this text provided for the individual's signature, the date, and the signature of a witness.

⁸⁰ An analysis of the 1930 residences of these 35 LTBB signers or their forebears shows that half (18) did not reside in Burt Township in 1930, and half (17) did (OFA Genealogist's workpapers).

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The FD does not include these 36 potential returnees or their non-member descendants in its analysis of the current BLB membership, since these individuals are not current BLB members. Federal acknowledgment decisions cannot be predicated on future, conditional occurrences, but are predicated on an evaluation of the petitioner, as defined by its membership list.

Previous Membership Lists

In response to the PF request for all previous membership lists, the petitioner submitted membership dues lists, sign-in sheets, mailing lists, and an undated, typed list entitled “Burt Lake Band of Ottawa and Chippewas [*sic*] Indians, Inc.,” the last of which OFA analyzed for the FD (BLB *ca.* 1981). OFA presumes that the undated, typed list was created *circa* 1981 because the name of “Greg Blanche” appears as one of two attorneys identified at the bottom of the list, and the record contains one letter from this man to the petitioner dated March 3, 1981 (Blanche 3/3/1981). The names of the 74 BLB members who appeared on the *circa* 1981 list⁸¹ were compared to the genealogical database, the 2005 BLB membership list, and enrollment data for the Little Traverse Bay Bands (LTBB) and Grand Traverse Bay (GTB) federally recognized tribes. This analysis of the 74 *circa* 1981 members showed that 16 were known to be deceased at the time of the FD. Of the remaining 58, 22 were not known to be deceased or to be members of any group, 27 were enrolled as of 2003 or 2006 in LTBB (n=24) or GTB (n=3), and 9 were on the 2005 BLB membership list.

The petitioner submitted an updated evaluation of the 1935 IRA petition signers, not as a “previous membership list,” but as a section in its narrative that explains the Durant Roll and tracks those listed on the Durant Roll forward in time (BLB 5/-/2005(b), 7-11). To the extent that the 1935 IRA petition presents a “snapshot” of individuals whom the petitioner believes represented the Burt Lake band at that time, an analysis of the updated presentation is included here. Analysis for the FD reached the same conclusion as that presented in the PF, that 32 of the 41 signers were direct descendants of 1870 annuitants of the Joseph Way-t-way-dum band (7 others were their spouses, 1 was a father-in-law, and 1 was a step-father).

The PF concluded that, without the Vincent descendants, 26 percent of the remaining 2002 BLB members (66 of 257) descended from a signer of the 1935 IRA petition (*Burt Lake Band PF*, Description, 21). The FD concludes that 31 percent of the 2005 BLB members (99 of 320) claim descent from at least one signer of the 1935 IRA petition. One-third of the 2005 BLB members linked to the IRA signers were new members since the PF (33 of 99).

The 1935 signers and their direct descendants in the petitioner’s genealogical database total 446. Of these, 36 were known to be deceased, and 96 were enrolled as of 2003 or 2006 in LTBB (n=94), SSM (n=1), or GTB (n=1), and 99 were on the 2005 BLB list.

⁸¹ The list is numbered 1 though 71; however, it is missing numeral 49, and 4 of the entries include husband and wife, each of whom was included in this analysis.

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Ninety-nine of the 2005 BLB members trace to 13 signers, 11 of whom were direct descendants of 1870 annuitants of the Joseph Way-bway-dum band.⁸²

Historical Tribe

Summary of the PF

The PF Summary defined the historical band as follows:

[T]his proposed finding concluded that the most recent identifications of the historical band, and of the individuals in the historical band, are the 1865-1870 annuity lists of the group for whom Joseph Way-bway-dum was chief, the 1857 and 1864 allotment selection records identifying the band affiliation of 45 allottees as “Sheboygan,” and the McGinn and Shananquet lists of the residents of Indian Village 1897-1899. (*Burt Lake Band PF*, 90)⁸³

The FD does not modify the definition of the historical band given in the PF. However, see the related discussion in a later section under “Individuals Incorporated into the Historical Band.”

⁸² The breakdown by signer: 66 current members descend from a Cabinaw-Nongueskwa couple, 27 from a Shenoskey-Mixceney couple, 5 from a Naganashe-Petoskey couple, 5 from a Shenoskey married to a non-descendant Naganashe, 5 from a Shenoskey married to a non-descendant Odeimin, 3 from Francis Massey, 3 from Christina Kissesey [Kishego], and 1 from Mary Shenoskey, all signers who descend from 1870 annuitants. Some current members descend from more than one signer, so they are represented multiple times in the above breakdown.

⁸³ The petitioner changed its membership criteria after the PF, and did so in ways which partially reflect this definition in the PF. The changes in the petitioner’s membership requirements, as adopted in February 2005, eliminated the annuitants and allottees as qualifying ancestors. The new descent requirements added the pre-burnout residents identified by the 1897 McGinn list, the 1899 Shananquet list, and the Indian schedule of the 1900 Federal census of Burt Township as qualifying ancestors. However, the 2005 membership criteria continued to include post-burnout residents enumerated on the Indian Schedule of the 1910 Federal census of Burt Township, and added Rose Midwagon (born 1932), as qualifying ancestors.

The petitioner’s genealogical databases submitted for the PF and for the FD linked Rose Midwagon (b. 1932) to “Mrs. Wm. O’Flynn” (b. ca. 1815) who appeared on Joseph Way-bway-dum band annuity lists in 1865, 1868, and 1870 (although there is no evidence in the record that Mrs. O’Flynn ever resided at Colonial Point or interacted with the band residing there). However, the petitioner did not provide, for the PF or the FD, the evidence it relied upon to document Rose Midwagon’s ancestry back to that ancestor (*Burt Lake PF*, Description (e), 28, 36 fn 59, and Table 5). Although its genealogical databases depicted Rose Midwagon as a descendant of Mrs. William O’Flynn, a Cheboygan band annuitant, the petitioner did not, for the FD, state that descent from Rose Midwagon was acceptable for membership because of her O’Flynn ancestry, but instead the petitioner designated Rose Midwagon herself a historical individual or qualifying ancestor from whom descent was acceptable for membership. Because the petitioner’s PF and FD genealogical databases depict Rose Midwagon as a descendant of a Cheboygan band annuitant, OFA’s analysis included members who descend from Rose Midwagon among those members claiming descent from the historical band (but not among those who descend, as is presented in the next section).

Evidence of Descent

Summary of the PF

Under criterion 83.7(e), the PF concluded that only 46 percent of the BLB members descended from the historical band. The other 54 percent that did not descend from the historical band included the descendants of John B. Vincent, Elizabeth Martell, Charlotte Boda, Enais Martell, or Simon Moses (*Burt Lake PF*, 97; Description, 32, 34).⁸⁴

Summary of the FD Findings

Evidence provided for the FD, together with what was available for the PF, demonstrates that 68 percent (218 of 320) of the BLB's 2005 members descend from the historical band, as defined in the PF. The petitioner's genealogical database links 83 percent (267 of 320) of its 2005 members to the historical band, but missing or problematic proof of ancestry affects 49 of these 267 members, and signed applications are missing for 5 members.⁸⁵

The other 17 percent of the membership (53 of 320) is linked to an Indian of Pay-zhick-way-we-dung's Beaver Island band⁸⁶ (51 members descending from Beaver Island descendant Elizabeth Martell) or to an Indian of the Bay Shore band⁸⁷ (2 members descending from Charlotte Boda and her Bay Shore band descendant husband Robert Kewagoshkum). Their descendants do not trace to the Cheboygan band even though they do trace to other "Traverse" bands, as described by Durant. Both had siblings who married BLB spouses.

At the time of the PF, 4 percent of the evaluated 490 members claimed descent from Elizabeth Martell (born 1890 in Hessel, Mackinac Co., MI) or Charlotte Boda (born 1887 in Saginaw, Saginaw Co., MI) who arrived in Burt Township after the 1900 "burnout" (*Burt Lake PF*, 96); for this FD, 17 percent of the evaluated 320 members

⁸⁴ A total of 233 of the 490 members evaluated for the PF descended from John B. Vincent (born 1816 – died 1903) and from no other historical Cheboygan Indian. The PF discussed the lack of evidence that John Vincent had Cheboygan ancestry or interaction with the Cheboygan.

⁸⁵ All of the 19 individuals that the petitioner did not include on its current membership list because their files are "missing documentation" are linked in the petitioner's genealogical database to individuals in the historical band as defined above. If all 19 eventually became members, then the overall total of those linked to the historical band would become 286 members (267 +19) out of a total of 339 members (320 + 19), which is 84 percent but the increase in the percentage of overall members who could prove descent from the historical band would depend upon analysis of the documentation for those 19.

⁸⁶ Descendants of this band (Durant's page 35) are eligible for membership in the federally recognized LTBB tribe.

⁸⁷ Descendants of this band (Durant's page 24) are eligible for membership in the federally recognized LTBB tribe.

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claim descent only from these post-burnout ancestors. As discussed in the PF, the October 1900 burnout of the Indian village at Colonial Point dispersed the Cheboygan or Burt Lake Indians residing there (*Burt Lake PF*, 15-16, 43, 90). Some residents prior to 1900 never returned, and other non-Cheboygan Indians came into the former Indian village area by 1910. Thus, the historical band represented in the *McGinn* case, which establishes unambiguous previous acknowledgment for the Burt Lake band, is best described by the documents identifying the pre-burnout group tribe, as described in the above quotation from the PF.

New Evidence

The PF's "Description and Analysis" for criterion 83.7(e) mentioned the need for the petitioner to supplement the membership folders submitted for the PF with documentation that was lacking (p. 3), and identified specific types of insufficient parentage evidence that affected 21 then-current members (p. 28-29).⁸⁸ By the time of the FD, six of those people were no longer members of the petitioner (three were Vincent descendants, two joined LTBB, and one is gone for unknown reasons), leaving 15 members with descent problems. The petitioner's submission during the comment period included evidence resolving the lineage problem for 1 member, but not for the other 14 members.⁸⁹

The updated genealogical database submitted for the FD by the petitioner (BLB 4/27/2005b) includes "new" transcriptions or abstracts of documents that the petitioner did not submit for the PF (either as abstracts in the genealogical database or as textual records). The petitioner also provided photocopies of numerous, original church records of baptism, marriage, and death, but the petitioner's genealogical database entries for the persons named in these records do not include citations to the church records. A separate index to the church records prepared by the petitioner identified baptisms for two members with missing or problematic evidence of parentage at the time of the PF, which provided sufficient evidence of Burt Lake parentage for the one member mentioned above, and provided further evidence of non-Burt Lake parentage for the other (and for his four descendants who are members).

Membership folders that were missing at the time of the PF were supplied, in electronic format, for the FD for the 2002 BLB members who continued to be BLB members in 2005. The petitioner also provided scanned images of supplemented membership folders addressing many of the deficiencies noted in the PF, but 10 membership folders that were found to be deficient for the PF were not among those supplemented and scanned for the FD.

⁸⁸ The PF stated 20 members had insufficient parentage documentation, but one child who did not have a membership folder was inadvertently omitted, making the true total 21.

⁸⁹ In many cases, the petitioner submitted additional evidence but it did not resolve the parentage questions. Such evidence included church, vital, and newspaper records that were photocopied, scanned, or simply transcribed into the genealogical database.

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Problem Lineages

A total of 49 members in 2005 — 12 of them added between the time of the PF and FD — did not have sufficient evidence to demonstrate their claimed descent from the historical band:

- 23 members who descend from Rose Midwagon, all of whom lack 19th century evidence linking them to 1870 annuitant “Mrs. William O’Flynn”
- 6 members who descend from a deceased forebear whose birth and census evidence show a non-Burt Lake father, rather than the claimed Burt Lake father
- 5 members, 4 of whom descend from 1 member with insufficient parentage evidence whom the BIA Michigan Field Office (MFO) found to have no Indian ancestry
- 3 members, who are missing evidence of birth parents
- 3 members with no evidence of their descent from 1870 annuitant #9 Ke-zhe-gowe
- 3 members, 2 of whom descend from 1 member who is missing evidence of parentage
- 2 members, 1 of whom is the daughter of 1 member whose birth evidence identifies non-Burt Lake parents
- 2 members, whose birth records identify only the non-Burt Lake parent
- 1 member, who is missing evidence of parentage of his non-member, Burt Lake parent.
- 1 member, who is missing evidence of parentage

An example of problematic evidence, even though a birth certificate was provided, pertains to a 2005 BLB member whose birth and baptism records identify a non-Burt Lake father (the same man who apparently married the mother four months earlier), but the member appears in the genealogical database as the child of a Burt Lake father. The petitioner provided an obituary for the purported Burt Lake father in which the subject member was referred to as his child. However, the contemporary parents’ marriage, child’s birth, and child’s baptism records, containing information provided by the participants themselves, provide better evidence than the obituary, which was written by the purported father’s survivors, and which may reflect only that the deceased had raised the 2005 member as if that child were his own. In this example, the 2005 member’s children and grandchildren were also, therefore, unable to satisfactorily demonstrate descent from the historical band, as they had no demonstrated descent from another historical band individual.

Additionally, insufficient evidence of parentage of some deceased forebears noted in the PF was not supplemented and cured by the petitioner in the comment period and adversely affects those of their descendants among the 2005 BLB members who did not have other historical band ancestors. Perhaps most noticeable in this category are the 23 descendants of Rose Midwagon (b. 1932 Good Hart, Emmet Co., MI - d. 1968), for whom evidence is contradictory as to her father (none of the possible fathers having Cheboygan Indian ancestry), and lacking as to her maternal lineage (shown in the genealogical database as leading to a Cheboygan Indian ancestor). Although the

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connection is not documented, the petitioner's genealogical database links Rose Midwagon (b. 1932) to "Mrs. William O'Flynn/Flynn" (b. ca. 1815), a Wisconsin-born Indian who appeared on the 1865, 1868, and 1870 annuity lists for the Cheboygan band, and therefore is considered part of the "historical band" as defined in the PF.⁹⁰ The petitioner's genealogical database shows 34 of Mrs. O'Flynn's descendants among the 2005 BLB members, 11 of whom were linked to other ancestors in the historical band (and able to demonstrate that connection), but the 23 descendants of Rose Midwagon were not linked to other ancestors in the historical band, and did not demonstrate a connection to Mrs. William O'Flynn,⁹¹ or another Cheboygan band Indian.

Another example of current members being affected by insufficient evidence of parentage of deceased forebears would be the six 2005 BLB members who descend from a forebear (died 1999) whose 1927 birth record identifies a non-Burt Lake father rather than the Burt Lake father appearing in the petitioner's genealogical database. The 1930 census recorded a household containing the child's maternal grandmother, the child's mother, and the child, the last of whom was recorded with the birth father's surname (1930 census). Here, too, the contemporary birth record, containing information provided by the participants themselves, and the 1930 census entry (containing information which may or may not have been provided by the child's mother) provide better evidence than the parentage statements made much later by the child, such as on her marriage license, or by her survivors, such as in her obituary.

Such examples in which the Department's interpretation of documents differs so markedly from the petitioner's interpretation of the same documents underscore why there is not a "reasonable likelihood" that the missing documents, once reviewed, will support the lines of descent appearing in the petitioner's genealogical database.

Table 2 in the appendix illustrates the results of the Department's analysis of the evidence of descent from the historical tribe. The petitioner's FD submission claims current BLB members descend from 12 annuitants, including #10 Joseph Shaw-waw-ne-quoum and his mother-in-law #22 Paw-se-que, but not including #20 Mrs. William O'Flynn (Austin 2005, Table 1, p. 14, 16). The petitioner's genealogical database does not include, nor did the Department find, current BLB members who descend from 1870 annuitants #10 or #22. Three 1994 BLB members (who are now enrolled with the LTBB) claimed descent from 1870 annuitants #10 and #22, but no 2005 (or 2002) BLB members do so. The petitioner's genealogical database does include 34 current BLB members among the claimed descendants of annuitant #20.

Members without Descent from the Historical Band

⁹⁰ Federal census schedules of 1850, 1860, 1870, and 1900, extracts of which were added by OFA to the "notes" field of the genealogical database, support Mrs. O'Flynn's birthplace as Wisconsin.

⁹¹ One of her husbands, Francis Joseph Moses, from whom some 2005 BLB members descend, appears in the petitioner's genealogical database as another descendant of the Pay-zhick-way-we-dung's Beaver Island band. Descendants of this band (Durant's page 35) are eligible for membership in the federally recognized LTBB tribe.

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The BLB members who have not demonstrated descent from the historical Burt Lake band constitute two groups. The individuals in one group (n=53) descend from Elizabeth Martell and Charlotte Boda who moved into the Burt Lake area after the burnout, and did not marry into the group, although their family members did so. Descendants of Elizabeth Martell and Charlotte Boda constituted 4 percent of the group (20 of 490 members) analyzed for the PF, but for the FD their descendants constitute 17 percent of the group (53 of 320 members).

The individuals in the other group (n=49) claim to have Burt Lake ancestry but have not documented it due to missing or problematic evidence of descent. The 23 descendants of Rose Midwagon fall into this second group, although the petitioner has not asserted Rose's possible Burt Lake ancestry in its narrative but only in its genealogical database.

Evidence for Rose Midwagon's connection to the group indicates that Rose was raised by a Burt Lake descendant in the 1930's, and one of her three husbands was a Burt Lake man. The evidence does not document any children from that union, and all of her children, born from the late 1940's to the late 1950's, are from her other two marriages to Indian men. This association of Rose Midwagon with the petitioner is considered too recent to justify consideration of Rose and her descendants as descendants of the historical band despite their lack of Burt Lake ancestry (see next section).

Individuals Incorporated into the Historical Band

One of the petitioner's narratives for the FD described the history of non-Burt Lake Indians being accepted into the group, a description appropriate to Elizabeth Martell, Charlotte Boda, and Rose Midwagon.

Sometimes Indians from other villages married members of the Burt Lake Band and moved to the Burt Lake village, taking up permanent residence and demonstrating in a variety of ways their decision to become part of the Burt Lake Band, as well as their acceptance by Indian custom into Burt Lake Band membership. (Austin 2005, 7).

Precedent in a previous acknowledgment decision provides guidance on how the association of non-Burt Lake families with the Burt Lake group may be considered under criterion 83.7(e). For the Cowlitz petitioner, the PF concluded that descent from non-Cowlitz métis families constituted descent from the historical Cowlitz tribe within the meaning of criterion 83.7(e) because (1) inter-tribal marriage was customary in that area, (2) the métis families had consistently lived among and intermarried with Cowlitz since the 1830's, (3) the "process of association" had been completed prior to 1855, the date of unambiguous previous Federal acknowledgment used in that PF, and (4) the descendants of the associated métis families had been "consistently accepted and identified as Cowlitz by the Federal [G]overnment and the BIA" (*Cowlitz PF* 1997, 46).

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Comparing these four circumstances to the BLB petitioner's Elizabeth (Martell) Griswold, Charlotte (Boda) Kewagoshkum, and Rose Midwagon, it is clear that marriages among the bands was and is customary in northern Michigan, and this matches the first circumstance observed in the Cowlitz PF. However, the other three circumstances are not similar. None of these non-Burt Lake individuals lived among or intermarried with the Burt Lake community 20 years before the McGinn case which defines the 1911-1917 period of unambiguous previous Federal acknowledgment of the BLB petitioner. Elizabeth Martell and Charlotte Boda moved to Burt Lake between 1900 and 1910. It is ambiguous whether the "process of association" for Elizabeth Martell or Charlotte Boda had been completed by 1917, and Rose Midwagon was born 15 years after 1917. The evidence in the record does not show that the descendants of these three women have been identified as Burt Lake Indians by the Federal Government or the BIA. Only one of the four circumstances described in Cowlitz is similar for the three non-Burt Lake women who are ancestral to 76 BLB members. Thus, the FD's conclusion that descent from Elizabeth Martell, Charlotte Boda, or Rose Midwagon does not constitute descent from the historical band is consistent with previous acknowledgment decisions (see also *Chinook RFD* 2002, 107-108).

The FD, therefore, does not consider the descendants of post-burnout individuals Elizabeth Martell (n=51) or Charlotte Boda (n=2) as descendants of the historical band. Evidence was missing or problematic for others (n=49), including Rose Midwagon's descendants who did not demonstrate descent from 1870 annuitant Mrs. William O'Flynn, and, alternatively, did not match the circumstances expressed in the Cowlitz PF that enabled incorporation of individuals into the historical band. Thus, 102 BLB members could not demonstrate descent from the historical band.

A previous FD for a petitioner with a large percentage of members without descent from the historical tribe, provided the following observation:

Criterion 83.7(e) requires that the petitioner demonstrate that its "membership consists of individuals who descend from a historical Indian tribe" The language of the criterion does not qualify that requirement either by providing that some members may lack descent from the historical tribe or by establishing a minimum percentage of members who must descend from the historical tribe. (*Snohomish FD* 2004, 52)

All previous petitioners who have met this criterion in a FD have demonstrated that at least 80 percent of their members descend from a historical tribe. The Snohomish petitioner demonstrated that 69 percent of its members descended from the historical tribe and did not meet this criterion in its 2004 FD (*Snohomish FD* 2004, 52). The BLB petitioner has demonstrated that 68 percent of its members (218 of 320) descend from the historical band.

Burt Lake Band (#101) -- Final Determination

Conclusion

The petitioner submitted a separately certified membership list of 320 individuals that furnished each member's full name (including maiden name), date of birth, and residential address, as required under criterion 83.7(e). Of the 320 individuals on the petitioner's membership list, 53 members, or 17 percent, claim descent from historical individuals who entered the Burt Lake community only after the October 1900 burnout, and 267 members, or 83 percent, claim descent from individuals in the historical band as defined in the PF. However, evidence of descent is missing or problematic for 49 of the 267 members who claim descent from the historical band, meaning that only 218 of the 320 members, or 68 percent, furnished sufficient evidence acceptable to the Secretary which demonstrated descent from the historical band, as required under criterion 83.7(e). This is a lower percentage of descent from a historical tribe than for any previous petitioner that met criterion 83.7(e) and was acknowledged by the Department, and a lower percentage than another petitioner which failed to meet criterion (e). Therefore, the petitioner does not meet the requirements of criterion 83.7(e).

Criterion 83.7(f)

83.7(f) The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe. However, under certain conditions, a petitioning group may be acknowledged even if its membership is composed principally of persons whose names have appeared on rolls of, or who have been otherwise associated with, an acknowledged Indian tribe. The conditions are that the group must establish that it has functioned throughout history until the present as a separate and autonomous Indian tribal entity, that its members do not maintain a bilateral political relationship with the acknowledged tribe, and that its members have provided written confirmation of their membership in the petitioning group.

83.8(d)(4) The group meets the requirements of the criteria in paragraphs 83.7 (d) through (g).

At the time of the proposed finding (PF), 50 of the Burt Lake Band (BLB) petitioner's 490 living, consenting, and non-relinquished members (or 10 percent), including Vincent descendants, were found also to be enrolled with federally recognized tribes: 38 with Little Traverse Bay Bands (LTBB) and 12 with Sault Ste. Marie (SSM).⁹² For the FD, 8 of the petitioner's 320 members (or less than 3 percent) are enrolled with federally recognized tribes: 7 with LTBB and 1 with Little River Band.⁹³ Only one of the 8 BLB members enrolled with federally recognized tribes does not claim descent from the historical Burt Lake band.

The OFA obtained this enrollment information with the assistance of the Bureau of Indian Affairs' Michigan Field Office (MFO) in Sault Ste. Marie, Michigan. That office compared a listing of 624 of the 945 people who have appeared on the combined BLB membership lists of 1994, 2002, and 2005 (without reviewing members who were deceased or descended from John Vincent) to the following 2006 tribal rolls:

- Little Traverse Bay Bands of Odawa Indians (approx. 4,073 members)

⁹² The 12 BLB members enrolled with SSM at the time of the PF are no longer BLB members. Nine were descendants of John Vincent, and three were not.

⁹³ Additionally, three members in 2002 whose names are not on the 2005 membership list due to "missing documentation" were also found to have joined LTBB since the PF.

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- Grand Traverse Band of Ottawa and Chippewa Indians (3,985 members)
- Sault Ste. Marie Tribe of Chippewa Indian (approx. 32,000 members)
- Little River Band of Ottawa Indians (3,361 members).⁹⁴

Petitioner's Comment Period Activities

Meeting minutes show that, during the comment period, the petitioner's membership committee endeavored to identify and remedy "dual enrollment" as well as other membership problems. The minutes of the group's September 2004 meeting included a status report that specified that 64 members were then enrolled elsewhere without having relinquished membership in the BLB petitioner (BLB 9/11/2004, p. 1). The petitioner apparently removed the names of those enrolled elsewhere from its membership list, although their removal was not mentioned specifically in subsequent meeting minutes. Neither is "dual enrollment" addressed in the group's 2005 governing document as grounds for disenrollment, although it appears that such grounds may be defined in a "tribal enrollment ordinance" that is not in the record (prescribed under Article IV, Section 5, of the petitioner's governing document).⁹⁵

Analysis of Enrollment in Federally Recognized Tribes

The PF reviewed the 1994 BLB membership list for evaluation under criterion 83.7(f), and found 27 percent (174 of 634 members) of BLB's 1994 members to be then enrolled with federally recognized tribes. To update those findings, this FD finds 30 percent (192 of 634 members) in 1994 are now enrolled in federally recognized tribes.⁹⁶ This evaluation includes some Vincent descendants. Removing Vincent descendants from both the 1994 BLB membership total (634 – 211 = 423) and from the total of those enrolled elsewhere as of the PF⁹⁷ (192 – 8 = 184) results in 43 percent (184 of 423) of the non-Vincent 1994 BLB members now belonging to a federally recognized tribe. The number of non-Vincent 1994 BLB members who continue to be members of BLB as of

⁹⁴ In addition, the MFO also annotated the BLB member list with blood quantum information obtained from their per capita applications under the Michigan Indian Land Claims Settlement Act of December 15, 1997. The acknowledgment regulations do not require petitioners to meet a minimum blood quantum.

⁹⁵ Minutes of the group's November 13, 2004, meeting indicate that the issue of "dual enrollment" was part of the "tribal enrollment ordinance" being drafted at that time (BLB 11/13/2004, 7).

⁹⁶ The *Burt Lake Band PF*'s "Description and Analysis" under criterion (f) incorrectly gave the 1994 membership total as 632 (p. 2); the correct total of 634 appeared in "Summary" under criterion (f) (*Burt Lake Band PF*, Summary, 99).

⁹⁷ Vincent descendants were removed from the list of past and present BLB members that the BIA MFO compared to 2006 tribal rolls, so this FD does not furnish a 2006 total of Vincent descendants enrolled elsewhere.

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2005 is 39 percent (166 of 423).⁹⁸ Thus, more of the 1994 BLB members (excluding Vincent descendants) are now members of other federally recognized tribes than are members of the petitioner.

The same calculations described in the previous paragraph may be applied to 490 of the 2002 BLB members analyzed for the PF. Removing Vincent descendants from both the portion of the 2002 BLB membership total analyzed for the PF ($490 - 233 = 257$) and from the total of those enrolled elsewhere as of 2003 ($70 - 9 = 61$) results in 24 percent of the 2002 BLB membership analyzed for the PF now belonging to a federally recognized tribe. The percentage of 2002 BLB members analyzed for the PF (excluding the Vincent descendants) who continue to be members of BLB as of 2005 is 72 percent (184 of 257).⁹⁹

Conclusion

The current petitioner certified it has 320 members, 8 of whom (or 3 percent) were found by the Department to be enrolled in federally recognized tribes as of 2006. Thus, the BLB petitioner is composed principally (97 percent) of persons who are not members of any acknowledged North American Indian tribe, and, therefore, meets the requirements of criterion 83.7(f).

⁹⁸ Seven of these non-Vincent 1994 members are 2005 BLB members who are also enrolled with a federally recognized tribe, and the totals given here for those 1994 members still with BLB in 2005 (166) and for those 1994 members enrolled elsewhere by 2006 (184) both include those 7 who are now members of both. The remaining 80 of the 423 non-Vincent 1994 BLB members are either deceased ($n=25$) or do not now belong to BLB or the other federally recognized tribes.

⁹⁹ The same calculations may be applied to the entire 2002 BLB membership list (857) submitted for the PF, before the removal of deceased, non-consenting, and relinquished members' names. Removing the Vincent descendants from both the 2002 BLB membership total ($857 - 300 = 557$) and from the total of those enrolled elsewhere as of 2003 ($250 - 22 = 228$) results in 41 percent of the total 2002 BLB membership now belonging to a federally recognized tribe. The percentage of total 2002 BLB members (less the Vincent descendants) who continue to be members of BLB as of 2005 is 40 percent (225 of 557). Thus, more of the total 2002 BLB members (excluding Vincent descendants) are now members of federally recognized tribes than they are members of the petitioner.

Criterion 83.7(g)

83.7(g) Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

83.8(d)(4) The group meets the requirements of the criteria in paragraphs 83.7 (d) through (g).

There is no evidence in the record that the petitioner or its members have been explicitly terminated or forbidden a Federal relationship by an act of Congress.

Conclusion

The petitioner meets the requirements of criterion 83.7(g).

SUPPORTING MATERIALS

Figures

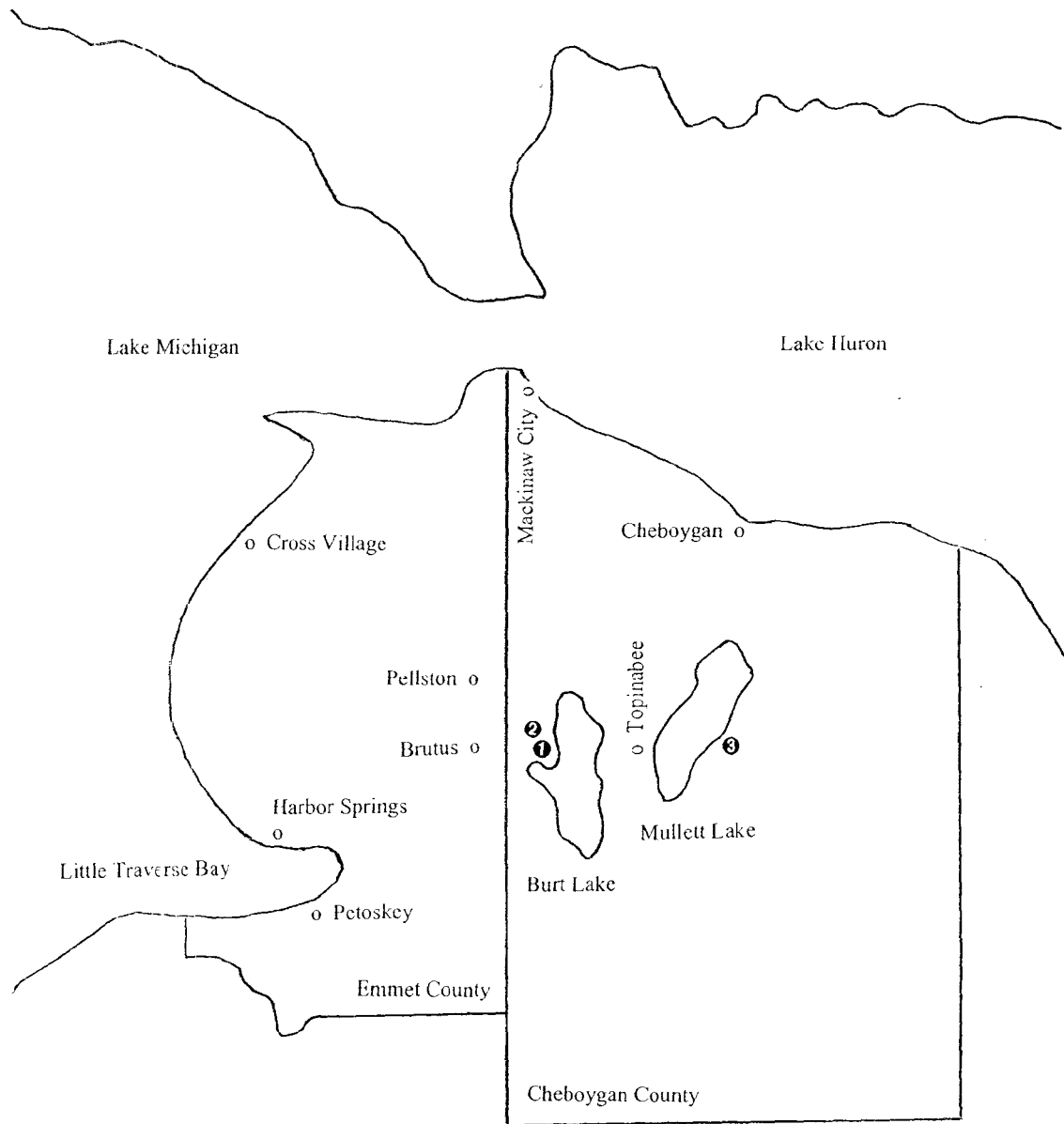


FIGURE 1: AREA MAP, MICHIGAN

Source: Office of Federal Acknowledgment

- Key:
- ❶ Indian Village, - 1900
 - ❷ Indian Road, 1900 -
 - ❸ State lands, ca. 1903-1914

10 mi.

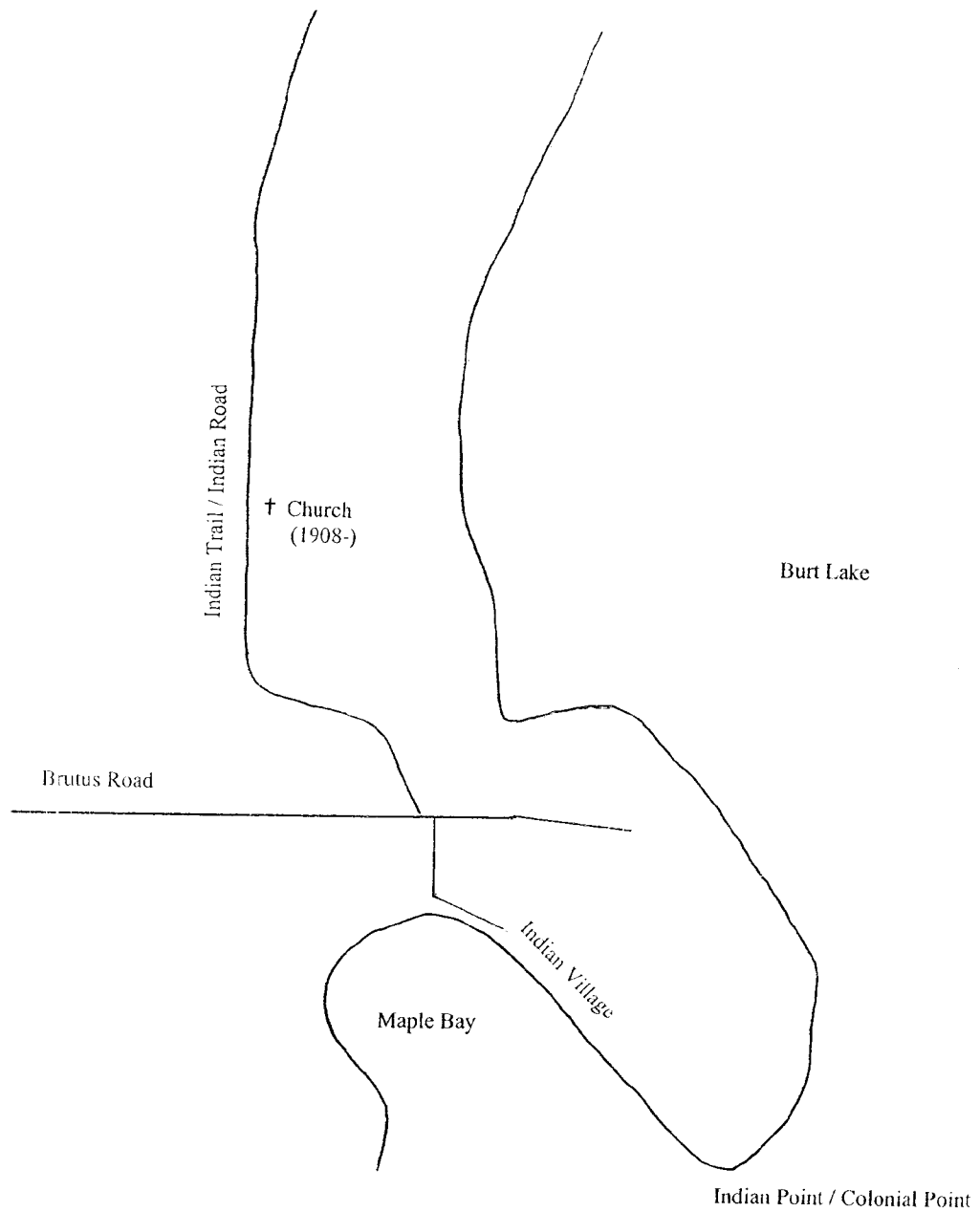


FIGURE 2: BURT LAKE AREA

Source: Office of Federal Acknowledgment

†

1 mile

Tables

TABLE 1

Current Status of 1897 McGinn and 1899 Shanauquet Descendants

Individuals named in the 1897 McGinn or 1899 Shanauquet Lists ↓	Number of descendants born in or after 1922	Number of descendants known to be deceased	Number of descendants who are 2005 BLB members only	Number who are members of 2005 BLB and of a federally recognized tribe	Number of descendants enrolled in federally recognized Indian tribes only	Number of descendants unaffiliated (of those, number formerly BLB members)
Cabinaw, Enos	225	14	62	4	42	103 (5)
Chipp(s)	-	-	-	-	-	-
Hamlin, Eugene	3	-	2	-	-	1
Hamlin, Moses F.	3	-	2	-	-	1
Hamlin, Wm	96	4	24	1	12	55 (1)
Kewaquom, Esaul	-	-	-	-	-	-
Kishigowe, Sam / Susan	22	5	3	-	-	14
Massey, Charles	61	4	32	-	10	15 (8)
Miksini, Louie	2	1	-	-	1	-
Mixeny, Frank	2	1	-	-	1	-
Nongueskwa, Moses	115	8	41	3	40	23 (17)
Nongueskwa, Paul	11	1	7	-	1	2 (2)
Parkey, Joseph	198	15	76	1	13	93 (8)
Shanauquet, Albert	49	4	10	-	14	21 (18)
Shawnonaquette, Antoine	736	62	211	7	178	278 (62)
Shawnonaquette, Francis	4	2	-	-	-	2
Shanonaquette, Jonas	121	14	5	-	63	39 (9)
Shebwasing, Joseph	-	-	-	-	-	-
Shebwasing, Louis	29	1	23	-	1	4 (2)
Shianasgay, James	16	3	-	-	8	5 (2)
Shianasgay, Peter	85	9	26	2	27	21 (9)
Singoby, Simon	-	-	-	-	-	-
Tromblay, Angeline	127	17	5	-	63	42 (9)
Wasson, Paul / Jane	-	-	-	-	-	-
Totals	853	82	242	7	190	332 (71)

Sources: McGinn 1897, Shanauquet n.d., OFA n.d.(a), OFA n.d.(b), MFO records.

Note: Many BLB members claim descent from more than one 1897 or 1899 historical individual, and, therefore, appear in the totals for each such historical individual. All such multiple appearances have been removed from the grand totals. The "descendants" in this table are BLB members who are linked to these historical individuals in the petitioner's genealogical database, and the totals have not been adjusted to reflect only those BLB members who actually demonstrated descent. The year 1922 was chosen for determining living members because the eldest BLB member was born then.

TABLE 2

Descent from the 1870 Annuitants
(11 claimed; 9 documented)

Historical Band individuals on the 1870 Joseph Way-bway-dum band Annuitant List, as coded by Durant	Number of 2005 members linked by the petitioner's genealogical database to this historical band individual	Number of linked members without sufficient evidence to demonstrate descent from this or any other historical band individual	Total number of 2005 members who satisfactorily demonstrated descent from this historical band individual
1-31 Jos. Way-bway-dum	7	1	6
2-31 Non-quaish-cav-waw	113	7	106
3-31 Shawwawnawnaquot	218	27	191
8-31 Aw-be-taw-ge-she-go	28	1	27
9-31 Ignatus Ke-zhe-go-we ¹	3	3	0
15-31 Louis Shawbwawsung	23	1	22
16-31 Theresa Waywinding	25	5	20
18-31 Wm. Mick-se-min-ne	94	6	88
20-31 Mrs. Wm. O'Flynn ²	34	23	0
29-31 Isaac Shawwawnonquot	17	1	16
33-31 Ignatus Kaw-be-naw	66	5	61
Total	267	49	218

Source: OFA n.d.(a).

Note: Many BLB members descend from more than one 1870 annuitant, and, therefore, appear in the figures for each such annuitant. All such multiple appearances have been removed from the grand totals.

¹ Membership folders for the three 2005 members linked in the petitioner's genealogical database to Ke-zhe-go-we did not contain evidence, beyond those members' birth certificates, documenting that descent.

² All 34 of the 2005 members linked in the petitioner's genealogical database to Mrs. William O'Flynn descend from a Joseph Kosequot (Durant's #2-28) whom the petitioner shows as the husband of Mrs. O'Flynn's daughter Maria(h). No evidence in the record establishes that Mrs. O'Flynn's daughter "Maria" (in Michilimackinac County in 1850) was identical to Joseph's wife Maria(h) (in Emmet County in 1860, 1870, and 1880). The Federal census indicates that Mrs. O'Flynn had a daughter Maria, although Durant's field notes did not identify a daughter Maria for annuitant Mrs. Wm. O'Flynn (Durant's #20-31), nor did Durant's field notes identify the then-deceased wife of Joseph Kosequot (Durant's #2-28) by name or cross-reference her as appearing on Durant's page 31. Of these 34 members linked to Mrs. O'Flynn, 11 can demonstrate descent from other historical band individuals, and the other 23 members, descendants of Rose Midwagon, do not have other historical band ancestors and have not demonstrated descent from Mrs. O'Flynn.

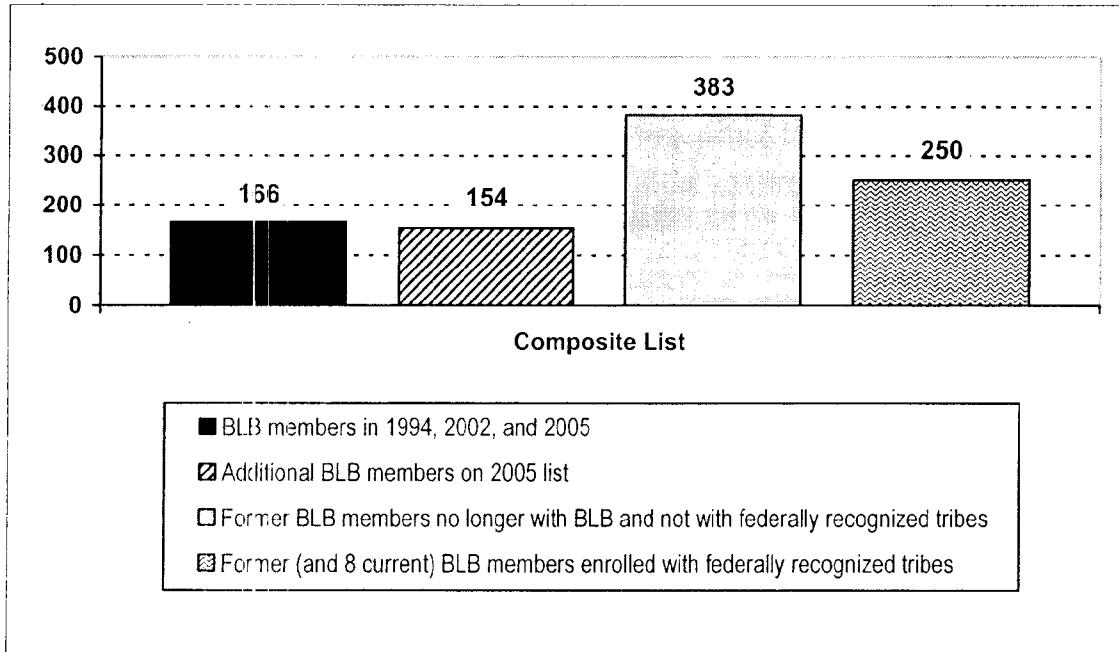


FIGURE 3: MEMBERSHIP COMPOSITE

CURRENT STATUS OF 945 INDIVIDUALS ON THE 1994, 2002, OR 2005 BLB MEMBERSHIP LISTS

Sources: BLB 9/9/1994, 12/23/2002, 4/-/2005; OFA n.d.(a).

Note: Throughout BLB's petitioning process, a total of 945 individuals have appeared on one or more of their three membership lists. Since 1994, there are fewer members who have remained with BLB than have either a.) left BLB to join another federally recognized tribe (includes 12 now deceased); or, b.) left BLB without joining another federally recognized tribe (includes 31 now deceased).

Appendix L: Language

Pet.	App.	Pet.	Name	b.	d.	Pet.N 1910s	N 1910	Pet. known 1910s 1910	Pet.N 1920s	N 1920	Pet. known 1920s 1920	Pet.N 1930s	N 1930	Pet. known 1930s 1930
Yes	53	X.?	Sophia [Sengoby/Johns] m. Shananaquet [m. 3.]	1820	1914	1	1	F F/c			D			D
Yes	53	03..	Antoine Shawwawnawnaquot	1821	1912	2	2	F F/p			D			D
Yes	57	X.?	Susan [Waywinding /sib.[16]] m. Kezhegowe [m. 9.]	1838	1910	3	3	F			D			D
No	52	02.1.	Christina Nonquaishcawwaw	1841				[rel]						
Yes	58	22.1.	Susan Pawsequa m. Norton [d.1928]	1841	[1928]	4	4	F F/c	1	1	F F/c			D
Yes	53	02.2.	Moses Nonquaishcawwaw [m. 3.6]	1848	1918	5	5	F F/p			D			D
Yes	53	03.2.	Francis Shawwawnonquet	1848	1919	6	6	F			D			D
No	53	03.3.	Isaac Shawwawnonquet [2d wife ca. 1880]	1850				[rel] [F/p]			[+]			
Yes	52	01.1.	Jane [Rosa?] Waybwaydum m. Grant	1852	[1939]	7	7	F F/o	2	2	F F/o	1	1	F F/o
Yes	53	02.3.	Mary Nonquaishcawwaw m. Cobenaw [m. 18.2]	1852	1937	8	8	F F/o	3	3	F F/o	2	2	F F/o
No	58	06.1.	Louis Pewawbisaunce [Biwabikos]	1854				[rel]			[rel]			[rel]
Yes	53	02.4.	Sarah Nonquaishcawwaw m. Massey [102-22]	1856	1922	9	9	F F/c	4	4	F F/c			D
No	53	03.x.	Matthew Shananaquet	1856				[rel]			[rel]			
No	58	06.2.	Mary Ann Pewabisaunce [Biwabikos] m. Naskaw	1856				[rel]			[rel]			[rel]
Yes	55	12.1.	Frank Mixcenena [m. 16-45]	1856	1914	10	10	F F/p			D			D
No	55	12.2.	Mary [Mixcenene] m. Megawance	1858				[rel]						
Yes	56	18.2.	Enos Cobenaw [m. 2.3]	1858	1942	11	11	F F/o	5	5	F F/o	3	3	F F/o
Yes	53	03.4.	Susan Shawwawnawnaquot m. Parkey [45-21]	1860	1926	12	12	F F/p	6	6	F F/p			D
Yes	56	08.1.	James Shawwawnawsegay [Shenoskey]	1860	1915	13	13	F F/p			D			D
Yes	54	03.5.	Eliza Shawwawnawnaquot m. Hamlin [16.1]/Parkey [45-21]	1862	1951	14	14	F F/p	7	7	F F/p	4	4	F F/p
A	58	06.3.	Kate [Catherine] Pewabisaunce [Biwabikos] m. King	1862							8			
Yes	52	01.2.	Mary Waybwaydum m. [Nongueskwa]/Brady	1863	1925	15	16	F	8	9	F			D
No	56	18.3.	Alfred Cabinaw	1863				[rel]			[rel]			[rel]
Yes	54	03.6.	Elizabeth Shawwawnawnaquot m. Nongueskwa (2.2)/Massey	1864	1950	16	17	F F/p	9	10	F F/p	5	6	F F/p
No	56	08.x.	Cecile Shenoskey	1864				[rel]			[rel]			[rel]
No	57	09.0.	Ebenezer Kishigowe	1865				[rel]			[rel]			[rel]
Yes	53	02.6.	Eliza Nonquaishcawwaw m. Moses	1866	[1918]	17	18	F			D			D
C	56	18.2.0.	Louis Cabinaw	1866	1925	18	19	F	10	11	F			D
B	03.2.1.	Rosie Shawwawnonquet m. Bwanishing	1867					[rel]			[rel]			
No	57	09.0.	Jonas Kishigowe	1868				[rel]			[rel]			[rel]
No	56	08.x.	Simon Shenoskey	1869				[rel]			[rel]			[rel]
Yes	57	09.2.	Samuel Kezhegowe	1869	1911	19	20	F			D			D
Yes	59	15.3.1.	Angeline [Waugezhick] m. Norton [20-32]	1869	1950	20	21	F	11	12	F	6	7	F
BC	54	18.1.1.	Sarah Mickceninne m. Kosequot	1869				Q?	12	13	Q?	7	8	Q?
B	22.1.1	Jane [Norton] m. Wasson [37-32]	1869					[rel]			[rel]			
Yes	59	03.3.1.	Jonas Shawwawnawnaquot	1870	1945	22	23	F F/p	13	14	F F/p	8	9	F F/p
Yes	59	03.3.2.	Albert Shawwawnonquet [Shananaquet] [m. 7-24]	1872	1959	23	24	F F/o	14	15	F F/o	9	10	F F/o
No	54	18.1.2.	Henry Mixcenene	1872				[rel]			[rel]			[rel]
Yes	59	18.2.1.	Alice Kawbenaw m. [Boda]/Deshner	1872	1949	24	25	F F/p	15	16	F F/p	10	11	F F/p
No	59	01.5.	Thomas Waybwaydum	1874				[rel]			[rel]			[rel]
No	54	18.1.3.	John Mixcene	1874				[rel]			[rel]			[rel]
Yes	60	03.2.2.	Mary [Charlotte] Shananaquet m. Kagigebitang [1st m.]	1875	[1910s]	25	26	F	D		D?	D		D?
Yes	60	03.3.3.	Hattie Shawwawnonquet m. Hamlin [(16.2)[40-15]]	1875	1942	26	27	F F/o	16	17	F F/o	11	12	F F/o
Yes	59	16.2. [?]	Eugene Hamlin [40-15, ch.2] [m. 3.3.3]	1875	1945	27	28	F F/o	17	18	F F/o	12	13	F F/o

Burt Lake Band - FD

Appendix: Language

Pet.	App.	Pet.	Name	b.	d.	Pet.N	N	Pet.	known	Pet.N	N	Pet.	known	Pet.N	N	Pet.	known	
BLB	C/p.	Descent				1910s	1910	1910s	1910	1920s	1920	1920s	1920	1930s	1930	1930s	1930	
Yes	59	15.3.2.	John Waugchick	1877		28	29	F		18	19	F		13	14	F		
	C	60	16.3.	Moses Hamlin, Jr. [40-15, ch.3]		1877	29	30	F	19	20	F		14	15	no		
Yes	60	08.2.	Peter Shawwawnowsegay [Shenoskey] [m. 18.1.5]	1878	1959	30	31	F	F/p	20	21	F	F/p	15	16	F	F/p	
No	60	08.3.	Sarah Shawwawnowsegay m. Moses	1878			[+]	[rel]	[F/o]		[+]	[rel]	[F/o]		[+]	[rel]	[F/o]	
	A	55,60	18.1.4.	Mary Mixcenne m. Fatman		1878		32			22					17		
Yes	59	18.2.2.	Lucius Cobenaw	1878	1933	31	33	F	F/p	21	23	F	F/p	16	18	F	F/p	
[rel]	60	01.1.0.	Mary M. Grant	1879			[+]	[rel]			[+]	[rel]			[+]	[rel]		
Yes	60	03.6.1.	John Nonquaishcawwaw [Nongueskwa]	1880	1964	32	34	F	F/p	22	24	F	F/p	17	19	F	F/p	
Yes	55	18.1.5.	Christine Mixcenne m. Shenoskey [m. 8.2]	1880	1958	33	35	F	F/p	23	25	F	F/p	18	20	F	F/p	
Yes	61	15.2.1.	Louis Massey [m. 1.2.1] [m. 8.2.7]	1881	1953	34	36	F		24	26	F		19	21	F		
Yes	52	01.2.1.	Mary [Josephine M. Nongueskwa] Brady m. Masscy	1882	1943	35	37	F		25	27	F		20	22	F		
Yes	61	03.4.1.	Thomas Parkey	1883	1922	36	38	F		26	28	F				D		
	A		06.3.1.	Guy King		1883		39			29					23		
Yes	61	03.5.1.	Amos [M. Amos] Shawwawnowsegay [Shawa] [m.16.1.x]	1884	1963	37	40	F	F/o	27	30	F	F/o	21	24	F	F/o	
Yes	60	18.2.3.	Emma Cobenaw m. Kagebitang	1884	1933	38	41	F	F/p	28	31	F	F/p	22	25	F	F/p	
Yes	61	03.4.2.	Annie Parkey m. Boda	1885	1977	39	42	F		29	32	F		23	26	F		
Yes	61	01.1.1.	Joseph Grant	1886	1913	40	43	F				D				D		
Yes	55	12.1.1	Annie Mixcenne m. Wawbegaykake [Midwagon]	1886	[1987]	41	44	F	F/o	30	33	F	F/o	24	27	F	F/o	
B?	55	18.1.6.	Hattie Mixcenne m. Namega [Nonigos]	1886			[+]	[rel]			[+]	[rel]			[+]	[rel]		
Yes	61	02.4.1.	Henry Massey	1887	1968	42	45	F		31	34	F		25	28	F		
Yes	62	03.2.3.	Moses Shananaquet	1887	[1970]	43	46	F		32	35	F		26	29	F		
Yes	61	18.2.4.	Rosie Cabanaw m. Burrell	1887		44	47	F		33	36	F		27	30	F		
Yes	62	03.1.7.	Aggie [Agnis] Shenoskey [8.7] m. Naganashe	1888	1959	45	48	F	F/o	34	37	F	F/o	28	31	F	F/o	
Yes	62	02.4.2.	Francis Massey	1889	1951	46	49	F		35	38	F		29	32	F		
Yes	62	03.4.3.	Edmund Parkey	1890	1962	47	50	F	F/o	36	39	F	F/o	30	33	F	F/o	
Yes	62	16.1.x.	Agnes Hamlin [m. Shawa (3.5.1)]	1890	1928	48	51	F		37	40	F				D		
	B		M.07.	Lizzie Martell [61-35] m. Griswold		1890		[+]	[rel]	[F/o]		[+]	[rel]	[F/o]		[+]	[rel]	[F/o]
[rel]		08.1.1.	Joseph Shawwawnowsegay	1891			[+]	[rel]									[F/o]	
Yes	62	09.2.1.	Agnes Kezhogowe [m. Gingrich/Bauch]	1891	1965	49	52	F		38	41	F		31	34	F		
Yes	62	18.2.1.1.	[Mary] Louisa Boda [m. Galloway]	1891		50	53	F		39	42	F		32	35	F		
Yes	62	01.3.1.	Veronica Kewayquom [m. Brown]	1892		51	54	F		40	43	Q?		33	36	Q?		
Yes	63	03.4.4.	Charles Parkey	1892	[1946]	52	55	F		41	44	Q?		34	37	Q?		
[rel]		02.6.1.	Mary Moses	1893			[+]	[rel]										
[rel]		08.1.2.	Sampson Leo Shawwawnowsegay	1893			[+]	[rel]										
Yes	63	03.3.1.1.	Susan Shawwawnowsegay [m. Boulton]	1894		53	56	F		42	45	F		35	38	Q?		
Yes	63	03.5.2.	Annie Hamlin [m. Kenoshmeig/Kagebitang]	1894	1924	54	57	F		43	46	F				D		
Yes	63	08.1.3.	Stephen Shawwawnowsegay [Shenoskey] [m. 1.4.1/m. 5-34]	1894	1981	55	58	F	F/c	44	47	F	F/c	36	39	F	F/c	
A/N	63	09.2.2.	Caroline Kezhogowe	1894			59	X		48		X		40		X		
Y/N	63	01.4.1.	Agnes Gabriel [m. Shenoskey (8.1.3)]	1895	[1921]	56	60	F		49		X?				X?		
	A		06.3.2.	Charles King		1895		61			50					41		
Yes	64	03.3.1.2.	Samuel Shawwawnowsegay [m. 18.2.3.1]	1896	1967	57	62	F	F/p	45	51	F	F/p	37	42	F	F/p	
Yes	64	03.5.3.	William Hamlin	1896	1914	58	63	F				D				D		
Y/N	66	09.2.3.	Enos Kezhogowe	1896		59	64	F		46	52	F				43	X?	
No	55,64	18.1.7.	Barbara Mixcenne [m. Kosequot]	1896	1964		[+]	[rel]			[+]	[rel]			[+]	[rel]		

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Appendix: Language

Pet.	App.	Pet.	Descent	Name	b.	d.	Pet.N	N	Pet. known	1910s	1910	Pet.N	N	Pet. known	1920s	1920	Pet.N	N	Pet. known	1930s	1930	Pet. known	1930s	1930	
Y/N	64	01.3.2.		Louisa Kewayquom	1897		60	65	F				53	X									44	X	
Yes	65	03.4.x.		Samuel Parkey [3.4.x]	1897	1986	61	66	F			47	54	F			38	45					45	F	
Yes	55,64	12.1.2.		Frank Mixcenena [Jr.]	1897		62	67	F			48	55	Q?D								39	46	Q?D	
B	64	18.1.1.1.		Julius Kosquom [m. 8.1.4]	1897									[+]									[+]		
Yes	64	18.2.1.2.		Maud Boda [m. Dasiner]	1897	1936	63	68	F	F/p		49	56	F	F/p		40	47						F	F/p
Yes	65	03.5.4.		Mary Hamlin [m. Lewis/Cabinaw (18.2.2.2)]/[Parkey (3.4.3)]	1898	1926	64	69	F			50	57	F										D	
Y/N	66	09.2.4.		Ella [Helen] Kezhogowe [m. Coneklin]	1898		65	70	F			51	58	F									48	X?	
A	64	18.1.4.1.		C[larence] Partman	1898			71					59											49	
BC	65	01.1.3.		Lizzie Grant [m. Ringo]	1899	1975	66	72	F				60											50	
Yes	66	03.3.1.3.		Mary Shawwawnawquom [m. Martell (61-35)]	1899	1952	67	73	F	F/p		52	61	F	F/p		41	51						F	F/p
Yes	66	08.1.4.		Mary [Barbara] Shawwawnawsegay [m. Kosquom (18.1.1.1)]	1899	1964	68	74	F			53	62	F			42	52						F	
Yes	65	18.2.2.1.		Nellie Cobenaw [m. Bouscher]	1899	1985	69	75	F			54	63	F			43	53						F	
Y/N	65	01.3.3.		Coletta (Catherine) Kewayquom	1900	[1976]	70	76	F				64	X									54	X	
Y/N	67	01.3.4. [?]		Catherine Kewayquom [same as 1.3.3]	1900		71	[dup]	F					X										X	
Yes	67	03.3.2.1.		Cora Shawwawnonquom [Shananaquet] [m. Fenner]	1900	1971	72	77	F	F/o		55	65	F	F/o		44	55						F	F/o
Yes	67	03.3.3.2		Maggie Hamlin	1900	1918	73	78	F					D										D	
Yes	67	03.4.5.		John Parkey [m. 18.2.2.5]	1900	1976	74	79	F			56	66	F			45	56						F	
Y/N	67	15.3.2.0.		Daniel Wongezhick	1900		75	80	F				67	X										57	X
A	67	15.3.2.1.		Cecelia Wongezhick	1900			81					68											58	
[rel]		18.1.4.2.		Benj. Partman	1900			[+]	[rel]				[+]	[rel]									[+]	[rel]	
Yes	67	03.3.1.4.		Rosie [Rose A.] Shawwawnawquom [Shananaquet]	1901		76	82	F			57	69	Q?			46	59						Q?	
Y/N	66	08.1.5.		B[enjamin] Shawwawnawsegay [Shenoskey]	1901		77	83	F			58	70	Q?			47	60						Q?	
AB		15.3.1.1.		Lizzie [Elizabeth] Norton [m. Antoine]	1901			84					71											61	
C	67	16.3.1		Charles Hamlin	1901		78	85	F			59	72	F			48	62						F	
Yes	67	18.2.2.2.		Leo Cobenaw [m. 3.5.4]	1901	1928	79	86	F			60	73	F										D	
Yes	68	03.3.3.3		Dick [Richard] Hamlin	1902	1974	80	87	F			61	74	F			49	63						F	
Yes	55	12.1.3.		Stella Mixcenena	1902		81	88	F			62	75	F			50	64						F	
A	67	15.3.2.2.		Agnes Wongezhick	1902			89					76											65	
Yes	52	01.1.4.		Thomas Grant	1903		82	90	F			63	77	F			51	66						F	
Yes	68	03.6.1.01		Emma Nonquaishcawwaw [m. Mandosking]	1903	1990	83	91	F			64	78	F			52	67						F	
C	68	08.2.01.		[Cecilia] Shawwawnawsegay [Shenoskey]	1903		84	92	Q?			65	79	Q?			53	68						Q?	
A	67	15.3.2.3.		Irene Wongezhick	1903			93					80											69	
Yes	68	18.2.1.3.		John Deshner [Dashner]	1903		85	94	F			66	81	F			54	70						F	
Yes	68	18.2.2.3.		Henry Cobenaw	1903	1957	86	95	F	F/o		67	82	F	F/o		55	71						F	F/o
[rel]		03.4.1.1.		Rosie Parkey	1904			[+]	[rel]				[+]	[rel]									[+]	[rel]	
C	67	16.3.2.		Howard Hamlin	1904		87	96	F			68	83	F			56	72						F	
Yes	68	03.3.1.5.		Robert Shawwawnawquom [Shananaquet]	1905		88	97	F			69	84	F			57	73						Q?	
Yes	68	03.6.1.02.		Daniel Nonquaishcawwaw [Nongueskwa]	1905		89	98	F			70	85	F			58	74						Q?	
[rel]		09.2.5.		Mary Kezhogowe	1905			[+]	[rel]				[+]	[rel]									[+]	[rel]	
A		15.3.1.2.		Edward Norton	1905			99					86											75	
Yes	68	18.2.2.4.		Paul Cobenaw	1905	1926	90	100	F			71	87	F										D	
Yes	68	18.2.3.1.		[E.] Ida Cabinaw [m. Shananaquet (3.3.1.2)]	1905	1983	91	101	F	F/p		72	88	F	F/p		59	76						F	F/p
[rel]		01.3.5.		William Kewayquom	1906			[+]	[rel]				[+]	[rel]									[+]	[rel]	
[rel]		03.4.1.2.		Evaline Parkey	1906			[+]	[rel]				[+]	[rel]									[+]	[rel]	

BLB	App.	Pet.	Descent	Name	b.	d.	Pet.N 1910s	N 1910	Pet. known 1910s 1910	Pet.N 1920s	N 1920	Pet. known 1920s 1920	Pet.N 1930s	N 1930	Pet. known 1930s 1930
Yes	68	03.6.1.03.		Harry Nonquaishcawwaw [Nongueskwa]	1906	1995	92	102	F F/o	73	89	F F/o	60	77	F F/o
Y/N	66	08.1.6.		Frank Shawwawnowsegay [Shenoskey]	1906		93	103	F	74	90	F	61	78	F
Yes	69	08.2.02.		[Hattie] Mary Shawwawnowsegay [m. Odeimin]	1906	1963	94	104	F	75	91	F	62	79	F
Yes	69	01.2.1.1.		Lena [Lisa] Massey	1907	1997	95	105	F	76	92	F	63	80	F
Yes	69	02.4.1.1.		Margaret [Mary Margaret] Massey [m. Swartout]	1907	1992	96	106	F	77	93	F	64	81	F
Yes	69	03.6.1.04.		William Nonquaishcawwaw [Nongueskwa]	1907	1910	97	107	F			D			D
A	67	15.3.2.4.		Esther Wongezhick	1907			108			94			82	
Yes	66	18.2.4.1.		Jennie Burrell	1907		98	109	U	78	95	U	65	83	U
Yes	69	03.1.7.1.		George B. Naganashe	1908	1966	99	110	F F/o	79	96	F F/o	66	84	F F/o
Yes	69	18.2.2.5.		Clementia [Elsie] Cobenaw [m. Parkey (3.4.5)]	1908	1929	100	111	F	80	97	F			D
Yes	70	03.2.3.a.		Steven Shananaquet	1909	1986	101	112	F	81	98	no	67	85	no
Yes	70	03.3.1.6.		Martha Shawwawnonquot [m. Dornburg]	1909	1986	102	113	F	82	99	F	68	86	F
Yes	70	03.4.1.3.		Edna Parkey m. Kenoshmeg	1909	2001	103	114	F	83	100	F	69	87	F
Yes	70	08.2.03.		Rose Shenoskey	1909	1921	104	115	F	84	101	F			D
Yes	70	M.07.03.		Mabel Florence Griswold m. Scott	1909	1986	105	116	F	85	102	F	70	88	F
Yes	71	01.2.1.2.		Walter Massey	1910	1987	106	117	F	86	103	F	71	89	F
Yes	71	03.1.7.2.		Daniel Naganashe	1910	1981	107	118	F	87	104	F	72	90	F
Yes	70	03.4.2.02.		Blanche Boda	1910	1936	108	119	U	88	105	U	73	91	U
[rel]		03.6.1.05.		Lucy Nongueskwa	1910			[+]	[rel]		[+]	[rel]		[+]	[rel]
Yes	71	08.1.y.		Anna Veronica Shenoskey m. Masteau	1910		109	120	F	89	106	F	74	92	F
Yes	70	09.2.6.		Frederick J. Kishigowe	1910	1965	110	121	F	90	107	F	75	93	F
[rel]		15.3.1.3.		Enos Norton	1910	1917		[+]	[rel]						
Yes	70	18.2.2.7.		Frank Cabinaw	1910	1920	111	122	F	91	108	F			D
Yes	71	02.4.1.2.		Joseph Massey	1911	1983	112		F	92	109	F	76	94	F
Yes	71	03.4.2.03.		Susan Boda	1911		113		U	93	110	U	77	95	U
Yes	71	08.2.04.		William J. Shenoskey	1911	1966	114		F	94	111	F F/o	78	96	F F/o
Yes 70,71	09.2.8.			C. Julie Kishigowe [m. Buffalo]	1911	1991	115		F2	95	112	F2	79	97	F2
Yes	71	01.2.1.3.		Lucille Massey	1912	1993	116		U	96	113	U	80	98	U
Yes	71	02.4.1.3.		J. Paul Massey [m. 3.4.2.7]	1912	1968	117		F	97	114	F	81	99	F
Y/N	71	18.2.1.1.1.		Alice Galloway	1912		118		F	98	115	F	82	100	F
Yes	69	01.2.1.x.		Lena B. Massey	1913	[1933]	119		U	99	116	U	83	101	U
Yes	72	03.4.2.04.		Daniel Boda	1913	[1975]	120		U	100	117	U	84	102	U
Yes	73	02.4.1.4.		Anna Massey m. Levandoski	1914		121		U	101	118	U	85	103	U
[rel]		03.2.3.b.		Louisa Shananaquet	1914						[+]	[rel]		[+]	[rel]
Yes	72	03.5.1.04.		Francis Shawa	1914	1981	122		F	102	119	F	86	104	F
Yes	72	03.6.1.07.		Anna Nongueskwa m. Andrews	1914	1939	123		F	103	120	F	87	105	F
Yes	72	08.2.05.		Edward Wallace Shenoskey	1914	1991	124		F	104	121	F	88	106	F
Yes	73	18.2.1.2.1.		Charles C. Dashner [m. 3.6.1.8]	1914	1990	125		F	105	122	F F/o	89	107	F F/o
Yes	72	18.2.2.8.		Louise Cabinaw m. Reznick	1914	1998	126		U	106	123	U	90	108	U
[rel]		M.07.05.		Robert Griswold	1914						[+]	[rel]		[+]	[rel]
Yes	73	03.4.2.05.		Floyd Boda	1915		127		U	107	124	U	91	109	U
A		09.2.x.?		Andrew Kishigowe	1915						125			110	
Y/N	73	18.2.1.1.2.		William Galloway	1915		128		F	108	126	F	92	111	F
[rel]		M.07.06.		James Griswold	1915						[+]	[rel]		[+]	[rel]

BLB	App.	Pet. C/p.	Pet. Descent	Name	b.	d.	Pet.N 1910s	N 1910	Pet. known 1910s 1910	Pet.N 1920s	N 1920	Pet. known 1920s 1920	Pet.N 1930s	N 1930	Pet. known 1930s 1930
Yes	73	M.07.07.		Julia Agatha Griswold	1915	1995	129		U	109	127	U	93	112	U
Yes	69	01.2.1.x.		Leona N. Massey	1916		130		U	110	128	U	94	113	U
Yes	73	03.6.1.08.		Elizabeth Nongueskwa m. Morrow/[Dashner (18.2.1.2.1)]	1916	1996	131		F	111	129	F F/o	95	114	F F/o
Y/N	73	18.2.1.1.3.		Henry Galloway	1916		132		F	112	130	F	96	115	F
Yes	73	M.07.08.		Sam Griswold	1916	2001	133		U	113	131	U	97	116	U
Yes	74	03.4.2.06.		Thomas Boda	1917	1967	134		U	114	132	U	98	117	U
[rel]		03.5.1.05.		Lucille Shawa	1917					[+]		[rel]	[+]		[rel]
Yes	74	03.6.1.09.		Patrick Nongueskwa	1917	1941	135		F	115	133	F	99	118	F
Yes	73	08.2.06.		Mary Anna Shenoskey m. Dayson	1917	1988	136		F	116	134	F	100	119	F
Yes	73	18.2.1.2.2		Lester Dashner	1917		137		U	117	135	U	101	120	U
Yes	74	03.3.1.1.1.		Louisa Boulton	1919		138		U	118	136	U	102	121	U
Yes	74	03.3.1.3.1.		Cecelia Martell m. Harrington	1919		139		F	119	137	F	103	122	F
Yes	74	03.4.2.07.		Evelyn Boda m. Massey [m. 2.4.1.3]	1919		140		U	120	138	U	104	123	U
Yes	74	03.5.1.06.		Raymond Shawa	1919		141		F	121	139	F	105	124	F
Yes	74	03.6.1.10.		Margaret Nongueskwa m. Martell [m.3.3.1.3.2]	1919		142		F	122	140	F F/o	106	125	F F/o
A		18.2.2.1.x.		Frances Bouscher	1910s						141			126	
Yes	74	08.2.07.		Irene Elizabeth Shenoskey m. Massey (15.2.1)	1920	1992				123	142	F F/o	107	127	F F/o
[rel]		M.07.09.		Anna Griswold	1920										[rel]
[rel]		M.07.10.		Ellen Griswold	1920	1987									[rel]
Yes	75	03.3.1.3.2.		Garland Martell [m. 3.6.1.10]	1921	1997				124		F	108	128	F F/o
Yes	75	03.4.2.08.		Hazel Boda	1921	1992				125		U	109	129	U
Yes	75	03.5.4.1.		Enos [William] Cabinaw [18.2.2.2.x.]	1921	1993				126		F	110	130	F
Yes	75	03.6.1.11.		Melvina Nongueskwa m. Vertz	1921					127		U	111	131	U
Yes	75	18.1.1.1.1.		Jeanette Kosequot	1921					128		U	112	132	U
Yes	74	18.2.1.2.3.		Virginia Dashner	1921					129		U	113	133	U
Yes	75	18.2.1.2.4.		Bert H. Dashner	1921	1981				130		U	114	134	U
Yes	75	18.2.1.4.		Pearl Dashner m. Shenoskey	1921					131		U	115	135	U
[rel]		03.3.1.2.a.		Joe Shannaquet	1922										[rel]
Yes	75	03.3.1.3.3.		Howard Martell	1922	1997				132		F	116	136	F
Yes	75	03.4.2.09.		Charlene Boda m. Scott	1922					133		U	117	137	U
Yes	75	03.5.1.07.		Edward Shawa	1922					134		F	118	138	F
Yes	75	03.6.1.12.		Thomas Nongueskwa	1922	2002				135		U	119	139	U
Yes	75	08.2.08.		Henry J. Shenoskey [m. 3.1.7.1.c]	1922	1995				136		F	120	140	F F/o
[rel]		03.1.7.1.a.		Nicklos Naganashe	1923										[rel]
Yes	75	03.5.4.2.		Julius C. Lewis [Cabinaw] [m. 3.1.7.3]	1923					137		F	121	141	F F/o
Yes	75	18.2.1.2.5.		Nora F. Dashner	1923					138		U	122	142	U
Yes	76	18.2.2.x.		Charles Henry Cabinaw	1923	1964				139		F	123	143	F
Yes	76	03.3.1.3.4.		Charles Levi Martell	1924					140		F	124	144	F F/o
Yes	76	03.3.2.1.1.		Gertrude Fenner	1924					141		S	125	145	S
Yes	76	03.3.2.1.2.		Grace Fenner	1924					142		S	126	146	S
Yes	76	03.4.2.10.		Viola Boda	1924					143		U	127	147	U
Yes	76	03.4.3.1.		Ernest Parkey	1924	1983				144		U	128	148	U
Yes	76	03.6.1.01.x.		William E. Mandosking	1924					145		U	129	149	U
[rel]		03.3.1.2.b.		Paul Shananaquet	1925										[rel]

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Appendix: Language

Pet.	App.	Pet.				Pet.N	N	Pet. known	Pet.N	N	Pet. known	Pet.N	N	Pet. known	Pet.N	N	Pet. known
BLB	C/p.	Descent	Name	b.	d.	1910s	1910	1910s 1910	1920s	1920	1920s 1920	1930s	1930	1930s 1930	1930s	1930	1930s 1930
Yes	76	03.3.1.3.5.	Eileen [Ellen] Martell	1925					146		F	130	150				F
Yes	76	18.1.1.1.2.	Clarence Kosequot	1925					147		U	131	151				U
Yes	76	18.2.1.2.6.	Norma Beatrice Dashner	1925	[1971]				148		F	132	152				F
[rel]		M.07.11.	Mary Griswold	1925													
Yes	77	03.3.2.1.3.	Catherine Fenner	1926					149		S	133	153			[rel]	S
Yes	77	03.4.3.3.	Henry Parkey	1926	1984				150		U	134	154				U
Yes	77	02.4.2.1.	Charles [L.] Massey	1927					151		U	135	155				U
No	77	03.2.3.d.	Harry Shananaquet	1927	1982												
Yes	77	03.5.1.08.	Robert Shawa	1927	1979				152		F	136	156			[rel]	F
Yes	77	03.5.1.x.	Elizabeth D. Shawa	1927	1999				153		F	137	157				F
Yes	77	18.2.2.2.x.	Arliss Cabinaw	1927					154		U	138	158				U
Yes	77	03.1.7.3.	Susan Marie Naganashe m. Lewis (3.5.4.2)	1928					155		F	139	159				F
[rel]		03.3.1.2.c.	Murven Shanaquet	1928													F
Yes	78	03.4.2.11.	Delores Boda	1928	1992				156		U	140	160			[rel]	U
Yes	78	03.3.2.1.4.	George Fenner	1929	1949				157		S	141	161				S
Yes	78	03.4.5.2.	Paul Parkey	1929	1993				158		U	142	162				U
Yes	80	03.3.2.1.5.	Dorothy Fenner	1930	1978							143	163				S
Yes	80	03.4.3.4.	Roy Parkey	1930	1999							144	164				S
Yes	80	08.1.y.1.	Norma Etta Masteau	1930								145	165				U
Yes	80	03.1.7.1.b.	Cecelia Naganashe	1931								146					F
Yes	80	03.3.1.2.2.	Francis Shananaquet	1931	1968							147					F
Yes	80	03.5.1.10.	Benedict Shawa	1932								148					F
Yes	72	03.6.1.07.x.	Robert F. Andrews	1932								149					U
Yes	80	08.1.y.2.	Velma Masteau	1932								150					U
Yes	69	08.2.02.x.	Josephine Odeimin	1932								151					U
Yes	80	08.2.04.1.	Clarence Shenoskey	1932								152					U
Yes	80	18.2.1.2.8.	Norma Lee Dashner	1932	1964							153					U
Yes	80	20.x.7.3.1.	Rose Agnes Midwagon [m. Menefee/Shawa/Moses]	1932	1968							154					F
Yes	79	03.1.7.1.c.	Eliza Marie Naganashe [m. Shenoskey (8.2.8)]	1933	1982							155					F
Yes	79	03.3.2.1.6.	Edith Mae Fenner m. Teuthorn	1933								156					S
Yes	79	03.3.1.3.6.	Roseanna Martell m. Smith/[Shingman]	1934	1999							157					F
Yes	79	03.4.3.5.	Bernard Parkey	1934								158					S
Yes	79	03.5.1.11.	Helen Shawa m. Kiogima	1934								159					F
Yes	79	03.6.1.01.x.	Irene Marie Mandosking	1934								160					U
Yes	72	03.6.1.07.x.	Betty Andrews m. LeClear	1934								161					U
Yes	69	08.2.02.x.	Theresa Odeimin	1934								162					U
Yes	79	03.3.1.2.3.	Samuel Shananaquet [Jr.]	1935								163					F
Yes	72	03.6.1.07.x.	Katherine Andrews	1935								164					U
Yes	80	08.1.y.3.	Howard Masteau	1935								165					U
Yes	79	20.x.5.9.3.	Alvin V. Keway	1935								166					U
Yes	79	M.07.03.1.	Lula Mae Scott	1935								167					S
Yes	79	03.3.3.3.2.	Bruce Davis Hamlin	1936								168					U
Yes	70	09.2.8.3.	Adrina Katherine Buffalo	1936								169					U
Yes	79	01.2.1.2.3.	Yvonne Massey	1937								170					U

BLB	C/p.	Pet. Descent	Name	b.	d.	Pet. known		Pet. known		Pet. known		Pet. known		
						1910s	1910	1910s	1910	1920s	1920	1920s	1920	1930s
Yes	78	03.1.7.1.d.	Nancy Marion Naganashe m. Shananaquet (3.3.1.2.3)	1937								171		F
Yes	79	03.3.1.2.4.	Lawrence Shananaquet	1937								172		F
Yes	79	03.5.1.12.	Doris Shawa m. Beaudin	1937								173		F
Yes	78	18.2.1.2.1.x.	Rose Marie Dashner	1937								174		U
Yes	79	M.07.03.2.	isabei Edna Scott	1937								175		S
Yes	78	02.4.1.1.x.	Robert J. Swartout	1938								176		U
Yes	78	18.2.2.3.x.	Patrick Cabinaw	1938								177		U
Yes	78	03.3.1.2.5.	William Shananaquet	1939								178		F
Yes	78	03.4.2.05.x.	Joanna Marie Boda	1939								179		U
Yes	78	08.1.y.4.	Ireta Ann Mastcau	1939								180		U
Yes	78	08.2.04.2.	Alice R. Shenoskey	1939								181		U
Yes	78	08.2.06.x.	Richard Dayson	1939								182		U
Yes	72	03.6.1.07.x.	Nellie Andrews m. Steinburg	?								183		U

KEY:

Pet. BLB	Petitioner's use of this individual as a band "member."
Yes	Petitioner's "members" (per petitioner)
Y/N	Petitioner's "members" once; "left tribal relations" later (per petitioner)
A	Included in App. A (residence), but not App. C (language)
B	Included in App. B (marriage), but not App. A or C
C	Included in App. C (language), but not App. A (residence)
D	Deceased
No	Not in tribal relations (per petitioner)

App. C Appendix and page number for petitioner's entry for this individual (Austin 2005).

Descent The genealogical relationships indicated here use the Darboville numbering system in which the progenitor of a family is assigned a number and each successive generation adds a number indicating the presumed birth order of the children in that generation. Each descending generation is separated from the prior generation by a period. The numbers here follow Durant's field notes, which were based on p.31 of the 1870 annuity roll. Progenitor "3." is listed as 3-31 on the Durant roll. For example, "3.3.2" is the second child of the third child of Durant's 3-31. The petitioner has added generations not found in Durant's field notes.

Language:

F	Fluent (per petitioner)
F/c	Fluent, per 1910 census (petitioner's Table 8)
F/o	Fluent, per oral history (petitioner's Table 9)
F/p	Fluent, assumed as parent or grandparent of person fluent per census or oral history evidence (petitioner's Tables 8 and 9)
S	Some fluency (per petitioner)
U	Unknown fluency (per petitioner)

Appendix M: Marriage

Pet.	App.	Pet.	Name	b.	d.	Pet.N 1910s	N 1910	Pet. OFA 1910s 1910s	Pet.N 1920s	N 1920	Pet. OFA 1920s 1920s	Pet.N 1930s	N 1930	Pet. OFA 1930s 1930s
Yes	38	X.?	Sophia [Sengoby/Johns] m. Shananaquet [m. 3.]	1820	1914	1	1	E G						
Yes	38	03..	Antoine Shawwawnawnaquot	1821	1912	2	1	E G						
Yes	40	X.?	Susan [Waywinding /sib.[16]] m. Kezhegowe [m. 9.]	1838	1910		x							
No	34	02.1.	Christina Nonquaishcawwaw	1841			[+]	[sib]						
Yes	37	22.1.	Susan Pawsequa m. Norton [d.1928]	1841	[1928]	3	9	P M	1	10	P M			
Yes	34	02.2.	Moses Nonquaishcawwaw [m. 3.6]	1848	1918	4	2	E G						
Yes	40	03.2.	Francis Shawwawnonquet	1848	1919		x	[?]						
No	38	03.3.	Isaac Shawwawnonquot [2d wife ca. 1880]	1850			[+]	[sib]						
Yes	33	01.1.	Jane [Rosa?] Waybwaydum m. Grant	1852	[1939]		x			x			x	
Yes	35	02.3.	Mary Nonquaishcawwaw m. Cobenaw [m. 18.2]	1852	1937	5	3	E G	2	1	E G	1	1	E G
No		06.1.	Louis Pewawbisaunce [Biwabikos]	1854			[+]	[sib]		[+]	[sib]		[+]	[sib]
Yes	35	02.4.	Sarah Nonquaishcawwaw m. Massey [102-22]	1856	1922	6	10	E* M	3	11	E* M			
No		03.x.	Matthew Shananaquet	1856			[+]	[sib?]		[+]	[sib?]			
No		06.2.	Mary Ann Pewawbisaunce [Biwabikos] m. Naskaw	1856			[+]	[sib]		[+]	[sib]		[+]	[sib]
Yes	38	12.1.	Frank Mixcenena [m. 16-45]	1856	1914	7	11	E* M						
No	38	12.2.	Mary [Mixcenene] m. Megawance	1858			[+]	[sib]						
Yes	35	18.2.	Fnos Cobenaw [m. 2.3]	1858	1942	8	3	E G	4	1	E G	2	1	E G
B 35,43	X.?		Charles Massey [102-22] [m. 2.4/m.3.6]	1859	1939	9		E*	5		E*	3		E*
Yes	41	03.4.	Susan Shawwawnawnaquot m. Parkey [45-21]	1860	1926	10	12	E* M	6	12	E* M			
Yes	37	08.1.	James Shawwawnawsegay [Shenoskey]	1860	1915	11	13	P M						
B 41,42	X.?		Joseph Parkey [45-21] [m. 3.4/m.3.5]	1860			12	E*	7		E*	4		E*
B 38	X.?		Mary Munson [16-45] m. Mixcenena [m. 12.1]	1860			13	E*						
Yes	41	03.5.	Eliza Shawwawnawnaquot m. Hamlin [16.1]/Parkey [45-21]	1862	1951	14	x	E		x		5	8	E* M
A	06.3.		Kate [Catherine] Pewawbisaunce [Biwabikos] m. King	1862			x	[?]		x	[?]		x	[?]
Yes	33	01.2.	Mary Waybwaydum m. [Nongueskwa]/Brady	1863	1925	15	14	X M	8	13	X M			
No		18.3.	Alfred Cabinaw	1863			[+]	[sib?]		[+]	[sib?]		[+]	[sib?]
Yes	34	03.6.	Elizabeth Shawwawnawnaquot m. Nongueskwa (2.2)/Massey	1864	1950	16	2	E G		x	[?]	6	9	E* M
No		08.x.	Cecile Shenoskey	1864			[+]	[sib?]		[+]	[sib?]		[+]	[sib?]
No		09.0.	Ebenzer Kishigowe	1865			[+]	[sib?]						
Yes	36	02.6.	Eliza Nonquaishcawwaw m. Moses	1866	[1918]		x	[?]						
C	18.2.0.		Louis Cabinaw	1866	1925		x	[sib?]		x	[sib?]			
B 40	03.2.1.		Rosie Shawwawnonquet m. Bwanishing	1867		17	15	P M		[+]	[sib]		[+]	[sib]
No		09.0.	Jonas Kishigowe	1868			[+]	[sib?]						
B 41	16.1.		William Hamlin [40-15, ch.1] [m. 3.5]	1868	1909	18		E D						
No		08.x.	Simon Shenoskey	1869			[+]	[sib?]		[+]	[sib?]		[+]	[sib?]
Yes	41	09.2.	Samuel Kezhegowe	1869	1911	19	16	P M						
Yes	43	15.3.1.	Angeline [Waugezhick] m. Norton [20-32]	1869	1950	20	17	P M	9	14	P M		x	[?]
BC 44	18.1.1.		Sarah Mickceninne m. Kosequot	1869		21	18	P M	10	15	P M	7	10	P M
B 45	22.1.1		Jane [Norton] m. Wasson [37-32]	1869		22	19	P M	11	16	P M	8	11	P M
Yes	39	03.3.1.	Jonas Shawwawnawnaquot	1870	1945	23	20	P M	12	17	P M	9	12	P M
Yes	39	03.3.2.	Albert Shawwawnonquot [Shananaquet] [m. 7-24]	1872	1959	24	21	E* M	13	18	E* M		x	[?]
No	44	18.1.2.	Henry Mixcenene	1872			[+]	[sib]		[+]	[sib]		[+]	[sib]
Yes	35	18.2.1.	Alice Kawbenaw m. [Boda]/Deshner	1872	1949	25	22	X M		x			x	
No		01.5.	Thomas Waybwaydum	1874			[+]	[sib?]		[+]	[sib?]		[+]	[sib?]

Pet.	App.	Pet.	Name	b.	d.	Pet.N	N	Pet.	OFA	Pet.N	N	Pet.	OFA	Pet.N	N	Pet.	OFA	
BLB	B/p.	Descent				1910s	1910	1910s	1910s	1920s	1920	1920s	1920s	1930s	1930	1930s	1930s	
	No	18.1.3.	John Mixcene	1874			[+]		[sib]		[+]		[sib]		[+]		[sib]	
Yes	40	03.2.2.	Mary [Charlotte] Shananaquet m. Kagibitang [1st m.]	1875	[1910s]	26	23	P	M									
Yes	39	03.3.3.	Hattie Shawwawnonquot m. Hamlin [(16.2) [40-15]]	1875	1942	27	8	E	G?	14	9	E	G?	10	7	E	G?	
Yes	39	16.2. [?]	Eugene Hamlin [40-15, ch.2] [m. 3.3.3]	1875	1945	28	8	E	G?	15	9	E	G?	11	7	E	G?	
Yes	43	15.5.2.	John Waugeznick	1877		29	24	X	M		x		[?]		x		[?]	
	C	43	16.3.	Moses Hamlin, Jr. [40-15, ch.3]	1877				[sib]		x		[sib]		x		[sib]	
Yes	36	08.2.	Peter Shawwawnowsegay [Shenoskey] [m. 18.1.5]	1878	1959	30	4	E	G	16	2	E	G	12	2	E	G	
No	36	08.3.	Sarah Shawwawnowsegay m. Moses	1878			[+]		[sib]		[+]		[sib]		[+]		[sib]	
	A	18.1.4.	Mary Mixcene m. Partman	1878			x		[?]		x		[?]		x		[?]	
Yes	35	18.2.2.	Lucius Cobenaw	1878	1933	31	25	X	M	17	19	X	M	13	13	X	M	
[rel]		01.1.0.	Mary M. Grant	1879			[+]		[ch?]		[+]		[ch?]		[+]		[ch?]	
Yes	35,44	03.6.1.	John Nonquaisheawwaw [Nongueskwa]	1880	1964	32	26	P2	M	18	20	P2	M	14	14	P2	M	
Yes	36	18.1.5.	Christine Mixcene m. Shenoskey [m. 8.2]	1880	1958	33	4	E	G	19	2	E	G	15	2	E	G	
Yes	34	15.2.1.	Louis Massey [m. 1.2.1] [m. 8.2.7]	1881	1953	34	5	E	G	20	3	E	G		x			
	B	39	X.?	Eliza Odagaukee [7-24/8-24] m. Shananaquet [m. 3.3.2]	1881	1925	35		E*	21		E*						
Yes	33	01.2.1.	Mary [Josephine M. Nongueskwa] Brady m. Massey	1882	1943	36	5	E	G	22	3	E	G		x			
Yes	41	03.4.1.	Thomas Parkey	1883	1922	37	27	P	M	23	21	P	M					
	A	06.3.1.	Guy King	1883			x		[?]		x		[?]		x		[?]	
Yes	42	03.5.1.	Amos [M. Amos] Shawwawnowsegay [Shawa] [m.16.1.x]	1884	1963	38	6	E	G	24	4	E	G	16	15	P	M	
Yes	35	18.2.3.	Emma Cobenaw m. Kagebitang	1884	1933		x			25	22	P	M	17	16	P	M	
Yes	39	03.4.2.	Annie Parkey m. Boda	1885	1977	39	28	X	M	26	23	X	M	18	17	X	M	
Yes		01.1.1.	Joseph Grant	1886	1913		x		[?]									
Yes	38	12.1.1	Annie Mixcenine m. Wawbegaykake [Midwagon]	1886	[1987]	40	29	P	M	27	24	P	M	19	18	P	M	
	B?	45	18.1.6.	Hattie Mixcene m. Namega [Nonigos]	1886		? 30	? 30	? M	? 25	? 25	? M	? M	? 19	? 19	? M	? M	
Yes	46	02.4.1.	Henry Massey	1887	1968	41	31	P	M	28	26	P	M		x		[?]	
Yes	40	03.2.3.	Moses Shananaquet	1887	[1970]	42	32	P	M	29	27	P	M	20	20	P	M	
Yes	44	18.2.4.	Rosie Cabanaw m. Burrell	1887		43	33	X	M	30	28	X	M		x		[?]	
Yes	36	03.1.7.	Aggie [Agnes] Shenoskey [8.7] m. Naganashe	1888	1959	44	34	P	M	31	29	P	M	21	21	P	M	
Yes	46	02.4.2.	Francis Massey	1889	1951		x		[?]	32	30	P	M	22	22	P	M	
Yes	41,42	03.4.3.	Edmund Parkey	1890	1962		x			33	48	E/X/X	M/M	23	23	X	M	
Yes	42	16.1.x.	Agnes Hamlin [m. Shawa (3.5.1)]	1890	1928	45	6	E	G	34	4	E	G					
	B	44	M.07.	Lizzie Martell [61-35] m. Griswold	1890		46	35	X	M	35	31	X	M	24	24	X	M
[rel]		08.1.1.	Joseph Shawwawnowsegay	1891			[+]											
Yes	44	09.2.1.	Agnes Kezhegowe [m. Gingrich/Bauch]	1891	1965	47	36	X	M	36	32	X	M	25	25	X	M	
Yes	46	18.2.1.1.	[Mary] Louisa Boda [m. Galloway]	1891		48	37	X	M	37	33	X	M		x		[?]	
Yes		01.3.1.	Veronica Kewayquom [m. Brown]	1892			x				x		[?]		x		[?]	
Yes	45	03.4.4.	Charles Parkey	1892	[1946]		x				x		[?]	26	26	P	M	
[rel]		02.6.1.	Mary Moses	1893			[+]											
[rel]		08.1.2.	Sampson Leo Shawwawnowsegay	1893			[+]											
Yes	40	03.3.1.1.	Susan Shawwawnowsegay [m. Boulton]	1894		49	38	P	M		x		[?]		x		[?]	
Yes	42	03.5.2.	Annie Hamlin [m. Kenoshmcig/Kagibitang]	1894	1924	50	39	P	M	38	34	P	M					
Yes	37	08.1.3.	Stephen Shawwawnowsegay [Shenoskey] [m. 1.4.1/m. 5-34]	1894	1981	51	7	E	G	39	5	E	G	27	27	E*	M	
A/N		09.2.2.	Caroline Kezhegowe	1894			x				0		[sib]		0		[sib]	
Y/N	37	01.4.1.	Agnes Gabriel [m. Shenoskey (8.1.3)]	1895	[1921]	52	7	E	G	40	5	E	G					

Pet.	App.	Pet.	Name	b.	d.	Pet.N 1910s	N 1910	Pet.	OFA 1910s	Pet.N 1920s	N 1920	Pet.	OFA 1920s	Pet.N 1930s	N 1930	Pet.	OFA 1930s
	A	06.3.2.	Charles King	1895			x				x		[?]		x		[?]
Yes	44,46	03.3.1.2.	Samuel Shawwawnawnaquod [m. 18.2.3.1]	1896	1967		x			41	35	P	M	28	3	E	G
Yes		03.5.3.	William Hamlin	1896	1914		x										
Y/N		09.2.3.	Enos Kezhegowe	1896			x				x		[?]		x		[?]
No		18.1.7.	Barbara Mixcene [m. Kosequot]	1896	1964		[+]				[+]		[sib]		[+]		[sib]
Y/N		01.3.2.	Louisa Kewayquom	1897			x				o		[sib]		o		[sib]
Yes		03.4.x.	Samuel Parkey [3.4.x]	1897	1986		x				x		[?]		x		[?]
Yes		12.1.2.	Frank Mixcenena [Jr.]	1897			x				x		[?]		x		[?]
B	45	18.1.1.1.	Julius Kosequot [m. 8.1.4]	1897						42	6	E	G	29	4	E	G
Yes	44	18.2.1.2.	Maud Boda [m. Dashner]	1897	1936	53	40	X	M	43	36	X	M	30	28	X	M
Yes	42,46	03.5.4.	Mary Hamlin [m. Lewis/Cabinaw (18.2.2.2)/[Parkey (3.4.3)]]	1898	1926	54	41	P	M	44	7	E2/E	G				
Y/N		09.2.4.	Ella [Helen] Kezhegowe [m. Concklin]	1898			x				x		[?]		x		[?]
A		18.1.4.1.	C[larence] Partman	1898			x				x		[?]		x		[?]
BC	34	01.1.3.	Lizzie Grant [m. Ringo]	1899	1975		x			45	37	X	M	31	29	X	M
Yes	40	03.3.1.3.	Mary Shawwawnawnaquod [m. Martell (61-35)]	1899	1952	55	42	P	M	46	38	P	M	32	30	P	M
Yes	45	08.1.4.	Mary [Barbara] Shawwawnawsegay [m. Kosequot (18.1.1.1)]	1899	1964		x			47	6	E	G	33	4	E	G
Yes	45	18.2.2.1.	Nellie Cobenaw [m. Bouscher]	1899	1985	56	43	P	M	48	39	P	M	34	31	P	M
Y/N		01.3.3.	Coletta (Catherine) Kewayquom	1900	[1976]		x				x				x		[?]
Y/N		01.3.4. [?]	Catherine Kewayquom [same as 1.3.3]	1900			[dup]										
Yes	40	03.3.2.1.	Cora Shawwawnonquod [Shananaquet] [m. Fenner]	1900	1971		x			49	40	X	M	35	32	X	M
Yes		03.3.3.2	Maggie Hamlin	1900	1918		x										
Yes	44	03.4.5.	John Parkey [m. 18.2.2.5]	1900	1976		x			50	8	E	G		x		[?]
Y/N		15.3.2.0.	Daniel Wongezhick	1900			x				x				x		[?]
A		15.3.2.1.	Cecelia Wongezhick	1900			x				x				x		[?]
[rel]		18.1.4.2.	Benj. Partman	1900			[+]				[+]				[+]		[sib]
Yes		03.3.1.4.	Rosie [Rose A.] Shawwawnawnaquod [Shananaquet]	1901			x				x				x		[?]
Y/N		08.1.5.	B[enjamin] Shawwawnawsegay [Shenoskey]	1901			x				x				x		[sib]
AB	44	15.3.1.1.	Lizzie [Elizabeth] Norton [m. Antoine]	1901			x			51	41	P	M	36	33	P	M
C		16.3.1	Charles Hamlin	1901			x				x				x		
Yes	42,46	18.2.2.2.	Leo Cobenaw [m. 3.5.4]	1901	1928		x			52	7	E2/X	G/M				
Yes	44	03.3.3.3	Dick [Richard] Hamlin	1902	1974		x			53	42	X	M	37	34	X	M
Yes		12.1.3.	Stella Mixcenena	1902			x				x				x		[?]
A		15.3.2.2.	Agnes Wongezhick	1902			x				x				x		[?]
Yes		01.1.4.	Thomas Grant	1903			x				x				x		[?]
Yes	46	03.6.1.01.	Emma Nonquaisheawwaw [m. Mandosking]	1903	1990		x			54	43	P	M	38	35	P	M
C		08.2.01.	[Cecilia] Shawwawnawsegay [Shenoskey]	1903			x				x				x		[sib]
A		15.3.2.3.	Irene Wongezhick	1903			x				x				x		[?]
Yes		18.2.1.3.	John Dasher [Dashner]	1903			x				x				x		[?]
Yes	46	18.2.2.3.	Henry Cobenaw	1903	1957		x			55	44	P	M	39	36	P/X	M/M
[rel]		03.4.1.1.	Rosie Parkey	1904			[+]				[+]				[+]		[sib]
C		16.3.2.	Howard Hamlin	1904			x				x				x		
Yes		03.3.1.5.	Robert Shawwawnawnaquod [Shananaquet]	1905			x				x				x		[?]
Yes		03.6.1.02.	Daniel Nonquaisheawwaw [Nongueskwa]	1905			x				x				x		[?]
[rel]		09.2.5.	Mary Kezhegowe	1905			[+]				[+]				[+]		[sib]

Burt Lake Band - FD

Appendix: Marriage

Pet.	App.	Pet.	Name	b.	d.	Pet.N	N	Pet.	OFA	Pet.N	N	Pet.	OFA	Pet.N	N	Pet.	OFA
BLB	B/p.	Descent				1910s	1910	1910s	1910s	1920s	1920	1920s	1920s	1930s	1930	1930s	1930s
	A	15.3.1.2.	Edward Norton	1905			x				x				x		[?]
Yes		18.2.2.4.	Paul Cobenaw	1905	1926		x				x						
Yes	46	18.2.3.1.	[E.] Ida Cabinaw [m. Shananaquet (3.3.1.2)]	1905	1983		x				x			40	3	E	G
[rel]		01.3.5.	William Kewayquom	1906			[+]				[+]				[+]		[sib]
[rel]		03.4.1.2.	Evaline Parkey	1906			[+]				[+]				[+]		[sib]
Yes	47	03.6.1.03.	Harry Nonquaishcawwaw [Nongueskwa]	1906	1995		x			56	45		P M	41	37	P	M
Y/N		08.1.6.	Frank Shawwawnawsegay [Shenoskey]	1906			x				x				x		[sib]
Yes	37	08.2.02.	[Hattie] Mary Shawwawnawsegay [m. Odeimin]	1906	1963		x			57	46		P M	42	38	P	M
B	37	X.?.?.	Eva Keway [69-33] [5-34] [m. 8.1.3]	1906										43		E*	
Yes		01.2.1.1.	Lena [Lisa] Massey	1907	1997		x				x				x		[?]
Yes	46	02.4.1.1.	Margaret [Mary Margaret] Massey [m. Swartout]	1907	1992		x				x			44	39	P	M
Yes		03.6.1.04.	William Nonquaishcawwaw [Nongueskwa]	1907	1910		x										
A		15.3.2.4.	Esther Wongezhick	1907			x				x				x		[?]
Yes		18.2.4.1.	Jennie Burrell	1907			x				x				x		[?]
Yes	46	03.1.7.1.	George B. Naganashe	1908	1966		x				x			45	40	P	M
Yes	44	18.2.2.5.	Clementia [Elsie] Cobenaw [m. Parkey (3.4.5)]	1908	1929		x			58	8		E G				
Yes		03.2.3.a.	Steven Shananaquet	1909	1986		x				x				x		[?]
Yes		03.3.1.6.	Martha Shawwawnonquot [m. Dornburg]	1909	1986		x				x				x		[?]
Yes	44	03.4.1.3.	Edna Parkey m. Kenoshmeg	1909	2001		x			59	47		P M	46	41	P	M
Yes		08.2.03.	Rose Shenoskey	1909	1921		x				x						
Yes	45	M.07.03.	Mabel Florence Griswold m. Scott	1909	1986		x				x			47	42	X	M
Yes	34	01.2.1.2.	Walter Massey	1910	1987		x				x			48	43	X	M
Yes		03.1.7.2.	Daniel Naganashe	1910	1981		x				x				x		
Yes		03.4.2.02.	Blanche Boda	1910	1936		x				x				x		
[rel]		03.6.1.05.	Lucy Nongueskwa	1910			[+]				[+]				[+]		
Yes	46	08.1.y.	Anna Veronica Shenoskey m. Masteau	1910			x				x			49	44	P	M
Yes		09.2.6.	Frederick J. Kishigowe	1910	1965		x				x				x		
[rel]		15.3.1.3.	Enos Norton	1910	1917		[+]										
Yes		18.2.2.7.	Frank Cabinaw	1910	1920		x				x						
Yes		02.4.1.2.	Joseph Massey	1911	1983						x				x		
Yes		03.4.2.03.	Susan Boda	1911							x				x		
Yes	45	08.2.04.	William J. Shenoskey	1911	1966						x			50	45	P	M
Yes		09.2.8.	C. Julie Kishigowe [m. Buffalo]	1911	1991						x				x		
Yes	34	01.2.1.3.	Lucille Massey	1912	1993						x				x		
Yes	46	02.4.1.3.	J. Paul Massey [m. 3.4.2.7]	1912	1968						x			51	5	E	G
Y/N		18.2.1.1.1.	Alice Galloway	1912							x				x		
Yes		01.2.1.x.	Lena B. Massey	1913	{1933}						x				x		
Yes		03.4.2.04.	Daniel Boda	1913	{1975}						x				x		
Yes		02.4.1.4.	Anna Massey m. Levandoski	1914							x				x		
[rel]		03.2.3.b.	Louisa Shananaquet	1914							[+]				[+]		
Yes		03.5.1.04.	Francis Shawa	1914	1981						x				x		
Yes	46	03.6.1.07.	Anna Nongueskwa m. Andrews	1914	1939						x			52	46	P	M
Yes		08.2.05.	Edward Wallace Shenoskey	1914	1991						x				x		
Yes	45	18.2.1.2.1.	Charles C. Dashner [m. 3.6.1.8]	1914	1990						x			53	6	E	G

Pet.	App.	Pet.	Name	b.	d.	Pet.N 1910s	N 1910	Pet. OFA 1910s 1910s	Pet.N 1920s	N 1920	Pet. OFA 1920s 1920s	Pet.N 1930s	N 1930	Pet. OFA 1930s 1930s
Yes		18.2.2.8.	Louise Cabinaw m. Reznick	1914	1998					x			x	
[rel]		M.07.05.	Robert Griswold	1914						[+]			[+]	
Yes	45	X.?.?.	Julius Kewaygoshcum	1914								54	47	P M
Yes	45	03.4.2.05.	Floyd Boda	1915						x		55	48	X M
A		09.2.x.?	Andrew Kishigowe	1915						x			x	
Y/N		18.2.1.1.2.	William Galloway	1915						x			x	
[rel]		M.07.06.	James Griswold	1915						[+]			[+]	
Yes		M.07.07.	Julia Agatha Griswold	1915	1995					x			x	
B	45	M.11.11	Esther Martell m. Williams	1915								56	49	X M
Yes		01.2.1.x.	Leona N. Massey	1916						x			x	
Yes	45,46	03.6.1.08.	Elizabeth Nongueskwa m. Morrow/[Dashner (18.2.1.2.1)]	1916	1996					x		57	6	X/E M/G
Y/N		18.2.1.1.3.	Henry Galloway	1916						x			x	
Yes		M.07.08.	Sam Griswold	1916	2001					x			x	
Yes		03.4.2.06.	Thomas Boda	1917	1967					x			x	
[rel]		03.5.1.05.	Lucille Shawa	1917						[+]			[+]	
Yes		03.6.1.09.	Patrick Nongueskwa	1917	1941					x			x	
Yes	45	08.2.06.	Mary Anna Shenoskey m. Dayson	1917	1988					x		58	50	P M
Yes		18.2.1.2.2	Lester Dashner	1917						x			x	
Yes		03.3.1.1.1.	Louisa Boulton	1919						x			x	
Yes	45	03.3.1.3.1.	Cecelia Martell m. Harrington	1919						x		59	51	P M
Yes	47	03.4.2.07.	Evelyn Boda m. Massey [m. 2.4.1.3]	1919						x		60	5	E G
Yes		03.5.1.06.	Raymond Shawa	1919						x			x	
Yes		03.6.1.10.	Margaret Nongueskwa m. Martell [m.3.3.1.3.2]	1919						x			x	
A		18.2.2.1.x.	Frances Bouscher	1910s						x			x	

KEY:

- Pet. BLB Petitioner’s use of this individual as a band “member.”
- Yes Petitioner’s “members” (per petitioner)
- Y/N Petitioner’s “members” once; “left tribal relations” later (per petitioner)
- A Included in App. A (residence), but not App. C (language)
- B Included in App. B (marriage), but not App. A or C
- C Included in App. C (language), but not App. A (residence)
- D Deceased
- No Not in tribal relations (per petitioner)

App. B Appendix and page number for petitioner’s entry for this individual (Austin 2005).

Descent The genealogical relationships indicated here use the Darboville numbering system in which the progenitor of a family is assigned a number and each successive generation adds a number indicating the presumed birth order of the children in that generation. Each descending generation is separated from the prior generation by a period. The numbers here follow Durant’s field notes, which were based on p.31 of the 1870 annuity roll. Progenitor “3.” is listed as 3-31 on the Durant roll. For example, “3.3.2” is the second child of the third child of Durant’s 3-31. The petitioner has added generations not found in Durant’s field notes.

Marriage:

- E Endogamous (per petitioner)
- E2 Endogamous marriage counted twice by petitioner
- E* Endogamous; but one “member” without descent from BLB on Durant roll and not included as “member” for App. A or C
- P Patterned (per petitioner)
- P2 Patterned marriage counted twice by petitioner (or, two marriages counted as contemporaneous)
- X Exogamous (per petitioner)
- [?] Not married?; included as a “member” in other appendix and 21 at start of decade.
- [rel] Relative of a “member” - child, sibling, parent

Appendix R: Residence

Pet.	App.	Pet.	Name	b.	d.	Pet. N 1910s	N 1910	Pet. 1910s	Cen. 1910	Pet. N 1920s	N 1920	Pet. 1920s	Cen. 1920	Pet. N 1930s	N 1930	Pet. 1930s	Cen. 1930
Yes	2	X.?	Sophia [Sengoby/Johns] m. Shananaquet [m. 3.]	1820	1914	1	1	BL	23			D					D
Yes	2	03.	Antoine Shawwawnawnaquot	1821	1912	2	2	BL	23			D					D
Yes	5	X.?	Susan [Waywinding /sib.[16]] m. Kezhegowe [m. 9.]	1838	1910	3	3	BL				D					D
No	1	02.1.	Christina Nonquaishcawwaw	1841				[sib?]									
Yes	7	22.1.	Susan Pawsequa m. Norton [d.1928]	1841	[1928]	4	4	BL	16	1	1	BL					D
Yes	2	02.2.	Moses Nonquaishcawwaw [m. 3.6]	1848	1918	5	5	BL	17			D					D
Yes	2	03.2.	Francis Shawwawnonquet	1848	1919	6	6	BL	21			D					D
No	2	03.3.	Isaac Shawwawnonquet [2d wife ca. 1880]	1850				[+]	[sib]			[+]	[sib]				
Yes	1	01.1.	Jane [Rosa?] Waybwaydum m. Grant	1852	[1939]	7	7	BL	27	2	2	BL	40 *	1	1	BL	37 *
Yes	2	02.3.	Mary Nonquaishcawwaw m. Cobenaw [m. 18.2]	1852	1937	8	8	BL	25	3	3	BL	37 *	2	2	BL	40 *
No	7	06.1.	Louis Pewawbisaunce [Biwabikos]	1854				[+]	[sib]			[+]	[sib]			[+]	[sib]
Yes	2	02.4.	Sarah Nonquaishcawwaw m. Massey [102-22]	1856	1922	9	9	BL	10	4	4	vic.					D
No	2	03.x.	Matthew Shananaquet	1856				[+]	[sib?]			[+]	[sib?]				
No	7	06.2.	Mary Ann Pewabisaunce [Biwabikos] m. Naskaw	1856				[+]	[sib]			[+]	[sib]			[+]	[sib]
Yes	4	12.1.	Frank Mixcenena [m. 16-45]	1856	1914	10	10	BL	28			D					D
No	4	12.2.	Mary [Mixcenene] m. Megawance	1858				[+]	[sib]								
Yes	4	18.2.	Enos Cobenaw [m. 2.3]	1858	1942	11	11	BL	25	5	5	BL	37 *	3	3	BL	40 *
Yes	3	03.4.	Susan Shawwawnawnaquot m. Parkey [45-21]	1860	1926	12	12	BL	4	6	6	BL	38 *				D
Yes	5	08.1.	James Shawwawnawsegay [Shenoskey]	1860	1915	13	13	BL	9			D					D
Yes	3	03.5.	Eliza Shawwawnawnaquot m. Hamlin [16.1]/Parkey [45-21]	1862	1951	14	14	BL	19	7	7	BL	36 *	4	4	BL	42 *
A	7	06.3.	Kate [Catherine] Pewabisaunce [Biwabikos] m. King	1862		15	15	vic.		8	8	no		5	5	Q?	
Yes	1	01.2.	Mary Waybwaydum m. [Nongueskwa]/Brady	1863	1925	16	16	BL	1 w	9	9	BL	3				D
No	5	18.3.	Alfred Cabinaw	1863				[+]	[sib?]			[+]	[sib?]			[+]	[sib?]
Yes	3	03.6.	Elizabeth Shawwawnawnaquot m. Nongueskwa (2.2)/Massey	1864	1950	17	17	BL	17	10	10	BL	31 *	6	6	BL	43 *
No	5	08.x.	Cecile Shenoskey	1864				[+]	[sib?]			[+]	[sib?]			[+]	[sib?]
No	6	09.0.	Ebenezer Kishigowe	1865				[+]	[sib?]								
Yes	2	02.6.	Eliza Nonquaishcawwaw m. Moses	1866	[1918]	18	18	BL	12			D					D
C		18.2.0.	Louis Cabinaw	1866	1925		19	[sib]			11	[sib]					
B		03.2.1.	Rosie Shawwawnonquet m. Bwanishing	1867				[+]	[sib]			[+]	[sib]			[+]	[sib]
No	5	09.0.	Jonas Kishigowe	1868				[+]	[sib?]								
No	5	08.x.	Simon Shenoskey	1869				[+]	[sib?]			[+]	[sib?]			[+]	[sib?]
Yes	6	09.2.	Samuel Kezhegowe	1869	1911	19	20	BL	6			D					D
Yes	8	15.3.1.	Angeline [Waugezick] m. Norton [20-32]	1869	1950	20	21	BL	29	11	12	vic.		7	7	vic.	
BC	3	18.1.1.	Sarah Mickceninne m. Kosequot	1869				[sib]				[sib]				8	[sib]
B		22.1.1.	Jane [Norton] m. Wasson [37-32]	1869				[+]	[ch]			[+]	[ch]				
Yes	8	03.3.1.	Jonas Shawwawnawnaquot	1870	1945	21	23	BL	20	12	14	BL	33 *	8	9	BL	44 *
Yes	8	03.3.2.	Albert Shawwawnonquet [Shananaquet] [m. 7-24]	1872	1959	22	24	BL	2	13	15	vic.		9	10	vic.	
No	3	18.1.2.	Henry Mixcenene	1872				[+]	[sib]			[+]	[sib]			[+]	[sib]
Yes	8	18.2.1.	Alice Kawbenaw m. [Boda]/Deshner	1872	1949	23	25	BL	7 w	14	16	BL	41 *	10	11	BL	
No	9	01.5.	Thomas Waybwaydum	1874				[+]	[sib?]			[+]	[sib?]			[+]	[sib?]
No	3	18.1.3.	John Mixcene	1874				[+]	[sib]			[+]	[sib]			[+]	[sib]
Yes	10	03.2.2.	Mary [Charlotte] Shananaquet m. Kagigebitang [1st m.]	1875	[1910s]	24	26	no				D					D
Yes	10	03.3.3.	Hattie Shawwawnonquet m. Hamlin [(16.2) [40-15]]	1875	1942	25	27	BL	22	15	17	vic.		11	12	vic.	
Yes	9	16.2. [?]	Eugene Hamlin [40-15, ch.2] [m. 3.3.3]	1875	1945	26	28	BL	22	16	18	vic.		12	13	vic.	

Burt Lake Band - FD

Appendix: Residence

Pet.	App.	Pct.	Name	b.	d.	Pet. N	N	Pet.	Gen.	Pet. N	N	Pet.	Gen.	Pet. N	N	Pet.	Gen.
BLB	A/p.	Descent				1910s	1910	1910s	1910	1920s	1920	1920s	1920	1930s	1930	1930s	1930
Yes	8	15.3.2.	John Waugezhick	1877		27	29	BL	5	17	19	no		13	14	no	
C	9	16.3.	Moses Hamlin, Jr. [40-15, ch.3]	1877			30	[sib]			20	[sib]			15	[sib]	
Yes	9	08.2.	Peter Shawwawnowsegay [Shenoskey] [m. 18.1.5]	1878	1959	28	31	BL		18	21	BL	35 *	14	16	BL	45 *
No	9	08.3.	Sarah Shawwawnowsegay m. Moses	1878			[+]	[sib]			[+]	[sib]			[+]	[sib]	
A	9	18.1.4.	Mary Mixcene m. Parman	1878		29	32	no		19	22	no		15	17	no	
Yes	9	18.2.2.	Lucius Cobenaw	1878	1933	30	33	BL	26	20	23	vic.		16	18	BL	41 *
[rel]	10	01.1.0.	Mary M. Grant	1879			[+]	[ch?]			[+]	[ch?]			[+]	[ch?]	
Yes	10	03.6.1.	John Nonquaishcawwaw [Nongueskwa]	1880	1964	31	34	BL	18	21	24	BL	32 *	17	19	Q?	
Yes	4	18.1.5.	Christine Mixcene m. Shenoskey [m. 8.2]	1880	1958	32	35	BL		22	25	BL	35 *	18	20	BL	45 *
Yes	10	15.2.1.	Louis Massey [m. 1.2.1] [m. 8.2.7]	1881	1953	33	36	BL	14	23	26	vic.		19	21	BL½	
Yes	1	01.2.1.	Mary [Josephine M. Nongueskwa] Brady m. Massey	1882	1943	34	37	BL	14	24	27	vic.			22	D	
Yes	10	03.4.1.	Thomas Parkey	1883	1922	35	38	no	8 w	25	28	no				D	
A	7	06.3.1.	Guy King	1883		36	39	no		26	29	no		20	23	Q?	
Yes	11	03.5.1.	Amos [M. Amos] Shawwawnowsegay [Shawa] [m.16.1.x]	1884	1963	37	40	BL	19	27	30	BL½		21	24	BL	42 *
Yes	10	18.2.3.	Emma Cobenaw m. Kagebitang	1884	1933	38	41	BL	25	28	31	BL	37 *	22	25	BL	40 *
Yes	11	03.4.2.	Annie Parkey m. Boda	1885	1977	39	42	BL	24 w	29	32	vic.		23	26	vic.	
Yes	11	01.1.1.	Joseph Grant	1886	1913	40	43	no				D				D	
Yes	4	12.1.1.	Annie Mixcene m. Wawbegaykake [Midwagon]	1886	[1987]	41	44	BL	28	30	33	BL		24	27	BL	
B?	4	18.1.6.	Hattie Mixcene m. Namega [Nonigos]	1886			[+]	[sib]			[+]	[sib]			[+]	[sib]	
Yes	11	02.4.1.	Henry Massey	1887	1968	42	45	BL	11	31	34	no		25	28	vic.	
Yes	12	03.2.3.	Moses Shananaquet	1887	[1970]	43	46	BL	21	32	35	no		26	29	Q?	
Yes	11	18.2.4.	Rosie Cabanaw m. Burrell	1887		44	47	Q?		33	36	BL		27	30	BL	
Yes	12	03.1.7.	Aggie [Agnes] Shenoskey [8.7] m. Naganashe	1888	1959	45	48	no		34	37	no		28	31	BL	39 *
Yes	12	02.4.2.	Francis Massey	1889	1951	46	49	BL	10	35	38	vic.		29	32	no	
Yes	12	03.4.3.	Edmund Parkey	1890	1962	47	50	no		36	39	BL	38 *	30	33	BL	28
Yes	12	16.1.x.	Agnes Hamlin [m. Shawa (3.5.1)]	1890	1928	48	51	BL	19	37	40	vic.				D	
B		M.07.	Lizzie Martell [61-35] m. Griswold	1890			[+]	[par]	13 w		[+]	[par]	29		[+]	[par]	30
[rel]		08.1.1.	Joseph Shawwawnowsegay	1891			[+]	[ch]									
Yes	12	09.2.1.	Agnes Kezhegowe [m. Gingrich/Bauch]	1891	1965	49	52	no		38	41	no		31	34	Q?	
Yes	12	18.2.1.1.	[Mary] Louisa Boda [m. Galloway]	1891		50	53	BL	8 w	39	42	BL	41 *	32	35	no	
Yes	12	01.3.1.	Veronica Kewayquom [m. Brown]	1892		51	54	BL	27	40	43	no		33	36	no	
Yes	13	03.4.4.	Charles Parkey	1892	[1946]	52	55	BL	4	41	44	no	38 *	34	37	no	
[rel]	2	02.6.1.	Mary Moses	1893			[+]	[ch]	12								
[rel]		08.1.2.	Sampson Lco Shawwawnowsegay	1893			[+]	[ch]									
Yes	13	03.3.1.1.	Susan Shawwawnowsegay [m. Boulton]	1894		53	56	BL	20	42	45	BL	34 *	35	38	no	
Yes	13	03.5.2.	Annie Hamlin [m. Kenoshmeig/Kagebitang]	1894	1924	54	57	BL	19	43	46	BL½	36 *			D	
Yes	13	08.1.3.	Stephen Shawwawnowsegay [Shenoskey] [m. 1.4.1/m. 5-34]	1894	1981	55	58	BL	16	44	47	no		36	39	BL	
A/N	13	09.2.2.	Caroline Kezhegowe	1894		56	59	no			48	X				X	
Y/N	14	01.4.1.	Agnes Gabriel [m. Shenoskey (8.1.3)]	1895	[1921]	57	60	BL	1 w	45	49	vic.				D	
A	7	06.3.2.	Charles King	1895		58	61	no		46	50	no		37	41	Q?	
Yes	14	03.3.1.2.	Samuel Shawwawnowsegay [m. 18.2.3.1]	1896	1967	59	62	BL	20	47	51	BL	33 *	38	42	BL	38 *
Yes	14	03.5.3.	William Hamlin	1896	1914	60	63	BL	19			D				D	
Y/N	16	09.2.3.	Enos Kezhegowe	1896		61	64	BL	6	48	52	vic.		39	43	vic.	
No	4	18.1.7.	Barbara Mixcene [m. Kosequot]	1896	1964		[+]	[sib]			[+]	[sib]			[+]	[sib]	

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Appendix: Residence

Pet.	App.	Pet.	Name	b.	d.	Pet. N	N	Pet.	Cen.	Pet. N	N	Pet.	Cen.	Pet. N	N	Pet.	Cen.
BLB	A/p.	Descent				1910s	1910	1910s	1910	1920s	1920	1920s	1920	1930s	1930	1930s	1930
Y/N	14	01.3.2.	Louisa Kewayquom	1897		62	65	BL	27		53	X			44	X	
Yes	15	03.4.x.	Samuel Parkey [3.4.x]	1897	1986	63	66	BL		49	54	no		40	45	no	
Yes	4	12.1.2.	Frank Mixcenena [Jr.]	1897		64	67	BL	28	50	55	no		41	46	no	
B	14	18.1.1.1.	Julius Koscoquot [m. 8.1.4]	1897								[+]	[par?]		[+]	[par?]	
Yes	14	18.2.1.2.	Maud Boda [m. Dasimer]	1897	1936	65	68	BL	7 w	51	56	vic.		42	47	vic.	
Yes	15	03.5.4.	Mary Hamlin [m. Lewis/Cabinaw (18.2.2.2)]/[Parkey (3.4.3)]	1898	1926	66	69	BL	19	52	57	BL	36 *			D	
Y/N	16	09.2.4.	Ella [Helen] Kezhegowe [m. Concklin]	1898		67	70	BL	6	53	58	vic.		43	48	vic.	
A	14	18.1.4.1.	C[arence] Partman	1898		68	71	no		54	59	no		44	49	no	
BC	15	01.1.3.	Lizzie Grant [m. Ringo]	1899	1975		72	[ch]			60	[ch]			50	[ch]	
Yes	16	03.3.1.3.	Mary Shawwawnawawquot [m. Martell (61-35)]	1899	1952	69	73	BL	20	55	61	BL	33 *	45	51	vic.	44 *
Yes	16	08.1.4.	Mary [Barbara] Shawwawnawsegay [m. Koscoquot (18.1.1.1)]	1899	1964	70	74	BL	9	56	62	no		46	52	no	
Yes	15	18.2.2.1.	Nellie Cobenaw [m. Bouscher]	1899	1985	71	75	BL	26	57	63	no		47	53	no	
Y/N	15	01.3.3.	Coletta (Catherine) Kewayquom	1900	[1976]	72	76	BL	27	58	64	no		48	54	no	
Y/N	17	01.3.4. [?]	Catherine Kewayquom [same as 1.3.3]	1900		73	[dup]	BL				X				X	
Yes	18	03.3.2.1.	Cora Shawwawnonquot [Shananaquet] [m. Fenner]	1900	1971	74	77	BL	2	59	65	vic.		49	55	vic.	
Yes	17	03.3.3.2	Maggie Hamlin	1900	1918	75	78	Q?	22			D				D	
Yes	17	03.4.5.	John Parkey [m. 18.2.2.5]	1900	1976	76	79	BL	4	60	66	BL	38 *	50	56	BL	42 *
Y/N	17	15.3.2.0.	Daniel Wongezhick	1900		77	80	BL		61	67	no		51	57	no	
A	17	15.3.2.1.	Cecelia Wongezhick	1900		78	81	BL	5	62	68	no		52	58	no	
[rel]		18.1.4.2.	Benj. Partman	1900			[+]	[sib]			[+]	[sib]			[+]	[sib]	
Yes	17	03.3.1.4.	Rosie [Rose A.] Shawwawnawawquot [Shananaquet]	1901		79	82	BL		63	69	Q?		53	59	Q?	
Y/N	16	08.1.5.	B[enjamin] Shawwawnawsegay [Shenoskey]	1901		80	83	BL	9		70	X			60	X	
AB	8	15.3.1.1.	Lizzie [Elizabeth] Norton [m. Antoine]	1901		81	84	BL	29	64	71	no		54	61	no	
C	18	16.3.1	Charles Hamlin	1901			85				72				62		
Yes	17	18.2.2.2.	Leo Cobenaw [m. 3.5.4]	1901	1928	82	86	BL	26	65	73	BL½				D	
Yes	18	03.3.3.3	Dick [Richard] Hamlin	1902	1974	83	87	BL	22	66	74	vic.		55	63	vic.	
Yes	4	12.1.3.	Stella Mixcenena	1902		84	88	BL	28	67	75	vic.		56	64	no	
A	18	15.3.2.2.	Agnes Wongezhick	1902		85	89	BL	5	68	76	no		57	65	no	
Yes	1	01.1.4.	Thomas Grant	1903		86	90	BL		69	77	BL		58	66	BL	
Yes	19	03.6.1.01.	Emma Nonquaishcawwaw [m. Mandosking]	1903	1990	87	91	BL	18	70	78	BL	32 *	59	67	no	
C	18	08.2.01.	[Cecilia] Shawwawnawsegay [Shenoskey]	1903			92	[ch]			79	[ch]			68	[ch]	
A	18	15.3.2.3.	Irene Wongezhick	1903		88	93	BL	5	71	80	no		60	69	no	
Yes	18	18.2.1.3.	John Dasher [Dasher]	1903		89	94	BL	7 w	72	81	BL	41 *	61	70	no	
Yes	19	18.2.2.3.	Henry Cobenaw	1903	1957	90	95	BL	26	73	82	BL½		62	71	vic.	
[rel]		03.4.1.1.	Rosie Parkey	1904			[+]	[ch]			[+]	[ch]			[+]	[sib]	
C	18	16.3.2.	Howard Hamlin	1904			96				83				72		
Yes	19	03.3.1.5.	Robert Shawwawnawawquot [Shananaquet]	1905		91	97	BL	20	74	84	BL	33 *	63	73	no	
Yes	19	03.6.1.02.	Daniel Nonquaishcawwaw [Nongueskwa]	1905		92	98	BL	18	75	85	BL	32 *	64	74	no	
[rel]		09.2.5.	Mary Kezhegowe	1905			[+]	[sib]	6		[+]	[sib]			[+]	[sib]	
A	8	15.3.1.2.	Edward Norton	1905		93	99	BL	29	76	86	no		65	75	no	
Yes	19	18.2.2.4.	Paul Cobenaw	1905	1926	94	100	BL	26	77	87	BL½				D	
Yes	19	18.2.3.1.	[E.] Ida Cabinaw [m. Shananaquet (3.3.1.2)]	1905	1983	95	101	BL	25	78	88	BL	37 *	66	76	BL	38 *
[rel]		01.3.5.	William Kewayquom	1906			[+]	[sib?]			[+]	[sib?]			[+]	[sib?]	
[rel]		03.4.1.2.	Evaline Parkey	1906			[+]	[ch]			[+]	[ch]			[+]	[sib]	

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Appendix: Residence

Pet.	App.	Pet.	Name	b.	d.	Pet. N	N	Pet.	Cen.	Pet. N	N	Pet.	Cen.	Pet. N	N	Pet.	Cen.
BLB	A/p.	Descent				1910s	1910	1910s	1910	1920s	1920	1920s	1920	1930s	1930	1930s	1930
Yes	19	03.6.1.03.	Harry Nonquaishcawwaw [Nongueskwa]	1906	1995	96	102	BL	18	79	89	BL	32 *	67	77	BL	43 *
Y/N	16	08.1.6.	Frank Shawwawnawsegay [Shenoskey]	1906		97	103	BL	9		90	X			78	X	
Yes	19	08.2.02.	[Hattie] Mary Shawwawnawsegay [m. Odeimin]	1906	1963	98	104	no		80	91	BL	35 *	68	79	Q?	
Yes	20	01.2.1.1.	Lena [Lisa] Massey	1907	1997	99	105	BL	14	81	92	vic.		69	80	Q?	
Yes	20	02.4.1.1.	Margaret [Mary Margaret] Massey [m. Swartout]	1907	1992	100	106	BL	11	82	93	no		70	81	vic.	
Yes	19	03.6.1.04.	William Nonquaishcawwaw [Nongueskwa]	1907	1910	101	107	BL				D				D	
A	18	15.3.2.4.	Esther Wongezhick	1907		102	108	BL	5	83	94	no		71	82	no	
Yes	17	18.2.4.1.	Jennie Burrell	1907		103	109	BL		84	95	BL		72	83	Q?	
Yes	20	03.1.7.1.	George B. Naganashe	1908	1966	104	110	no		85	96	no		73	84	BL	39 *
Yes	20	18.2.2.5.	Clementia [Elsie] Cobenaw [m. Parkey (3.4.5)]	1908	1929	105	111	BL	26	86	97	BL½				D	
Yes	21	03.2.3.a.	Steven Shananaquet	1909	1986	106	112	BL	21	87	98	no		74	85	Q?	
Yes	20	03.3.1.6.	Martha Shawwawnonquot [m. Dornburg]	1909	1986	107	113	BL	20	88	99	BL	33 *	75	86	Q?	
Yes	21	03.4.1.3.	Edna Parkey m. Kenoshmeg	1909	2001	108	114	BL		89	100	BL	38 *	76	87	no	
Yes	20	08.2.03.	Rose Shenoskey	1909	1921	109	115	BL		90	101	Q?	35 *			D	
Yes	21	M.07.03.	Mabel Florence Griswold m. Scott	1909	1986	110	116	BL	13 w	91	102	BL	29	77	88	BL½	
Yes	22	01.2.1.2.	Walter Massey	1910	1987	111	117	BL		92	103	BL	3	78	89	Q?	
Yes	22	03.1.7.2.	Daniel Naganashe	1910	1981	112	118	no		93	104	no		79	90	Q?	
Yes	21	03.4.2.02.	Blanche Boda	1910	1936	113	119	BL	24 w	94	105	vic.		80	91	vic.	
[rel]		03.6.1.05.	Lucy Nongueskwa	1910			[+]	[sib]	18		[+]	[sib]			[+]	[sib]	
Yes	22	08.1.y.	Anna Veronica Shenoskey m. Masteau	1910		114	120	BL		95	106	no		81	92	no	
Yes	21	09.2.6.	Frederick J. Kishigowe	1910	1965	115	121	vic.	6	96	107	vic.		82	93	vic.	
[rel]		15.3.1.3.	Enos Norton	1910	1917		[+]	[sib]	29								
Yes	22	18.2.2.7.	Frank Cabinaw	1910	1920	116	122	BL		97	108	no				D	
Yes	22	02.4.1.2.	Joseph Massey	1911	1983	117		&BL		98	109	Q?		83	94	vic.	
Yes	22	03.4.2.03.	Susan Boda	1911		118		&BL		99	110	vic.		84	95	vic.	
Yes	22	08.2.04.	William J. Shenoskey	1911	1966	119		&BL		100	111	BL	35 *	85	96	Q?	45 *
Yes	21	09.2.8.	C. Julie Kishigowe [m. Buffalo]	1911	1991	120		&BL		101	112	vic.		86	97	vic.	
Yes	23	01.2.1.3.	Lucille Massey	1912	1993	121		&BL		102	113	vic.		87	98	Q?	
Yes	23	02.4.1.3.	J. Paul Massey [m. 3.4.2.7]	1912	1968	122		&BL		103	114	no		88	99	Q?	
Y/N	23	18.2.1.1.1.	Alice Galloway	1912		123		&BL		104	115	BL	41 *		100	X	
Yes	20	01.2.1.x.	Lena B. Massey	1913	[1933]	124		&BL		105	116	vic.		89	101	no	
Yes	23	03.4.2.04.	Daniel Boda	1913	[1975]	125		&BL		106	117	vic.		90	102	vic.	
Yes	24	02.4.1.4.	Anna Massey m. Levandoski	1914		126		&BL		107	118	no		91	103	vic.	
[rel]		03.2.3.b.	Louisa Shananaquet	1914				[+]			[+]	[eh]			[+]	[eh]	
Yes	24	03.5.1.04.	Francis Shawa	1914	1981	127		&BL		108	119	vic.		92	104	Q?	
Yes	23	03.6.1.07.	Anna Nongueskwa m. Andrews	1914	1939	128		&BL		109	120	BL	32 *	93	105	no	
Yes	24	08.2.05.	Edward Wallace Shenoskey	1914	1991	129		&BL		110	121	BL	35 *	94	106	BL	45 *
Yes	24	18.2.1.2.1.	Charles C. Dashner [m. 3.6.1.8]	1914	1990	130		&BL		111	122	vic.		95	107	BL	
Yes	23	18.2.2.8.	Louise Cabinaw m. Reznick	1914	1998	131		&BL		112	123	BL½		96	108	BL	41 *
[rel]		M.07.05.	Robert Griswold	1914				[+]			[sib]	29			[+]	[sib]	
Yes	24	03.4.2.05.	Floyd Boda	1915		132		&BL		113	124	vic.		97	109	vic.	
A	21	09.2.x.?	Andrew Kishigowe	1915		133		&vic.		114	125	vic.		98	110	Q?	
Y/N	24	18.2.1.1.2.	William Galloway	1915		134		&BL		115	126	BL	41 *		111	X	
[rel]		M.07.06.	James Griswold	1915				[+]			[sib]	29			[+]	[sib]	30

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Appendix: Residence

Pet.	App.	Pet.			Pet. N	N	Pet.	Gen.	Pet. N	N	Pet.	Gen.	Pet. N	N	Pet.	Gen.	Pet. N	N	
Bl.B	A/p.	Descent	Name	b.	d.	1910s	1910	1910s	1910	1920s	1920	1920s	1920	1930s	1930	1930s	1930	1930s	1930
Yes	24	M.07.07.	Julia Agatha Griswold	1915	1995	135		&BL		116	127	BL	29	99	112	BL		30	
Yes	20	01.2.1.x.	Leona N. Massey	1916		136		&BL		117	128	vic.		100	113	Q?			
Yes	24	03.6.1.08.	Elizabeth Nongueskwa m. Morrow/[Dashner (18.2.1.2.1)]	1916	1996	137		&BL		118	129	BL	32 *	101	114	BL			
Y/N	24	18.2.1.1.3.	Henry Galloway	1916		138		&BL		119	130	BL	41 *		115	X			
Yes	24	M.07.08.	Sam Griswold	1916	2001	139		&BL		120	131	BL	29	102	116	BL		30	
Yes	25	03.4.2.06.	Thomas Boda	1917	1967	140		&vic.		121	132	vic.		103	117	vic.			
[rel]		03.5.1.05.	Lucille Shawa	1917							[+]	[sib]			[+]	[sib]			42 *
Yes	25	03.6.1.09.	Patrick Nongueskwa	1917	1941	141		&BL		122	133	BL	32 *	104	118	Q?			
Yes	25	08.2.06.	Mary Anna Shenoskey m. Dayson	1917	1988	142		&BL		123	134	BL	35 *	105	119	BL		45 *	
Yes	24	18.2.1.2.2	Lester Dashner	1917		143		&BL		124	135	vic.		106	120	BL			
Yes	25	03.3.1.1.1.	Louisa Boulton	1919		144		&BL		125	136	BL		107	121	Q?			
Yes	25	03.3.1.3.1.	Cecelia Martell m. Harrington	1919		145		&BL		126	137	BL	33 *	108	122	vic.		44 *	
Yes	25	03.4.2.07.	Evelyn Boda m. Massey [m. 2.4.1.3]	1919		146		&BL		127	138	vic.		109	123	vic.			
Yes	25	03.5.1.06.	Raymond Shawa	1919		147		&vic.		128	139	BL½		110	124	BL		42 *	
Yes	25	03.6.1.10.	Margaret Nongueskwa m. Martell [m.3.3.1.3.2]	1919		148		&BL		129	140	BL	32 *	111	125	no			
Yes	25	08.2.07.	Irene Elizabeth Shenoskey m. Massey (15.2.1)	1920	1992					131	142	BL		113	127	BL		45 *	
[rel]		M.07.09.	Anna Griswold	1920											[+]	[sib]			30
[rel]		M.07.10.	Ellen Griswold	1920	1987										[+]	[sib]			30
Yes	26	03.3.1.3.2.	Garland Martell [m. 3.6.1.10]	1921	1997					132		&BL		114	128	vic.		44 *	
Yes	26	03.4.2.08.	Hazel Boda	1921	1992					133		&vic.		115	129	vic.			
Yes	26	03.5.4.1.	Enos [William] Cabinaw [18.2.2.2.x.]	1921	1993					134		&BL		116	130	BL		42 *	
Yes	26	03.6.1.11.	Melvina Nongueskwa m. Vertz	1921						135		&BL		117	131	Q?			
Yes	26	18.1.1.1.1.	Jeanette Kosequot	1921						136		&no		118	132	no			
Yes	26	18.2.1.2.3.	Virginia Dashner	1921						137		&vic.		119	133	Q?			
Yes	26	18.2.1.2.4.	Bert H. Dashner	1921	1981					138		&vic.		120	134	BL			
Yes	26	18.2.1.4.	Pearl Dashner m. Shenoskey	1921						139		&vic.		121	135	Q?			
[rel]		03.3.1.2.a.	Joe Shannaquet	1922											[+]	[eh?]			38 *
Yes	26	03.3.1.3.3.	Howard Martell	1922	1997					140		&BL		122	136	BL		44 *	
Yes	26	03.4.2.09.	Charlene Boda m. Scott	1922						141		&vic.		123	137	vic.			
Yes	26	03.5.1.07.	Edward Shawa	1922						142		&BL½		124	138	BL		42 *	
Yes	26	03.6.1.12.	Thomas Nongueskwa	1922	2002					143		&BL		125	139	no			
Yes	26	08.2.08.	Henry J. Shenoskey [m. 3.1.7.1.c]	1922	1995					144		&BL		126	140	BL		45 *	
[rel]		03.1.7.1.a.	Nicklos Naganashe	1923											[+]	[eh]			39 *†
Yes	26	03.5.4.2.	Julius C. Lewis [Cabinaw] [m. 3.1.7.3]	1923						145		&BL		127	141	BL		42 *†	
Yes	27	18.2.1.2.5.	Nora F. Dashner	1923						146		&vic.		128	142	BL			
Yes	27	18.2.2.x.	Charles Henry Cabinaw	1923	1964					147		&BL		129	143	vic.			
Yes	27	03.3.1.3.4.	Charles Levi Martell	1924						148		&BL		130	144	BL		44 *	
Yes	27	03.3.2.1.1.	Gertrude Fenner	1924						149		&vic.		131	145	vic.			
Yes	27	03.3.2.1.2.	Grace Fenner	1924						150		&vic.		132	146	vic.			
Yes	27	03.4.2.10.	Viola Boda	1924						151		&vic.		133	147	vic.			
Yes	27	03.4.3.1.	Ernest Parkey	1924	1983					152		&BL		134	148	BL		28	
Yes	27	03.6.1.01.x.	William E. Mandosking	1924						153		&no		135	149	no			
[rel]		03.3.1.2.b.	Paul Shananaquet	1925											[+]	[eh?]			38 *
Yes	27	03.3.1.3.5.	Eileen [Ellen] Martell	1925						154		&BL		136	150	vic.		44 *	

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Pet.	App.	Pet.	Name	b.	d.	Pet. N 1910s	N 1910	Pet. Cen. 1910s	Cen. 1910	Pet. N 1920s	N 1920	Pet. Cen. 1920s	Cen. 1920	Pet. N 1930s	N 1930	Pet. Cen. 1930s	Cen. 1930	
Yes	28	18.1.1.1.2.	Clarence Koscoquot	1925						155		&no		137	151		no	
Yes	27	18.2.1.2.6.	Norma Beatrice Dashner	1925	[1971]					156		&BL		138	152		BL	
[rel]		M.07.1.1.	Mary Griswold	1925												[+]	[sib]	30
Yes	28	03.3.2.1.3.	Cathrine Fenner	1926						157		&vic.		139	153		vic.	
Yes	28	03.4.3.3.	Henry Parkey	1926	1984					158		&BL		140	154		BL	28
Yes	28	02.4.2.1.	Charles [L.] Massey	1927						159		&no		141	155		Q?	
No	28	03.2.3.d.	Harry Shananaquet	1927	1982											[+]	[eb]	
Yes	28	03.5.1.08.	Robert Shawa	1927	1979					160		&BL½		142	156		BL	42 *
Yes	28	03.5.1.x.	Elizabeth D. Shawa	1927	1999					161		&no		143	157		BL	
Yes	28	18.2.2.2.x.	Arliss Cabinaw	1927						162		&BL½		144	158		Q?	
Yes	28	03.1.7.3.	Susan Marie Naganashe m. Lewis (3.5.4.2)	1928						163		&BL		145	159		BL	39 *
[rel]		03.3.1.2.c.	Murven Shanaquet	1928												[+]	[eb?]	38 *
Yes	29	03.4.2.11.	Delores Boda	1928	1992					164		&vic.		146	160		vic.	
Yes	29	03.3.2.1.4.	George Fenner	1929	1949					165		&vic.		147	161		vic.	
Yes	29	03.4.5.2.	Paul Parkey	1929	1993					166		&vic.		148	162		BL	41 *
Yes	31	03.3.2.1.5.	Dorothy Fenner	1930	1978									149	163		vic.	
Yes	31	03.4.3.4.	Roy Parkey	1930	1999									150	164		vic.	
Yes	31	08.1.y.1.	Norma Etta Masteau	1930										151	165		no	
Yes	31	03.1.7.1.b.	Cecelia Naganashe	1931										152			&BL	
Yes	31	03.3.1.2.2.	Francis Shananaquet	1931	1968									153			&Q?	
Yes	31	03.5.1.10.	Benedict Shawa	1932										154			&BL	
Yes	23	03.6.1.07.x.	Robert F. Andrews	1932										155			&no	
Yes	31	08.1.y.2.	Velma Masteau	1932										156			&Q?	
Yes	19	08.2.02.x.	Josephine Odeimin	1932										157			&Q?	
Yes	31	08.2.04.1.	Clarence Shenoskey	1932										158			&Q?	
Yes	31	18.2.1.2.8.	Norma Lee Dashner	1932	1964									159			&BL	
Yes	31	20.x.7.3.1.	Rose Agnes Midwagon [m. Menefee/Shawa/Moses]	1932	1968									160			&no	
Yes	30	03.1.7.1.c.	Eliza Marie Naganashe [m. Shenoskey (8.2.8)]	1933	1982									161			&BL	
Yes	30	03.3.2.1.6.	Edith Mae Fenner m. Teuthorn	1933										162			&vic.	
Yes	30	03.3.1.3.6.	Roscanna Martell m. Smith/[Shingman]	1934	1999									163			&BL	
Yes	30	03.4.3.5.	Bernard Parkey	1934										164			&vic.	
Yes	30	03.5.1.11.	Helen Shawa m. Kiogima	1934										165			&BL	
Yes	30	03.6.1.01.x.	Irene Marie Mandosking	1934										166			&no	
Yes	23	03.6.1.07.x.	Betty Andrews m. LeClear	1934										167			&no	
Yes	19	08.2.02.x.	Theresa Odeimin	1934										168			&Q?	
Yes	30	03.3.1.2.3.	Samuel Shananaquet [Jr.]	1935										169			&BL	
Yes	23	03.6.1.07.x.	Katherine Andrews	1935										170			&no	
Yes	31	08.1.y.3.	Howard Masteau	1935										171			&Q?	
Yes	30	20.x.5.9.3.	Alvin V. Keway	1935										172			&no	
Yes	30	M.07.03.1.	Lula Mae Scott	1935										173			&BL	
Yes	30	03.3.3.3.2.	Bruce Davis Hamlin	1936										174			&vic.	
Yes	21	09.2.8.3.	Adrina Katherine Buffalo	1936										175			&no	
Yes	30	01.2.1.2.3.	Yvonne Massey	1937										176			&no	
Yes	30	03.1.7.1.d.	Nancy Marion Naganashe m. Shananaquet (3.3.1.2.3)	1937										177			&BL	

Burt Lake Band - FD

Appendix: Residence

Pet.	App.	Pet.			Pet. N	N	Pet.	Cent.	Pet. N	N	Pet.	Cent.	Pet. N	N	Pet.	Cent.	
BLB	A/p.	Descent	Name	b.	d.	1910s	1910	1910s	1910	1920s	1920	1920s	1920	1930s	1930	1930s	1930
Yes	30	03.3.1.2.4.	Lawrence Shananaquet	1937										178			&BL
Yes	30	03.5.1.1.2.	Doris Shawna m. Beaudin	1937										179			&vic.
Yes	29	18.2.1.2.1.x.	Rose Marie Dashner	1937										180			&BL
Yes	30	01.07.05.2.	Isabel Edna Scott	1937										181			&BL
Yes	29	02.4.1.1.x.	Robert J. Swartout	1938										182			&vic.
Yes	29	18.2.2.3.x.	Patrick Cabinaw	1938										183			&vic.
Yes	29	03.3.1.2.5.	William Shananaquet	1939										184			&vic.
Yes	29	03.4.2.05.x.	Joanna Marie Boda	1939										185			&Q?
Yes	29	08.1.y.4.	Ireta Ann Masteau	1939										186			&no
Yes	29	08.2.04.2.	Alice R. Shenoskey	1939										187			&no
Yes	29	08.2.06.x.	Richard Dayson	1939										188			&no
Yes	23	03.6.1.07.x.	Nellie Andrews m. Steinburg	?										189			&no
A	15	18.2.2.1.x.	Frances Bouscher	1910s		149		&Q?		130	141	Q?		112	126		Q?

KEY:

Pet. BLB	Petitioner's use of this individual as a band "member."
Yes	Petitioner's "members" (per petitioner)
Y/N	Petitioner's "members" once, "left tribal relations" later (per petitioner)
A	Included in App. A (residence), but not App. C (language)
B	Included in App. B (marriage), but not App. A or C
C	Included in App. C (language), but not App. A (residence)
D	Deceased
No	Not in tribal relations (per petitioner)
App. A	Appendix and page number for petitioner's entry for this individual (Austin 2005).
Descent	The genealogical relationships indicated here use the Darboville numbering system in which the progenitor of a family is assigned a number and each successive generation adds a number indicating the presumed birth order of the children in that generation. Each descending generation is separated from the prior generation by a period. The numbers here follow Durant's field notes, which were based on p.31 of the 1870 annuity roll. Progenitor "3." is listed as 3-31 on the Durant roll. For example, "3.3.2" is the second child of the third child of Durant's 3-31. The petitioner has added generations not found in Durant's field notes.
Residence:	
BL	Burt Lake (per petitioner)
BL½	Burt Lake and other location (per petitioner)
no	Not found on census or not local (per petitioner)
Q?	Unknown (per petitioner)
vic.	Not Burt Lake, but vicinity (per petitioner)
X	"Left tribal relations" after being included earlier as a "member" (per petitioner)
D	Deceased (per petitioner)
&	Included for a decade after a census year (per petitioner)
[ch]	Child of a "member"
[par]	Parent of a "member"
[sib]	Sibling of a "member"
22	Household number (OFA)
22*	Household in exclusive Indian settlement (OFA)
22w	Household on Indian schedule headed by non-Indian (OFA)

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Justice

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- 1907 *Ottawa and Chippewa Indians of the State of Michigan v. United States*, General Jurisdiction, Case #27537, decided Mar. 4, 1907 (42 Ct.Cl. 240) and Nov. 4, 1907 (42 Ct.Cl. 518).

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- 9/ 6 / 1916 Assistant Attorney General [E. Marvin Underwood] to Enos P. Cabenaw, Sept. 6, 1916. Petitioner 2002, "Exercised Political Influence" binder.
- 12/ 4 / 1917 Memorandum for Mr. Kearful, by [Leslie Garnett], Dec. 4, 1917. [Numerical File 158012, RG 60, National Archives II.] OFA folder *re*: previous Federal acknowledgment.

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- 3/ 5 / 1873 Secretary of the Interior to Commissioner of Indian Affairs, Mar. 5, 1873. Letter book, p. 312, roll 11, microfilm M-606, National Archives.
- 7/12/ 1873 Secretary of the Interior Columbus Delano to Commissioner of Indian Affairs, July 12, 1873. Letter book, p. 448, roll 11, microfilm M-606, National Archives. Copy submitted by Gary A. Shawa, received Jan. 17, 1995, in OFA administrative file.
- 7/25/ 1878 Secretary of the Interior Carl Schurz to Commissioner of Indian Affairs, July 25, 1878. Frames 259-261, roll 413, microfilm M-234, National Archives.
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- 1/ 4 / 1912 Assistant Secretary of the Interior C.A. Thompson to Attorney General, Jan. 4, 1912. [Numerical File 158012, RG 60, National Archives II.] Petitioner 2002, "Recognized by Third Parties" binder; and OFA folder *re*: previous Federal acknowledgment.
- 1/26/ 1914 First Assistant Secretary of the Interior to Attorney General, Jan. 26, 1914. [Numerical File 158012, RG 60, National Archives II.] OFA folder *re*: previous Federal acknowledgment.
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- 12/26/ 1923 Memorandum for Commissioner Burke, by Assistant Secretary of the Interior F.M. Goodwin, Dec. 26, 1923. Petitioner 2002, "Recognized by Third Parties" binder.

Burt Lake Band (#101): Proposed Finding - Bibliography

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