Summary under the Criteria and Evidence

for

Proposed Finding Against Acknowledgment

of the

Burt Lake Band of Ottawa and Chippewa, Indians, Inc.

Prepared in response to a petition
submitted to the Secretary of the Interior
for Federal Acknowledgment that
this group exists as an Indian tribe.

Approved: MAR 25 2004

Assistant Secretary – Indian Affairs

ABBREVIATIONS AND/OR ACRONYMS USED IN THIS REPORT

AS – IA	Assistant Secretary – Indian Affairs
BAR	Branch of Acknowledgment and Research
BIA	Bureau of Indian Affairs
BLB	Burt Lake Band of Ottawa and Chippewa Indians, Inc.
CCC	Civilian Conservation Corps
CFR	Code of Federal Regulations
CHT	Confederated Historic Tribes
DNR	Department of Natural Resources (State of Michigan)
Ex.	Documentary exhibit
FAIR	OFA Database, short for "Federal Acknowledgment Information Resource"
FR	Federal Register
GTBB	Grand Traverse Bay Bands
IRA	Indian Reorganization Act
LTBB	Little Traverse Bay Bands
MIDA	Michigan Indian Defense Association
MSU	Michigan State University
NARF	Native American Rights Fund
NMOA	Northern Michigan Ottawa Association
OFA	Office of Federal Acknowledgment
PF	proposed finding
RG	Record Group
U.S.	United States
WPA	Works Progress Administration

Summary under the Criteria for the proposed finding

of the

BURT LAKE BAND OF OTTAWA AND CHIPPEWA, INC.

TABLE OF CONTENTS

INTRODUCTION 1

Administrative History 1
Historical Overview 4
Historical Tribe 15
Membership Changes Since 1994 16

PREVIOUS FEDERAL ACKNOWLEDGMENT (25 CFR 83.8) 19

SUMMARY CONCLUSIONS UNDER THE CRITERIA (25 CFR 83.7) 27

Criterion (a) 29
Conclusion 35
Criterion (b) 37
Overview of Major Portions of the Membership 37
Indian Village at Burt Lake before 1900 38
Descendants of John B. Vincent 42
Conclusion for Criterion (b) before 1900 43
1900 to 1938: A Settlement on Indian Road 43
Conclusions for 1900 to 1938 48
1939-1977 50
Conclusions for 1939-1977 53
1878 – Present 54
Descendants of John B. Vincent 56
Conclusions for Criterion (b) 57
Criterion (c) 62
Overview of Criterion (c) 81
Conclusion for Criterion (c) 82
Criterion (d) 87
Current Governing Document 85
Membership Criteria 86
Previous Governing Documents and Membership Criteria 86
Conclusion 87

Criterion (e) 89
Current Members 89
Historical Band 90
Evidence of Descent 90
Membership List 96
Conclusions 96
Criterion (f) 99
Conclusions 100
Criterion (g) 101
Conclusions 101
Summary 103

SUPPORTING MATERIALS

DESCRIPTION AND ANALYSIS OF THE EVIDENCE

FIGURES and TABLES

BLIOGRAPHY OF SOURCE MATERIALS

INTRODUCTION

The Assistant Secretary – Indian Affairs prepares this proposed finding in response to the petition received from the (BLB). The BLB seeks Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the *Code of Federal Regulations* (25 CFR 83).

Through the acknowledgment regulations in Part 83, unrecognized Indian groups may seek Federal acknowledgment of a government-to-government relationship with the United States. To be entitled to this special political relationship, the petitioner must submit documentary evidence that it meets the seven criteria set forth in Section 83.7 of the regulations. 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.

Publication of the Assistant Secretary's proposed finding in the *Federal Register* initiates a 180-day response period. The petitioner and any other interested or informed party may submit arguments and evidence to support or rebut the evidence relied upon in the proposed finding during this period. Comments should be submitted in writing to the Office of the Assistant Secretary – Indian Affairs, 1951 Constitution Ave., N.W., Washington, D.C. 20240, Attention: Office of Federal Acknowledgment, Mail Stop 34B-SIB. Interested or informed parties must provide a copy of their comments to the petitioner.

After consulting with parties to determine an equitable timeframe for consideration of all written arguments and evidence received during the comment and response periods, the Assistant Secretary will make a final determination regarding the petitioner's status. The BIA publishes notice of this final determination in the *Federal Register*. Under Section 83.11 of the acknowledgment regulations, the petitioner or an interested party may request reconsideration of the final determination with the Interior Board of Indian Appeals, but must do so within 90 days of publication of the final determination. Unless the petitioner or an interested party requests reconsideration pursuant to the regulations, the final determination will become effective 90 days from its date of publication.

Administrative History of the Petition

The Bureau of Indian Affairs (BIA) received a letter of intent, in the form of a resolution, to petition for Federal acknowledgment from the Burt Lake band of Ottawa and Chippewa, Inc. (BLB), on September 6, 1985. The petitioner submitted it in care of Donald A. Moore, 4371 Indian Road, Brutus, Michigan. Donald Moore, "Chairman," and Irene Howard, "Secretary," signed the certification of "Resolution 5-15-85," dated August 23, 1985, that said 150 members and 7 members of the petitioner's governing body voted to adopt the resolution on May 15, 1985. Pursuant to Section 83.9, the BIA published a notice of receipt of a letter of intent in the *Federal Register* on October 15, 1985.

After the petitioner submitted this certified resolution, the research staff of the Branch of Acknowledgment and Research (BAR) on numerous occasions provided technical assistance (TA) to the petitioner. BAR staff met with them in person in the BAR Washington offices (1/26/1995; 8/22/1995; 1/26/2001) and during visits by BAR staff to the Brutus offices (3/10/1994). They also provided TA by letter (4/5/1995; 8/26/1997; 11/25/2002), and by telephone (7/19/1994; 8/14/1995; 8/25/1997; 11/14/2002). In addition, BAR staff met with individual members of the petitioner involved in a "recall" (7/14/1994).

On numerous occasions between 1987 and the present, Congress considered recognition legislation introduced on behalf of the petitioner. The Department opposed this acknowledgment legislation. Several administrations took the position that the administrative process at 25 CFR 83 allowed detailed analysis of each petitioner to determine the facts of each case and applied an equitable standard (Manuel 11/14/1995). In later years, the Department's testimony also expressed concerns about the composition of the petitioner and concerns some of the petitioner's members raised about the genealogical background of its leadership and membership, which changed significantly after 1984 (Deer 6/24/1997). In 1994, legislation acknowledged the Little Traverse Bay Band (LTBB), an immediate neighbor of the petitioner. Since then, many BLB members have relinquished their membership in the petitioner and enrolled in LTBB. Others joined LTBB without formally relinquishing their BLB membership.

Under sections 83.10(b) and 83.10(c) of the regulations, the BIA made an initial review of the petitioner's submissions in a letter on April 5, 1995. This "preliminary determination" found that the "historic Burt Lake band was previously acknowledged as a tribe and that the present petitioner is the same group as the Burt Lake band at the last point of Federal acknowledgment" in 1917 (Morris 4/5/1995). This TA letter advised the petitioner that it could either direct the BIA to go forward with the evaluation based on the materials the petitioner had already submitted or respond to suggestions made in the TA letter. The letter suggested that they submit more information on social interaction, on the connections of people living away from Burt Lake to the petitioner, or disagreements, on the group's involvement with the Northern Michigan Ottawa Association (NMOA), and on the relationship between the leaders and the members. The letter suggested that the petitioner provide more detail through oral histories. It advised the petitioner to compare their governing documents to the actual political activities of the group. The letter stated that the membership list required certain elements including "maiden names of women, addresses, [and] birthdates" (Morris 4/5/1995). The letter requested "previous lists of members" (Morris 4/5/1995). These weaknesses continue to characterize the petition, as this proposed finding demonstrates.

At the end of the administration of former President Clinton in 2000, the Department explored the possibility of "reaffirming" the BLB based on the Justice Department's representation of the Indians at Burt Lake in litigation between 1911 and 1917. However, in part because of questions raised in the Michigan field office about the composition of the petitioner, the Department dropped this effort and the BLB was not among the three groups "reaffirmed" in 2000 (Shawa 1/29/2001). When the administration of President George W. Bush did not continue this "reaffirmation" effort, the petitioner sued the Department. In their complaint, *Burt Lake Band v. Norton*, filed in District Court on March 30, 2001, the petitioner alleged that it was entitled to recognition and that the acknowledgment regulations did not apply to them because

the Government previously recognized them and provided "limited Indian health services." They further alleged that the BIA violated the Administrative Procedures Act (APA) by failing to place it on the list of tribal entities, which Federal statute requires the BIA to publish annually. They sought to compel the BIA to place them on this list. Two federally recognized tribes, the Little Traverse Bay Band (LTBB) and the Sault Ste. Marie (SSM) tribe, moved to intervene in this lawsuit in opposition to the petitioner's efforts to circumvent the regulatory acknowledgment process. In August 2002, the District Court in Washington, D.C., granted the Department's motion to dismiss this lawsuit because plaintiff failed to exhaust its administrative remedies.

On November 14, 2002, the BIA staff held a teleconference with the petitioner, represented by Gary Shawa, Loretta Parkey, consultant Barbara Madison, and attorney Patricia Marks. After this teleconference, the BIA sent the petitioner copies of a former BAR researcher's notes, including documents with notations on them, and other materials, which were possibly comments on the petition, such as Congressional correspondence. The staff told the petitioner that the TA review of April 5, 1995, concerning previous recognition was "pre-decisional" and could change during in-depth evaluations for the proposed finding and final determination. The staff emphasized that change could result if full evaluation reveals that the TA's pre-decisional finding is not supported or if the facts of the case change so much the group no longer qualifies to proceed under Section 83.8.

On December 16, 2002, Patricia Marks, attorney for the petitioning group, met with the BAR branch chief and researchers in their Government offices. During this meeting, Marks submitted eight boxes of petition materials in advance of active consideration (Bird Bear 12/17/2002). Many of the documents were duplicates of previously submitted materials. The petitioner's attorney explained that the purpose of submitting them again was to ensure that all materials were before the BIA researchers. They also submitted these materials on CD. The BIA scanned all of these materials into the Federal Acknowledgment Information Resource, or "FAIR," system, a database system providing access to the scanned documents, which appear on the computer monitor.

In a letter to chairman Carl Frazier in December 2002, the Director of Tribal Services detailed three significant omissions that the group needed to address before evaluation could proceed. The petitioner needed to submit a certification of the recent submission as required in the regulations at Section 83.6(b), a membership list with the elements required in the regulations at Section 83.7(e)(2), and certification of this membership list as required in the regulations at Section 83.7(e)(2).

The February 11, 2000, *Federal Register* notice describing "Changes in the Internal Processing of Federal Acknowledgment Petitions," provided that the evaluation in the proposed finding would not consider evidence submitted after December 16, 2002, when the BIA placed the BLB petition on active consideration. New evidence would be held for consideration during the evaluation for the final determination (Smith 10/25/2002). However, consistent with other cases, the BIA considered the petitioner's January 21, 2003, submission of a membership list and certifications because the material corrected technical omissions in the BLB submission made on December 16, 2002 (Smith 2/7/2003).

BIA researchers visited Michigan in the summer of 2003. The genealogist visited the BIA Michigan Field Office at Sault Ste. Marie to compare the petitioner's membership lists with rolls of recognized tribes, among other tasks. The cultural anthropologist visited the petitioner's offices in Brutus and nearby locations, the Upper Peninsula, and several urban areas to interview current members of the BLB and people who had relinquished their memberships in recent years. The historian performed research in archives and libraries in Chicago and Michigan. The purpose of these research trips was to verify and evaluate the petitioner's research.

The BIA placed the petitioner on the "ready and waiting" list of petitioners on October 26, 1995, and on active consideration October 17, 1998, but a team was not then available to commence its review. Multiple court-ordered deadlines in other cases caused the BIA to rearrange its priorities and schedules. As a result, active consideration on this petition actually began December 16, 2002. On December 12, 2003, the BIA extended the December 16, 2003, deadline for completion of a proposed finding to February 20, 2004, because the BAR fell behind when it physically moved and administratively realigned within the Department of the Interior to become the Office of Federal Acknowledgment (OFA), in the Office of the Assistant Secretary – Indian Affairs. Also, peer review on other cases, some with court deadlines, and other litigation diverted the OFA research team from work on the BLB proposed finding. On February 20, 2004, the deadline was extended to March 25 in order for the staff to fully brief a new Assistant Secretary, David Anderson, on the acknowledgment process and this decision.

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

The petitioner claims that it is a successor to a Cheboygan band of Ottawa and Chippewa Indians who had a historical village on Burt Lake near the northern tip of Michigan's Lower Peninsula (see Figure 1). It also claims to have entered into treaties with the United States in 1836 and 1855. The petitioner seeks acknowledgment as the Burt Lake band, asserting that this band has been separate from and autonomous of other Ottawa and Chippewa bands, including any historical confederation of treaty tribes and the federally recognized Little Traverse Bay Bands of Odawa Indians (LTBB) at present. The petitioner maintains an office in Brutus, Michigan, just west of Burt Lake. The petitioner submitted a membership list of 861 members. Some of those individuals have relinquished their membership, have never submitted a signed membership application, or have died. The petitioning group appears to have 490 current members.

The available evidence indicates that just less than half, 46 percent, of the petitioner's members descend from the historical Cheboygan band. All of the petitioner's members who demonstrated descent from the historical band descend from one of 10 ancestors who appeared on the portion of that 1870 annuity roll identified as a list of a Burt Lake band. The petitioner's members also have 14 ancestors who were included on lists of the residents, at the end of the 1890's, of the "traditional" Indian settlement, hereafter referred as "Indian Village on Burt Lake," or "Indian Village."

About half, 48 percent, of the petitioner's members descend from John B. Vincent (b. 1816). The petitioner considers Vincent to have been a member of the historical Cheboygan band

because he received a land allotment in the area reserved by the Treaty of 1855 for the land selections of the Cheboygan band. The historical evidence indicates, however, that non-Cheboygan Indians also received allotments in the Cheboygan reserve. The BIA's allotment schedule of 1875 did not identify Vincent as a member of any band; its 1873 report referred to the Cheboygan band as holding allotment certificates while Vincent had not received one; and its 1857 list of "Sheboygan" allottees did not include him. Vincent did not appear on the treaty annuity lists of the Cheboygan band. Evidence indicates that Vincent was born on Michigan's Upper Peninsula, perhaps at Keweenaw Bay on the shore of Lake Superior. Various records place him in Cheboygan County between 1846 and 1903, but in the town of Cheboygan on Lake Huron, rather than at Indian Village on Burt Lake. None of the available evidence demonstrates any association between Vincent or his children and the residents of Indian Village during their lifetimes. The available evidence indicates that Vincent's descendants were not involved with the petitioning group prior to 1984.

Another 4 percent of the petitioner's members descend from two individuals of Indian ancestry 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. An additional percent, less than 3 percent, of the petitioner's members have Indian ancestry with no demonstrated connection to the historical band or to John B. Vincent.

The historical Cheboygan Indian village was located on a bay on the western side of Burt Lake (see Figure 2). The village was situated along the northern shore of Maple Bay and on the western side of a peninsula that sheltered the village from the body of the lake. According to the petitioner, this village sat on an inland water route between Lake Huron and Lake Michigan, and the Cheboygan band at that village took its name from the Algonquin word for a portage, or passing through, that was used as the name for the largest lake on that route. Non-Indians named the lake Burt Lake about 1840, when the land was surveyed. Scholars have identified this village, which they labeled "Cheboygan," as existing as early as 1830. Plat maps of the area made in 1841 and 1855 by the U.S. General Land Office (see Figure 3) documented the existence of an Indian village and fields in this location.

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 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 as located where the Cheboygan River exited Mullett Lake. Chingassamo was listed as 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 by limiting the existence of the reservations to a five-year period after ratification. The treaty also provided for annuity payments to the "Ottawa and Chippewa nations," by geographical regions, for 20 years.

The lands of Indian Village were purchased by Cheboygan Indians from the United States land office between 1846 and 1849 and were patented to the Governor of Michigan in trust for the

Cheboygan band These State trust lands were purchased from the Federal Government, at the prevailing public price per acre, as six separate parcels. In April 1846, four tracts totaling 242.9 acres were purchased, which covered the band's historical village site. In August 1847, a tract of 71 acres was purchased along the western edge of the original parcel. In January 1849, a tract of 61 acres was purchased which consisted of the lands between the eastern edge of the original parcel and the western shore of the lake, with the exception of the tip of Colonial Point. By 1850, the Governor of Michigan had received six patents in trust for the Cheboygan band for a contiguous tract of 374.9 acres of land on the western shore of Burt Lake (see Figure 4).

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, along with other chiefs and headmen, who were not identified by band, gave his assent to the Senate amendments. The treaty provided that individual Indians could select land in designated reserves. The seventh reserve, designated "[f]or the Cheboygan band," consisted of two townships in Cheboygan County (Township 35 and 36 N, Range 3 W) that included the village and trust lands (see Figure 5). The original draft of the treaty reserved one township of land for the Cheboygan band to be selected at a future date, but the United States Senate amended the treaty by reserving two townships and describing them specifically. The treaty also provided for *per capita* payments, which could extend for 14 years after ratification, or until about 1870. The available evidence indicates that 10 of the 33 family heads of the Burt Lake band on the 1870 annuity payment list have descendants in the petitioner's current membership.

The Treaty of 1855 provided that an Ottawa and Chippewa Indian who was a head of household, single adult, or orphan minor could select an allotment of land. The treaty required Indian agents first to prepare lists of all the persons entitled to receive land and eligible individuals then to select their land. Eligible Indians were those entitled to receive annuities under the Treaty of 1836. Indian agents prepared schedules of individual land selections in 1857, 1863, and 1871. In 1872, Congress ended the temporary reservation of land provided for in the Treaty of 1855 and restored the unselected lands to public entry. The Act provided, however, that Indians who had not made allotment selections under the treaty could make homestead entries within the reserve, and some Cheboygan band Indians did so (see Figure 5). No allotment schedule was approved for the Cheboygan band reserve prior to the Act of 1872. The Indian Office in 1873 prepared a supplemental schedule of land selections, including individuals associated with other bands and individuals not on previous Cheboygan band lists, and in 1875 obtained legislation by Congress that authorized patents to be issued for those lands. A schedule of allotments in the Cheboygan band reserve was quickly approved and the lands selected by 45 individuals were patented in 1875.

The Cheboygan band lost title to the lands of the traditional village through tax sales of the State trust lands because of delinquent taxes. State and local officials considered the band's State trust lands to be taxable as non-exempt private property. In 1897, John McGinn, who purchased most of the State trust lands at tax sales, notified the Indians living in Indian Village that he was the owner of the lands on which their homes were located and that they were required to leave. In 1898, he sought a writ of assistance in county court to claim possession of the lands based on his

tax title deeds. Some evidence indicates that some of the residents of Indian Village moved to new locations after receiving McGinn's notice. In October 1900, McGinn came to the village with the sheriff to evict the Indians, removed all the residents and their possessions from their homes, and set fire to the houses of the village. This tax eviction is commonly referred to as "the burnout" of 1900.

Thus, the existence of an Indian village on the State trust lands at Burt Lake, which outsiders called "Indian Village," ended in 1900. In 1957, a former resident of that settlement described its appearance, about 1900, as an Indian village of 26 mostly log homes. Other sources described the village as consisting of a dozen, 14, or 16 buildings. Former resident Albert Shananquet created a list of the heads of 23 households in the village in 1899, and noted that the village had a church and school house. McGinn identified 22 household heads in his legal notice (see Figure 6). The McGinn and Shananquet lists combined appear to identify 24 households in Indian Village prior to the burnout of 1900. The available evidence indicates that 14 of these 24 Indian households have descendants in the petitioner's current membership.

After the burnout, some of the village residents settled along Indian Road north of Indian Village at Burt Lake. It appears that they were able to settle in this area because some Cheboygan band Indians obtained homesteads there in 1872 under the provisions of the Act of 1872, and remained land owners in 1900. At the core of this settlement was an Indian church, built about 1908, approximately two miles north of the historical village. This location became known as "Indianville." A plat book of Cheboygan County published in 1902 revealed the existence of an exclusively Indian settlement along Indian Road. According to this plat book, all of the residents along Indian Road for two and one-half miles north of Brutus Road were individuals who can be identified from other sources as Indians (see Figure 7). The available evidence indicates that 6 of the 11 Indian landowners in the vicinity of Indian Road have descendants in the petitioner's current membership. Most of the Indian homeowners along Indian Road had previously lived in Indian Village. However, the Indian community that persisted on Indian Road after 1900 was but a portion of the previous community located at Indian Village.

Within months after the burnout of 1900, the Governor of Michigan recommended to the legislature that it pass legislation for the relief of the Cheboygan band because the State had a "moral obligation" to restore the lands that the State had held in trust. The legislature did not act until 1903, and then it did not buy back the original State trust lands from McGinn, as the Governor had recommended, but provided other State lands in lieu of those lands. The 1903 Joint Resolution of the State legislature provided a maximum of 400 acres of land, to be chosen by the State land commissioner in consultation with representatives of the Cheboygan band and to be held by the State in trust for the band. The State Resolution provided that the right of occupancy and use of those lands would continue until five years after the tract had been vacated by the band and its lineal descendants.

The lands provided for the Cheboygan band under the provisions of the State legislature's Resolution of 1903 were located on Mullett Lake, just to the east of Burt Lake. A Cheboygan newspaper in 1909 referred to the "Indian reservation" on Mullett Lake, which it said had been provided to the families there in exchange for the land at Burt Lake. The paper indicated that some families had been there for two years, or since about 1907. The paper printed several

articles about the Mullett Lake Indians between 1909 and 1911. The 1903 Resolution lands appear to have consisted of 137 acres of State lands with lakeshore frontage on a bay on the eastern shore of Mullett Lake, south of the town of Aloha. Historical notes from an anonymous "private collection" submitted by the petitioner suggest that several families moved to this site. These notes indicate that the lands were held in common rather than in individual or family tracts, that there were no roads to the site, and that the closest school was two miles away by boat. These notes also record that most of these families moved away from the site at Mullett Lake by 1914.

A list of Ottawa and Chippewa descendants, known as the Durant Roll, was created to identify the recipients of a monetary award won in the Court of Claims for a fund due the Indians from the United States under the Treaty of 1836. By an Act of April 1908, Congress appropriated funds to pay the award 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, and issued him instructions in July 1908. Durant produced a preliminary roll in October 1909. After the Department disallowed some names, the Secretary approved the final roll in January 1910. The Durant Roll listed descendants of the Burt Lake band among the descendants of the "Traverse" band, the other categories being "Mackinac," "Grand River," or "Sault Ste. Marie" bands. 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. Durant's linkage of an individual on his 1910 roll to the historical Burt Lake band is evidence that demonstrates descent from an 1870 member of the Cheboygan treaty 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 available evidence does not show that the Indian Office requested that such a lawsuit be filed, but the Department of the Interior provided information and personnel for the Department of Justice to use in the litigation. The Federal judge stated that the central issue in the case was whether or not the State trust lands were taxable, and he found that they were. The judge held that there was no Federal trust relationship and no Federal restrictions that precluded State taxation of those lands. He found that the Government had fulfilled its treaty obligations to the Ottawa and Chippewa Indians, that the treaty had dissolved their tribal organization, and that those Indians who had received patents for allotments under the provisions of the treaty had become U.S. citizens. Therefore, he concluded that the United States had relinquished its guardianship over those Indians. In 1917, the Federal judge dismissed the U.S. complaint and left McGinn's estate in possession of those lands.

The 1930 Federal census revealed that a small but exclusively Indian settlement continued to exist along Indian Trail Road [Indian Road] north of the historical Indian Village. In that year, the census enumerator listed nine consecutive households along Indian Trail Road that contained Indian residents. The enumeration designated all 46 of the individuals listed in those nine households as Indians. Seven of eight residents age 60 or older along Indian Trail Road in 1930 had been residents of Indian Village before 1900, and the eighth was a resident on Indian Road in 1902. This evidence demonstrates that a number of major family lines persisted at a Burt

Lake Indian settlement from the 1890's to 1930. The only apparent additions since 1900 to the settlement in 1930 were several spouses who had married into these families. A 1938 survey of the rural property of the county also revealed that, as in 1902, all of the residents along Indian Road for two and one-half miles north of Brutus Road were individuals who can be identified from other sources as Indians (see Figure 8). The 1930 census and 1938 survey, when combined, identified 30 possible adult residents of the Indian settlement on Indian Road during the 1930's. The available evidence indicates that 23 of these 30 adult residents or landowners in the Indian Road settlement in the 1930's have descendants in the petitioner's current membership.

According to oral histories, probate records, and government records, employment was scarce in the small agricultural settlement along Indian Road and poverty was a problem for some families (Martell 7/23/2003, Cheboygan County 7/17/1933; Holst 1939). Long before 1920, many people who had grown up in and near Indian Village on Burt Lake in the 1800's or had historical ties to the annuity list of 1870, had already moved within the region because they married into other Indian communities, such as Harbor Springs, Cross Village, and Middle Village or found work there, according the genealogical database. In the first decades of the 19th century, labor migration for permanent residents of Indian Road was often short-term and temporary, as implied by oral histories and school records. Indian Road residents found work in nearby lumber camps in winter and resorts in summer (Martell 7/23/2003; School District No. 1 5/30/1920). U.S. Census, birth, school and other records, however, demonstrate that a small number of main families remained in the Indian Road settlement, and that as many as three-quarters of the children left the settlement when they reached adulthood. Nevertheless, those young adults who stayed and had children maintained a stable population in the settlement until the late 1930's (U.S. Census 1910b, 1920a, 1930a; School District No. 1 5/23/1930).

In the late 1920's, men began to seek employment in the Upper Peninsula, Charlevoix County, and locations farther away, while families at home maintained "subsistence" gardens. Some people found that they were "pretty near starving to death" (Martell 7/23/2003). Because their families were in difficult economic straits and physical condition during their absences in the 1920's, John Nongueskwa and William Shenoskey took them to the UP, where they took up permanent residence (BLB FTW, Vital records 1920-1940; Shawa 7/28/1995; Martell 7/23/2003; Kiogama 7/15/2003). The school at Burt Lake closed before 1938 and children began attending school at Pellston (Shawa 7/28/1995; Martell 7/23/2003). Oral histories conflict on the exact date of its closure. Some respondents claimed it closed as early as 1926 and others said as late as 1938. New Deal programs hired Indians in the 1930's to do crafts and build roads for the Works Progress Administration (WPA) or work with the Civilian Conservation Corps (CCC) (Holst 1939). These sources of employment in the region temporarily slowed down migration in that decade, according to oral histories and records of birth locations (Shawa 7/15/1995).

In the 1930's, Indians were the target of a Federal New Deal program, the Indian Reorganization Act (IRA), to provide benefits to Indians who owned common land. The grandfather of several current members notarized an IRA petition, but only a portion of the Indian Road residents and their close relatives signed it (Kishego *et al.* 1935). Similar petitions were submitted by other Northern Ottawa. Simultaneously, another man, raised on Indian Road and resident there until at least 1930, was identified as a member of the Michigan Indian Defense Association, or MIDA

(*Cheboygan Daily Tribune* 5/2/1935). He worked with local township officials on a development scheme "along the lines of self support" (*Cheboygan Daily Tribune* 5/2/1935), but other Indians who may have joined him were not named (*Cheboygan Daily Tribune*, 3/13/1935; McGinn 4/26/1935). Documents describe activities of the Northern Ottawa in this region of Michigan for the Great Depression. Different approaches developed between Indians who supported obtaining land bases and organizing under the IRA and others who may have 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). The petitioner did not submit evidence concerning the participation of Indian Road residents in dealing with the IRA, which may have shaped their specific history. After several years of internal discussion, the Government did not buy land for these Northern Ottawa, including Burt Lake, because funds ran out. Without a land base, Burt Lake and these other Michigan Indians were never eligible to vote on the IRA and never received benefits under the statute (BIA 5/29/1940).

Before 1938, residents of Indian Road celebrated seasonal holidays in distinct fashion. Families held "ghost suppers" in late October (Shawa 7/15/1995; 9/9/1994). In December, they celebrated Christmas Eve with a midnight mass at St. Mary's Mission Church, and in January, they marked "Three Kings Day," called by others "Twelfth Night." On New Year's Day, they circulated from house to house to greet each other with "Boozhoo," apparently from the French "*Bonjour*" (Shawa 7/15/1995). The men played in a "band," with violins, guitars, and an organ (Shawa 7/28/1995; Parkey 7/14/2003). They held dances and social activities inside in the winter and outside in the summer. Relatives who lived in nearby Pellston, Emmet County, and in other regional Indian communities visited and socialized with Indian Road residents (Shawa 7/28/1995; Martell 7/23/2003).

St. Mary's Indian Roman Catholic Mission 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, because they baptized their babies, married their spouses, and buried their dead there (Shananaquet 7/18/2003). A circuit-riding priest served this and other Indian missions in Emmet County (Keuter 2/23/1933; 12/18/1934). Indian Road women cooked for the missionaries (Kiogama 7/21/2003). They held church picnics on the grounds organized by women (Shawa 7/15/1995), and they attended similar affairs at other missions where they had close relatives (Shawa 7/15/1995). Other residents of Indian Road, who were members of the "altar society," cleaned and maintained the religious paraphernalia, church structure, and grounds (Shawa 7/15/1995; Kiogama 7/21/2003). Residents held funerals in the church, preceded by a wake in the deceased's home (Shawa 7/15/1995). Nuns came to the community to teach the Catechism but stopped coming sometime in the mid-1930's (Shawa 7/15/1995). In the 1930's, the priest wrote to his superiors that, because of his far-flung duties, he was unable to celebrate the Mass in every mission on important religious holidays. The congregants at St. Mary's on Indian Road at least once held services on Christmas Eve without the priest, and he feared that, if he tried to stop them, they would leave the faith (Keuter n.d.).

The State of Michigan provided welfare services to the Indian population on Indian Road, as they did to any other citizen (Cheboygan County 7/17/1933; 5/4/1941). The probate records indicate that some residents of Indian Road were "in very poor financial condition" (Cheboygan County 5/4/1941). Some families sent their children to Holy Childhood School in Harbor

Springs where they were educated, fed, and clothed (Kiogama 7/21/2003). Because these students returned home only rarely, they did not learn Ottawa and other traditions (Kiogama 7/21/2003). By the end of the 1930's, the economy could not support the community. The lumber industry moved north and agriculture moved west. Fishing was competitive and modernizing. The old summer resort system declined during the depression. As the 1940's began, lack of work in rural areas pushed, and World War II pulled, the Indians into Detroit, Grand Rapids, and Lansing to work in wartime industries. One attraction for those who entered the armed services was that they "got three squares a day," according to one man (Shawa 8/26/1995). Many prospered in subsequent decades (Shawa 7/14/2003). Older Indians left behind on Indian Road continued to rely on the State for their welfare in many cases. The population of Indian Road became older as young adults married and left. The birthplaces of children after 1938 show that most people aged 20 to 40 who grew up on Indian Road during the first half of the century had children elsewhere and were no longer Indian Road residents, with some exceptions, according to the petitioner's genealogical database.

President Truman signed the "Indian Claims Commission Act" on August 13, 1946. In 1947, a close kinsman of many Indian Road residents, Albert Shananquet, who was active on claims during the 1920's, contacted an attorney in the city of Cheboygan concerning timber cutting on "lands located in what is now Township of Burt" (Cain 1947), at the historical village site. There is no evidence that these activities related to the Claims Act, other than the timing near to the Act's passage after 20 years of inactivity. The available documentation indicates that little came of this inquiry, and no Indian other than Albert Shananquet initiated it. Nevertheless, his actions set in motion research by the State into the tax loss of Indian Village. It took officials several months to determine that the court in 1917 had already absolved the Governor of any possible trust responsibility for the land at Indian Village (Black 5/13/1948). The Governor's office sent Shananquet and the Chebgoygan attorney copies of its research.

Robert Dominic, an Ottawa from Cross Village who was not a Cheboygan descendant, and a Petoskey attorney wrote to the Office of Indian Affairs in 1948. They asked for information about organizing a claims committee and authorizing an attorney's contract under the Indian Claims Commission Act (Dominic & McClellan 2/27/1948). He soon formed the Northern Michigan Ottawa Association (NMOA) (Hillman 1984; LTBB 2/19/1999; *Petoskey News Review* 12/7/1971; unidentified newspaper 6/10/1961). Dominic and his wife continued for some 20 years to further the Northern Ottawa claims at the head of NMOA (*Petoskey News Review* 9/19/1977) Some of the older members of the petitioner and ancestors of younger members paid dues to this claims organization between 1950 and 1970 (Shawa 7/15/1995; Martell 7/23/2003), and a few older members held offices in local units in Lansing or elsewhere (Shawa 7/15/1995).

On March 12, 1956, a "Harbor Springs Group" of Indians and others met with the Governor. Jonas Shawanesse, described in one newspaper as the "manager of the Burt Lake band of Ottawas," presented a document, sometimes referred to as a speech (*Grand Rapids Press* 3/14/1956). Its thesis was that the Indians had not ceded the burnout lands by treaty and the United States had sold them illegally, apparently to the Indians, and then illegally taxed them (Shawanesse 3/12/1956; Hillman 1984). The people attending this meeting had little actual social or political connection to the post-1900 Indian Road community (Shawa 7/15/1995).

Some who attended descended from Cheboygan annuitants (Williams 3/12/1956). According to one man present at the meeting, Chief Moses Gibson of Harbor Springs, the "band" moved to Harbor Springs after the burnout.

Oral histories, which appear to have been from people who grew up at Indian Road, but had migrated away by the 1950's, said that Jonas Shawanesse's political activities "died out a bit" or "kind a slacked off" because "no one really wanted to take over doing" political activities after Shawanesse (Shawa 7/15/1995). The evidence in the record implies that it is possible that Shawanesse was working on behalf of Cheboygan descendants who did not live at Indian Road. His activities concerned their interest as burnout descendants but did not include their personal involvement. The Governor dealt with this complaint by setting up an Indian commission, which then became involved in numerous issues, but never dealt specifically with Burt Lake's burnout problem or finished its report to the Governor (Hillman 1984). The available evidence contains references to "factional bickering" among the Indians, none of whom have been identified as the petitioner's ancestors, as a reason for naming someone other than Shawanesse to this commission (Hillman 1984).

The activities of the petitioner's ancestors between 1950 and 1977 are practically without documentation in the record. Oral history recounts and vital records document that older people living on Indian Road, who had been alive at the time of the "burnout," were dying and not being replaced by younger individuals. Oral history reports that Government commodities helped residents eke out a living, according to oral history. Ghost suppers were small and attended only by local residents, although sometimes people from Harbor Springs would come if they found transportation (Massey 7/18/2003; Kiogama 7/15/2003). Relatives living in Lansing and Grand Rapids visited their families from time to time, but urban residents reported that they were active in inter-tribal social activities in Indian neighborhoods and institutions where they lived. Urban Indian centers set up by the State Indian commission or NMOA sponsored these activities. Reportedly, Burt Lake migrants did not attend activities or set up institutions that catered primarily to other people from Indian Road while they lived "downstate" (Martell 7/23/2003).

From 1900 to 1977, the activities of the descendants of John B. Vincent are undocumented in the record, except as revealed by vital records in their enrollment files. These documents trace the movement of John Vincent's children to the Upper Peninsula, islands in Lakes Michigan and Huron, and beyond state borders. For several generations, the ancestors of the group of John Vincent's descendants in the current membership commercially fished and took on other employment typical of the area. Brothers or close male relatives often owned fishing boats, gear, and businesses. According to oral history, some of these families were poor and some interacted with Indian communities in Bay Mills, Sault Ste. Marie, or temporary lumber camps, particularly before 1960 (Moore 7/18/2003). While individuals may have interacted with Indian neighbors or workmates, the families descending from John Vincent in the petitioner did not identify as Indian, and they did not live in exclusively Indian communities. His own relatives and others denied one man's claims to Indian ancestry, which he made as a child (Moore 7/18/2003). Most attended Catholic churches where they lived (Moore 7/18/2003; Frazier 7/17/ 2003).

In 1973, the United States brought litigation to affirm the right of treaty fishing in the Great Lakes. This lawsuit, *U.S. v. Michigan*, threatened the livelihood of John Vincent's descendants

who depended on commercial fishing. Indian tribes would eventually manage the treaty share of the commercial fishery (Shapton 8/24/1971). Although some non-tribal Indian descendants who were commercial fishermen attempted to organize and to be included in tribal management plans, evidence did not show Vincent's descendants were involved with them in those efforts (Zettle 8/25/1971; Hatch, 8/25/1971). There is evidence that several Vincent descendants continued fishing through 1979 under the auspices of Sault Ste. Marie, a Federal tribe (DNR 9/6/1979). There is also evidence that several of Vincent's descendants became active in a commercial fishermen's association which sought unsuccessfully to intervene in *U.S. v. Michigan*, to protect the non-Indian commercial fishery (Green 11/18/1983). One of these descendants, Carl Frazier, became the president of that organization (Borgeson 3/5/1986).

In the mid-1970's, Margaret Martell, a woman who, at age eight, had left the Indian Road settlement in 1927 and moved with her family to the Upper Peninsula, became senior coordinator at the Lansing Indian Center (Martell 7/23/2003). There, she came into contact with attorneys from the Native American Rights Fund (NARF) and began to explore legal options involving the historical village lands located at Colonial Point on Burt Lake, using the Indian Center as a meeting place (Locklear 10/26/1977). In October 1977, Margaret Martell sent a letter to "Burt Lake band Member[s] and Heirs" to inform them of a forthcoming lawsuit and invite them to a meeting about it (Martell 10/26/1977). In 1978, Martell and others created a "Committee for the Burt Lake band of Ottawa Indians." It had nine committee members representing six geographical areas: Burt Lake, Grand Rapids, Petoskey, Cheboygan, Lansing, and Detroit.

The formal organization of the current petitioning group, which occurred in 1980, had its origins in this informal organizing to pursue litigation with NARF. A local newspaper described a meeting in Pellston, in April 1980, to "formally organize" the "Burt Lake band of Ottawa and Chippewa Indians" (*Petoskey News Review* 5/1/1980). Attendees approved a motion to create a board of directors of nine members, and then elected those members. In July 1980, BLB filed Articles of Incorporation with the State of Michigan as a non-profit corporation (Harrington *et al.* 7/16/1980).

The people involved in the BLB organization before 1984 came from the Indian Road settlement as it formed between 1900 and 1920. The relatives and in-laws of Margaret Martell were heavily represented and very active in this new organization. The petitioner did not submit membership lists created before 1994. Therefore, only by examining available records of attendance at meetings and other activities can a researcher determine the composition of the petitioner for any period before that date. An analysis of sign-in sheets submitted by the petitioner shows that a majority of individuals, whom the records identified attending any one of 11 meetings between January 1980 and March 1983, attended only one time. An estimated one-third attended only two to four meetings. The 10 percent who were most active were primarily middle-aged women, who were close associates of Margaret Martell, her relatives, and a handful of people still living on Indian Road.

By 1983, the petitioner had dropped geographical representation on the organization's board. Board members and officers came from downstate urban areas, Indian Road, and communities in Emmet County. This group worked primarily with Michigan Indian Legal Services (MILS) on their land issue and they had made contacts in the Governor's office and were studying land

options near Indian Road. However, they also held picnics, campouts, fund-raising events, and other events (Petitioner 1983). They held meetings near Burt Lake, Lansing, and Grand Rapids (Petitioner 1983). The group may have been having problems keeping board positions filled with appropriate and dependable individuals even though a core group met and socialized.

After apparently losing rights to fish under tribal management schemes in 1979, Vincent descendants had begun to seek membership in Sault Ste. Marie and Grand Traverse Bay Band, both Federal tribes (BIA 5/18/1984). However, no Vincent descendant approached BLB until early 1984, when Don Moore joined after Margaret Martell vetted his documentation (Moore 7/18/2003; Martell 7/23/2003). There is no evidence in the record that he or his family had any history of association with the Indian Road residents and their descendants. Despite his lack of prior social and political connection to BLB, he was asked to stand for election to the board, won, and became chairman (Howard 4/5/1984; BLB 4/30/1984). He and long-time Secretary Irene Howard produced a record of the activities for the group on a variety of issues for two years. Chairman Moore and Irene Howard took a vigorous approach to obtaining land through a transfer of State lands near Indian Road to the BLB organization (Howard 4/19/1984; 5/16/1984; 7/12/1984; Beech 11/26/1984). It looked as if the transfer would go through (Petitioner 2/1/1985) until the proposed agreement encountered local opposition and caught the attention of the state conservation organizations (*Grand Rapids Press* 2/1/1985). The State did not complete the transfer.

At the same time, the petitioner's newsletter reported that the membership clerk was overwhelmed as the "membership grows in leaps and bounds" (Petitioner 11/1985). Several different events may have caused this increase. First, parts of the commercial fishery closed to non-tribal fishermen such as many of Vincent's descendants. Second, newspapers reported that the BLB could shortly receive property near the old site of Indian Village and *per capita* payments from claims judgments. Third, the petitioner may have formalized membership procedures in advance of submitting an acknowledgment petition.

On April 10, 1985, the DNR told some of John Vincent's descendants and others fishing on the southern shore of the Upper Peninsula to remove their boats and gear from the waters of the Great Lakes according to court order (Skoog 5/7/1985). Some commercial fishermen from the Vincent families participated prominently in yearlong negotiations with the State seeking compensation for loss of their livelihoods. The BLB organization had never focused on commercial fishing or taken any position on *U.S. v. Michigan*. But, in March 1986, the BLB chairman, Donald Moore, placed fishing rights on the BLB council's agenda for the first time. He then turned to "local members," apparently meaning the residents of Indian Road area, for support (Petitioner 3/1986). His goal was to establish a fishery managed by the BLB (Moore 7/18/2003). He formed a fishing committee to obtain treaty-fishing rights in the Great Lakes (Frazier 7/17/2003). The MILS attorney working with BLB said that he would not represent the BLB on this issue because without Federal recognition, it would be premature for BLB to pursue a "test case" (Petoskey 6/13/1986). Donald Moore then dropped his participation in the petitioner without explanation to the members or board at the time. He recently stated that he left because he was frustrated with the MILS position on treaty fishing.

Little documentation was submitted by the petitioner about the group's activities during the next three or four years. Secretary Irene Howard retired (BLB 6/29/1986) at the same time that Donald Moore left, and it is not possible to tell if the dearth of documentation resulted from lack of activity or lack of documentation of activities. However, it does appear that levels of participation and business dropped for at least two years (Frazier 7/1987; Parkey 7/29/1987; BLB 10/1987). The board made no official interim replacement for Donald Moore, but Margaret Martell and Katherine Beech acted in his place. 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 unrecognized groups in Michigan.

The results of the April 1991 election placed four descendants of John Vincent on the nine-member board. One of them, Carl Frazier, became chairman. The board soon hired Gary Shawa as executive director and sent the members' enrollment records to CHT in Lansing. It appears that soon thereafter a "recall petition" called for removal of the descendants of John Vincent from the board of directors (Doris Massey *et al.* n.d.). Most recall signers were residents of Indian Road or their close kin. The signers included many close relatives to the volunteer enrollment clerk, Loretta Parkey, who actively sought information from the BIA about John Vincent and expressed concern that Carl Frazier had removed BLB's membership files (Bolton 6/25/1991). None of the family members of the organization's founder, Margaret Martell, or of the executive director, Gary Shawa, signed it (Doris Massey *et al.* n.d.). A year and a half later, a group behind the recall withdrew BLB's funds from the bank, 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. The recall may have been costly, however. A number of members appear to stop participating in the group at this time (Shananaquet 7/18/2003; Teuthorn 7/18/2003).

In September 1994, Congress passed an act that "reaffirmed" Federal recognition of the Little Traverse Bay Bands of Odawa Indians. The Act of 1994 did not include any mention of a Burt Lake band. It provided that the Little Traverse Bay Bands would submit a membership roll to the Secretary of the Interior. In defining its membership, the Little Traverse Bay tribe accepts as qualifying ancestors those individuals named on the page of the treaty annuity list of 1870 that Durant cited as the "Burt Lake Band." One-quarter of the members on the petitioning group's 1994 membership list are known to be enrolled currently in the Little Traverse Bay Bands (158 of 637). Another 12 members in 1994, including BLB board members, are enrolled in the Sault Ste. Marie band. However, about half of those individuals enrolled in federally recognized tribes have not submitted a written relinquishment of their Burt Lake Band membership. Thus, the Act of 1994 appears to have had an impact on the size and composition of the petitioner's membership, and has complicated an evaluation of this petition for acknowledgment.

Historical Tribe

For the purposes of this proposed finding, the "historical tribe" is the historical Cheboygan band. The members of this historical band are those who received annuity payments or land allotments

as members of the band under the treaties of 1836 and 1855 or who lived in an Indian village on the shore of Burt Lake as late as 1900. An individual listed on an identifiable Cheboygan band portion of any annuity payment roll for the "Ottawa and Chippewa" Indians of Michigan was a member of the band at the time of that roll. An individual linked to the Burt Lake band by Special Agent Durant in his 1910 roll or his 1908 field notes was either a member of the Cheboygan band in 1870 or a descendant of such a member. An individual listed among the "Sheboygan" Indians on the 1857 schedule of land selections under the Treaty of 1855, or identified as a "Sheboygan" Indian when added to that schedule in 1864, was a member of the band in 1857 or 1864. The residents of Indian Village, as identified by lists made by John McGinn and Albert Shananquet, are considered members of the band prior to the burnout of 1900. (See the extensive discussion of membership in the historical tribe in the "Description and Analysis.")

Membership Changes since 1994

The changing membership of the petitioner since the 1994 reaffirmation by Congress of the Little Traverse Bay Bands (LTBB) complicates this proposed finding. The historical ancestors of the petitioner are qualifying ancestors for LTBB membership, and one-quarter of the petitioner's 1994 members are known to have enrolled in LTBB. The proposed finding also is complicated by the acceptance into membership in the petitioning group in 1984 of descendants of John B. Vincent, who was allotted in the Cheboygan treaty reserve in 1875 but has not been shown to have been a member of the historical band. The result of these two developments is that the petitioner has two subgroups of members of almost equal size but with separate histories, and the descendants of John B. Vincent (48 percent of members) now outnumber the descendants of the historical Cheboygan band (46 percent).

This finding draws some conclusions about the part of the petitioner descending from the historical Cheboygan band and Indian Village on Burt Lake in earlier periods. Such conclusions should not lead the petitioner to believe that if they submit a membership list predominantly of BLB descendants, the final determination will recognize them, because since recognition of LTBB, a substantial portion of the petitioner's membership descending from Cheboygan band have officially relinquished their memberships in the petitioner and joined LTBB, or have not officially relinquished their memberships, but have joined LTBB nevertheless. Anecdotal information collected in interviews in 2003 indicated that more of the petitioner's members may have relinquished their BLB membership and joined LTBB since the OFA genealogist researched membership at the BIA offices in Sault Ste. Marie in 2003.

This instability of membership presents a problem. The regulations call for groups seeking acknowledgment to present petitions and for the researchers to evaluate these petitioners using the submitted membership list. However, the fundamental purpose of the regulations is to acknowledge the existence of continuously existing tribes. The Secretary does not have the authority to acknowledge a portion of a tribe, where that portion does not substantially encompass the body of the social and political community. Further, where a petitioner in actuality is only a part of a larger single entity with members in a petitioner and in a Federal tribe, the Government cannot acknowledge the petitioner.

The petitioner may choose in its response to submit a membership list exclusively of BLB descendants. It may be that only a small fraction of the continuously existing Burt Lake entity remains as part of the petitioner and the main body of this entity has enrolled in LTBB. In other words, the remaining membership will not substantially encompass the historical Cheboygan band, as the historical band has essentially joined a Federal tribe, LTBB. These LTBB members continue to interact often with other descendants of Indian Village and Indian Road, including some members of BLB, many of whom are their close relatives, friends, and associates. To the extent that there was a continuing community of Burt Lake descendants, the federally recognized LTBB may have already absorbed it (See 83.3(d)). Thus, even the conclusions about this part of the petitioner in the past are tentative.

PREVIOUS FEDERAL ACKNOWLEDGMENT (25 CFR 83.8)

If a petitioner demonstrates that the Federal Government previously acknowledged it as an Indian tribe, then the provisions of Section 83.8(d) modify the requirements of the acknowledgment criteria in Section 83.7. The petitioner argues that the Federal Government acknowledged it during the *McGinn* litigation between 1911 and 1917. When a claim of previous Federal acknowledgment is made by the petitioner, the acknowledgment regulations (Section 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 (Section 83.1).

The first aspect of the test of previous Federal acknowledgment is to determine whether the Government acknowledged, by its actions, a government-to-government relationship between the United States and an Indian tribe. 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 previous Federal acknowledgment is to determine whether or not the petitioner is the same entity, or a portion that has evolved from the previously recognized tribe, which requires a threshold determination of whether or not the petitioner's members are the descendants of the tribe recognized by the Government.

The acknowledgment regulations provide for a preliminary determination on the issue of previous Federal acknowledgment during the technical assistance review of a documented petition. Such a preliminary determination of the petitioner's eligibility to be evaluated under Section 83.8 is not a determination that the petitioner meets the requirements of that section. Any preliminary determination on the issue of previous Federal acknowledgment made during the technical assistance review is subject to review and revision in a proposed finding and in a final determination.

The BIA's technical assistance review letter to the petitioner, dated April 5, 1995, stated that the review "indicates that the historic Burt Lake band was previously acknowledged as a tribe and that the present petitioner is the same group as the Burt Lake band at the last point of Federal acknowledgment." The letter also stated, "the last unambiguous Federal acknowledgment was in 1917." However, that letter also pointed out that this "preliminary determination" was "subject to challenge and review" in the remaining stages of the acknowledgment process (BIA 4/5/1995). This point was again made in a letter to the petitioner just prior to the start of active consideration (BIA 11/25/2002).

The petitioner claims that it is a successor to a Cheboygan band that was one of the political entities that made treaties with the United States in 1836 and 1855. The petitioner and Little Traverse Bay Bands, a federally recognized tribe, disagree about whether confederations of bands or autonomous bands were the effective units of Indian political authority at the time of

the treaties. For purposes of an evaluation under Section 83.8 of the regulations, however, the issue is not the reality of Indian political organization and autonomy, but the Federal Government's definition of the Indian entities it treated as political units. The petitioner's researchers claim that the United States negotiated the treaties of 1836 and 1855 with politically autonomous bands such as the Cheboygan band (White 1980; Littlefield 2002b), while the researcher of the Little Traverse Bay Bands argues that the United States negotiated with a Little Traverse political confederation that represented the Cheboygan band (McClurken 2002).

The Treaty of 1836 was signed by a series of chiefs and headmen who were listed in six groups: Maskigo, Grand River, Michilimackinac, Sault Ste. Marie, L'Arbre Croche, and Grand Traverse (United States 1836). Chingassamo, whom the treaty authorized to choose a tract of 1,000 acres "on the Cheboigan" [River?], was listed as one of eight signers for "L'Arbre Croche," not as a representative of a Cheboygan band. The treaty language implies Federal knowledge that a Cheboygan band had a distinct settlement, knowledge that does not in itself indicate that the Government considered the band to be politically autonomous. Whatever the nature of actual political authority among bands at the time of the negotiation of the treaty, the Government's presentation of the Treaty of 1836 implies that the United States considered a Cheboygan band to have been part of a "L'Arbre Croche" political entity that was larger than a single band or settlement.

The Treaty of 1855 as amended by the Senate was signed at Little Traverse Bay on July 2, 1856, by a series of chiefs and headmen. The petitioner contends that Ke-zhe-go-ne signed for the Cheboygan band. The treaty did not specifically designate him as a Cheboygan representative, nor did it specifically designate the signers on that date as Little Traverse chiefs. Ke-zhe-go-ne did not sign to approve terms specific to the Cheboygan band, but to approve the entire treaty as amended by the Senate. The fact that the Government did not require a Cheboygan representative to sign specifically on behalf of a Cheboygan band suggests that the Government did not perceive the Treaty of 1855 to have been made with a Cheboygan band as one of many autonomous bands. A Cheboygan band may have been autonomous of Little Traverse authority in 1836 and 1855, but the Federal Government appears to have negotiated the treaties of 1836 and 1855 as if a Cheboygan band were a component of a larger political entity.

For purposes of the acknowledgment regulations, however, it is not necessary to determine whether a Cheboygan band was recognized by the United States in the treaties of 1836 and 1855 as part of a political confederation of bands or as an autonomous band. If a Cheboygan band were recognized by the Government as an autonomous political entity, then the current Burt Lake band petitioner could claim previous Federal acknowledgment as a successor to that entity. The regulations also indicate that it is acceptable for a petitioner to be a "portion that has evolved" from a previously acknowledged Indian political entity (Section 83.8(d)(1)). Thus, if a Cheboygan band were part of a Little Traverse confederation of bands recognized by the United States as a single political entity in the Treaties of 1836 and 1855, the petitioner could claim previous Federal acknowledgment as a group that has evolved from that previous entity and become autonomous of it. The continuous existence of a Cheboygan band or its evolution into an autonomous band after the treaties is tested by the acknowledgment criteria. That the Indians of the Cheboygan village were parties to the Treaties of 1836 and 1855 is not in dispute, and the

treaties constitute unambiguous Federal acknowledgment of them, whether as a band or a confederation.

Indian policy administrators saw their responsibility to Michigan tribes as ending when treaty provisions were fulfilled. In 1872, replying to a report of the Commissioner of Indian Affairs that the last treaty annuity payment soon would be made and that patents for treaty land selections were being issued, the Secretary of the Interior stated the policy that, "[u]pon full [annuity] payment being made tribal relations will be terminated" (Interior 3/27/1872). The Secretary concluded that the members of the tribe then would become citizens of the United States, and be subject to Federal jurisdiction as citizens rather than as tribal members. The contention of one of the petitioner's researchers that Indian agents recognized Ke-che-go-we and Joseph Wa-bwe-com as chiefs of a Cheboygan band and referred to them as such in their correspondence during the 1880's is not supported by the evidence the petitioner has provided (White 1980, 60-61). The question of Federal responsibility toward the land purchased by Cheboygan Indians and patented to the Governor in trust for the Cheboygan band was considered by the Department of the Interior in 1878 and 1900. In both cases the Department took the position that it lacked the responsibility or authority to take any action on behalf of those lands (Interior 7/25/1878; BIA 5/17/1900; Interior quoted *in* Pengree 1/9/1901, p. 273).

The Durant Roll of 1910 did not constitute Federal acknowledgment of any Michigan tribe or band. In the Act of 1908 that required the roll, Congress directed the Secretary of the Interior "to make a complete roll of the Ottawa and Chippewa Indians of the State of Michigan entitled to participate in the funds arising from the judgment of the Court of Claims," not to identify current members of any particular bands (United States 1908, 81). The Act authorized the Government to deal with Ottawa and Chippewa Indians for a single, limited purpose, not to establish a government-to-government relationship with any specific band. In producing the roll, Special Agent Horace Durant did not seek to identify members of bands existing in 1910, but to identify Ottawa and Chippewa Indians who had received annuities in 1870 and to list their lineal descendants. The precedent in acknowledgment findings is that such descendancy rolls did not constitute Federal acknowledgment of a tribe.

The petitioner contends that the United States acknowledged the "Cheboygan band as a federally recognized tribe" when a U.S. district attorney in Michigan, in June 1911, initiated litigation in Federal court against John McGinn to invalidate his acquisition of the band's State trust lands (Petitioner [2001], 14). The petitioner thus bases its claim for previous Federal acknowledgment on the actions of the Department of Justice, but it also contends that the Department of the Interior and the Office of Indian Affairs "directly supported" that effort by conducting research and providing the results to the Justice Department (Bransky 4/5/1994; see also Cornell 1994, 116). In his initial bill of complaint, the U.S. attorney claimed that the "Cheboygan band of Indians" was "now" and historically had been "under the care, control, and guardianship" of the United States, and that it was "now . . . recognized by the plaintiff [United States] as a tribe . . ." (U.S. Attorney 6/22/1911). In addition to the district attorney, two "special assistants" to the Attorney General of the United States signed this bill of complaint. This representation, made on behalf of the Federal Government by a U.S. Attorney, was an unequivocal statement of Federal acknowledgment of a Cheboygan band.

There is no evidence in the available record that demonstrates that the Indian Office or Interior Department requested the Department of Justice to file a lawsuit on behalf of the Cheboygan Indians in 1911, or even that they were informed that such a suit had been filed by the district attorney. In 1912, however, the Assistant Secretary of the Interior informed the Attorney General that, "[i]f you decide to instruct the proper United States Attorney to bring any actions" to help the Cheboygan Indians "regain possession of their lands," the Interior Department would direct an Indian superintendent to assist the district attorney (Interior 1/4/1912). This letter reveals the Interior Department's willingness to support legal action on behalf of Cheboygan Indians. In 1914, J.W. Howell of the Indian Office undertook an investigation (BIA 4/14/1914), and the U.S. Attorney used some of Howell's arguments and evidence when he filed an amended bill of complaint. The U.S. Attorney informed the Court in 1914 that his amendments were filed "by direction of the Attorney General of the United States" (U.S. Attorney 4/30/1914). In 1917, the Secretary of the Interior informed the Attorney General that he was prepared to send Howell to Michigan to assist the U.S. Attorney at trial (Interior 5/5/1917). Thus, the Indian Office cooperated with the Justice Department in an attempt to aid Cheboygan Indians.

In correspondence with the Department of Justice and in contexts other than the *McGinn* case, however, the Department of the Interior took positions different from those argued for the Government by the U.S. Attorney. Also, during the *McGinn* litigation, Federal officials replied to letters from Enos Cabenaw and Albert Shananquet about the progress of the case, but did not consult either as tribal leaders. In 1914, the Assistant Secretary of the Interior told the Attorney General that, "[t]he so-called Cheboygan band was not an independent tribe, but was a part of the Ottawa and Chippewa of Northern Michigan" (Interior 1/26/1914). While it is not clear whether Interior's denial that the Cheboygan band was an autonomous entity conflicted with the position taken by Justice in the litigation, its reference to the band in the past tense did conflict with that representation. In 1917, prior to the judge's opinion in the *McGinn* case, Interior informed an individual "that the Ottawa and Chippewa tribes of Indians many years ago became citizens of the United States and of the state in which they reside and are now not under the jurisdiction and control of the Government" (letter 2/15/1917 quoted *in* Interior 5/1/1937). This statement of the Department's position since the 1870's was contrary to that stated on behalf of the Government by the U.S. Attorney in the *McGinn* litigation.

Judge C.W. Sessions defined "the ultimate question" in the *McGinn* case as whether the band's State trust lands "were taxable by the State of Michigan" (U.S. District Court 1914a). The judge noted that the Federal Government had neither retained legal title to the lands and held them in trust for the Indians, nor conveyed legal title to the Indians with restrictions on their ability to sell the lands. He concluded, therefore, that no Federal ownership or restrictions on alienation precluded State taxation of those lands. In his opinion in 1917, Judge Sessions concluded that the Federal Government had not retained control over those lands, either by the specific terms of the original conveyances to the Cheboygan band or by a right of guardianship over those Indians and their property (U.S. District Court 1917a). He noted that the terms of the land patents for the State trust lands contained no restrictions on taxation or alienation and imposed no duties on the trustee. He noted that the Federal Government had made no demand on the Governor for an accounting of his role as trustee. He rejected the Government's contention that the purchase of the lands changed one form of trust property into another. The judge concluded that Cheboygan

Indians had become citizens, according to the provisions of the General Allotment Act of 1887, by receiving individual allotments of land under the provisions of a treaty.

Judge Sessions concluded that the Federal Government had "relinquished its right of guardianship over these Indians and their property" because of the Government's "full performance of treaty obligations," the 1855 treaty's "dissolution of the tribal organization of the Ottawa and Chippewa Indians," and the Indians' "final attainment of citizenship" (U.S. District Court 1917a). Therefore, he held that the Government, despite its pleadings to the Court, could not represent the Indians as their guardian at present. The judge also held that the State trust lands had been taxable, and thus had been properly acquired by McGinn (U.S. District Court 1917a). He issued a decree dismissing the U.S. bill of complaint (U.S. District Court 1917b). After this Federal judicial opinion of a lack of Federal responsibility for Cheboygan Indians, the Interior Department and the Indian Office appear to have returned to their post-1870's position that the Government lacked responsibility for and jurisdiction over the Ottawa and Chippewa Indians of Michigan.

The U.S. Attorney in Michigan made an unequivocal statement of Federal acknowledgment of a Cheboygan band of Indians in a complaint filed in Federal court in 1911. Evidence that the Department of the Interior supported the Department of Justice in that *McGinn* litigation by providing it with information and personnel, and expressed no objections to the position taken by the United States in those proceedings, outweighs some evidence that the Department of the Interior expressed opinions during those years that it lacked jurisdiction over and responsibility for Ottawa and Chippewa Indians of Michigan. The "unambiguous" test posed by the acknowledgment regulations is interpreted to require that a significant Federal action constituted "unambiguous" acknowledgment, not that every Federal action at that time was unambiguous. The U.S. Attorney's position in the *McGinn* litigation was "unambiguous." In addition, that position was not the isolated action of a single Federal agency, but was an action supported by the Department of the Interior, the Federal agency charged with supervision of Indian policy. In view of the cooperation of the Justice and Interior Departments to act as guardians of the Cheboygan band in Federal court litigation between 1911 and 1917, this evidence is sufficient to meet the test of "unambiguous" Federal acknowledgment at that time.

The Indian Reorganization Act (IRA) was approved in June 1934 (United States 1934). Section 16 of the Act provided Indian tribes a right to organize and adopt constitutions, but it made residing on a reservation a prerequisite for organizing under the Act. Section 7 of the Act, however, authorized the Secretary of the Interior to proclaim "new Indian reservations on land acquired" pursuant to the Act. Thus, if the Secretary acquired new lands, he could then establish new reservations and allow the Indians placed on the new reservations to organize under the Act. Section 19 of the Act provided that, in addition to members of federally recognized tribes or residents of reservations, "persons of one-half or more Indian blood" could be included in the benefits of the Act. Thus, the IRA provided a means by which unrecognized Indian groups could become organized, but required that lands first be acquired for them and proclaimed as a reservation. An opinion of the Solicitor of the Department of Interior in 1937 noted that, for Indians who lacked status as a recognized band or as Indians on a reservation, the only means of providing them the benefits of the IRA was to select those of "one-half or more Indian blood," purchase land for them, and then allow them to organize under the Act (Interior 5/1/1937).

A petition stating that its signers were "desirous of obtaining the benefits . . . of the new Indian Reorganization Act" was submitted to the Commissioner of Indian Affairs on May 13, 1935, by Fred Kishego and 40 other individuals (Kishego *et al.* 5/13/1935). The IRA petitioners referred to themselves as "members of the Ottawa and Chippewa tribes," but not as members of a specific band or residents of a specific locality. The signers gave their addresses as Cheboygan County, or as Pellston or Petoskey in Emmet County. Some, but less than half, of Indian Road adult residents in 1930 signed the IRA petition. Most of the IRA petition signers (32 of 41) were descendants of an individual on the list of the Burt Lake band in Durant's field notes (Madison 2002, Ex. C, p. 14, presented slightly different numbers). However, only 13 percent of the petitioner's current members descend from a signer of the 1935 petition. One month after the IRA petition, one of the petition signers from Brutus wrote to the Commissioner of Indian Affairs asking for a response to an unidentified petition and mentioning a "Cheboygan band of Indians" (Shawanasige 6/17/1935).

The Commissioner demonstrated a lack of knowledge about "a group who call themselves [the] Cheboygan band of Indians" by asking an agency superintendent for information about such a group's status to organize under the IRA (BIA 7/23/1935). The superintendent responded that, while he could supply no specific information about the petitioners, they could not come under the IRA because they were not enrolled and did not reside on a reservation (BIA 8/15/1935). Indian Office plans to implement the IRA in Michigan's Lower Peninsula were developed by Superintendent Frank Christy of the Tomah Agency. In 1934, Christy suggested that land might be purchased in Emmet County to establish an "Indian colony" of Ottawa and Chippewa Indians under the provisions of the IRA (BIA 12/6/1934). In 1935, he presented a plan that proposed to establish six such colonies, including one at Cross Village (BIA ca. 4/27/1935; see also BIA 5/4/1935). A map of the areas served by the proposed colonies showed that the western side of Burt Lake was included within the territory of the Cross Village colony. However, the available evidence does not include any specific reference to Burt Lake Indians or a Burt Lake band by Superintendent Christy or any other proponent of the land acquisition plan under the IRA.

Several reports by BIA officials in 1937 noted problems in applying the provisions of the IRA to the Indians of the Lower Peninsula and advised against doing so. Two major concerns of the Indian Office were that it lacked the resources and appropriations to provide basic services and economic rehabilitation to the Indians of the Lower Peninsula, and that its attempts to assume such responsibilities could lead to a withdrawal of services to Indians by the State of Michigan (BIA 1937, 5/8/1937, 6/16/1937). In 1939, John Holst, Supervisor of Indian Schools made a study of the question of the Indian Office's relationship to the Indians of the Lower Peninsula (BIA 1939). One of Holst's four major recommendations was that "the Indian Office shall not attempt to set up any additional or supplementary educational or welfare agencies for the Indians of lower Michigan that in any way tend to recognize Indians as a separate group of citizens" (BIA 1939, 21). Commissioner John Collier approved that recommendation in May 1940 (BIA 5/29/1940). Thus, the BIA decided against extending Federal services to the unrecognized Indians of Michigan's Lower Peninsula.

The available evidence reveals that the passage of the IRA did not result in the organization of additional Indian groups or of any group of Indians of "one-half or more Indian blood" in the

Lower Peninsula. That evidence indicates that the BIA gave consideration to a land acquisition program for Indians in the vicinity of Cross Village that might have resulted in the organization of a tribe that might have included Indian residents of the Indian Road settlement at Burt Lake. With respect to an evaluation of the current petitioning group, there was no mention of any Burt Lake band in any of the available evidence relating to administration of the IRA. The petitioner has not demonstrated, with any evidence or argument, that the BIA had any plans or intention, if it received adequate appropriations for land purchases and rehabilitation under the IRA, to organize a Cheboygan band or Burt Lake band as a separate entity. Therefore, the available evidence does not demonstrate any previous Federal acknowledgment of a Burt Lake band during implementation of the IRA.

In September 1994, Congress legislatively recognized the Little Traverse Bay Bands of Odawa Indians, the Little River Band of Ottawa Indians, and the Pokagon Potawatomi Indians. At the same time, Congress considered a bill to "reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe" (Stupak 4/14/1994). Representatives of the Burt Lake petitioner participated with these other petitioners for Federal acknowledgment in the lobbying and hearings that preceded consideration of these recognition bills. The Burt Lake bill failed to pass. The Act of 1994 that "reaffirmed" the Federal recognition of the Little Traverse Bay Bands did not include any mention of a Burt Lake band. The Act provided that the Little Traverse Bay Bands would submit a membership roll to the Secretary of the Interior (United States 1994, sec. 7, sec. 2(3)). In defining its membership, the Little Traverse Bay tribe accepts as qualifying ancestors those individuals named on the page of the treaty annuity list of 1870 that Durant cited as the "Burt Lake band." Thus, as a result of the Act of 1994, some of the petitioner's members have become eligible for membership in a federally recognized tribe. In its 1994 legislation, however, Congress did not recognize a separate Burt Lake band.

The first aspect of the test of previous Federal acknowledgment is to determine whether the Government acknowledged an Indian tribe. 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 also meet the test of "unambiguous" acknowledgment. Federal acknowledgment under the treaties extended until the 1870's when the last treaty annuity payments and treaty allotments were made. There is "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, which was undertaken by a U.S. Attorney, meets the test of "unambiguous" acknowledgment. Federal acknowledgment during the McGinn case ended with the Federal court decision of 1917. The "historical tribe" acknowledged by these actions was the historical treaty tribe, whose Burt Lake members are best identified by the treaty allotment list of 1857 and the page of the treaty annuity list of 1870 that Durant cited as "Burt Lake," and the Indian Village on Burt Lake prior to the burnout of 1900, whose members are best identified by lists of village residents compiled by McGinn and Shananquet.

The second aspect of the test of previous Federal acknowledgment is to determine whether the petitioner is the same tribal entity, or a portion that has evolved from the entity, that was previously acknowledged. A threshold determination of whether the petitioner has evolved from the previously recognized tribe or band is whether its members are the descendants of the tribe or

band recognized by the Government. Less than 50 percent of the current members of the petitioning group have ancestry from a member of the historical Cheboygan band or a resident of Indian Village at Burt Lake prior to the burnout of 1900. In view of this evidence, the petitioner has not established that it is the same entity or is a portion that has evolved from either the previously acknowledged treaty band or the band for which the *McGinn* lawsuit was brought. In addition, the petitioner's members who lack descent from the historical band were not gradually incorporated into that band over time in any process of evolutionary change, nor were they part of an Indian entity that amalgamated with that band. Because most of the petitioner's current members neither descend from nor have evolved as a group from a previously acknowledged tribal entity, the petitioner's current membership does not meet the second test of being the same entity as, or as having evolved from, a previously acknowledged tribe or band.

For these reasons, this proposed finding revises the BIA's preliminary determination that the petitioner is eligible to be evaluated under the provisions of Section 83.8 of the regulations because of the petitioner's previous Federal acknowledgment as late as 1917. The question of whether the petitioner is eligible to be evaluated under Section 83.8 of the regulations is subject to reconsideration at the time of the final determination. In view of the evidence available at the time of the proposed finding, the petitioner is not eligible to be evaluated under the provisions of Section 83.8 and is evaluated according to the criteria set forth in Section 83.7 of the regulations.

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

Evidence submitted by the Burt Lake band of Ottawa and Chippewa, Inc. (the petitioner), and obtained through other interested parties and independent research by the staff of the Office of Federal Acknowledgment, demonstrates that the petitioner does not meet all seven criteria required for Federal acknowledgment. Specifically, the petitioner meets criteria (d), (f) and (g), but fails to meet criteria (a), (b), (c) and (e). In accordance with the regulations set forth in 25 CFR 83, failure to meet any one of the seven criteria requires a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

Based on evidence available, the proposed finding does not preclude the submission of other evidence to the contrary during the 180-day comment period, which follows publication of this finding. Such new evidence may result in a change in the conclusions reached in the proposed finding. After the receipt of the comments, the BIA will publish separately the final determination, which they will base on both the new evidence submitted in response to the proposed finding and the original evidence used in formulating the proposed finding.

Because the AS-IA's *Directive* of 2000, which states that "technical reports such as have been prepared in the past shall no longer be prepared to accompany the summary under the criteria" (AS-IA 2000), OFA researchers have not prepared separate anthropological, genealogical, and historical technical reports. Instead, they produced together a *Description and Analysis of the Evidence* in the Record, arranged by criterion (cited as *Description*). Specific source citations for the evidence relied upon in this *Summary under the Criteria* generally are in that *Description*, rather than in this *Summary*. In accord with the "Changes in the Internal Processing of Federal Acknowledgment Petitions," BIA researchers conducted a review of the petition using the professional standards of their disciplines, and prepared this "report and recommendation for the decision makers . . ." (AS-IA 2000). The *Directive* limits the scope of the review of a petition for a proposed finding "to that necessary to establish whether the petitioner has met its burden to establish by a reasonable likelihood of the validity of the facts that it meets all seven regulatory criteria" (AS-IA 2000).

The acknowledgment regulations state that the petitioner must present "thorough explanations and supporting documentation in response to all of the criteria" (Section 83.5(c)). In defining the duties of the Department, the regulations state that the "Department shall not be responsible for the actual research on behalf of the petitioner" (Section 83.5(c)). The Assistant Secretary therefore advised the BIA that, in conducting its review of petitions, it was "not expected or required to locate new data in any substantial way" (AS-IA 2000). The appropriate remedy for deficiencies and weaknesses in the petition is for the petitioner and third parties to present additional evidence during the comment period (AS-IA 2000).

In the following *Summary of Evidence*, each criterion, reproduced in boldface type, is as it appears in the regulations. Summary statements of the evidence relied upon follow the respective criteria.

Criterion (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.

The petitioner claims to have been identified as the Burt Lake band throughout the period from 1900 to the present. The petitioner's membership, however, consists of two components of almost equal size, the descendants of Indians who received treaty annuities as historical Burt Lake band members and the descendants of John B. Vincent, who was not a member of the historical Burt Lake band. The available evidence shows that descendants of the historical Burt Lake band are outnumbered by descendants of John B. Vincent in the petitioner's current membership. This division compels an analysis of the possible identification as an Indian entity both of a Burt Lake group and a group consisting of Vincent's descendants. This evaluation of whether the petitioning group was identified as an Indian entity considers whether the petitioner was identified as a single Indian entity consisting of both components of its membership. It also considers whether those two components were each identified as separate Indian entities which later amalgamated.

The conclusions about the historical identification of the ancestors of the petitioner's members are different for the two segments of the petitioner's membership, the descendants of Indians who received treaty annuities as historical Burt Lake band members and the descendants of John B. Vincent. The available evidence in the record for this petition contains examples of the identification of a Burt Lake Indian entity between 1900 and 1917 and between 1931 and 1956. There is evidence that the identified entity contained descendants of the historical band who are ancestors of members of the petitioner, but there is no available evidence that the identified entity contained any of Vincent's descendants who are ancestors of members of the petitioner. The record contains descriptions of John B. Vincent, but not as part of a Burt Lake Indian group or any other Indian group. The available evidence does not include identifications, prior to 1979, of any Indian entity including Vincent's descendants. There is evidence in the record of identifications of a Burt Lake band since 1978, and evidence that Vincent's descendants have been named as members and leaders of the group so identified since 1984.

John B. Vincent died in 1903. An obituary for Vincent did not describe him as an Indian or as a member of any Indian organization, group, or community. Instead, it alluded to Vincent's role as a founder of the town of Cheboygan in 1846. Referring to the historical growth of the town and the related decline of local Indians since that time, it linked Vincent with the town, not the Indians, describing him as "a history maker for Cheboygan" (*Cheboygan Democrat* 2/14/1903b). In 1902, the Cheboygan newspaper listed Vincent as the earliest of the city pioneers still living, and praised him as one of the "men to whom we owe much" for having helped "in shaping the

destiny of our city's future" (Cheboygan Democrat 9/20/1902). Although Vincent was listed on the 1875 schedule of allotments in the reserve designated for the Cheboygan band, that schedule did not identify any band of which he was a member and he had not been listed as a member of the "Sheboygan" band identified on the original 1857 list of individuals eligible for allotments (BIA 1857, 1875a). The BIA's 1873 report referred to the Cheboygan band as "holding certificates" (BIA 6/21/1873), but Vincent had not received an allotment certificate. Allotments in the Cheboygan reserve were not limited to Cheboygan Band members. Documents in the record described Vincent as a Civil War veteran or founder of the town of Cheboygan, but did not identify any Indian entity to which he belonged.

Almost half of the petitioner's members descend from two of Vincent's children. The petitioner submitted no evidence that those two children were ever part of any identified Indian group. An obituary for Vincent's eldest daughter in 1921 did not describe her as an Indian or as belonging to any identified Indian group (*Cheboygan Democrat* 7/8/1921). The record does not show that prior to 1984, any identified Indian entity included Vincent's descendants, with the possible exception that a federally recognized tribe in 1979 included a few of his descendants as licensed fishermen (DNR 1979-1990). The available record contains no evidence that Vincent or his descendants were ever part of an identified Indian settlement at Burt Lake, or part of any Indian entity that historically amalgamated with a Burt Lake band. While there is documentation in the available record that identifies residents of Indian Village on Burt Lake prior to 1900 and residents of an Indian settlement along Indian Road after 1900, those documents provide no evidence that Vincent or his children ever were part of a Burt Lake Indian settlement, or any other Indian settlement. Vincent and his descendants, therefore, were not part of any Burt Lake entity identified at various times during the first half of the 20th century.

A variety of observers identified a Burt Lake Indian entity between 1900 and 1909. Local newspaper coverage of the burnout of that village in 1900 identified "Indian Village" as an Indian settlement (*Cheboygan Democrat* 10/20/1900). A local newspaper also referred to "the Cheboygan Indians" of Burt Lake at this time (*Cheboygan Democrat* 12/1/1900), and noted that many people considered them to be "a tribe named 'Cheboygan'" (*Cheboygan Democrat* 12/22/1900). Governor Hazen Pingree identified a "Cheboygan band of Indians" in his message to the State legislature in 1901, when he urged the legislature to buy back the former State trust lands at Burt Lake (Pingree 1/9/1901). The State legislature's Joint Resolution of 1903 identified "the Cheboygan band of Indians, who were located upon the shores of Burt Lake," and contained several references to this "band of Indians" (Michigan 1903). In 1909, a local newspaper, in describing a dispute between "Burt Lake Indians" and relocated "Mullett Lake Indians," referred to them as a "tribe" (*Cheboygan Democrat* 5/21/1909).

Individuals and organizations outside the local area and the State also identified a Burt Lake Indian entity during the decade after the burnout. Both a Michigan representative of the Women's National Indian Association and a Chicago advocate issued appeals on "behalf of a band of Cheboygan Indians," thus identifying the Indians at Burt Lake as a band in 1903 (*Grand Rapids Evening Press* 2/7/1903; *Cheboygan Democrat* 2/7/1903). In 1906, a woman from Indianapolis who had spent the summer at Burt Lake, and heard the story "of the Indians who have their settlement at Burt Lake about four miles from Brutus," wrote to the Governor of Michigan to inquire whether the Indians could receive compensation for their lost church

building so that "they may build another in their new settlement" (Brigham 11/16/1906). This correspondent thus identified a post-burnout Indian settlement in 1906. Special Indian agent Horace Durant wrote a brief comment in his field notes in 1908 about the "chiefs of the Burt Lake band" (Durant 1908, p. 31, no. 28). Durant's comment implied the contemporary existence of an Indian entity in 1908.

The Federal Government identified a Cheboygan band at Burt Lake as a contemporaneous Indian entity during the McGinn litigation between 1911 and 1917. The U.S. Attorney for the Eastern District of Michigan identified a "Cheboygan band of Indians" when, as "guardian" of the band, he filed a complaint against McGinn in 1911 (U.S. Attorney 6/22/1911). By stating that the "Cheboygan band of Indians is now . . . under the care, control, and guardianship of the plaintiff [U.S.] and said band is now . . . recognized by the plaintiff [U.S.] as a tribe," the U.S. Attorney clearly stated that he considered the Cheboygan band to be a contemporaneous Indian entity. The U.S. Attorney maintained this position in an amended complaint in 1914 and until the judge issued his opinion in 1917 (U.S. Attorney 4/30/1914). When the Secretary of the Interior offered the services of Indian Office employee J.W. Howell for the trial, he referred to "the rights of the Cheboygan band of Indians" as the rights of an existing Indian entity in 1917 (Interior 5/5/1917).

A scholarly publication, local newspapers, and a school record identified an Indian settlement at Burt Lake between 1931 and 1935. In the *Archaeological Atlas of Michigan*, published in 1931, author Wilbert B. Hinsdale stated that "[o]ne of the [Indian] villages upon Burt Lake is still occupied . . ." (Hinsdale 1931). A reporter of local news and gossip referred to an "Indian Village" in Burt township in 1932 (*Cheboygan Daily Tribune* 11/8/1932). A Mount Pleasant Indian School case card, about 1935, described a student's home, with directions, which placed it on Indian Road in Burt Township, as the "Indian Settlement East of Brutus" (Mt. Pleasant School n.d.). In an article in 1935, a Cheboygan newspaper stated that the "Indian Village at Burt Lake includes about 50 families" (*Cheboygan Daily Tribune* 3/13/1935). Two months later, it reported that a meeting recently had been "held in the Indian settlement at Burt Lake . . ." (*Cheboygan Daily Tribune* 5/2/1935).

Several obituaries between 1939 and 1950 also identified an "Indian Settlement" or "Indian Village" west of Burt Lake. In 1939, a Cheboygan newspaper reported the death of a resident "of the Indian Settlement, west of Burt Lake" (*Cheboygan Observer* 1/12/1939). An obituary published in a local newspaper in 1945 referred to the deceased as a resident of the "Indian Village at Burt Lake" (Anonymous 5/22/1945). In 1950, a local newspaper published an obituary for a woman who "died recently at the Indian Settlement near Brutus . . ." (*Cheboygan Daily Tribune* 8/15/1950). In addition, a 1947 report of a State investigation of a timber trespass complaint made by Albert Shananquet referred to "the Indian settlement near Brutus" as the residence of an informant (MacDonald 11/19/1947). These sources all referred to an Indian settlement at Burt Lake as a contemporaneous Indian entity.

A Grand Rapids newspaper in 1956 identified a Burt Lake band as an existing Indian entity in its report on a 1956 meeting between the Governor and Indian representatives. The newspaper referred to Jonas Shawanesse as the "manager of the Burt Lake band of Ottawas" (*Grand Rapids Press* 3/14/1956), thus identifying such a band as a contemporaneous Indian entity, even though other newspapers did not do so. It is possible that the Governor's Study Commission on Indian

Problems, which was created as a result of the 1956 meeting, identified a Burt Lake band in an undated draft report, perhaps prepared in 1957. That report stated that the "only claim against the state" was "the claim outlined by Mr. Jonas Shawanesse, of the Burt Lake band of Indians" (Hillman 1990, 47). The petitioner does not contend that Jonas Shawanesse was a Burt Lake band member. The regulations for criterion (a), however, do not require identifications by external sources to have been accurate. While it is likely that this document was the commission's draft report, additional evidence might establish that point and a date for the report's identification of a band. The commission and the newspaper were aware that Shawanesse had stated a case for lands lost by the Burt Lake band in 1900. The newspaper, and perhaps the commission, assumed that a "Burt Lake band" existed in 1956.

Two Michigan State University faculty members and a university publication identified a Burt Lake band as an Indian entity in the late 1970's. Historian Richard White, acting as a consultant to the Native American Rights Fund and Michigan Indian Legal Services, referred to "the remarkable persistence of the Burt Lake band as an organized group," implying his identification of such an entity as existing in 1978 at the time of his letter (White 7/17/1978). In 1979, a Michigan State University publication attributed a reorganization of a Burt Lake band to the efforts of instructor George Cornell to "reassemble" the band. The publication concluded that, "[o]n Oct. 26, 1977 the Burt Lake Indians became a band once again" (*MSU News Bulletin* 2/22/1979). The publication, however, quoted Cornell as saying that the "band never really fell apart" (*MSU News Bulletin* 2/22/1979). Thus, in 1979, this faculty member and this publication identified an organization as existing at least since 1977.

A BIA superintendent, an aide to the Governor of Michigan, and the Michigan Commission on Indian Affairs identified a Cheboygan or Burt Lake band between 1980 and 1986. The BIA superintendent, referring to the "possibility of a claim" being made against the State of Michigan, said that, "[o]ver the last 20 years the State and the Band have had communication on this issue a number of times, but the Cheboygan band has not been able to receive satisfaction" (BIA 7/1/1980). The Governor's aide in 1981 considered new legislation to designate State land "for use by the Burt Lake band" (Quincy 6/12/1981). In 1982, he referred to "members of the Burt Lake band of Ottawa Indians" who attended a recent meeting and to the "Band participants" in that meeting (Quincy 5/27/1982). In 1986, the Michigan Commission on Indian Affairs indicated that, under authority granted by the State legislature, it had "formally recognized" ten Michigan tribes, including the "Burt Lake band of Ottawa/Chippewa Indians" (MCIA 8/25/1986). The next year the Commission approved a motion of support for a State land transfer to the "Burt Lake band" (MCIA 6/11/1987).

Two federally recognized Indian tribes, both located on Michigan's Upper Peninsula, identified the petitioner as a contemporaneous Indian entity by adopting resolutions in 1984 and 1985 in support of Federal acknowledgment of a Burt Lake band. The Sault Ste. Marie Tribe of Chippewa Indians passed a resolution in 1984 stating that it "supports the efforts of the Burt Lake band in seeking and obtaining federal recognition as an Indian Tribe. . . ." (Sault Ste. Marie Tribe 12/21/1984). In 1985, the Keweenaw Bay Indian Community passed a resolution giving "its full support to the Burt Lake band of Ottawa and Chippewa Indians in their endeavors to seek and obtain federal recognition as an Indian Tribe. . . ." (Keweenaw Bay Indian Community 1/12/1985).

At least three local newspapers identified an Indian entity during the 1980's by using the formal name of the petitioning group. A local newspaper reported in 1980 on the meeting "to formally organize the 'Burt Lake band of Ottawa and Chippewa Indians'" (*Petoskey News-Review* 5/1/1980). Local newspapers also reported in 1983 and 1985 on the efforts of a Burt Lake band to obtain land from the State of Michigan as compensation for the State trust lands lost in 1900. An anonymous newspaper referred to the efforts of the "Burt Lake band of Ottawa and Chippewa Indians" to secure land (Anonymous 4/11/1983). The *Straitsland Resorter* referred to "the Burt Lake band of Ottawa and Chippewa Indians," the "group of Ottawa and Chippewa Indians," "the Indian band," and the "Burt Township Band" seeking State-owned land near the location of the historical village (*Straitsland Resorter* 2/28/1985, 7/25/1985, 9/5/1985). The *Petoskey News-Review* reported on the request for compensation as being made by the historical tribe now "[o]rganized into the Burt Lake band of Ottawa and Chippewa Indians" (*Petoskey News Review* 3/8/1985). The *Cheboygan Daily Tribune* focused on local opposition to a land transfer "to the Burt Lake band of Ottawa and Chippewa Indians" (*Cheboygan Daily Tribune* 3/11/1985; see also 7/19/1985, 7/22/1985).

Historical narratives published in 1986, 1992, and 1993 included references to a Burt Lake band as an entity existing at present. In a 1986 publication, George Cornell wrote that "the Burt Lake band is currently negotiating with Governor Blanchard's administration" for compensation for the State trust lands lost in 1900 (Cornell *in* Clifton *et al.* 1986, 100). A book published in 1992 by anthropologist Charles Cleland contained a footnote to his discussion of the Treaty of 1836 which offered his opinion that several unrecognized "Indian bands" had "a legitimate claim to treaty rights under the Treaty of 1836, including . . . Burt Lake" (Cleland 1992, 299-300). Simon Otto, a retired "executive coordinator" of the Little Traverse Bay Bands of Odawa Indians, in 1993 published a column in which he said that the "Burt Lake band consist[s] of many who can recall" their ancestors talking about the burnout of the village (Otto 5/10/1993).

Several Michigan newspapers identified a "Burt Lake band" as an existing Indian entity between 1991 and 1999. A number of obituaries printed during the 1990's referred to the deceased as "a member" of a "Burt Lake band" of Indians (*Petoskey News-Review* 3/1/1991, 12/4/1991, 8/3/1992, 10/6/1992, 4/26/1995, 12/9/1999, 12/30/1999; Anonymous 3/22/1991; *Cheboygan Daily Tribune* 5/30/1995; Lansing *State Journal* [1996]; *Sault Ste. Marie Evening News* 11/1/1999; *St. Ignace News* 11/4/1999). A newspaper of the Catholic Church identified an entity when it reported that the local bishop transferred 20 acres of land to the "Burt Lake Band of Native Americans" (*Catholic Weekly* 10/6/1992). A photograph caption in 1993 described the chairman of a "Burt Lake band of Ottawa" seeking Federal recognition, while a photograph caption in 1997 referred to the executive director of the "Burt Lake band of the Ottawa and Chippewa Indians," which it described as a "band now clustered around the small town of Brutus, Mich." (Anonymous 9/21/1993, 7/20/1997).

Two members of Congress identified a Burt Lake band in 1995 and 1997 as an existing Indian entity. These representatives from Michigan districts identified a contemporary Burt Lake band in the process of supporting legislation to "reaffirm" its status as a recognized Indian tribe. In 1995, Representative Bart Stupak and twelve other members of Congress wrote to President Clinton to request an executive order to "reaffirm the federal relationship with the Burt Lake

band of Chippewa and Ottawa Indians as a federally recognized tribe" (Stupak *et al.* 3/2/1995). In this testimony, Stupak said, "the Burt Lake band continues to exist today" (Stupak 11/14/1995). Representative Dale Kildee referred to the Burt Lake band as "this tribe" during Congressional debate on a similar bill in 1997 (Kildee 11/4/1997).

Five federally recognized Indian tribes identified a Burt Lake band as a contemporaneous Indian entity in 1996. At the time Congress considered recognition legislation, these Indian tribes from Michigan passed resolutions in support of the Federal acknowledgment of a Burt Lake band. The Little Traverse Bay Bands resolved to support "the reaffirmation of the status of the Burt Lake band as a Federally recognized Indian tribe" (Little Traverse Bay Bands 1/7/1996). Four other tribes resolved, in identical language, to support the efforts of a "Burt Lake band" to "reaffirm their status and re-establish their trust relationship with the U.S. Federal Government" (Little River Band 1/7/1996; Lac Vieux Desert Band 1/24/1996; Pokagon Band of Potawatomi 3/9/1996; Bay Mills Indian Community 4/1/1996). In addition, in a discussion of the distribution of an Indian Claims Commission award, the chairman of the Little Traverse Bay Bands referred to a "present day Burt Lake band" in a 1996 letter (Ettawageshik 10/15/1996).

In contrast to these examples of identification of a Burt Lake band, some of the documentation submitted by the petitioner does not meet the requirements of this criterion. Testimony by the chairman of the petitioner, inquiries by group members, or statements by attorneys acting as spokespersons for a group do not meet the requirement that identifications must have been made "by other than the petitioner itself or its members." References to individual Indian descendants or Indian families or an Indian cemetery, or accounts of the military service of individual Indians do not meet the requirement that identifications must have been of "an American Indian entity." Vague references to Michigan Indians, North Michigan Indians, and Indians from Harbor Springs or Petoskey or near Cross Village, or to a proposed Indian colony at Cross Village do not meet the requirement that identifications must have been of the petitioning group. Historical references to an Indian band or settlement in the past do not constitute an identification of an Indian entity that is contemporaneous with the date of the publication. While denials of the existence of an Indian community do not prevent the petitioner from meeting the requirements of the criterion, neither do they provide evidence to demonstrate that the petitioner has been identified.

All of the documents cited above as examples of an identification of a contemporaneous Indian entity meet two of the three conditions of the criterion for acceptable identifications: they were made by observers who were not part of the petitioning group, and they identified an Indian entity. Whether these documents meet the third condition, that the document identifies the petitioning group, requires additional analysis. While it is necessary for an acceptable identification to satisfy these three conditions, the existence of such an individual identification or of some isolated identifications is not sufficient to meet the requirements of the criterion. For the petitioner to meet the requirements of criterion (a), acceptable identifications must be part of a series of identifications which constitute "substantially continuous" identification of the petitioning group since 1900.

An Indian village at Burt Lake, a relocated Indian settlement in the vicinity, or a Cheboygan band were identified by a local newspaper in 1900, the Governor of Michigan in 1901, the

Woman's National Indian Association and the State legislature in 1903, an Indiana woman who vacationed in Burt Lake in 1906, Indian Office special agent Horace Durant in 1908, a local newspaper in 1909, and the U.S. Attorney between 1911 and 1917. These various identifications form a series of identifications that demonstrate the "substantially continuous" identification of a Burt Lake band from 1900 to 1917.

An Indian settlement or Indian village west of Burt Lake was identified by a scholar in a 1931 publication, by a newspaper columnist in 1932, by a Mount Pleasant Indian School case card about 1935, by a local newspaper in 1935, by obituaries in 1939 and 1945, by a 1947 report of a State investigation, and by an obituary in 1950. A Grand Rapids newspaper identified a Burt Lake band in 1956. It is possible that the Governor's Study Commission on Indian Problems identified a Burt Lake band at a date later than 1956, but the available evidence does not provide a date for its possible draft report. These various identifications form a series of identifications that demonstrate the "substantially continuous" identification of a Burt Lake Indian group from 1931 to 1956.

A predecessor of the petitioning group was identified by Michigan State University faculty members and a university publication in 1978 and 1979. After the formal organization of a Burt Lake band in 1980, it was identified by a local newspaper and a BIA superintendent in 1980, by a staff member of the Governor in 1981 and 1982, by an anonymous newspaper in 1983, by two federally recognized tribes in 1984 and 1985, by three local newspapers in 1985, by the Michigan Commission on Indian Affairs in 1986, by a scholarly book in 1986, by obituaries in 1991 and 1992, by the Catholic church in 1992, by an anthropologist in 1992, by newspapers in 1993, by an obituary in 1995, by a member of Congress in 1995, by five federally recognized tribes in 1996, by a newspaper in 1997, by another member of Congress in 1997, and by an obituary in 1999. These various identifications form a series of identifications that demonstrate the "substantially continuous" identification of a Burt Lake band from 1978 to the present.

Conclusion

The petitioning group's membership has two main components, descendants of the historical Cheboygan band, all of whom also descend from a resident of an Indian settlement at Burt Lake about 1900, and a larger number of descendants of John B. Vincent, who was not identified as a member of the historical band or as a resident of the historical settlement. The record for this case contains identifications prior to 1956 of an Indian settlement at Burt Lake or an Indian entity consisting of descendants of the historical band. The record, however, does not contain identifications of any Indian entity consisting of Vincent's descendants prior to 1984, with the possible exception that a federally recognized tribe in 1979 included a few of his descendants as licensed fishermen. Therefore, a majority of the petitioner's members do not descend from an ancestor who, prior to 1979, was part of an identified Indian entity. The available evidence does not demonstrate that both components of the petitioner's membership were identified as constituting an Indian entity, or as separate Indian entities that amalgamated, from 1900 to 1978. A Burt Lake band organization that has become the current petitioner has been identified since 1978, and since 1984 identifications of that Indian entity have identified a group that consists of both Vincent descendants and Burt Lake band descendants.

The regulations test whether the petitioning group has been identified as an Indian entity on a substantially continuous basis since 1900. That test in this case is complicated because the composition of the petitioning group has been changing since 1984, when Vincent's descendants were accepted as members, and since 1994, when some Burt Lake band descendants began joining the newly recognized Little Traverse Bay Bands. The result of these developments is that the majority of the petitioner's members do not descend from the historical Cheboygan band, and the percentage of members who do descend from the historical band appears to be steadily declining. This situation raises an interpretive question that need not be resolved here: whether a historical identification of a Burt Lake group or Indian settlement that contained no descendants of John B. Vincent constitutes an identification of the petitioning group in which Vincent's descendants now outnumber Burt Lake descendants.

Based on the evidence in the record for this case, however, whichever way this question is resolved at this time, the result is that the petitioner fails to meet the requirements of criterion (a). If historical identifications of a Burt Lake Indian entity are rejected as identifications of the current petitioner, because a historical entity containing no Vincent descendants is significantly different from the current entity consisting predominantly of Vincent descendants, then the petitioner has not been identified on a substantially continuous basis. The petitioner has not been continuously identified as an entity consisting of both Burt Lake band descendants and Vincent descendants, because such an entity was not identified prior to 1984. The petitioner has not been continuously identified as two separate Indian entities, which later amalgamated, because Vincent descendants were not part of any group continuously identified as an Indian entity prior to 1984. Alternatively, if historical identifications of a historical Burt Lake settlement or group are accepted as identifications of the current petitioner, because a substantial portion of the current petitioning group has connections to that historical settlement, then the petitioner has not been identified on a substantially continuous basis because of the lack of such identifications between 1917 and 1931 and between 1956 and 1978.

Because this evidence does not demonstrate the "substantially continuous" identification of the petitioning group for the entire period from 1900 to the present, the petitioner does not meet the requirements of criterion 83.7(a).

Criterion (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.

Overview of Major Portions of the Membership

The petitioner must meet the full provisions at Section 83.7(b) that it "comprises a distinct community and has existed as a community from historical times until the present." The petitioner may not have expected it would need to provide evidence for criterion (b) before the present, because it expected to proceed under Section 83.8 for previously acknowledged petitioners. The petitioner, nevertheless, submitted census materials, land records, oral history, school records, obituaries, vital records, newspaper articles, and many other documents pertaining to their pre-1977 history that OFA can use to describe and analyze the social community at Indian Road in the past. However, the petitioner needs to provide documentation from about 1938, the date of the last documentation of an exclusive Indian settlement, to 1977, when Margaret Martell began to organize the modern petitioner. Such evidence should document the social connections of migrants from Indian Road not only to that settlement, but also to each other, as they lived in urban areas or regional centers. The petitioner would also need to provide documentation, if it exists, for all periods about the social interaction of John B. Vincent's descendants among themselves and with the Indian Road community. An analysis of the petitioner under criterion (b) follows, and the petitioner should respond during the comment period with additional documentation for the final determination.

Two main groups of descendants, only one of which descends from the historical Cheboygan band, make up the current petitioner. Documents show that the Cheboygan band's descendants married one another, lived in close proximity, and interacted before 1900. The second group of descendants consists of John Vincent's descendants through two of his children. Documents do not show either John Vincent before his death in 1903 or his descendants, as part of any Indian group before 1984. Their documented contacts were almost always with non-Indians. The two groups of descendants have different and unrelated histories. No evidence demonstrates that these two groups of descendants socialized at any time before 1984. Only two or three random meetings between individuals occurred in a lumber camp in the 1950's and on a commercial fishing crew in the early 1980's, according to oral history (Moore 7/18/2003; Martell 7/23/2003; Littlefield 2002c). This lack of interaction among individuals from these two groups of descendants indicates that they did not jointly participate in a distinct social network or Indian entity.

To meet this criterion, both of these groups of descendants must form a single community at present. To evolve into a single community at present would require them to have merged or amalgamated, which in this case has not occurred, according to several types of evidence. Only a small portion of John Vincent's descendants has ever participated in the petitioner's affairs, formally or informally. A very small number has served on the council. John B. Vincent's descendants have only associated with the petitioner since 1984, and the petitioner submitted no evidence to show that they formed a social entity prior to officially joining the BLB petitioner as individuals.

Members in the petitioner, who descend from Indian Village on Burt Lake before 1900 and from Indian Road after 1900, represent only a portion of that historical Burt Lake entity. This is because the petitioner's membership roll no longer includes many of the petitioner's long-term members who descend from Burt Lake, even though they continue to interact, socialize and communicate with other Burt Lake descendants who still appear on the petitioner's membership list. The main body of the BLB entity, which evolved from Indian Village on Burt Lake and then organized in 1980 under the leadership of Margaret Martell, may have joined a recognized Indian tribe, the LTBB, with whom they have always associated in the past.

The following discussion summarizes and evaluates the evidence pertaining to possible social interactions and processes of these two major groups of descendants during their separate histories. This proposed finding does not determine whether a specific portion of the petitioning group meets or does not meet this criterion or any other criterion. It only describes the relevant social data for the two separate parts of the petitioner. Under the regulatory criterion a minority portion of the petitioner cannot meet Section 83.7(b), because the regulations require that a "predominant portion" of the petitioner comprises a distinct community. If the discussion focuses primarily on the part of the petitioner descending from Indian Village at Burt Lake, it is because the other part of the petitioner descending from John B. Vincent is not documented as part of any Indian group before 1984. The proposed finding evaluates whether the petitioner, not its component parts, meets specific criteria. As discussed below, the petitioner, as its membership is currently composed, does not meet criterion (b).

Indian Village at Burt Lake Before 1900

A description of community evidence for Indian Village on Burt Lake in the decade before 1900 provides a starting point for describing continuities and changes in the community immediately after the burnout and subsequent years. This baseline account does not attempt to describe every aspect of the community. It focuses only on the major areas of evidence, relevant to the criterion, which stand out in the petitioner's submissions: the existence of a distinct geographical settlement, participation in a regional marriage system, persistence of an Indian language, utilization of separate patterns of culture, maintenance of distinct community institutions, and interaction in informal social contexts. This summary also evaluates these forms of evidence in later periods.

Geographical evidence demonstrates that about half of the petitioner's members descend from ancestors who resided in a historical Indian village. A settlement, which outsiders called "Indian

Village," was located on a bay on the western side of Burt Lake (see Figure 2). Plat maps of the area made in 1841 and 1855 by the U.S. General Land Office documented its existence (GLO 1841, 1855). Lists of the residents of this village, as it existed just before the burnout of 1900, were created by two contemporary observers: John W. McGinn, in legal documents in 1897 and 1898, and Albert Shananquet, an actual resident of the village, from memory more than a half-century later (J. McGinn 12/5/1897, 1/18/1898; Shananquet n.d.). The two lists, when combined, identify 24 households in the village. Some of the petitioner's members descend from 14 of these 24 Indian households. A local newspaper noted in 1900 that, "[t]here are some Indians who have farms a short distance from the [Indian] village. . ." (*Cheboygan Democrat* 12/22/1900). The Federal Census of 1900 also suggests that Burt Township had an Indian population greater than the village (U.S. Census 1900b). Determining from contemporary records the extent of actual interaction between the residents at Indian Village and the people with allotments and homesteads before 1900 is difficult. Residents who dispersed from Indian Village in 1900 resettled in close proximity to relatives living on allotments and homesteads within two or three miles of Indian Village's location. This evidence shows that Indian Village on Burt Lake was an exclusively Indian settlement, with an additional Indian population in the vicinity.

Indian Village on Burt Lake was an exclusive geographical community. Historically, its composition changed over time because individuals and families sometimes moved from one village to another at marriage, divorce, death of a parent or spouse, and during other life-changing events. When a person married into a settlement or band, the marriage formed a link between his or her natal band and the spouse's band. The grandparents, aunts, and uncles of the couple's children lived in various bands. The sum of these marriages and kinship relationships created a "network" of linked communities.

The petitioner submitted genealogies for their direct ancestors and other people with whom their families had married. These records on the genealogical database demonstrate that the Cheboygan Band descendants, including those living in and near Indian Village on Burt Lake, participated in such a regional marriage system that connected neighboring Ottawa and Chippewa communities. Participation in this system would qualify as having significant rates of patterned out-marriage because very nearly all Cheboygan band descendants and their children and residents of Indian Village on Burt Lake married within this network before 1900, according to the documentation available. Several notable exceptions were at least three marriages of Indian women to French Canadians between 1855 and 1875. To a great extent, even their descendants associated with the petitioner and subsequent generations married within the regional marriage system.

Through long-standing residence in a settlement, individuals and families over time established social bonds in new places where they moved after marriage. For example, the men and women who married Antoine Shawwawnonquot's children and grandchildren illustrate this process. Some stayed in Burt Lake after marriage and others settled in their spouses' natal settlement. Eventually, they came to identify primarily with the settlement where they lived, as did their children, not necessarily with the settlement where they were born. Individuals also moved into settlements where their siblings lived, or returned to the settlements of their birth after their spouses died or they divorced. The specific actions and movements of people, as tracked in the

genealogies submitted by the petitioner and relayed in oral histories, indicate that all of these factors shaped the composition of Indian Village at Burt Lake. In addition, some descendants of the 1870 annuitants of the Cheboygan Treaty tribe did not live in Indian Village on Burt Lake in 1900, because they took up residence in other Ottawa and Chippewa settlements, including Cross Village, Middle Village, Eagletown (Leelanau) and other locations, between treaty times and 1900.

Burt Lake, like many other Indian entities at the time, did not maintain official lists and rolls of "members." However, Indian Village on Burt Lake was an exclusive geographical settlement and close relatives to its residents lived nearby. The available geographical and demographic evidence, when combined with other evidence, demonstrates that the settlement's residents formed a well-defined and distinct social core, even though some related Cheboygan families had moved to other Indian communities or individual homesteads in the region over decades. Other available evidence, discussed below, adds to the significant geographical evidence of a distinct social community at Indian Village at Burt Lake.

According to the 1910 Federal Census, the majority of Indians in Burt Township spoke English. The census, however, did not indicate if these English speakers also spoke an Indian language (U.S. Census 1910b). Fewer than ten residents of Burt Township, the location of Indian Village at Burt Lake, spoke only an "Indian" language (U.S. Census 1910b). This evidence demonstrates that at least these ten people had learned to speak Indian languages during the 19th century, most likely in communities where they lived as children. More documentation about language competency, numbers and ages of speakers, and any other data concerning speaking Indian languages may provide evidence that would further support a finding that community existed at later decades in the 20th century. In addition, oral histories recount that older people in the 1930's, 1940's, and 1950's spoke Indian languages, even though children did not learn them. This evidence would indicate that as children in the 19th century, these older individuals had lived in linguistic communities, including Indian Village at Burt Lake, where they spoke these languages and passed them from one generation to the next. Census evidence about Native language facility in 1910 and the oral histories provide minimal corroborating evidence for community at Indian Village on Burt Lake before 1900.

Documentation of cultural patterns, shared among a significant portion of the group and different from those of the non-Indian populations with whom it interacts, also provides evidence for community at Indian Village before 1900. Early Roman Catholic missionaries converted the Ottawa and Chippewa in the early 1800's and before, and they continued to minister to the Indian Village on Burt Lake in 1900. Older individuals related in interviews between 1995 and 2000, that residents participated informally in organized ceremonies and customs such as "ghost suppers," "boozhooing," and "Three Kings Day," which they believe combined Ottawa or Chippewa and Christian elements and involved visiting among the households of Indian Village since historical times. Although these celebrations derive in part from Europe, the surrounding community now views these activities as distinctly Indian. This evidence is in the form of oral histories, none collected from individuals who were alive during this period and who themselves witnessed these events. The only document available to support this oral history is an early photograph of crosses at old St. Mary's Church. Paper and cloth decorations, usually associated with ghost suppers, draped the grave markers. Local histories describe these holiday

celebrations in nearby Indian communities (Shurtleff 1940), but did not specifically describe them at Burt Lake.

Oral histories in themselves do not provide the evidence usually required of acknowledgment petitioners because they are not first person accounts and they are uncorroborated by contemporary and specific documentation. To strengthen this evidence for community, the petitioner should submit evidence that these holiday celebrations occurred at Burt Lake or the Burt Lake residents participated in them elsewhere in the regional system. According to oral history taken from non-eyewitnesses, the residents of the settlement also performed traditional Ottawa drumming and smudging under the leadership of older men during funerals, which included the Catholic Mass. Past decisions have not accepted oral history evidence without corroborating documentary evidence. The petitioner submitted no documentation, which describes these traditional Ottawa ceremonies in surrounding communities with which Indian Village residents interacted, before 1900.

Most local histories and tourist guidebooks describe the St. Mary's Church as a distinct and significant community institution since missionaries founded it in the early 1800's. Residents of Indian Village on Burt Lake and their relatives living nearby attended St. Mary's, a Roman Catholic "mission" church, located within the village and attended only by Indians, with few possible exceptions. The cemetery records from 1900 indicate that significant numbers of residents of the village and nearby locations participated in this religious organization during baptisms, marriages, and burials. These types of evidence provide some verification of social connections within the context of this religious institution in Indian Village until 1900.

According to oral tradition taken from people who were not alive in 1900, residents maintained the church building, religious paraphernalia, and yard, and they fed and housed the priest. Past decisions accepted evidence of these kinds of activities to demonstrate community for some churches. In these cases, Indians utilized the institution exclusively for their community, including members who did not attend the church or were even antagonistic to it (See *Mohegan Tribe, Poarch Band, Match-e-be-nash-she-wish Band*). Their participation rates did not always reach the high levels of participation that St. Mary's register demonstrated for Indian Village. The register's documentation of extremely high levels of use by the residents of Indian Village on Burt Lake provides significant evidence for community. A primary school was also located in the community and attended by the Indian children.

Finally, a significant rate of informal social interaction generally characterizes communities in close geographical proximity. Photographs submitted by the petitioner show residents of Indian Village standing together in formal and informal situations such as having tea on a lawn in summer, working in lumber camps, and standing in front of various structures and houses (photographs 8/22/1897; n.d.). Unfortunately, the petitioner submitted no provenance for the captions accompanying these photographs, which lowers significantly their value for acknowledgment purposes. Many are not dated or captioned. Many of the captioned pictures name only related individuals in a single family. A few photographs show people from various families visiting one another, working together in lumber camps or other activities, or as part of a band of musicians. The latter photograph, apparently taken shortly after 1900, implies that the Indian Village may have supported a distinct musical tradition, using European-style instruments

(photograph est. 1907). A local historian, writing in 1940, described a similar musical ensemble at Cross Village in the 1800's (Shurtleff 1940). Oral history taken from individuals not alive in 1900 indicates that this band played at frequent social occasions, including those held in homes. Additional oral history, not from eyewitnesses, describes various interactions, sharing, and group activities. Previous evaluations have not accepted oral history from individuals describing events and situations they did not witness themselves as evidence without corroborating evidence. In total, the combination of this photographic evidence and oral histories provides only a little evidence that in 1900 a community existed at Indian Village on Burt Lake and later.

Descendants of John B. Vincent

About half of the petitioner's members descend from John B. Vincent (1816-1903). He and his children were alive in Cheboygan and Charlevoix Counties before 1900, but the petitioner did not submit and OFA researchers did not locate any record of interaction between them and residents of Indian Village. Vincent's place of birth was indicated to be on Michigan's Upper Peninsula, and his obituary noted that the "place of his early years is not known" (*Cheboygan Democrat* 2/14/1903b). He appears to have spent time in Canada, where his wife was born, and in St. Clair, Michigan, where his eldest child was born in 1841. In 1846, Vincent arrived in Cheboygan as one of that town's earliest settlers and became a shipbuilder (Ware 1876, 15, 17; *Cheboygan Democrat* 9/20/1902, 2/14/1903b; Fuller 1928, 3:98). He lived in Cheboygan, either in Inverness or Beaugrand Townships, according to every Federal census between 1850 and 1890 (U.S. Census 1850, 1860b, 1870b, 1880b, 1890). His residences were located at least 18 miles northeast of Indian Village at Burt Lake. He was included on an allotment list for the Cheboygan band treaty reserve, but he sold the rights to that land within one month, and he did so while he was on the Upper Peninsula (Cheboygan County 1869-1883, V. D). This allotment was located about six miles south of Indian Village. He belonged to a Grand Army of the Republic (GAR) post in the town of Cheboygan. The GAR conducted his funeral service in 1903 in Cheboygan where he was also buried (*Cheboygan Democrat* 2/14/1903b).

Evidence documents various aspects of John B. Vincent's life in Cheboygan and shows that he associated extensively with non-Indians in that community. However, these documents do not demonstrate that he interacted with the residents of Indian Village. In addition, no documentation indicates that he associated with any other Indian community or even with a known group of his own collateral relatives or in-laws who may have been Indians. The available documentation provides no evidence that Vincent ever associated with residents of Indian Village at Burt Lake, but does describe him as an important figure in the history of the town of Cheboygan after 1846.

Members of the petitioner who descend from John B. Vincent descend through two of his children, John Vincent [Jr.] (b. 1848) and Catherine Vincent Sailler (b. 1864). John Vincent Jr. married in St. Ignace, lived between 1877 and 1900 on Beaver Island in Lake Michigan, and died in Petoskey in 1909. Catherine, or Kate, Vincent married a German immigrant and was a long-time resident of the town of Mackinaw City. The available documentation provides no evidence that these two Vincent children ever associated with residents of Indian Village, participated in the regional system of marriage among Indians, attended St. Mary's Church, spoke an Indian

language, informally interacted with other Indians or maintained distinct cultural behavior. Therefore, the evidence available in the record for this petition provides no basis for concluding that Vincent and these two descendants, prior to 1900, were socially interacting with Indian Village on Burt Lake or any other distinct Indian society or entity comprised of related Indian people. Only one possible exception exists. One of John B. Vincent's grandsons through John Vincent, Jr., Frank, married an Indian woman, and she and their children appear on the 1910 Durant Roll, but not as "Burt Lake." However, no member of the petitioner claims to descend from Frank Vincent.

Conclusion for Criterion (b) before 1900

The ancestors of part of the petitioner lived in a separate and distinct Indian Village on Burt Lake until 1900. Documents, including the Federal Census, land records, Federal Indian records, local histories, tourist guidebooks, vital records, St. Mary's Church records, and captioned photographs may be used to describe the social environment of its Indian residents. For the portion of the petitioner descending from Indian Village at Burt Lake, these documents can be used to describe a social community inhabited by people who married other Indians in a regional system of marriage at a high rate and lived in an exclusive geographical settlement. This evidence also provides context for understanding political behavior by its residents for the same period. The evidence shows that its residents interacted informally, some spoke Indian languages learned in childhood, and most probably maintained distinct cultural patterns. The evidence also demonstrates that they participated in an Indian mission church and cemetery at St. Mary's Church, and they supported the operations of a primary school attended almost exclusively by Indian children.

However, these documents and others, including local histories, vital records, probate records, GAR records, Army pension records, land records, and newspaper articles, do not demonstrate that John B. Vincent, his children or grandchildren alive before 1900, ever interacted with the people living at Indian Village. This evidence does not show any Vincents interacting with any other Indians as part of a distinct community, with the possible exception of Frank Vincent on Beaver Island. The evidence does not demonstrate the existence of either a single community composed of Burt Lake descendants and Vincents or separate communities for each group of descendants that amalgamated. Thus, the petitioner, as currently composed, does not meet this criterion before 1900.

1900 to 1938: A Settlement on Indian Road

Dispersal and Establishment of a Settlement at Indian Road after the Burnout of Indian Village
In 1900, Indian Village was burned to the ground after the Indian residents lost their lands in tax sales. The population dispersed. Some families relocated on Indian road. Some Burt Lake families already lived on allotments and homesteads on Indian Road. It took 10 to 15 years for some other families to relocate on Indian Road and elsewhere, after they attempted initially to settle together on lands provided under a State Resolution in 1903. Still other families would settle permanently in other regional communities.

The existence of an exclusively Indian settlement along Indian Road in 1902, after the burnout of Indian Village, is revealed by a plat book of Cheboygan County published in that year (Myers 1902; see Appendix B). According to this plat book, all the residents along Indian Road for two and one-half miles north of Brutus Road were individuals who can be identified from other sources as Indians (See Figure 7). The available evidence indicates that 6 of these 11 Indian landowners have descendants in the petitioner's current membership. At the center of the Indian Road settlement in 1902 was the quarter section of land acquired by Moses Nongueskwa as an Indian homestead under the provisions of the Act of 1872. A church and school house were built on this land. Of the 11 Indian homeowners listed on the 1902 county plat book 8 had been earlier residents of Indian Village. On the other hand, it appears that 12 of the 18 household heads who lived for a decade after the 1900 burnout resettled on Indian road. Thus, while an Indian settlement persisted on Indian Road after 1900, the burnout of 1900 had an impact and reduced the size of a geographical Indian settlement at Burt Lake.

The lands provided for the Cheboygan band under the provisions of the State Resolution of 1903 were located on Mullett Lake, just to the east of Burt Lake. According to anonymous historical notes submitted by the petitioner, several families moved to the Mullett Lake lands: Albert Shananquet, with his family, father (Isaac Shenanquet), and grandparents (Antoine Shawwawnawnawquot and wife); and the families of Paul Wasson, Sam Kishego, John Wanageshik, and Joe Parkey (Shawandose Papers n.d.). The available evidence identified these State lands as 137 acres with lake frontage on a bay between Round Point and Needle Point south of Aloha on the eastern shore of Mullett Lake. A Cheboygan newspaper in 1909 referred to "the Indian reservation" on Mullett Lake, and indicated that some families had been there since about 1907 (*Cheboygan Democrat* 4/23/1909). The available evidence suggests that the site's temporary residents viewed a lack of roads to this location and difficult access to schools as the disadvantages of this site. The petitioner says that "by 1914 most families had moved off of the site" at Mullett Lake (Petitioner [2001], 10; "Shawandose Papers" n.d.). In the end, the Indians abandoned these State lands, and, according to the provisions of the Act, the lands returned to the State.

The settlement two miles north of it in an area known variously as "Indian Road," "Indian Trail," and "Indianville," where some of their relatives had homesteaded or been allotted in earlier periods, formed the geographical center of a social group, which organized in close proximity of Indian Village, after the sudden forced dispersal of its population. By 1920, it was also apparent that not everyone who previously resided in Indian Village incorporated into this settlement on Indian Road. Notably, several families at Mullett Lake, including the Wassons, Kishegos, and Wanageshicks eventually moved to Harbor Springs and other communities in Emmet and Charlevoix Counties, and their descendants generally have not been enrolled or active in the modern petitioner. Albert Shananquet and Eugene Hamlin, married to Shananquet's sister, ended up in Topinabee, some five miles east of Indian Road. Several older individuals who went to Mullet Lake, including Antoine Shawwawnonquot, his wife Sophia Sengoby, and Sam Kishego, died before 1920. The settlement at Indian Road would attract only two families, specifically those of Joe Parkey and Paul Wasson, from Mullett Lake.

The Burt Lake social community was larger than the geographical settlement on Indian Road. Individuals living in Pellston, on Mullet Lake, on Brutus Road and on individual homesteads and allotments in Cheboygan and Emmett Counties and elsewhere continued to interact with the people on Indian Road, often because they were close relatives and life-long associates who grew up together. The petitioner should consider submitting evidence showing actual interaction between residents of Indian Road and individuals who may not have lived in the exclusive geographical settlement on Indian Road, such as Albert Shananquet, the Griswold, Lewis, Hamlin, and Moses families, members of the large Boda family in Pellston, and others.

Also during the 1900-to-1920 period, three Indian siblings, members of the Martell family, moved into the Indian Road community. They had no ancestry tracing to the historical Cheboygan Tribe. Sometime after Esther Martell married Henry Massey in 1903, two of her orphaned younger siblings also moved to the Indian Road settlement. Esther Martell's youngest brother Charles married a Burt Lake Indian in 1918. Before that in 1908, a Martell sibling married into the non-Indian Griswold family and established a family, which lived near Indian Road. Although only collateral kin to Cheboygan descendants, the Griswold/Martells and their descendants gradually became part of the Indian Road community through long term interaction, some marriages and on-going associations with them. Fifteen members of the current petitioner descend from a part of the Martell family that does not trace to a Cheboygan annuitant or a resident of Indian Village at Burt Lake. Unlike John Vincent's descendants, these Martells have a history of social interaction with the residents of Indian Road, which began as early as 1903. In short, the community on Indian Road seemed to evolve to include these Martells, who are active in the petitioner.

Displaced families from Indian Village also moved permanently to non-Indian communities in nearby Topinabee, Pellston, and Brutus, where the Federal census placed them in 1920 (U.S. Census 1920). A combination of several types of evidence indicates that the Indian Road residents and their close relatives at Pellston, Brutus, and Topinabee remained in contact. Residents of Indian Road walked, boated, or skated three to five miles to visit them, according to oral histories of people who were not alive in 1910 (Massey 7/14/ 2003). Parents, children, and siblings of the residents of the settlement on Indian Road lived in those places. Past decisions have assumed that close relatives interact and communicate with one another, despite geographical distance (see *Cowlitz Indian Tribe*). Some of these people continued to attend St. Mary's mission, particularly for baptisms and burials, which the church register recorded (Shawanesse 09/1901-11/1902). Household heads from several of these displaced families appeared in a photograph with Indian Road residents rebuilding St. Mary's Church on Indian Road circa 1908, as did others reportedly living at this time at Mullett Lake (anon. 6/15/1908). Evidence documented marriages between individuals in Pellston and Indian Road (Shawanesse 9/1901; 11/1902).

Other Evidence for Social Community in the Settlement on and near Indian Road 1900-1938
The existence of this exclusively Indian settlement connected through close kinship and interaction to relatives living nearby provides significant evidence for social community. Therefore, other evidence must corroborate this evidence, although significant, to show that a social community existed for the part of the petitioner descending from Indian Village at Burt Lake between 1900 and 1920.

The residents of Indian Village on Burt Lake participated in a regional Indian system of marriages that extended to neighboring Indian communities at significant rates between 1900 and 1938. The level of such marriages documented in the group associated with Burt Lake was extremely high when the continuation of marriages formed in the 1800's is considered. The percentage of marriages taking place within a regional system of marriage was much higher for the descendants of Burt Lake alone. The Vincent families had almost no marriages to Indians and none as part of a regional system of patterned out marriage. The Vincents were not socially a part of the Burt Lake community and did not systematically marry into the Burt Lake community or any other identifiable Indian community.

Although the descendants of Indian Village on Burt Lake continued to marry other Indians in a regional system of marriages, several marriages were documented to non-Indians. The marriages to non-Indians after 1920 were to "Anglo" Americans, rather than individuals of French Canadian heritage. For example, Edmund Parkey married the local schoolteacher, and they lived on a farm near the Indian Road community. Cora Shananquet married a "soldier" from Michigan. The genealogical database allows for analysis of marriages in the major families, including the descendants of Antoine Shawwawnonquot, Louis Nongueskwa, Abraham Martell, William Mixcenney, and George Shawanasige [Shenoskey]. More than half of documented marriages of these major families in the 1920's and 1930's were to other Indians. These statistics do not include descendants of John B. Vincent.

Jonas Shawanesse's notes indicate that the Indians from Indian Village continued to meet at the old church building at Indian Village between the burnout and 1908, but no other documentation is available to corroborate this fact. In 1906, a summer visitor, or "resorter," wrote that the old church was being used as a barn (Brigham 11/16/1906). Nevertheless, a photograph from 1908 shows several of the heads of households from Indian Road and Mullett Lake constructing the new St. Mary's Church on Indian Road, including Joe Parkey, John Nongueskwa, Henry, Charles, Francis and Louis Massey, Jim Shenoskey, Jonas Shenonquet, Alex Kodash (Kishego), Antoine Shawwawnonquot, and Frank Shenonquet. These men, with few exceptions, were mentioned often in oral histories about later periods and their descendants are active in the petitioner. This kind of group activity, where men join a crew to erect a building to serve their community, provides excellent evidence of community for the part of the petitioner descending from Indian Village.

After the men reconstructed St. Mary's Church within their settlement, the records show that it and the associated cemetery continued to serve the settlement. Nineteen of the 128 individuals on the Burt Township Indian Schedule in 1910 died between 1910 and 1930. At least 14 of these 19 individuals were interred at St. Mary's Cemetery. A dues register for a Burt Lake band of the Michigan Indian Organization (MIO) lists 44 individuals in 1923, including individuals who did not live on Indian Road. Nineteen of those individuals were buried at St. Mary's Cemetery between March 31, 1926 and August 27, 2001. The interred were members of the Parkey, Massey, Mixceney, Cabinaw, Martell, Boda, and Shawwawnonquot families. Some of the MIO dues payers, including Bouschers, Nongueskwas and Wassons, emigrated from Burt Lake after the date of the dues list, and several young women married and left the community. Neither they nor their descendants are buried at St. Mary's cemetery.

After 1920, Indian Road remained the geographical center and social core of a group of people living in a settlement there, which was nearly all Indian. Labor migration, however, would gradually change the community. Although men often left home temporarily to work in regional lumber camps and resorts, they usually left their families at Indian Road or returned there seasonally, even if they took their children. Cross references of school records and Federal census sheets indicate that even in the 1920's some families, usually involved in logging, temporarily left the settlement during winter (School District No. 1 5/30/1920; U.S. Census 1920). The children of Edmund Parkey, who farmed, and of Peter Paul Shenoskey, who worked at a nearby resort, attended school year-round (Parkey 7/18/2003; McClintic 5/4/1941). Nongueskwas, Cabinaws and Bodas attended many fewer days. In the later 1920's, however, permanent labor migration took William Shenoskey and John Nongueskwa's family, and probably others, to the Upper Peninsula where they worked in the lumber and resort industries. They made permanent homes there and returned to Indian Road only to visit. Oral histories from individuals alive at the time indicate that both men were in contact with the Indian Road residents so that if someone died or a relative had an emergency, they were able to return by train (Martell 7/23/ 2003). By 1938 and the beginning of World War II, permanent labor migration took most younger families from the community, leaving behind their parents and grandparents. Almost no young families remained on Indian Road, and the population aged. Birth locations reflect the migration of young families away from Indian Road to the Upper Peninsula, regional centers, and downstate urban areas.

The 1930 Federal census reveals that a small but exclusive Indian settlement continued to exist in the area on the west side of Burt Lake near the historical Indian Village. In that year, the census enumerator listed nine consecutive households along Indian Trail Road [Indian Road] that contained Indian residents (U.S. Census 1930a). Indeed, all 46 of the individuals listed in those nine households were designated racially as Indians. Seven of eight residents age 60 or older along Indian road in 1930 had been residents of Indian Village before 1900, and the eighth was on the 1902 plat book on Indian road and the 1900 census of Indians in the township. The adults in the 1930 Indian Road settlement younger than 60 came from the same family lines. In 1930, the only apparent additions to the settlement since 1900 were children and several spouses who had married into these families. Also, less than one-fourth of the adult children and grandchildren of the eight residents over age 60 resided in the settlement, and it appears that over time children reaching adulthood were decreasingly likely to remain on Indian Road. Thus, despite the remarkable persistence of the settlement's elders until 1930, the settlement's lack of new families, scarcity of new residents, and increasing out-migration of young adults help to explain why the Indian settlement on Indian Road would decline after the 1930's.

In 1938, the Michigan State Tax Commission inventoried the rural property of Cheboygan County (Cheboygan County 1938; see Appendix E). These "rural property inventory" forms reveal that, as in 1902, all of the residents along Indian Road for two and one-half miles north of Brutus Road were individuals who can be identified from other sources as Indians (See Figure 8). All nine houses within one-quarter mile of Indian Road were located on lands assessed to Indians. The available evidence indicates that seven of these nine households have descendants in the petitioner's current membership. A church, cemetery, and school on theproperty originally acquired by Moses Nongueskwa comprised the core of this settlement, and

was the location labeled "Indianville" on maps. Non-Indians owned land but did not live along the road. Thus, this inventory of rural property demonstrated the existence of an exclusively Indian settlement along Indian Road in 1938. The 1930 census and 1938 survey combined identified 30 possible adult residents of the Indian settlement on Indian Road. The available evidence indicates that 23 of these 30 residents or landowners in the Indian Road settlement in the 1930's have descendants in the petiitoner's current membership.

Until 1938, the exclusively Indian community continued, and persons who lived there described it in oral histories. A group interviewed in 1995 described the residents of Indian Road and its environs around 1935 to 1938. They described an exclusively Indian settlement of some 20 households on Indian Road, with some individuals living nearby on Brutus Road, and along the lakeshore. After 1938, this type of evidence is insufficient to demonstrate community, because the departure of young people to work in war industries, combined with the gradual emmigration that had been going on all along, left the settlement with only an aging population. While Indians have lived on and near Indian Road from 1938 to the present day (Massey 7/14/2003; Shawa 7/28/1995, 7/15/1995, 7/14/2003), after 1938, most residents were older people, with only a few children, who most often lived with their grandparents or with a mother married to an older man (Shawa 7/15/1995; Massey 7/14/2003).

Individual eyewitnesses recounted the 1930's, 1940's and 1950's in interviews. They describe a variety of social activities, picnics at the church, potlucks, and the traditional Ghost suppers, boozhooing, and Three Kings Day. They also discuss the poverty of the settlement and the sharing and helping that they had seen themselves. A person with a car ferried other residents to town. A midwife delivered babies. Animated discussions of groups of people who grew up in the community (Shawa 2/26/1995,7/15/1995, 7/28/1995; Littlefield 2002c) clearly indicated that these people knew each other well and had grown up together. However, the elements in their stories were sometimes so similar to each other (all include that during parties, the adults moved furniture and played the organ, while children listened upstairs in bed) that the recollections sometimes appear to be a single story told by many, rather than many different stories arising out of the actual experiences of each individual. Nevertheless, there is no reason to doubt that significant social interaction occurred in the community, and some reminiscences are vivid. More oral history about specific events, which names individuals and gives dates, and carefully relies on individual witnesses and what they themselves experienced, rather than on general descriptions of what they have heard others say about the past, would improve the overall credibility and usefulness of the accounts.

Group interviews are very revealing because they provide good evidence that significant long-term relationships exist among elderly individuals who grew up in the Indian Road community in the 1930's (Shawa 7/15/1995; Littlefield 2002c). The oral histories contain numerous examples of the knowledge these older people have of each other. For example, the group hushed a man who said disrespectful things about a priest because they thought he would offend the devout women who were present, and a woman smoothed over a characterization made about another person's mother to re-explain its meaning in a kinder way. The OFA anthropologist noted examples of this kind of behavior among the older members of the part of the petitioner descending from Indian Village, not only in reviewing group interviews taken by the petitioner's researchers, but also while visiting in the summer of 2003. Most of these individuals in these

group interviews descended from the families who have maintained a presence on Indian Road to the present. The intimate and shared knowledge of these people, representing the core grouping of what has been referred to as the "local members," indicates that they communicate often and have significant social interaction from their childhoods in the 1930's. The petitioner did not submit evidence that shows that families who moved away from Indian Road without maintaining a presence there have maintained similar connections. Nevertheless, the content and tone of their joint oral histories provide excellent evidence of informal social interaction in the 1930's.

Church registers and oral histories demonstrate that St. Mary's Church continued to serve the Indian Road settlement. The letters of a missionary priest reveal that the congregants at least once held a service without him on Christmas Eve, indicating that the holidays and celebrations were extremely important to the settlement's residents. Elderly women relate that church-going women organized many picnics and other social events on the church grounds in the 1930's and 1940's. During the same decades, a "missionary priest" performed burials, baptisms, and marriages at this church.

Descendants of John Vincent

No descendant of John B Vincent was ever documented with the people who were displaced in 1900, either at Mullett Lake, Indian Road, nearby non-Indian communities, or in other places where they dispersed temporarily between 1900 and 1920. The petitioner did not submit any evidence demonstrating that they interacted with any other Cheboygan Indians, and specifically with the Indians near Indian Road or their relatives nearby between 1900 and 1938. There is no evidence available that the Vincent families interacted with any Indian community during this period. John Vincent, himself, had returned to the city of Cheboygan from a short stay in the Grand Rapids soldiers' home before he died in 1903. His children with descendants in the petitioner were Catherine, living in Mackinaw City [Hebron Township] in 1910, and John Jr., who died in Petoskey in 1909. His grandchildren married non-Indians, with the one known exception of John's son, Frank, and lived on the Upper Peninsula working as laborers, homemakers, and fishermen. Although Frank married an Indian woman, and they and their children are listed on some Indian records (Mission book, 1905-07; 1910 Indian Schedule of St. James Twp.), none of Frank's descendants are in the current petitioner, and no documents demonstrate that they were ever part of a Burt Lake entity or any other Indian entity. The petitioner did not submit relevant evidence to describe the social activities of the descendants of John Vincent.

Conclusions for 1900 to 1938

Despite dislocation of the residents of Indian Village on Burt Lake after the burnout, various documents, including the Federal census and land records, demonstrate that people living on and near Indian Road maintained their social connections and reestablished a geographical settlement exclusive to Indians. Their kin, who lived in non-Indian communities such as Topinabee, Pellston, and Brutus, continued to participate in institutions at Indian Road such as St. Mary's Church and cemetery through 1938.

Oral histories recount that people living at Indian Road and the 1903 State Resolution lands at Mullett Lake reservation visited each other while the latter settlement existed, but this visiting was described only by people born after the events who were not eyewitnesses to them. Several young Indian siblings, members of the Martell family from the Upper Peninsula, relocated near Indian Road, after a woman from that family married an Indian Road resident in 1903. They became incorporated into Indian Road society even though some of them did not marry into the community, and some descendants, who are current members, have no Cheboygan band ancestry.

The Indian Road settlement remained a social core for the descendants of Indian Village on Burt Lake until at least 1938, even though temporary and permanent labor migration took families to the Upper Peninsula and regional centers, particularly in the late 1920's. High rates of marriage within a regional system of Indian marriages also characterized the residents of this settlement, although some marriages to "Anglo" non-Indians brought non-Indian spouses into the group. Evidence in St. Mary's Church registers, letters of the missionary priest, and oral history indicates that the church was a significant Indian social institution, widely supported by the residents. This interaction occurred among relatives and close associates in nearby non-Indian communities and some labor migrants, such as William Shenoskey and John Nongueskwa and his nuclear family. The descendants of John Vincent were not part of a group centered at the Indian Road settlement at any time. No document submitted by the petitioner dealt with the social interactions of Vincent's descendants, either with a group of Indians, including the migrants from Indian Road living on the Upper Peninsula, or with any other population.

The descendants of the Indian Road settlement and environs between 1900 and 1938 have traditionally been active in the petitioner and appeared on its membership list. More information about interaction of individuals representing various parts of the group and the levels of participation of members in various activities would strengthen evidence of community during this period. Since this evidence does not include the ancestors of the Vincents at any time, the petitioner cannot demonstrate that it would meet (b) during this period, as it is currently composed. Therefore, the petitioner does not meet this criterion between 1900 and 1938.

The available evidence does not demonstrate that the BLB and the descendants of John B. Vincent formed a single community or two separate Indian communities that amalgamated historically. Thus, the petitioner does not meet criterion (b) from 1900 to 1938.

1939 to 1977

The Descendants of Indian Village on Burt Lake

By 1960, the Indian population of the Indian Road settlement fell to only five or six households, some of which contained only an elderly couple, a widow, or a widower. Several of the children attached to these households attended school most of the year in Harbor Springs, where they boarded and returned home rarely (Massey 7/14/ 2003; Shawa 7/14/2003). Social events or parties continued in the 1950's and 1960's. Eyewitness accounts indicate that Indian people from the region attended them, but there is no indication that these parties were distinct to Burt Lake, were considered to be exclusive Burt Lake events, or were sponsored by a group rather

than an individual (Otto 2003). In the 1950's and 1960's, the traditional ghost suppers and other seasonal celebrations were very small and involved mostly residents of Indian Road and a few people from the region who were able to drive to Burt Lake (Massey 7/14/ 2003; Kiogama 7/15/2003). By the late 1960's, the first generation born after WWII in urban areas, was entering adulthood and a second generation of descendants was being born there. Documents do not show that this second generation has personal experience in the traditional area, which has become a symbol of their Indian heritage rather than a location where they have many varying and significant personal experiences.

As is often the case in general, once the Indian residents of Indian Road migrated from that rural area and moved to "downstate" cities, marriages to non-Indians began to outnumber marriages to Indians. Even marriages to other Indians in urban areas sometimes wedded Burt Lake individuals to members of Potawatomi, Huron, or other Indian tribes that were not part of the Ottawa and Chippewa regional system of marriages, in which their ancestors participated traditionally (Kiogama 7/21/2003). These kinds of random, not patterned, marriages between individual Indians, rather than Indian populations, would not be evidence acceptable to demonstrate community under the regulations, which require exogamous marriages to be "culturally required, patterned out-marriages with other Indian populations." Nevertheless, even after 1941, marriage to other Indians from the region continued for the part of the petitioner descending from Indian Village at Burt Lake. When combined with the existing marriages in the community, the rate of patterned marriages remained predominant as recently as 1959, for this portion of the petitioner. After 1960, such patterned out-marriage dropped precipitously and old people in such marriages died, so that the total number of individuals in these patterned out-marriages no longer characterized the descendants of Indian Village.

Oral histories indicate that the geographical location of Indian Road and of St. Mary's Church and cemetery is the symbolic center of the BLB for its members who descend from BLB. Even as the settlement's population dipped to a handful of people, the rest of the membership continued to view this location as their social core or home. The petitioner needs to describe the connections among people and families who migrated away from Burt Lake to cities, who live in regional centers such as Petoskey, and who remain near Indian Road. Individuals who lived on Indian Road during the 1950's and 1960's and individuals who lived in downstate urban areas both reported that urbanites rarely visited Indian Road after they migrated. Urban residents said in interviews that the expense prohibited more than two or three visits a year. If a grandparent remained at Indian Road, then grandchildren claimed they visited them. However, the death records indicate that even elderly individuals had moved in their seventies and eighties to urban areas or regional centers such as Petoskey. The petitioner should submit more documentation about the relationships among the urban, regional, and Indian Road residents.

OFA staff found out in interviews in 2003 that some individuals from Indian Road knew each other well. These interviews and other evidence identified a social core, composed of many people, who appear to have grown up at or near Burt Lake, married other Indians, moved as young adults to other locales in Emmet and Cheboygan Counties, and remained in contact over years. However, the petitioner did not submit information about their continuing contacts within a distinct Burt Lake social system during this period. The petitioner submitted sign-in sheets for ghost suppers held at Irene Massey's home near Indian Road in the 1980's and early 1990's and

oral histories about these suppers. This evidence shows social interactions of a group of Indian people much larger than the part of the petitioner descending from Indian Village on Burt Lake. This larger grouping bears more resemblance to the group of people still involved in the regional marriage system and living in neighboring communities than it bears resemblance to the membership of the petitioner.

Urban migrants from Indian Road families denied that they routinely socialized with other Burt Lake individuals, who were not close family members, but were also living in cities where they lived. People could not describe distinct events for the petitioner's members in cities. There were no regular dinner spots, church services, annual picnics, Christmas celebrations, cultural classes, or any other types of activities or events, which brought together a distinct grouping of Indian Village descendants living in urban areas. Nor was an individual named who hosted large gatherings at home. They reported instead that they continued to socialize with other Indians, particularly in the 1940's, 1950's, and 1960's in Indian neighborhoods, where there were social institutions catering primarily to Indians who lived in Lansing and Grand Rapids, but came from throughout the State. By the late 1960's and 1970's, they reported that they less frequently participated in this kind of socializing, especially if their spouses were non-Indian.

St. Mary's Church continued to be an important institution for the area, and the records demonstrate that the residents of Indian Road utilized this institution. The burial of a soldier killed in World War II who grew up in Topinabee provides evidence that Indian individuals living in nearby communities continued to use the cemetery in the 1940's. However, as time passed, fewer burials, baptisms, and weddings were performed at St. Mary's, as people attended local parishes where they lived in urban areas, regional centers, or even Pellston.

The Catholic Church at Pellston had taken over St. Mary's Church by the 1960's, and the priest there served St. Mary's as well. St. Mary's Church no longer had a separate "missionary priest." By the 1960's, the few children left in the area took confirmation classes at Pellston or Holy Family School in Harbor Springs, rather than in separate classes at St. Mary's. It is not clear when the priests no longer celebrated Masses year-round at St. Mary's or when summer vacationers first attended services there. While the cemetery remained symbolically important to many Burt Lake individuals, in fact, many individuals who died after 1938 were not buried there, as documented by comparing lists of St. Mary's burials to the death dates of members.

In the 1970's, Margaret Martell became the senior coordinator at the Lansing Indian Center. The State of Michigan funded urban Indian centers in Lansing, Detroit, and Grand Rapids to serve the social and economic needs of urban Indians. According to oral history, these centers directed activities at Indians in general and did not organize events for a specific band. An unknown number of Burt Lake descendants frequented the programs offered in Lansing. Margaret Martell used the center to hold meetings about Burt Lake land claims beginning in 1977. She denied that these meetings were only for Burt Lake people, but added, "they were the ones interested" (Martell 7/23/ 2003).

The Descendants of John Vincent

There is no evidence that the descendants of John Vincent were interacting with descendants of Indian Village, except in a few random meetings on commercial fishing boats or lumber camps.

In the 1970's, Vincents, who were commercial fishermen, faced the loss of their livelihoods when litigation established tribally managed commercial fishing in the areas where their families had fished for generations. OFA staff collected some materials concerning their activities associated with *U.S. v. Michigan,* and its aftermath. There is no evidence that Vincent's descendants became involved in the non-tribal Indians' attempts of off-reservation Indian descendants to participate in treaty fishing. However, a few, who are close relatives of two chairmen of the petitioner after 1984, fished as part of the fishery managed by Sault Ste. Marie for one or two years in 1978-1980 and may have been considered to be members of that tribe at the time. This evidence, however, does not indicate that the Vincent families in the current petitioner were, as a group, part of an Indian entity. One of these chairmen was president of the non-treaty commercial fisherman's association, a group advocating for fishermen without special Indian rights or claims, to continue non-treaty fishing.

During the 1950's the father of Donald Moore (chairman of the petitioner from 1984-1987 and a descendant of John B. Vincent) worked in a lumber camp on the Upper Peninsula with a non-Indian man married to a descendant of Indian Village on Burt Lake. Donald Moore believes that his childhood experiences were very similar to those of Michigan Indians, with whom he has always felt an affinity. He recounts that his great aunt fished with people at Bay Mills and they knew and respected her. He also stated that his own relatives and non-Indians denied that he was Indian when he so identified in school. In the late 1970's and early 1980's, he crewed on a non-Indian commercial fisherman's boat in Lake Huron with Burt Lake Indians, including David Massey and Roy Parkey. These random social interactions in the workplace are the only evidence the petitioner presents linking Vincent's descendants to Burt Lake before 1984. They did not occur within the context of any Indian community or within the petitioner's community, specifically. The named individuals did not fish or log together because they were members of the same Indian community, and they did not do so year after year throughout their lives. Individuals may interact as individuals, and may even descend from a distant Indian ancestor from the same historical tribe. If the interaction is not based on membership in the same Indian community and part of a life-long pattern of social interactions, it does not demonstrate that the individuals are socially connected in an Indian community. In addition, symbolic affinity for Indians, no matter how sincere or genuine, is not evidence for this criterion.

Conclusions for 1939 to 1977

In the 1940's and 1950's, young workers moved to urban areas and regional centers, where they sometimes married Indians who were not Ottawa and Chippewa participants in the traditional marriage network and non-Indians. These migrants interacted with other Indians who were not necessarily from Burt Lake. Only a few older people continued to live at Indian Road. They socialized with each other and other Indians from the region

In the 1960's, even St. Mary's Church was no longer served by a "missionary priest," and catechism classes for the children remaining there were held at Pellston. At some point, the church closed in winter. People descending from Indian Village on Burt Lake attended urban parishes where they lived, and they were buried there. Primarily only very old people, such as the people named on the 1920 census, were buried at St. Mary's. Even though many

descendants of Indian Village continued to view Indian Road and Indian Village as the geographical focus of their Indian identity, the connection of most young people, whose parents had left Indian Road before 1950, to Burt Lake was primarily symbolic. Urban residents visited sporadically and the traditional activities such as the ghost suppers were small and catered primarily to the "local" Burt Lake residents. However, people who grew up in the settlement before 1938 remained in contact, shared information, and periodically interacted. Evidence for high rates of marriage within a regional system of Indian marriages, however, continued to 1959. Earlier marriages still connected the Indian Road families. This evidence of marriage, combined with other evidence that people continued to interact informally and to communicate, and the fact that a small social core remained on Indian Road, is good evidence of community until as late as 1960. However, the petitioner should consider submitting further documentation to link migrants and their children to a Burt Lake community and to strengthen this evidence by showing actual social interactions. The petitioner submitted little if any evidence, including oral history, about social interactions of this part of the petitioner from 1960 until 1977. As in all periods, this portion of the petitioner must be linked to the portion of the petitioner composed of Vincent descendants in order to meet criterion (b).

The descendants of John Vincent were not part of the Indian Road settlement at any time between 1941 and 1977, and their oral history evidence consists only of anecdotal incidents of two of Vincent's descendants randomly meeting two or three descendants of Indian Village on Burt Lake in the workplace and not as part of an Indian community.

The evidence does not demonstrate that the BLB and the descendants of John B. Vincent formed a single community, or that they formed two separate Indian communities that amalgamated between 1941 and 1977. Therefore, the petitioner, as currently composed, does not meet this criterion at any time between 1941 and 1977.

1978 – Present

The organizational activities of Margaret Martell after 1977 brought some descendants of Indian Village into regular contact in social activities organized by the petitioner. Although the petitioner submitted no mailing lists, membership lists, or other types of lists to indicate membership before 1994, names appearing on sign-in sheets at meetings, in the BLB newsletter, correspondence, and other documents can be used to determine to some extent who was participating in the petitioner's activities. The sign-in sheets at family organized ghost suppers held by Irene Massey at her Indian Road home from 1982 to 1994 indicates who was participating in these important informal events, not specifically sponsored by the petitioner. Only a small percentage of people attending the ghost suppers attended BLB activities and *vice versa*.

Residence, not membership in BLB, was a powerful predictor of who attended Irene Massey's annual ghost suppers in late October. The sign-in sheets from these ghost suppers between 1982 and 1994 showed that 377 different people attended at least one supper (Massey 1982-1994). Almost all attendees resided in communities in Cheboygan and Emmet Counties. People living in downstate cities generally did not attend. Available documents concerning the activities of the

petitioner never named the majority of individuals who attended a ghost supper. OFA could not identify almost two-thirds of the people signing in at these suppers as part of the petitioner because they were not on any membership list submitted by the petitioner, were not named in the petition's documents, including newsletters, or meeting sign-in sheets.

Only 12 percent (46 of 377) of the ghost supper attendees had ever signed in at a BLB meeting (Petitioner 1980-1984). People most involved in the petitioner's organization in Lansing were highly unlikely to attend Massey's ghost suppers. Only those, such as Irene Howard, Gary Shawa, and Loretta Parkey, who had homes or close family members still living near Burt Lake attended the ghost suppers. Someone knowledgeable about the nicknames and married names of individuals attending the ghost suppers may be able to demonstrate more overlap between the ghost supper guests and the people documented at the petitioner's meetings.

The two-thirds of the guests at ghost suppers, who OFA could not identify, often had the same surnames as those found in the BLB membership and their genealogies. Such surnames included Brown, Gibson, Gasco, Honson, Keshik, Kiogima, Massey, and Miller. Many other surnames appeared to be of "Indian" derivation. The attendance at the ghost suppers seems to reflect a regional Indian social network rather than the membership of the BLB. The petitioner's members rarely distinguished between events aimed specifically at other members of the petitioner, at any Indians from the region, or at descendants of Indian Village, whether or not they belong to the petitioner.

The petitioner did not submit information about Massey's suppers that demonstrated that other BLB members had a role in organizing and hosting these suppers. Interviews and discussions between Irene Massey's children and the OFA anthropologist in 2003 indicated that Irene Massey hosted these suppers only with help from very close relatives and that neither the petitioner nor members beyond her immediate family were involved other than as guests (Massey 7/14/2003; Massey 7/12/2003; Parkey 7/17/2003). Since Irene Massey's death in 1992, her family has held these suppers only sporadically.

The ghost supper sign-in sheets are valuable data showing that Indian Village descendants who lived in the Cheboygan and Emmet County region continued to interact widely with other Ottawa and Chippewa. It illustrates a regional social system that included descendants of Indian Village on Burt Lake and people from other Ottawa and Chippewa communities who heard about the suppers by word of mouth. These data do not demonstrate that the descendants of Indian Village on Burt Lake residing in downstate urban areas generally attended. Many urban residents had knowledge of ghost suppers and claimed to have attended them, but the available data rarely show them doing so.

The individuals who signed in at the Burt Lake band meetings in the early 1980's descend from individuals whom the initial organizer, Margaret Martell, knew as a child in the 1920's when she lived with her family on Indian Road. In 1977, she apparently recruited her own family, her Martell in-laws, including the Griswold/Martells who have no descent from the Cheboygan band annuitants, and these people's children, in-laws, and parents. Also included were individuals who still lived on Indian Road, such as Loretta Parkey, and her family.

In 1984, Donald Moore, a descendant of John Vincent, appeared in the record for the first time associating with BLB descendants, and he quickly became chairman of the BLB. Margaret Martell did not know him, but she vetted his documents and, based on them, backed his joining the group. Until this time, people joined because they were known to be part of or descended from the community located on Indian Road around 1920. They did not need records to prove their connection because people knew one another or at least knew their parents.

It appears that Donald Moore's relatives began to enroll in 1985 and 1986, but the petitioner submitted no documents showing that more than ten Vincent descendants ever attended a BLB-sponsored meeting or event at any time. Members associated with the petitioner's organization since 1980 did not know these people, and there was some unhappiness about their presence (Shananaquet 7/18/2003; Teuthorn 7/18/2003; Moore 7/18/2003). By 1992, a group of people, mostly from Cheboygan and Emmet Counties and including the Indian Road residents, became so disgruntled with the Vincents, they attempted to recall them from board membership and, failing that, to set up a second BLB organization without them. Probably before and certainly after LTBB was recognized by Congress, a large number of BLB members enrolled there. By 2003, the group still involved in BLB activities consisted of the families of the paid employees of the petitioner, some of the long-term members who had invested much in the organization, such as Margaret Martell's relatives, and the descendants of John Vincent. There was some indication in 2003 that descendants of Indian Village on Burt Lake were continuing to drop their enrollments in the petitioner and join LTBB or planned to do so in the future (Massey 7/14/2003; Kiogama 7/21/2003).

BLB monthly and annual meetings commonly include a social event following business. Significantly, individuals who have relinquished their membership and joined LTBB attend these events. The OFA anthropologist found that former members of the petitioner who enrolled at LTBB were very informed about events going on in the BLB organization and *vice versa.* Individuals also kept current about the personal affairs of people descending from Indian Road in memberships of both entities, indicating that communication and socializing continues to be common among the descendants of Indian Village, particularly among those who reside upstate or have relatives employed in the organization.

The Descendants of John B. Vincent

The petitioner has not submitted evidence to demonstrate that significant numbers of the descendants of John B. Vincent have actually participated in any activities of the petitioner after 1985 even though it appears that they began enrolling in significant numbers around this time. The names of very few Vincent descendants appeared in the record attending any formal event sponsored by the petitioner or any informal social occasions attended by the descendants of Indian Village on Burt Lake. The petitioner submitted sign-in sheets from ghost suppers held by the family of Indian Road resident Irene Massey for the period after 1985, and no descendants of John Vincent signed these sheets. The petitioner did not submit sign-in sheets from meetings, which included pot-luck dinners or any other social event. They submitted sign-in sheets from a few funerals for descendants of Indian Village, but none of Vincent's descendants appeared on those sheets. Photographs from such pot-luck dinners were submitted but few Vincent

descendants were identified in them. Conversely, in one photograph taken at a family reunion in 1986, only Vincent's descendants attended. People descending from Indian Village on Burt Lake denied in interviews in 2003 that they knew Vincent's descendants before Donald Moore became the group's chairman in 1985. They also maintained that they did not know any of John Vincent's descendants other than the handful that served on the group's board of directors after 1985.

The petitioner did not submit, and OFA has not located, documentation concerning significant social interaction involving significant portions of the two distinct groupings in the petitioner at any time, including at present. The regulations require that the petitioner demonstrate it is a distinct Indian community. The evidence does not demonstrate that the BLB and the descendants of John B. Vincent formed a single community, or that they formed two separate Indian communities that amalgamated at any time after 1977. Therefore, the petitioner, as currently composed, does not meet this criterion at any time after 1977. Thus, the petitioner, as it is currently composed, does not meet criterion (b) at present.

Conclusions for Criterion (b)

Some families and individuals who had moved from Burt Township in the 1800's at first maintained close kin ties to Indian Road because their parents and siblings continued living there. However, after several generations marrying spouses from Indian entities other than Burt Lake, many of their descendants began to identify and associate primarily with those other Indian communities and not with Burt Lake. Other families, such as Peter Shawanasige's (Shenoskey) or Edmund Parkey's, have maintained high degrees of attachment to Burt Lake even though they have married into other Indian communities. Several of each man's children remained living on Indian Road to the present and apparently provided a social anchor for his descendants. Thus, traditional social processes resulting from band exogamy, change of residence at successive marriages, and increasingly, bilateral kin reckoning means that determining the historical composition of the Indian Road community between 1917 and 1977, or of the band itself, is extremely difficult for any specific year or decade because individuals' associations change during their lives. Not until recently have individuals been asked to declare a single band allegiance, and then only for Federal purposes such as acknowledgment. The recognition of LTBB incorporated, into one regional entity, several historical local settlements, which evolved from the same mid-19th century treaties and were part of the regional system of marriage and kinship, in which Burt Lake participated historically. The historical Burt Lake band, including the portion of that band which evolved from Indian Village on Burt Lake on Indian Road, not necessarily the current petitioner, appears to be one of these entities.

The Federal census and State and County land records indicate the existence of an exclusive Indian settlement at Indian Road until at least 1938. However, before then a demographic movement of individuals, couples, and families out of the settlement began, as long time residents sought work in the lumber camps and resorts on the Upper Peninsula or in industry in downstate communities. This labor migration brought about permanent residential separation from Burt Lake. In 1940, virtually every family was affected by out-migration, as people left to work in war-related industries in Grand Rapids, Lansing, and Detroit. Soon after 1940, and

certainly by 1950, when the "post-war baby boom" began in earnest, more and more people raised at Burt Lake or descended from Indian Road residents lived away from the settlement than lived in it, according to records of birth. Furthermore, non-Indians moved to Indian Road and the surrounding area.

The petitioner submitted very little documentary evidence or comprehensive oral history describing a distinct community after 1938. OFA staff supplemented the oral histories in 2003. This evidence reveals little about the relationship between the migrants and the people remaining on Indian Road and virtually nothing about the social activities among Burt Lake migrants living in cites. Precedents require that actual interaction between migrants from their settlements or core communities and the social core (see *Poarch Creek; Huron Potawatomi*). Successful petitioners have been able to do this by showing interactions in urban-based organizations and institutions of migrants, by showing interaction between migrants and the home community, or both. This petitioner did not attempt to address this issue. Some of the oral histories indicate that the generation who grew up between 1940 and 1960 in cities and other Indian communities in the region identified racially or ethnically as "Indian" and often interacted with other Indians in social cliques at school, in Indian Centers, social meeting places and neighborhoods. They also visited grandparents, aunts and uncles in Indian Road. When asked, they more specifically identified themselves as "Burt Lake Indians." However, the petitioner must present evidence of its activities to show actual interaction within a distinct social entity, the Burt Lake petitioner, rather than a general ethnic or racial grouping of individuals with North American Indian ancestry.

The petitioner submitted oral history, which discusses informal socializing on Indian Road. The descriptions were amorphous, with attendees unnamed and lacking specific examples, so as to be minimally useful evidence for showing that the activities were distinct to the group of descendants of Indian Village at Burt Lake. People living in the region attended ghost suppers, dances, and social occasions at Indian Road into the 1950's and early 1960's, but these occasions included large numbers of Indian people who had no kin connection to Burt Lake, Indian Road, or the 1870 annuitants. Even so, the descendants of John Vincent are not documented or remembered ever attending these rather open social activities on Indian Road during this period.

The burials at St. Mary's Indian Church on Indian Road reflect the changing composition and associations of the descendants. While those who continued to live on Indian Road and nearby Topinabee were buried at the cemetery there to the present, many who moved to cities have been buried in downstate cemeteries, Indian Catholic church cemeteries in other settlements, or their parish church cemeteries, including the Catholic Church at nearby Pellston. No descendant of John Vincent was ever interred at St. Mary's cemetery at any time.

Several points concerning the Indian Village descendants relate to the regulations. First, the descendants of Indian Village living in Emmet and Cheboygan Counties are very involved in an Indian social network that includes all Ottawa and Chippewa Indians who live in the region. In this context, they socialize often with other descendants of Indian Village, whether or not they are members of BLB or of LTBB. Second, the descendants of Indian Village living in downstate urban areas sometimes socialize with other Indians who live in cities, but not necessarily with descendants of Indian Village who are not close family members. Third, the petitioner submitted

very little evidence that urban residents belonging to the petitioner socialized with BLB members living upstate, even though the OFA anthropologist noted in 2003 that both groups displayed a great amount of common knowledge about each other, which indicated that they continued to socialize. Finally, the descendants of John Vincent were not part of this social network at any time.

There is significant evidence of geographical settlement to 1938, participation in a regional system of marriage until 1960, informal social interaction until 1950, existence of a significant social institution at the mission church at St. Mary's until 1960, continued use of Indian languages to 1910, for the part of the petitioner descending from Indian Village. However, because this evidence does not encompass Vincents and includes only a portion of the petitioner, it does not demonstrate that petitioner formed a distinct community to 1960. After 1977, the petitioner has submitted evidence, notably the ghost supper sign-in sheets, to show that individuals of the part of the petitioner descending from Indian Village continued to interact often with other Indians, including other descendants of Indian Village. However, these interactions are not within a social group that is separate and distinct from a larger Indian society in Emmet and Cheboygan Counties.

The high degree of personal knowledge individuals descending from Indian Village have of one another's activities, as displayed in interviews, strongly implies that many of them continue to communicate and interact with one another in significant ways. This applies to many descendants of Indian Village, whether BLB or LTBB has enrolled them and whether they live in the upstate counties or the downstate urban areas. However, the petitioner did not submit evidence to show that they interacted in a separate and distinct community, as opposed to a wider community of Ottawa and Chippewa Indians living in Emmet and Cheboygan Counties, or a wider community composed of the descendants of Indian Village, the majority of whom may belong to a recognized Indian tribe. It may be that so many people have relinquished BLB membership, the current petitioner, even without the descendants of John B. Vincent, is only a portion of the Burt Lake entity that has been reviewed for earlier periods, the majority of which may be part of LTBB, a recognized tribe. Finally, about one-half of the petitioner's members, those descending from John Vincent, are not involved, or do not socially interact with, the Cheboygan descendants or with the larger social grouping of Ottawa and Chippewa Indians now, and have not done so in the past.

The petitioner does not meet criterion (b) before 1984, because the descendants of John B. Vincent, almost half of the current membership, were not part of a Burt Lake Indian entity, or any other Indian entity. The presence of the Vincent descendants, as well as the loss of many Burt Lake descendants to Little Traverse Bay Band, makes the petitioner a different entity than the one represented by the Cheboygan annuitants in 1870, the one centered at Indian Village on Burt Lake in 1900, and the one that evolved from Indian Village at Indian Road in the 20th century. Additionally, the petitioner did not submit evidence for an Indian community that includes Vincent descendants, which amalgamated with a Burt Lake entity historically.

The petitioner does not meet criterion (b) after 1984, the date of the first evidence of participation by John B. Vincent's descendants, because the petitioner did not demonstrate that his descendants socially interacted with the descendants of Indian Village on Burt Lake as part of

an Indian entity. They did not socialize, know one another, attend the same social functions, including funerals, potlucks after meetings, and parties, or socialize at informal social gatherings in representative numbers. Documents show only a small handful of Vincent's descendants as ever participating in a social event formally sponsored by the petitioner or informally held by Indian Village descendants without specific involvement of the petitioner's organization. Thus, no community at present includes a predominant portion of the petitioner's members, and only a very small number of people from that part of the petitioner that formed from Vincent's descendants, interacts socially with other members of the petitioner.

For these reasons, the petitioner does not meet criterion (b) at any time.

Criterion (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.

Almost half of the petitioner's members descend from a portion of the historical Cheboygan band, which, after 1900, formed an exclusively Indian settlement at Burt Lake, and almost half descend from John B. Vincent (1816-1903), who was never documented as part of that historical band or as a resident of that settlement. Conclusions about the exercise of political influence within an "autonomous entity" as the regulations require must consider the political relationships of ancestors of these two groups of descendants comprising the petitioner's current membership. There is no evidence in the record for this petition of any interactions, whether political or not, between Indian Village descendants and Vincent's descendants as part of any entity prior to 1984. Therefore, there is no evidence for the exercise of political influence in an entity composed of both groups of descendants before 1984. Also, there is no evidence that Vincent's descendants were part of another Indian entity that exercised political influence and later amalgamated with Burt Lake. The petitioner does not meet criterion (c) before 1984.

Acknowledgment precedent accepts that group political influence and authority were maintained within historical Indian villages (see 83.7(c)(3)). Various sources have described an Indian village as existing on the shore of Burt Lake at least from the Treaty of 1836 until the burnout of 1900. Non-Indian contemporaries noted the existence of this Indian village. Soon after the burnout, a Cheboygan newspaper referred to the "Indian village" that had been located on Burt Lake (*Cheboygan Democrat* 10/20/1900, 12/22/1900; see also Brady 2/19/1917). Governor Pingree said in 1901 that the Indians at the Burt Lake village had been "living together almost the same as if in tribal relations" (Pingree 1/9/1901, 272). Former residents also referred to this village in later recollections (Cabenaw 1914; Shananquet 5/10/1957). The geographical evidence for this settlement makes it likely that its Indian residents exercised political influence in a historical Indian village prior to October 1900.

The available documentation and oral history interviews provide no evidence that John B. Vincent or his descendants were part of the traditional village on Burt Lake prior to 1900, or that they participated in any political activities with any Burt Lake Indian group or any Burt Lake Indian descendants, or any other Indian group before 1900. According to the available evidence, the only group activities or leadership role attributed to John B. Vincent during his lifetime were his participation in settling the town of Cheboygan in 1846 (Ware 1876, 15, 17; *Cheboygan Democrat* 9/20/1902), assisting town residents during an outbreak of smallpox "in the old days" (*Cheboygan Democrat* 5/8/1897), becoming a charter member of the Cheboygan post of the Grand Army of the Republic veterans' organization in 1884 (GAR 1884), and helping form a

Pioneer's Society in the town of Cheboygan in 1894 (*Cheboygan Democrat* 1/20/1894). Vincent's obituary attributed some leadership to him, describing him as "a history maker for Cheboygan" (*Cheboygan Democrat* 2/14/1903b), but characterized him as having acted on behalf of a town rather than any Indian group.

The petitioner attempts to provide evidence of political leadership and influence on the part of individual leaders named before 1977. Generally, this evidence is not successful in demonstrating that a Burt Lake entity, as it existed in the past, exerted political influence over its members. The problem is that the evidence does not describe the group, or "followers," behind these purported leaders and the bilateral political relationship between individual leaders and followers. Leaders sway followers and followers influence leaders in bilateral political processes. The regulations, as applied in numerous findings, require a showing of such bilateral political activity (See *Miami Nation, San Juan Southern Piute Tribe, Mohegan Tribe, Cowlitz Tribe, Snoqualmie Tribe*, etc.). The petitioner submitted no evidence to demonstrate the Burt Lake community's political processes in making decisions, resolving conflicts, promoting the general welfare, maintaining order within the community, organizing work details at their church, influencing missionary priests, dealing with various levels of governments or regional Indian groups, and similar actions.

The regulations require neither formal organization nor principal political leaders to demonstrate that a group maintained political influence over its members. Individual leaders may not have been a feature of the political organization of Burt Lake before 1938. Oral histories collected from eyewitnesses born into the Indian Road community in the 1920's and 1930's recount that household heads, or "the men," met in homes where they discussed unknown matters of importance to the Indian Road settlement before 1938, and as late as the 1950's. Evidence may demonstrate that this "gathering" of men exerted political influence and authority and made decisions, and that the group's members influenced the leaders in turn. If so, then analysis of its political processes may be a key to demonstrating how the community influenced or rejected as leaders individuals, such as Enos Cabinaw and Albert Shananquet, who pursued claims, Peter Paul Shenoskey, who became involved in Indian Reorganization Act (IRA) activities, John Parkey of Michigan Indian Defense Association (MIDA), Jonas Shawanesse, who met with the Governor, or Robert Dominic of NMOA. The petitioner may consider submitting evidence of opposition to or support of these persons' activities by a group associated with Indian Road. If actually demonstrated, such supports or denials could represent political authority, if the petitioner could show that opposition factions, *ad hoc* committees, or informal subgroups acted within a common political system. The members of the women's altar society at St. Mary's Church may have provided significant influence and leadership in welfare matters, including child rearing, childcare, health, morality, education, drug addiction, and similar "domestic" issues (See *Match-e-be-nash-she-wish Band; Mohegan Tribe*). Sometimes, women influence men's political behavior, and one person interviewed claimed this in fact occurred at Burt Lake in the past (Martel 7/23/2003). However, even if the petitioner produced this evidence, it may not pertain to the petitioner, as currently composed.

Two outside observers described the leadership of a Burt Lake band in 1908 and 1909 as collective leadership. Horace Durant, in his 1908 field notes, referred to the "chiefs of the Burt Lake band of Traverse Indians" and the "Cheboygan chiefs" (Durant 1908, p. 31, no. 28, 32). A

Cheboygan newspaper, in 1909, referred to "the principal men of the Burt Lake Indians" (*Cheboygan Democrat* 5/21/1909). Neither Durant nor the newspaper identified these leaders. In this context, Durant appears to have used the term "chiefs" as synonymous with "elders." It is unclear whether Durant's reference to a band of the "Traverse Indians" meant that he considered such a band to be politically part of a Little Traverse confederation.

Claims to individual leadership of a Cheboygan or Burt Lake band were made by Enos Cabenaw between 1914 and 1916. Cabenaw, 64 in 1914, described himself in an affidavit for use in the *McGinn* litigation as "the Chief Counselor and Official of the Cheboygan band of Indians living near Burt Lake" (Cabenaw 1914). He stated that he had "held the position of leading officer for about 4 years," or since about 1910. In other correspondence, he also described himself as "acting Chief for our Tribe" and as the "Chief Cheboygan Indians" (Cabenaw 2/4/1914, 3/2/1914, 12/23/1914; see also Cabenaw 2/3/1915, 8/29/1916).

The available record contains two examples of political activity by Burt Lake Indians, or political conflict among them, between 1900 and 1917. In 1909, a local newspaper reported on the circulation of a petition to divide the State lands on Mullett Lake, presumably so that the lands could be held as individual plots. A conflict between "the discontented half breeds in the tribe over there" [Mullett Lake], who had prepared the petition, and "the principal men of the Burt Lake Indians," who "refused to have any part in the deal," was implied by the newspaper (*Cheboygan Democrat* 5/21/1909). In 1911, that newspaper described nightly meetings in Indian homes at west Burt Lake and reported that the Indians at Mullett Lake had been recruited to attend (*Cheboygan Democrat* 2/17/1911). The featured speaker at these meetings about the Indians' claim to land at Burt Lake was a visiting Indian from St. Louis who claimed to be a lawyer acting independently to inquire into Indian grievances (Strongheart 1911). The newspaper said that a result of these meetings was that the Indians "appointed a chief, president, secretary, treasurer and committee to go ahead and do things," but that "the whole thing dropped . . ." (*Cheboygan Democrat* 2/17/1911). No available evidence identifies any officers chosen in 1911

No evidence in the available record describes or implies any role by any political leaders or members of a Burt Lake or Cheboygan band in persuading the United States Attorney to file a lawsuit against John McGinn to obtain the return of the State trust lands at Burt Lake. During the *McGinn* litigation, both Albert Shananquet and Enos Cabenaw wrote to Federal officials seeking information about the progress of the case. The available evidence shows that Federal officials replied to these letters from Cabenaw and Shananquet, but did not initiate any consultation with either man. Federal officials addressed their letters to Cabenaw and Shananquet as individual citizens, not as tribal leaders, and used no titles that would have suggested they were considered to be leaders of the band about which they inquired. Shananquet resided at Mullett Lake at the time, so it is possible that he and Cabenaw, who held a homestead at Burt Lake, corresponded on behalf of different geographical settlements. Cabenaw claimed to be the band's leader, while Shananquet did not. Cabenaw claimed that he promptly informed "members of the tribe" of any information he received from the Indian Office or U.S. Attorney (Cabenaw 12/23/1914), but the available evidence includes no examples showing to whom Cabenaw reported this information.

Thus, the documentation submitted by the petitioner is limited as evidence because it does not describe possible political relationships between each man and a group of followers and between them as possible leaders of a single Burt Lake entity. For this evidence to be accepted as leadership in a Burt Lake entity, evidence would be required showing not only that the Burt Lake group was knowledgeable about their activities and approved of them, but also that these men's actions actually represented the Burt Lake settlement and not some other larger or smaller entity. Examples of evidence from the 1910's that require further explanation include some of Albert Shananquet's letters, which were also signed or marked by other Burt Lake descendants, and all of Enos Cabenaw's letters, which were signed only by himself.

The evidence the petitioner presented of political activity between 1917 and 1934 deals with the lobbying efforts between 1918 and 1924 of Albert Shananquet. During this period, Shananquet, who was in his early 50's, represented himself as an attorney for the "Ottawa and Chippewa Indians of Michigan" and sought to obtain a Congressional act that would order the payment of an alleged balance left in a judgment fund due these Indians under a Court of Claims decision. The bill required a payment directly to Shananquet and another man in their roles as attorneys and delegates (U.S. Senate 1921). Acting as attorney, Shananquet called a "General Meeting of the Ottawa and Chippewa Indians" to explain the status of this claims bill (Shananquet 9/12/1922). The meeting notice referred to the "Committeemen of Various bands," but the available evidence does not show who these committeemen were, whether any represented a Burt Lake band, or what political activities they may have undertaken. Also ambiguous was a letter Shananquet wrote about the Senate hearing on his bill that asked the recipient to "let the rest of the boys know of the hearing I had" (Shananquet [1922]). The available evidence shows that Shananquet was acting on behalf of an entity of Indian descendants that was much larger than one band, and does not show that he was acting as a band leader in these lobbying efforts.

Shananquet participated in the creation of the Michigan Indian Organization (MIO) in 1923. He sent a copy of the constitution and by-laws of the new organization to the Commissioner of Indian Affairs (Shananquet 3/26/1923). The Indian Office reply informed Shananquet that it "must decline to recognize any authority in you to transact business for any tribe of Indians in Michigan," adding that the papers he had submitted "do not show what particular tribe you claim to represent . . ." (BIA 4/12/1923a). The available documentation contains no evidence of lobbying for claims or any activities of the MIO after 1924. The petitioner submitted several handwritten sheets that apparently record dues payments in the MIO. One page header indicated that the organization's headquarters was in Long Point, which was Shananquet's home during the 1920's and he is named as "President" on the facing page. Under his name on the facing page was written "Burt Lake band Indians/Michigan Indian Organization," indicating the probable existence of a band level organization within MIO (MIO 1923-1924). A "membership cards and donors" list names 44 persons, 40 of whom were associated with the Indian Road settlement in 1920. Enos Cabenaw, who claimed during the 1910's to be leader, appears with his wife Mary on the list. The officers of the Burt Lake band in Brutus appear to be Enos Cabenaw's son "Luceus" Cabenaw as Chairman, Peter Shawanasige (Shenoskey) as Secretary, and Joseph Parkey as Treasurer (MIO 1923-1924). The available evidence, however, does not show what activities this Burt Lake band of the MIO may have undertaken.

In late 1923, Shananquet also pursued a claim for the lost lands of Indian Village (Shananquet 11/22/1923). A letter written of his behalf to raise funds said that he had three lawyers helping him (Anonymous 12/19/1923). An attorney sent the Department of the Interior a memorandum on the issue of "the title of Sheboygan Band of Indians" to lands in Michigan and, apparently accompanied by Shananquet, had a personal meeting with the Assistant Secretary of the Interior (Ballinger 12/21/1923; Interior 12/26/1923). The Commissioner of Indian Affairs declined to pursue the issue because of the result of the *McGinn* litigation (BIA 1/5/1924; see also Interior 3/26/1924). Historical notes from the anonymous "private collection" submitted by the petitioner state that the "Burt Lake claim was dropped" due to the "agitation of the Indians" and "the bickering and poison pen letters [that] originated at Indian level . . ." ("Shawandose Papers" n.d.). If this "agitation" refers to Burt Lake, then Shananquet's dropping the activity may show members' influence on him or others. A newspaper profile of Shananquet said in 1958 that he had to abandon his lobbying in Washington, which other evidence indicates occurred in 1924, because "the Indians were disputing among themselves over individual properties" (*Straitsland Resorter* 1958).

In March 1935, a Cheboygan newspaper referred to John Parkey, whose age was about 34 at the time, as the "chief of the Indian Village located in Burt Township on the west shore of Burt Lake" (*Cheboygan Daily Tribune* 3/13/1935). He appeared on Burt Lake census sheets during his life (1910, 1920, 1930) and is remembered in oral histories as closely associated with Indian Road. His father's name appears as treasurer on the 1923 list of membership cards and donors discussed above. In May 1935, a newspaper referred to him as "Chief John Parkey of the Michigan Indian Defense Assn." (*Cheboygan Daily Tribune* 5/2/1935). The Michigan Indian Defense Association (MIDA) was a regional group of Indians that was incorporated in 1934. This account clarified that Parkey was a "chief" or the leader of a local council of MIDA. This article did not explicitly identify the MIDA council as a distinct Burt Lake unit. According to the newspaper, a local elected official held a meeting "in the Indian settlement at Burt Lake," and had arranged the meeting through Parkey. This meeting concerned building a recreation of an Indian village in the Burt Lake area to attract tourists. In the same month, when the Cheboygan newspaper reported that the MIDA was sponsoring a series of meetings throughout the State, it stated that the "Indians from Emmet, Charlevoix, and Cheboygan counties" would meet in Petoskey (*Cheboygan Daily Tribune* 5/7/1935). More evidence about Parkey's activities would clarify whether Parkey's MIDA unit was a Burt Lake local council.

The petitioner claims that a Burt Lake group petitioned in 1935 for organization under the IRA that Congress passed in 1934. Fred Kishego and 40 other individuals submitted a petition stating that its signers were "desirous of obtaining the benefits . . . of the new Indian Reorganization Act" to the Commissioner of Indian Affairs on May 13, 1935 (Kishego *et al.* 5/13/1935). The IRA petition signers referred to themselves as "members of the Ottawa and Chippewa Tribes," not as members of a specific band or residents of a specific locality. Most signers, that is some 80 percent (n= 32), gave their addresses as Cheboygan County, the county where the Indian Road settlement is located. Another four individuals gave their address as Pellston, in Emmet County, which oral histories described as within walking distance of the north end of Indian Road. A family of four gave their address as the regional center, Petoskey, in Emmet County. Most of the IRA petition signers (32 of 41) were descendants of 1870 annuitants of the Burt Lake band, as described by Durant in his field notes. The signers of the IRA petition were

predominantly Peter Shawanasige's (Shenoskey) family and relatives, his own in-laws, and his relatives' in-laws.

The composition of the signers on the IRA petition reflects a process of on-going change in the composition of Northern Ottawa and Chippewa communities. Peter Shawanasige's (Shenoskey) was a long time resident of the settlement on Indian Road and his children were raised there. By 1930, his children have married into other communities and may have lived in those communities, even though they signed the petition from Cheboygan County. They signed this document, as have some of their spouses and in-laws. Thus, a change of residence from one Indian settlement to another by some of Peter Shawanasige's (Shenoskey) children was in process. Their new attachments became more obvious between 1920, when his children lived in Burt Township, and 1994, when only some of his descendants, primarily the children and grandchildren of ghost supper hostess Irene Massey and her siblings, appear on the petitioner's membership list.

Peter Shawanasige's (Shenoskey) follow-up letter to the Commissioner, his role in notarizing the signatures, and the predominance of his kin among the signers implies that he played a leadership role in producing this IRA petition. With his family, he also appeared prominently on the 1923 dues register for MIO as the "secretary" of some sort of Burt Lake organization, but only eight of the 44 persons listed on the membership card and donors list also signed this IRA petition twelve years later. That very few individuals known to have been involved with a Burt Lake organization in 1923 also signed this petition sheds some doubt on the petitioner's position that both documents came from the same continuously existing entity.

John Parkey, the "chief" of the local council of the MIDA at the same time, did not sign the IRA petition and played no documented role either in preparing the petition or a follow-up letter to the Commissioner by Shawanasige (Shenoskey). It would appear that the leaders of the IRA petitioning group and the local council of the MIDA were not necessarily acting in harmony for a common group, and may not have recognized each other's claims to leadership. While it is possible that ancestors of the petitioner disagreed on the issue of Federal Indian policy as contained in the IRA, the petitioner did not submit evidence, which is specific to the petitioner, about any disagreements. Evidence available for political activity in the region shows that a split between pro-IRA and anti-IRA proponents, who included members of MIDA, characterized the regional Indian population (see *Grand Traverse Bay Band PF*). If this split also extended to the Indian Road settlement, further documentation, discussion, and oral history pertaining to possible effects of this dispute on the local Burt Lake Indians may provide evidence of political activity in the 1930's for the portion of the petitioner descending from Indian Village. Despite the Government's plans, it appears that Burt Lake individuals became involved in various aspects of these political issues.

One group of Indians supported attempts to obtain benefits under the IRA. However, these Indians appear uninformed as to how they should proceed, one time approaching the Government as a consolidated grouping of Northern Ottawa or Ottawa and Chippewa, and in a follow-up letter signed by one man as a "Cheboygan band." Because the specific language of the IRA petition signed by Peter Shawanasige (Shenoskey), among others, was identical to that in other petitions submitted to the Indian Office (c.f., Shomin *et al.* 3/26/1935; Mastaw *et al.*

3/29/1935; Keway *et al.* 5/10/1935), it is clear that this IRA petitioning group did not develop its own statement. However, a month after he and other signers submitted the IRA petition, Peter Shawanasige (Shenoskey) referenced a "Cheboygan band" and a "committee" of that grouping in a letter to the Commissioner asking about their petition. No descendants of John Vincent signed this IRA petition and only 13 percent of the petitioner's current members descend from a petition signer. A higher percentage of 26 percent of members descending from Burt Lake descend from a petition signer.

MIDA members in the region generally opposed any attempt to organize Indians into tribal organizations under the IRA, or make them "wards," whether on a local "village" or on a regional level. Individuals, who signed other Ottawa and Chippewa IRA petitions with identical language expressed views at public meetings with BIA officials in 1935 that opposed to views expressed by prominent MIDA members. Newspaper accounts linked John Parkey to MIDA. During his life, John Parkey emphasized a "pan-Indian" approach and selling Indian crafts and culture to visiting tourists. The timing of John Parkey's publicized activities, coming the same week of the date of the IRA petition notarized by Shenoskey, points to the possible existence of two conflicting perspectives among the descendants of Indian Village, centered on Indian Road. The petitioner may consider submitting more evidence on this issue.

The BIA did not attempt to organize the Indians who petitioned on May 13, 1935, but there is evidence that the BIA considered using the provisions of the IRA to acquire land and establish an Indian "colony" near Cross Village (BIA ca. 4/27/1935; see also BIA 5/4/1935). A BIA map supporting that plan suggests that residents of the Indian Road settlement at Burt Lake would have been eligible for inclusion in the proposed Cross Village colony. The BIA ultimately decided that it lacked the resources to implement such plans (see BIA 1939, 5/29/1940). If the BIA had received adequate appropriations for land purchases and rehabilitation, however, it would not necessarily have organized groups based on the petitions it had received. It is also ambiguous whether several separate petitions using identical language but submitted separately on different dates sought to organize as one group or as separate groups.

The examples the petitioner submitted of political influence during the 1940's concern two statewide organizations, MIDA formed in 1934, and the Northern Michigan Ottawa Association (NMOA), formed in 1948. According to the president of the NMOA, Robert Dominic of Petoskey, over 4,000 Indians became members of NMOA by 1956. Cheboygan County was within Unit # 1 of the NMOA, which included the northern Lower Peninsula and the Little Traverse Bay area (Dominic 3/15/1956). MIDA organized by geographical "units." It did not organize by local band affiliation. The available evidence indicates that NMOA did not contain a separate Burt Lake band unit, and the petitioner presented no evidence of separate activities exclusive to Burt Lake Indians as a group within NMOA. Oral histories recount that Burt Lake people living on Indian Road, in the surrounding region, and in downstate urban areas paid dues to NMOA in the 1950's and 1960's. The petitioner claims that the chairman of Unit # 6 of the NMOA in the late 1940's was a member of the petitioning group, Francis Shawa of Lansing (Petitioner [2001], 25; Madison 2002, 43). Documentation shows that Shawa was chairman of Unit # 6 in 1956 (Dominic 1956), but the petitioner does not attempt to show that any of his activities in Lansing were part of political activities of a distinct Burt Lake band rather than actions by individuals, who were from various Ottawa and Chippewa communities, living in

Lansing. Margaret Martell indicated that the Lansing unit raised money for NMOA through bake sales, potlucks, and other small-scale events. They sent the proceeds to the head of NMOA, Robert Dominic. Oral history recounts that some Burt Lake individuals, disillusioned with NMOA and Dominic's leadership, dropped their memberships in the early 1970's, but there is no indication that a Burt Lake group withdrew together as a kind of political statement.

A Cheboygan attorney wrote to the Governor of Michigan on behalf of Albert Shananquet, in 1947, to state a complaint that a Petoskey company was cutting timber on land that the Governor allegedly held in trust to "the Cheboygan band of Indians" (Cain 10/22/1947). A State investigation of this timber trespass complaint determined that the company performing the timber cutting had acquired clear title to the former State trust lands at Burt Lake (MacDonald 11/21/1947). The Attorney General concluded that the Cheboygan band no longer had any claim on the lands and that the governor had "no duties to perform as trustee for the Cheboygan band of Indians" and "no power or authority to stop the timber cutting in question" (Black 5/18/1948). The available documentary and oral history evidence does not provide evidence that any group activity led Shananquet to consult this Cheboygan attorney, or that any group responded to this legal opinion. No one interviewed in 2003 had any recollection of these events.

The petitioner claims that "The Band has had a long history of dealings with the Catholic Church," but documents do not contain evidence about the group dealings with the Catholic Church until the late 1980's (Branksy 9/9/1994). Especially before 1950, it may be more useful to determine how the Indians on Indian Road may have utilized St. Mary's Church as a political institution for their own internal group purposes, as other petitioners have done. Since virtually all residents on Indian Road may have been members of that church, it is possible that leaders exercised authority over the group through the church (See *Match-e-be-nash-she-wish Band; Mohegan Tribe*). Issues related to services at the church and the use of its cemetery may reveal that a group decision-making process existed. However, the management of the church and cemetery depended upon a non-Indian institution, the Roman Catholic Church. Particularly useful would be greater description and documentation of the Indian congregation's role, if any, in operating and supporting this institution. There is evidence the Indian congregation of St. Mary's Church on Indian Road conducted services on at least one occasion in the 1930's without their priest. Outcomes of conflict with the missionary priests or church authorities, rejection of an individual for burial in the cemetery, and other assertive actions may indicate that a Burt Lake entity exerted influence.

The petitioner should submit evidence about other forms of informal group leadership during the first half of the 20th century, about which the petitioner could submit evidence. It may be that an individual acted as a broker of employment outside of the Indian settlement, as a crew boss for an Indian labor force, or acted as an intermediary to obtain health services or government benefits for Indians who were not his or her close kin. Photographs show groups of men in lumber camps. Any evidence to indicate that the village had influence on work crew composition, shared equipment, or pooled their resources in any way would strengthen a conclusion that political authority existed in a Burt Lake entity between 1900 and 1920. The available evidence does not now provide examples of any such forms of leadership, pertaining to a Burt Lake entity, which is the petitioner.

During the first half of the 20th century, there were some examples in the available evidence of representation of a Burt Lake or Cheboygan band to outsiders. Enos Cabenaw sought information from Federal officials about the progress of the *McGinn* litigation while claiming to be the leader of the band between 1914 and 1916. In 1923, Albert Shananquet presented a claim for the lost lands of Indian Village on Burt Lake to the Interior Department. John Parkey arranged a meeting between residents of the Indian Road settlement and a local politician in 1935. Peter Shawanasige [Shenoskey] and others presented a petition to the Commissioner of Indian Affairs requesting benefits under the IRA in 1935. Albert Shananquet objected to logging on lands near the traditional village in 1947. However, the available documentation and oral history interviews contain little evidence of group activity or political process leading to or supporting these efforts, although some evidence indicates that dissatisfaction may have stopped the activities of Albert Shananquet in the 1920's. The petitioner might investigate further whether these actions were based on any form of group discussion or decision making by the petitioner's members or ancestors living along Indian Road or elsewhere.

Some of the evidence of political activity presented by the petitioner for the first half of the 20th century relates to Ottawa and Chippewa organizations that were entities much larger than a single band and thus is not evidence under (c) for the petitioner. Albert Shananquet lobbied between 1918 and 1924 on behalf of the "Ottawa and Chippewa Indians of Michigan." This organization may have had committeemen for various bands, but the available evidence does not show that any represented a Burt Lake band or that bands engaged in political activities within the larger organization. Shananquet also participated in the creation of the Michigan Indian Organization in 1923 and apparently served as its president. There is evidence of the existence of a Burt Lake band of the MIO, but the available evidence does not show what activities it may have undertaken. This evidence pertaining to Shananquet's activities does not support the petitioner's claims (Bransky 9/9/1994) that Shananquet exerted leadership over the petitioner from the early 1900's to his death in 1958, especially since his documented political involvement, which ended in the mid-1920's, may have been with regional claims organizations, not the BLB. MIDA organized local councils in the 1930's, but the available evidence does not show that John Parkey headed a distinct Burt Lake council of the MIDA. The context of regional politics, the relative timing of events, and John Parkey's absence from Peter Shawanasige's petition point to the existence of opposing perspectives among Burt Lake descendants, which may be relevant to the political activities within a Burt Lake community. The Northern Michigan Ottawa Association did not contain a Burt Lake band unit, and the available evidence contains no evidence of activities by Burt Lake Indians as a group within the NMOA. The petitioner might consider whether any activities by Burt Lake residents or descendants as a group within these organizations demonstrate that they were a distinct entity, even though part of larger Indian political entities.

There is evidence of group meetings in 1911 related to an effort to reclaim the lost State trust lands, but no evidence that these meetings led to any group decision or effort to advocate for the group on the issue. The accounts of these meetings described no role of Enos Cabenaw, who claimed to be chief of the band at that time. Although a lawsuit against John McGinn was filed on behalf of the group several months after these meetings, the available evidence does not describe any role by any political leaders of a Burt Lake band in persuading the U.S. Attorney to take that action. There is evidence of a possible internal group political conflict in 1909 over the

issue of dividing the State lands at Mullett Lake into individual assignments of land, and of "bickering" and a dispute about "individual properties" possibly related to Albert Shananquet's lobbying about 1924. That documentation is too limited, however, to provide evidence of any leadership or group political process used to resolve such conflict. During the 1930's, IRA petitioners and MIDA leaders may have disagreed about how to respond to Federal Indian policy. The petitioner did not submit specific evidence relating to the affect these events may have had on a distinct Burt Lake entity's political activities.

For the period after World War II and during the 1950's, the petitioner asserts that various individuals – John Parkey, Albert Shananquet, Enos Cabenaw – played leadership roles within a Burt Lake band, but has not demonstrated such activities (Petitioner [2001], 24; Cornell 1994, 159). Cabenaw died in 1942 (*Cheboygan Daily Tribune* 3/5/1942). The petitioner provides no examples of Parkey's management. It cites only the example that in 1957 Shananquet provided evidence about Indian Village as it existed prior to 1900 (Cornell 1994; see Shananquet 5/10/1997). The examples the petitioner presents for political influence in the 1950's relate to the activities of Jonas Shawanesse of Harbor Springs, whom the petitioner claims was the same person as Jonas Shawandase (or Shawandosa) of Northport. Although the petitioner claims that Shawandase began "assisting Burt Lake leaders" after World War II (Petitioner [2001], 23-25; Madison 2002, 40-43), the only examples it presents are Shawanesse's role at a 1956 meeting with the Governor of Michigan, several letters he wrote after that meeting, and his research and lobbying efforts. They also submitted oral histories about his visits to the Indian Road settlement. (Shawa 7/15/1995; 7/28/1995).

In March 1956, Governor G. Mennen Williams of Michigan held a meeting in Lansing to discuss Indian problems in the State. The meeting's stated purpose was general, not specifically to consider any Burt Lake issue or consult with any Burt Lake delegation. About 25 people attended this meeting (Williams 3/12/1956; Hillman 1981, 8). A list of the participants included an entry for "Jonas Shawanesse, Harbor Springs, Michigan (representing Burt Lake band)" (Williams 3/12/1956). For this meeting, Shawanesse prepared a manuscript entitled the "Policy of the Government Towards the Indian," which focused on the burnout of 1900 at Burt Lake (Shawanesse 3/12/1956). His report on Burt Lake was solely about a historical issue of the 19th century. Shawanesse did not claim to represent a contemporary Burt Lake band at the meeting, nor did he mention any existing Burt Lake Indian entity. In the newspapers in following days, he stated that "their major complaint" concerned "375 acres of land on a peninsula jutting out into Burt Lake" (*Cheboygan Daily Tribune* 3/13/1956; Shawanesse 3/15/1956).

References to this meeting by State officials and some newspapers characterized Shawanesse as the "spokesman" for a delegation of "members of the Northern Michigan Indian Club" of Harbor Springs, rather than describing the delegation as one from a Burt Lake band (*Petoskey [News-Review]* 3/13/1956; *Emmet County Graphic* 3/15/1956; Gilmore 4/18/1956; Adrian 4/25/1956). Later, a supporter of Shawanesse claimed that the Burt Lake band had moved to Harbor Springs after the burnout of 1900. One newspaper account, however, referred to Shawanesse as the "manager of the Burt Lake band of Ottawas." It also quoted him as saying, apparently to explain a lack of action before 1956, the "scattered" Indians "couldn't get together for a council" (*Grand Rapids Press* 3/14/1956). This also indicates that he may be referring to a larger group than the people on Indian Road and their associates. The petitioner submitted evidence that, after the

1956 meeting, Shawanesse wrote letters about the Burt Lake land claim to a Lansing newspaper in 1956, the chairman of the governor's Indian affairs commission in 1957, a member of the State legislature in 1957, and a Cheboygan newspaper in 1965 (Shawanesse 3/15/1956, 3/8/1957, 4/2/1957, 5/26/1965).

Although the petitioner presents Jonas Shawanesse as representing its interests in his 1956 meeting with the Governor, it has not demonstrated that such representation was authorized by the Burt Lake descendants centered on Indian Road, or that they knew about the meeting. The petitioner contends that Burt Lake band members attended the meeting with the Governor, however, the attendees do not appear to have been the same group from Indian Road that evolved into the petitioner's organization under Margaret Martell's leadership in 1980. Further, the petitioner has not identified band attendees, except to claim that Albert Shananquet accompanied Shawanesse "to the State Capitol" (White 1980, 95; Cornell 1994, 149, 156; Madison 2002, 44). However, Shananquet's name was not on the list of meeting attendees used by the Governor's office (Williams 3/12/1956). Some attendees descend from Cheboygan annuitants who settled permanently in Harbor Springs, before and after 1900. None of the documentary accounts of the 1956 meeting, its preparation, or its aftermath, mention any role by ancestors of the petitioning group or of people associated with Indian Road at the time. Oral history interviews with the petitioner's members in a group setting reveal they had some contact with Shawanesse through his brother, who married a daughter of one of the Martells without Cheboygan ancestry, and knew he researched land issues. Nevertheless, these recollections also imply that he may have taken up the Burt Lake cause on his own as a way to make money (Shawa 7/28/1995). The petitioner has not submitted evidence to demonstrate that Shawanesse was acting at the direction of Burt Lake band members.

Even though the petitioner's researcher claimed that efforts to gain a settlement for the burnout continued with the State of Michigan throughout the 1960's and 1970's, and that these efforts culminated with negotiations in 1981 and 1982 with the Milliken Administration (Cornell 6/1/1983), the petitioner submitted no documents about any such political activities. Other than references to Robert Dominic's claims activities in the 1960's as part of the NMOA, no Burt Lake political activities were documented in the 1960's and most of the 1970's.

The petitioner submitted evidence to show examples of group political activities by the petitioning group between 1956 and 1977, including anonymous notes on a "deposition" made in 1957 by Albert Shananquet, copies of testimony in an Indian Claims Commission case in 1957, and a statement written by John Parkey for an unknown purpose in 1969. Shananquet's "deposition" about pre-1900 Indian Village neither demonstrated that he was acting on behalf of a contemporary group nor described group political activities of the past (Shananquet 5/10/1957). The depositions for the claims case were not on behalf of any particular band, but on behalf of the "Ottawa and Chippewa Indians of Michigan." Four witnesses testified in 1957 that they had been born in Burt Township, or that a parent or spouse had been, and that a particular family had resided in the Burt Lake area for at least several generations (Martell *et al.* 10/31/1957). Although Joe Kishego testified that his father's father had been a "chief," these depositions provided no information about any political authority, activities, or leaders of any contemporary Burt Lake band. John Parkey's 1969 manuscript recounted legends about historical treaties and the burnout of 1900, events that had occurred prior to his birth (Parkey

1969). It does not provide information about any band political influence or activities during his lifetime.

Oral interviews with the petitioner's members reveal that prior to the organizing efforts that began in 1977 and led to the creation of a formal organization, informal cooperation occurred to arrange social activities. These oral history interviews, however, provide no examples of overt political decision-making, conflict resolution, or other concerted political actions, or political influence of an identified leader or through any informal political process. These interviews contain some general references to disagreements having arisen among the petitioner's members over whether to seek the return of land at Indian Village on Burt Lake or to obtain payment for the loss of land. However, the available oral history and documentary evidence does not reveal specific information on permanent rifts, competing leaders, political factions, or open discussion within the petitioning group over this issue, although all are implied at one time or another. Oral history interviews contained no recollections of Vincent descendants having been part, prior to 1984, of any formal or informal activities, political or otherwise, that involved Burt Lake band descendants or the Indian settlement along Indian Road, with the possible exception of Donald Moore's interactions with two fishermen in the early 1980's.

In 1977, Margaret (Nongueskwa) Martell, who had lived in the Indian Road settlement as a child, wrote a letter to invite "Burt Lake band Member[s] and Heirs" to a meeting in Lansing, where she was living. The meeting was about a proposed lawsuit, which she already had discussed with attorneys at the Native American Rights Fund (NARF) (Martell 10/5/1977). In early 1978, 27 individuals signed a document by which the "Cheboygan band of Ottawa" requested NARF to represent it "relative to the Band's title to land lost" at Burt Lake (Cheboygan band 1/14/1978). At least half of the signers of that request represented the close relatives of Martell and her husband, including their siblings and their siblings' children or grandchildren. Other signers included some of their relatives' Indian in-laws. Some of the Nongueskwa relatives of Martell and some of Peter Shawanasige's [Shenoskey] descendants, who lived in Brutus and Grand Rapids, signed another litigation request, in late 1978 (BLB 11/18/1978; Branksy 9/9/1994).

A new, formal Burt Lake band organization appears to have emerged about 1978 because of these efforts of Margaret Martell. An undated list of the "Committee for [the] Burt Lake band of Ottawa Indians" included nine area representatives: two for Burt Lake, three for Grand Rapids, and one each for Petoskey, Cheboygan, Lansing, and Detroit (BLB ca. 1978). These representatives tended to share Martell's ancestry. A newspaper account, however, referred to an April 1980 meeting in Pellston as one which formally organized the "Burt Lake band of Ottawa and Chippewa Indians" (*Petoskey News-Review* 5/1/1980). That meeting created, and elected, a nine-member board of directors (BLB 4/26/1980). The group incorporated under State law in July 1980. Its articles of incorporation stated its goals of seeking Federal acknowledgment, raising and managing funds, and dispersing information to its members, as well as the original goal of advancing claims for the Indian Village at Burt Lake lands lost in tax sales (BLB 7/16/1980). Martell served as chairman or vice chairman of this organization every year during the 1980's except 1982. The available evidence indicates that a relatively small, closely related group of middle-aged women dominated the organization's leadership from 1978 to 1983.

The petitioner submitted no membership lists of this organization in its early years, but sign-in sheets exist for some of its meetings, and signatures appear on two litigation requests. During the organization's first five years, as few as 11 and as many as 41 persons attended the meetings. No descendants of John Vincent participated in any of these meetings or signed the requests. The majority of individuals were Nongueskwa or Shawwawnonquot descendants. The data reveal that 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 the names can be linked to the petitioner's genealogy database or later membership lists. About 60 percent of these persons (99 of 164) attended only a single meeting or signed the resolution. About 12 percent of all attendees (19 of 164) were present at five or more meetings, and most of these highly active members served as part of the petitioner's governing body during the period.

The majority of these active members were close kin or in-laws of Margaret Martell. Thus, Martell recruited active members primarily from individuals descending from people who lived near each other in Burt Township (on Indian Road) in 1920 and 1930, from families who continued to live there after 1938, and from her own kin and in-laws. The parents of almost all of the highly active members had experienced the burnout of 1900, which may explain why the most active individuals in this organization coalesced around the issue of the lost lands that provided their original purpose for organizing. By 1980, the group added other purposes, including Federal recognition, tracing "blood lines," and social self-determination, to their goals (BLB 7/16/1980). Those active by 1980 include the Griswold/Martells, who were Margaret Martell's in-laws and lived near Indian Road, but who were not descendants of the Cheboygan band. Their presence reinforces the notion that Margaret Martell was enlisting her relatives and associates as members. Neither these sign-in sheets nor the litigation request listed any descendants of John Vincent, between 1978 and 1983.

The groups participating in signing an IRA petition in 1935 or in the meeting with the Governor in 1956 included descendants of Cheboygan annuitants who had never moved to Indian Road after the burnout. In contrast, the people active in this Burt Lake organization with Margaret Martell between 1978 and 1983 were virtually all Burt Lake band descendants whose families had resided on Indian Road after the burnout. Masseys, Parkeys, and Shananaquets who continued to live on Indian Road attended meetings. Despite that 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. 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. The two most common addresses of attendees were Grand Rapids and Lansing, and about 40 percent (66 of 164) of attendees resided in those two cities, although no distinct Burt Lake communities or institutions existed in those urban areas.

Although NARF, in 1977 and 1978, considered litigating the issue of the State trust lands at Burt Lake that had been lost, under either Federal or State law, it also sought a resolution of the issue in 1978 through State legislative action. When it received a reply from the State in 1981 declining to transfer State lands to a Burt Lake group, NARF considered filing a lawsuit to compel the Governor "to implement" the 1903 State Resolution (Locklear 2/20/1981). When the Governor's aide suggested that the State might be able to lease some lands to the band to support

economic development plans, NARF recommended that pursuing such negotiations was preferable to litigating the issue (Quincy 5/27/1982). These discussions eventually led to serious, but unsuccessful, negotiations in 1985 for a transfer to the group of some State lands near Indian Village on Burt Lake.

From 1980 to 1983, a small number of individuals undertook the 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 board, primarily made up of Margaret Martell's close relatives and in-laws, did most of the work. Board membership changed often, although a core of middle-aged women stayed the course. Newsletter descriptions of the organization's activities in 1983 and 1984 disclose that Margaret Martell and a small group of similarly minded individuals influenced activities, group and council composition, and significant decisions made by the council. Documents only rarely discussed activities of the general membership who were not board members or officers. Newsletter references to "poor" meeting turnout imply that they may not have been particularly active (BLB 12/1984). Low participation rates, changing board membership, the abandonment of the original geographical representation, and involvement of a tight group of kin suggest that the petitioner was having problems finding representative and active leaders and attracting enthusiastic members.

The petitioner had significant leadership and organizational needs which the board felt were not being met in 1984 (Shawa 7/14/2003). After one board member allegedly embezzled funds and another chairman withdrew from participating in 1983, Margaret Martell, her niece Irene Howard, and their close associates asked Donald Moore, a descendant of John Vincent, to run for one of several vacancies in April 1984. Howard's memo to Moore is the first instance showing one of Vincent's descendants interacting with the group (Howard 4/5/1984). Moore was elected to the board by the membership with 32 votes, and the board elected him as its chairman. Moore believes that the board had already reached consensus before the meeting, which is an opinion supported by other facts (Moore 7/18/2003). Eyewitnesses believe that the board nominated him because they were attracted to his personality, communication skills, and political shrewdness (Shawa 7/14/2003; Martell 7/23/2003; Shananaquet 7/18/2003). Oral history recounts that Indian Road resident Sam Shananaquet, with possible backing of Henry Shenoskey, opposed Moore's participation (Moore 7/18/2003).

During the 1970's, Michigan Indians were involved in an acrimonious legal and political battle for access to fishing resources in the Great Lakes. The residents of the Indian Road settlement at Burt Lake and their descendants were generally not commercial fishermen. The descendants of John B. Vincent from the last three generations, however, have made a living in fishing and the distribution of fish (Frazier 2003). In 1979, lists of Indians to whom tribes had issued fishing permits included two descendants of John Vincent as "Authorized Sault Ste. Marie Tribal Treaty Fisherpersons" (lists 9/6/1979 *in* DNR 1979-1990), but later lists did not include their names. In 1983, when a court order removed fishermen who were not members of federally recognized tribes from certain commercial fishing areas, the meetings of the Burt Lake band did not discuss the topic of fishing rights. Many Vincent descendants who held State fishing licenses, however, faced the loss of their livelihoods because of this judicial decision in 1983, and another in 1985. The appearance of John Vincent's descendants in the petitioner's records coincides with the closure of certain fishing areas to them. The timing of their first attendance at Burt Lake

meetings, their simultaneous membership applications to other tribes, their attempts to establish a "fishing committee," and plans for a fish-in demonstration suggest that a quest for treaty fishing rights may have attracted Vincent descendants to the Burt Lake organization. Vincent family members acknowledged this motive for joining the petitioner in oral interviews (Moore 7/18/2003; Frazier 7/17/2003).

A non-Indian acquaintance introduced Vincent descendant Donald Moore to Roy Parkey, a resident of Indian Road. Parkey then directed Moore to Margaret Martell when Moore sought admission. Martell looked at documents he showed her, and she decided that she knew some of the people in them. She then sanctioned his membership (Moore 7/18/2003; Martell 7/23/2003). The group had not relied previously on documentation in making membership decisions, because they took in "just who we knew" (Moses 7/14/2003). Martell's approval of Donald Moore would open the membership door to Vincent's descendants. Oral histories by OFA in 2003 contain many statements by individuals involved in the petitioner before 1984 indicating that they had no specific memory of Donald Moore's family. Martell continued to defend her decision through the years, even after the enrollment of Vincent's descendants in the petitioner caused controversy in the early 1990's, when some members attempted to impose a blood degree requirement in an attempt to remove Vincent's descendants from the organization. Margaret Martell and Gary Shawa claim that Martell's reasoning prevailed at a particularly "volatile" meeting. She advocated protecting future generations, which may fall below "quarter blood," by requiring only descent without any blood degree.

Before Donald Moore's election, board members discovered that one of their most active members admitted taking some of the organization's funds for personal use. Moore dealt with this situation during his term of office. The petitioner claims that a 1984 decision to "blacklist" from membership this board member represented an example of the group's exercise of "banishment," a term never used by the group in discussing this affair, as a form of a "traditional political process" (Branskey 5/5/1994). However, the evidence shows that a board member first contacted police in two counties and other authorities to press legal charges against her, and the letter to "blacklist" her went out only after prosecutors refused to indict her. The board members never alluded to tradition in their discussions, and it appears that individuals sometimes took significant actions without board involvement. No evidence indicates that someone in authority consulted the membership before calling in outside authorities, attempting to press charges, or sending the letter that blacklisted her. Other evidence reveals that her family withdrew from the organization. Two other board members, the vice chairman and her husband, also stopped participating at the same time. The petitioner does not discuss any opposition to either turning the matter over to outside authorities or blacklisting her. Oral histories in 2003 indicate that the petitioner's members who descend from Indian Village on Burt Lake continue to interact with the accused woman, who works at LTBB, and her family, who enrolled in LTBB. Although the petitioner expunged her relatives and her from their genealogy database and membership list, the part of the petitioner's membership, which descends from the Burt Lake entity that evolved from Indian Village continues to interact with them socially.

Donald Moore served as chairman for approximately two years, when he suddenly left without explanation. During that two-year period, evidence demonstrates that Donald Moore and Irene Howard took on a variety of activities. They dealt with the Governor and State legislature to

obtain State-owned property near Indian Road, surveyed the membership's attitudes on *per capita* and tribal claims disbursements, represented Burt Lake in dealings with other petitioners and with tribes, supported the crafts co-op, raised funds, and submitted the petition for acknowledgment. Throughout this period, there were obvious attempts to enlist membership participation and to keep the members informed of events, but the group submitted no membership records or lists to define accurately the petitioner's membership at this time. The newsletter refers to sudden problems in 1985 keeping track of membership, issuing cards, and processing applications. Unexplained is whether the sudden influx of John Vincent's descendants, Indian Road descendants joining officially to receive benefits and upcoming docket *per capita* disbursements, or the group's organizing the petitioner's files for the first time caused this enrollment related activity. The available documents name board members, the residents from Indian Road, including Parkeys, Shananaquets, and Masseys, and Margaret Martell's relatives and in-laws, who have been involved since 1980. Donald Moore takes credit for involving the upstate and Indian Road members in the organization and moving the center of activity to the Burt Lake area, rather than Lansing, where Margaret Martell lived. There is some documentary evidence that Moore consulted informally with a group he called "local" members, who were Indian Road area residents. Placed in the social context discussed in (b) and combined with oral history of the period, it is likely that a group of people larger than that reflected in the newsletters followed news of the organization's activities.

Donald Moore became frustrated because he believed that the board and the group's Michigan Indian Legal Services (MILS) attorney could only deal with one issue at a time. He wanted to put "five or six candles in the wind" (Moore 7/18/2003). Specifically, he began the group's first efforts to deal with fishing rights by organizing a fishing committee, which set to work writing regulations for managing a tribal fishery (BLB 3/1986). The committee's function was to deal with 1836 Treaty rights, according to Carl Frazier, president of the non-treaty commercial fisherman's association and a descendant of John Vincent. The petitioner presents no explanation of why a non-Indian fisherman and "friend of Burt Lake," who had introduced Donald Moore to Indian Road resident Roy Parkey, chaired this committee. The new presence of Carl Frazier, Donald Moore's cousin, at meetings with the MILS attorney in 1985 implies that Vincent's descendants may have been pressuring Donald Moore to take up fishing rights (Frazier 7/17/2003; Frazier 4/9/1986). Oral history suggests that the "local" members, who made up most of the committee, and Margaret Martell became enthusiastic and fully supported the approach Donald Moore was taking (Martell 7/23/ 2003; Moore 7/18/2003; BLB 5/4/1986). Their MILS attorney, however, did not, and told Donald Moore and others at a meeting in MILS offices that he would not work with them if they prematurely pursued a fish-in to test their rights (Petoskey 6/13/1986; Frazier 7/17/2003). Moore eventually accepted their attorney's conditions. In the June council meeting, he told the members that treaty fishing, trust, and other issues would have to wait until after Federal recognition (BLB 6/29/1986). The Burt Lake fishing committee did not meet again, and Donald Moore dropped his association with BLB shortly afterward.

Moore claimed that he left because he became disheartened when he could not go to court over fishing (Moore 7/18/2003), but Margaret Martell believed that he was frustrated because he was not getting the "help he wanted" from the membership (Martell 7/23/ 2003). When Donald Moore left, his cousin Carl Frazier seemed to take his place. Donald Moore denied that he purposefully passed off his responsibilities to his cousin, but he realized that if he left, "Carl

[Frazier] and them were attending meetings," and he knew that "someone could step in" (Moore 7/18/2003). In April 1987, Carl Frazier, and two other descendants of John Vincent ran for the board. The voters elected them.

Associated with Donald Moore's departure from the group and the retirement of long-time secretary Irene Howard in 1986, was a drastic drop in documentation. Howard had produced the newsletter, agendas, meeting minutes, and correspondence which traced the group's dealings. Although Howard's leaving left a void in the group's administrative capacities, evidence indicates that the scarcity of documents in the winter of 1986 to 1987 resulted from a lack of activity, not merely a lack of documentation of activities that actually occurred. The group did not publish the newsletter (Parkey 7/29/1987), did not cash checks in a timely fashion, and did not process membership cards (Frazier 7/1987). Although the petitioner's researcher claims that during the 1970's, 80's and 90's the petitioner maintained a continuous meeting schedule and minutes of meetings, there are significant gaps and fluctuations in activity levels (Cornell 1994).

Documents refer to some meetings in 1987, and the agenda for the all band meeting in 1987 indicates that land acquisition, Federal recognition, and enrollment were discussed (BLB 9/1987). After two years of apparent low activity, in June 1988, the board admitted that Donald Moore had quit (Vincent 6/20/1988). Margaret Martell and Katy Beech publicly shared leadership. Documents variously identified them as co-chairmen, or as two vice chairmen. No evidence explains the political process of transition from Donald Moore to Margaret Martell and Katy Beech. The board began working with recognition consultants, Confederated Historic Tribes (CHT) in Lansing. CHT would manage the group's grant from the Administration for Native Americans (ANA). By 1988, Carl Frazier was the main contact to this organization (MCIA 1988). In February 1990, CHT consultant Phil Alexis attended a board meeting and told the board that it needed to become very active, to organize, to lobby, to man phones, and to attend meetings. He said that the board needed someone to keep it going (BLB 2/3/1990). The tone and content of this meeting, as described in the notice and minutes, indicate that an effort was underway to invigorate BLB's board and membership after an apparent four year lull in interest and activity. The documentation did not show if the initiator of this renewed effort was the board or CHT, as part of a project using ANA funds with a general goal of encouraging community development in unrecognized Indian groups.

Carl Frazier collected official documents and equipment held by Donald Moore and Christine Vincent, but no evidence shows whether he kept other descendants of John Vincent informed of the group's business and represented their interests before the board, and the petitioner submitted virtually no evidence about the social interactions of the Vincents as they relates to political activity. Although the petitioner submitted evidence about the social organization and interaction of descendants of Indian Village on Burt Lake for most periods, it submitted almost nothing about the interactions, behavior, and relationships of the descendants of John Vincent, and its narrative does not discuss the Vincent descendants' activities with the same level of detail. Documents name only five or six of the descendants of John Vincent attending activities of the petitioner on a regular basis after 1984. Evidence about Don Moore's and Carl Vincent's social relationship to their relatives may help link the Vincent families, at least minimally, to the political activities of the Burt Lake organization. At present, the great majority of Vincent's descendants are not recorded as politically active in the petitioner.

On April 27, 1991, members elected Carl Frazier chairman, and Margaret Martell stepped down from the board. Also elected as trustees were three other descendants of John Vincent, thus making a total of four on the nine-member board. Because a Griswold/Martell descendant also sat on the board, only a minority of the board members were both descendants of Cheboygan annuitants and residents of Indian Village on Burt Lake. Carl Frazier, owner of a fish distribution business on the Upper Peninsula, brought a businessman's perspective to this position, which he has continuously applied to the present.

Two months before this election, ANA awarded a grant for status clarification to the organization. This money and Carl Frazier's business-like approach immediately seemed to change the way the petitioner ran its affairs. First, the board hired Gary Shawa as executive director, over a second candidate, who was the son of past chairman, Helen (Brown) Menefee, whose background and connection to the petitioner, its submissions do not document. Shawa also located an office in Brutus, Michigan, about five miles from Indian Road. Second, Vincent removed the enrollment files from registrar Loretta (Massey) Parkey's control and sent them to a professional genealogist at CHT. Although the long-time registrar would send out cards, a professional genealogist would do the research downstate. Almost immediately, Loretta Parkey and Alice (Shenoskey) Honson, identified as Parkey's assistant, wrote and 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 offices.

An undated petition to "recall" board members who did not descend from a Burt Lake annuitant and have a one-quarter Burt Lake "blood quantum" circulated, probably in the summer of 1991. The petitioner's researcher characterized it as a temporary dispute over a hiring decision that degenerated into "finger pointing" about the genealogy of the Vincent family (Littlefield 2002c). The recall is directed it at unnamed members on the board of directors, who, according to the recall petition, "are not ¼ Indian Blood and direct descendant of the historical Burt Lake band [erased] appear on the Durant Roll of 1910 [erased] 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 similar questions.

Gary Shawa and others claimed that Helen Menefee, who was angry that the board did not hire her son as executive director, led the recall effort. At the same time, however, Shawa and others said that the dispute concerned "who the Vincents were and where the Fraziers came from" (Parkey 7/18/2003; Shananaquet 7/18/2003; Teuthorn 7/18/2003), which would more directly relate to the recall petition's content about blood degree and descent. The petition was signed by Loretta Parkey, Alice Honson, Helen Menefee and most of Loretta Parkey's relatives and others living near Indian Road. No one signed from the families of Gary Shawa or Margaret Martell. Both of those families had members, including two Griswold/Martells, on the enrollment committee. The petitioner asserts that this three-member enrollment committee became "infuriated" by the recall as a "challenge to their own integrity" (Littlefield 2002c). None of Vincent's descendants signed the recall petition.

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 and Helen Menefee obtained their signatures, including all the Indian members of the fishing committee, when they attempted to oust Vincent's descendants from the board of directors. Oral histories also reveal that "just the people at Indian Road" or "old time Burt Lake people" were influential and acted as a group during the recall. Oral histories referred to a "volatile" meeting in Pellston in the early 1990's, where those in attendance discussed the quarter-blood issue. Margaret Martell argued strongly against such a requirement (Shawa 7/14/2003; Martell 7/23/2003). Her position prevailed. The petitioner submitted no documentation of this meeting, so whether the meeting's agenda related primarily to this recall petition or concerned some other issue, such as membership criteria, is ambiguous.

This dispute did not completely resolve itself after that meeting. Some people involved in it never returned to the petitioner. The petitioner apparently disenrolled others. In fact, Helen Menefee continued to lead a disgruntled group of unknown size and composition, which asked the BIA to help them remove Vincent's descendants from their membership and board. This group wrote and visited government agencies in Washington doing business with the petitioner. They may have held separate meetings, represented its group as the petitioner to outsiders, and criticized the governing structure that allowed the board to make most decisions without input from the membership. They ultimately removed the petitioner's funds from its bank account. The petitioner sued, and a decision in 1995 found in its favor. However, Loretta Parkey and perhaps others in her family did not continue with Honson and Menefee after 1991. The board instituted several changes in governance suggested by Menefee, reviewed their constitution, wrote a letter of apology to Loretta Parkey in April 1992 (Minutes 4/18/1992) and returned the enrollment records to her. She continues to be the current enrollment clerk, in a paid position. Sixteen other recall signers are currently involved in the petitioner, some as very active members. Even so, during the dispute, Carl Frazier contracted Christine Vincent for $5,000 "to do work on the membership files," without the board's knowledge. Without more information on this contract, there is the appearance that Carl Frazier may have attempted to work around the existing BLB structure on an issue of membership and to employ a descendant of John Vincent to do this work.

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 through CHT: an executive director, secretary, genealogical researcher, and research manager. In 1993, the trend to buy services continued. The group hired an accountant, and delegated the treasurer's volunteer tasks to him, prompting the treasurer to ask what the board expected of her, other than monitor the paid accountant. She said that she would complete her term before stepping down. The board hired Melissa Moses as the "organizer facilitator" of a community health grant.

The group changed character under Carl Frazier from an amorphous, somewhat disorganized group of volunteers, dependent on donated space, raffles, and the idiosyncrasies of its leaders to a community action program with a budget near $100,000 and a paid staff. The record between 1990 and 1994 does not show the same kinds and numbers of events as documented before 1986, such as campouts, potlucks, bridge walks, raffles, craft sales, and so forth. Low attendance at a

series of meetings sponsored by CHT in 1993 reflected the apparent diminished interest of members in the group's activities. The lack of participation, particularly by people in Lansing and Grand Rapids, is significant, since before 1984, those communities had been very active. Now the most active location was Mackinaw City, at the south end of the Mackinac Straits Bridge connecting the Upper and Lower Peninsulas. The available evidence seems to indicate that, in 1993 and 1994, participation in the group's activities had diminished from earlier periods.

That member participation was low in 1993 is significant because it suggests that members' interest in BLB was waning even before September 1994, when Congress recognized Little Traverse Bay Bands (LTBB), headquartered only 20 miles southwest of Burt Lake in Petoskey. The Durant Roll ancestors of BLB members who descend from Indian Village are also qualifying ancestors in LTBB. This means that many BLB members are eligible to join LTBB provided they are one-quarter Indian blood. The majority of descendants of John Vincent has no Durant Roll ancestor and do not appear to meet LTBB's blood quanta requirements. Significant numbers of former members of the petitioner have joined LTBB (see criterion (f)). The petitioner's current members told the OFA anthropologist that after LTBB was recognized and BLB was not, some of their members left to receive Federal benefits. However, there is some evidence discussed above that at least some members had already broken their association with BLB as a result of the recall or earlier disputes, such as the apparent embezzlement of funds. Families descending from Indian Village generally acted together when choosing to stay with Burt Lake or enroll in LTBB.

These departures from the petitioner's membership have produced a current membership of limited scope. Families of two paid employees of the Burt Lake organization and their close relatives and in-laws account for just under forty percent (86 of 244) of the part of the membership descending from Indian Road in the current petitioner. An additional 25 percent (46 of 244) of the part of the membership descending from Indian Village in the current petitioner descend from Margaret Martell's parents or her husband's parents. Twelve other members, who do not descend from either John Vincent or any qualifying ancestor at LTBB, are close relatives of a third employee. Many of the remaining members who descend from ancestors on the Durant Roll who are qualifying ancestors for LTBB are people who appear to have "blood quanta" which fall below LTBB's requirement. The board of directors is composed primarily of a small group of related Vincent descendants and relatives of the two employees living on Indian Road.

Other important families mentioned often in oral history or historical documents no longer have any members enrolled in the petitioner. For example, a Burt Lake couple who lived near St. Mary's Church has at least 21 living descendants, none of whom belongs to the petitioner. OFA interviews in 2003 disclosed that individuals enrolled in BLB are continuing to join LTBB. It may be that even if the petitioner were to present a membership only list may individuals who descend from the historical tribe, the list may include only a non-representative part of the entity historically associated with Indian Village on Burt Lake and Indian Road. Further, such a list may represent only part of an actual community of these descendants, as some have joined LTBB but continue to socialize often with those in the petitioner and are also close relatives, including siblings or parents and children. Some LTBB members even attend BLB meetings and

vice versa. The Secretary does not have the authority to recognize part of a currently existing tribe or band, especially when those individuals in the greater portion are members of a federally recognized tribe, and her action would undermine that tribe's right to determine its own membership.

Overview of criterion (c)

The petitioner's narrative occasionally names individuals it believes were chiefs or leaders of a Burt Lake entity from 1900 to 1977. The petitioner presents evidence in a confusing patchwork of individuals and activities, which may or may not be related to each other or to the same entity. In virtually every example, the petitioner has not shown on whose behalf the identified leader acted. Any one of these men, Enos Cabenaw, Albert Shananquet, Peter Paul Shenoskey, John Parkey, and Jonas Shawanesse, may have acted for any one of the following kinds of entities:

(1) A continuously existing Indian entity centered on Indian Road, which may have evolved to be an entity with members enrolled in the petitioner and in LTBB or both;
(2) A possible faction of that entity;
(3) Some other Cheboygan descendants who moved to Harbor Springs or elsewhere in the 19th century, and they did not remain part of the community centered on Indian Road;
(4) All Cheboygan descendants; or
(5) A much larger Ottawa and Chippewa entity, encompassing most of the descendants of the Ottawa and Chippewa treaties.

The petitioner has not provided evidence to explain how the activities of the men named or claiming to be chiefs in its submissions related to a continuously existing Indian entity at the time of their activities, and how that entity relates to the petitioner either as it was in 1977, when Margaret Martell organized it, or at present. Numerous past decisions and important litigation have discussed the necessity of demonstrating a bilateral political relationship between leaders and followers (see *San Juan Southern Piute, Miami of Indiana, Chinook, Snoqualmie, Muwekma*). The petitioner did not submit information making it possible to describe or identify the group of "followers" behind these men's actions showing a bilateral political relationships.

There may be petitioners that are not able to point to a series of named leaders over time because they did not have such leaders, but can demonstrate political authority nevertheless. Oral histories repeatedly indicate that a "gathering" or council of men who met in peoples' homes governed the Indian Road community (Shawa 7/15/1995; Parkey 7/18/2003; Kiogama 7/15/2003; Littlefield 2002c). They discussed politics and other "business" matters, without women or children present (Martell 7/23/2003). Repeatedly, when asked to name leaders, persons being interviewed named a list of heads of households (Shawa 7/15/1995; Parkey 7/18/2003). This evidence points to a political order in which men were equals in *ad hoc* councils formed to deal with specific issues where the mode of decision-making was consensus. Such a council of equals may promote, rather than require, specific behavior. The petitioner has submitted very little evidence for political processes, including such a council, within the Indian

Road community, instead relying on evidence of individuals making political representations to outsiders on behalf of unknown entities. The petitioner may consider conducting targeted interviews with knowledgeable individuals, whether or not members of the current petitioner, who have specific knowledge about these gatherings on Indian Road that are referred to in oral history. Such individuals may still be able to describe internal political processes of a continuously existing Burt Lake entity centered on Indian Road in the last century. Data from such interviews may help determine the significance of documents relating to some named leaders, which the petitioner has already submitted.

Women, too, may play a political role, particularly in advocating for children and on welfare issues. The role women played since 1977 is well documented in the submissions, which do not discuss women's activities before that date. Other petitioners have shown that women actually dealt through church related organizations, similar to the St. Mary's alter society, with common social problems, and in doing so, forced decision making, conflict resolution and other political processes to work on issues of importance to the community, including childcare, money raising, and substance abuse. Women sometimes undertook such activities not only for those who attended church regularly, but also for their kin and associates who stopped attending church or moved to cities (see *MPBI*). The petitioner should provide better explanations of political processes used by women and their political roles before 1977.

In some areas, particularly claims, the petitioner was not autonomous. The evidence submitted appears to be documents produced by and for groups of all Cheboygan descendants or for confederated Ottawa and Chippewa entities including MIO, NMOA, and MIDA. However, it is possible that the petitioner autonomously managed other significant non-claims functions, although the evidence has not yet demonstrated that possibility. Membership and participation in larger groupings for specific functions, such as claims, by individuals or groups does not necessarily conflict with the existence of a separate and autonomous Burt Lake entity. However, the petitioner would have to submit evidence to demonstrate that this Burt Lake entity meets the regulations. Documentation of individual participation in larger entities, such as claims entities, is not evidence for this criterion for the petitioner or part of the petitioner and does not show that the petitioner meets criterion (c).

Conclusion

The petitioner does not meet criterion (c) before 1984 because the descendants of John Vincent, almost half of the current membership, were never part of a Burt Lake political entity, indicating the petitioner is now a different entity from the one that evolved from Indian Village on Indian Road in the 20th century. The petitioner also did not show that the descendants of John Vincent were part of an Indian political entity that amalgamated historically with the petitioner. The petitioner does not meet criterion (c) after 1984 because the petitioner did not demonstrate that the council and leadership, composed of individuals representing all parts of the membership, influenced a predominant portion of the membership. In recent years, only a small core of individuals from two or three families living near Indian Road, from the relatives of Margaret Martell, or from the families of the petitioner's employees participated in political activities and probably exerted some influence on leaders, who in turn consulted with them. Documents and

oral history rarely show most of John B. Vincent's descendants and a large number of other members attending a meeting, voting, or participating in other political activities.

Therefore, the petitioner does not meet the requirements of criterion 83.7(c).

Criterion (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.

Current Governing Document

On December 14, 2002, the petitioner's vice-chairman and treasurer certified that all six present members of the petitioner's then eight-member governing body voted without opposition or abstention in favor of Resolution #2002-14, which certified the group's official governing document and also amended its membership section. The governing document consists of the "By-Laws of the Burt Lake Band of Ottawa and Chippewa Indians, Inc.," adopted on March 6, 1993, except that the amendment passed on December 14, 2002, should entirely replace the existing 1993 Article IV, pertaining to membership (Petitioner 2002, env.: Governing Documents). No "constitution" *per se* appears among the petition documentation, which includes the group's "Articles of Incorporation," received by the State of Michigan on May 17, 1980, and filed on July 16, 1980 (BLB 7/16/1980).

The by-laws provide that the governing body, termed as the Board of Directors, consists of nine persons, elected by the general membership, with four-year terms of office (Petitioner 2002, Article V, Sections 1, 2, and 3). At the time this petition entered active consideration, one of the nine positions on the governing body was vacant. "Staggered elections" are to be held every odd year (Section 3). The executive officers (also referred to as "Corporate officers") comprise chairperson, vice-chairperson, secretary, and treasurer (Article V, Section 4). The by-laws do not contain any age requirement for membership, but stipulate voting age and candidacy age as 18, although candidates for chairperson must be at least 21 (Article IX, Sections 1 and 2).

The articles of incorporation and the by-laws may be amended by "an affirmative vote of five (5) members" of the governing body (Article XII, Sections 1 and 2). The four officers of the governing body also form the executive committee, and the chairperson has the authority, with the approval of the rest of the governing body, to appoint persons to the finance, personnel, and standing committees (Article VII). The frequency of regular meetings of the governing body is to be at least four times a year (Article X, Section 1), although minutes indicate regular meetings occur as often as monthly. The by-laws also provide for a staff position of executive director, reporting to the governing body (Article VIII).

Membership Criteria

The membership criteria delineated in the December 14, 2002, amendment resolution require applicants to document their descent from at least one person of Indian blood whose name appears among any of three categories of historical lists or series of records (Petitioner 2002, env.: Governing Documents). The first of the three categories combines the 1870 annuity list of the Joseph Way-bway-dum band with Horace Durant's 1908 field notes and 1910 roll of descendants of those annuitants. The second category includes individuals identified as Cheboygan band allottees or homesteaders "pursuant to the 1855 Treaty of Detroit" as qualifying ancestors. The third category identifies the Indian Population schedule of the 1910 Federal Census of Burt Township, Cheboygan County, as the final list comprising qualifying ancestors. The amendment also offers the alternative of an applicant documenting that he or she is the biological child of an accepted member. No blood quantum appears in the current membership requirements.

The by-laws neither mention an enrollment committee nor define an enrollment procedure. However, there does appear to be continuity in the review of membership applications insofar as the same membership or enrollment clerk's signature appears throughout the collection of membership documents in the folders created for each member, photocopies of which were submitted by the petitioner. It does not appear that a membership committee systematically reviews and updates the membership list because the petitioner's certified membership list included deceased members, relinquished members, and persons who have not yet submitted membership applications (described more fully in the summary under criterion Section 83.7(e)).

A significant percentage of members of this petitioner have Michigan Indian ancestry that qualifies them for membership in federally recognized tribes. As a result, many members of the petitioner have relinquished their membership in the petitioning group to join federally recognized tribes, or have joined such tribes without relinquishing membership in the petitioning group. The governing document does not contain policies regarding the acceptability of members' enrolling in acknowledged North American Indian tribes nor the consequences of relinquishing membership.

Previous Governing Documents and Membership Criteria

Minutes from the petitioner's meeting of May 17, 1980, record the agreement of the governing body that members should have a blood quantum of one-fourth, based upon ancestors designated as Cheboygan, Traverse, or Mackinac Band on the Durant Roll (BLB 5/17/1980). In 1982, an amendment expanded acceptable ancestors to include those appearing on any "roll, census, or record made for the Burt Lake band" by DOI or BIA officials, or those who resided on "traditional land held by the Burt Lake band" from 1880 to 1910, and the one-fourth blood quantum requirement applied only to persons being adopted by members (BLB 8/14/1982). The provision for adoptees approved in 1982 did not appear in the 1989 amendment, nor in the by-laws as adopted in 1993 (Petitioner 2002, Exhibits 1980-06).

Earlier membership criteria show the beginnings of the three current avenues to membership. Descent from 1870 annuitants, as represented by descendants in the Durant Roll, has been required since 1980. However, the by-laws specified descent from the Joseph Way-bway-dum band (on page 31 of the 1870 annuity list) beginning in 2000. Second, an ancestor's residence upon the Burt Lake band's traditional lands between 1880 and 1910 first appeared as a membership avenue in 1989. In 2000, that provision was replaced by an ancestor's receipt of a "Cheboyganing/Burt Lake band" allotment or Indian homestead. In 2002, an ancestor's appearance on the Indian Population schedule of the 1910 Federal Census of Burt Township became the third membership avenue.

The by-laws adopted on March 4, 2000, added several sections to the membership by-laws, empowering the governing body to enact ordinances governing adoption, voluntary and involuntary relinquishment, reinstatement, enrollment in acknowledged tribes, and closing the membership roll (Petitioner 2002, file: Blackwell). However, the by-laws of 1993, not 2000, were certified as the current governing document, and the December 14, 2002, resolution amending the membership by-law established entirely new language in any event.

A majority vote of the governing body, rather than of the membership, adopts and amends the by-laws, but member concern over the interpretation of the membership requirements became evident in 1991 following the admission, and subsequent rise to leadership, of descendants of 1875 allottee John Vincent. Two members wrote grievance letters, alleging that John Vincent descendants were non-native and not descendants of the Burt Lake band (Menefee and Honson 12/10/1991). The unsigned reply stated that the Cheboygan band allotment list, on which Vincent appeared, met the May 20, 1989, membership by-law definition of a record made for the Burt Lake band by officials or agents of the Federal Government (BLB 12/12/1991).

Conclusion

The petitioner submitted its current governing document, including its membership criteria. Therefore, the petitioner meets the requirements of criterion Section 83.7(d).

Criterion (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.

In order to meet criterion (e) under Section 83.7, a petitioner must demonstrate that its current members descend from a historical tribe or band, or tribes or bands that combined and functioned as an autonomous entity. Therefore, the petitioner must (1) identify its current members, (2) identify the historical tribe or band and the individuals in that historical tribe or band from whom its current members descend, and (3) document that descent.

Analysis of this petition under criterion (e) encountered challenges in identifying both the petitioner's current members and the historical band from which they claim descent. OFA found 43 percent fewer current members than the petitioner claimed on its membership list received on January 21, 2003. Of the reduced total determined to be current members, OFA also found that about half descend from ten families on the 1870 annuity list of the Joseph Way-bway-dum band, and about the other half descend from one person on the 1875 schedule, or list, of allotments in the Cheboygan reserve. The petitioner provided photocopies of the contents of its membership folders, and this enabled OFA to confirm that, with very few exceptions, the petitioner's current members have demonstrated descent from their claimed ancestors. However, not all of the claimed ancestors have been satisfactorily documented as members of the historical band.

Current Members

The first membership list supplied by the petitioner, certified on September 9, 1994, identified 634 persons, but lacked birth dates for 43 people (7 percent), and lacked residential addresses for 125 persons (20 percent) (Petitioner 1994, v.3, app.13). The petitioner's undated "master enrollment list" furnished at the outset of active consideration, received on December 16, 2002, included 858 people, but without a single birthdate or residential address (Petitioner 2002 "list"). The petitioner was given the opportunity to submit a certified membership list that conformed to the regulations at Section 83.7(e)(2).

The membership list received by OFA on January 21, 2003, was certified by the petitioner as being complete up to December 23, 2002, and included the required fields for recording full name (including maiden name), date of birth, and residential address (Petitioner 2003). Columns created for recording additional information such as names of father and mother, gender, and death date also appeared on the certified membership list. However, the certified membership

list of 861 entries included 3 entries marked "error," 38 deceased members, 68 without birth dates, 185 without residential addresses, and 59 with post office rather than residential addresses.

At OFA's request, the petitioner provided photocopies of its membership folders, containing the documentation it found acceptable to prove an individual's ancestry back to one or more qualifying ancestor. This collection contained 830 membership folders or place-holder cards for folders that were missing at the time of photocopying. OFA's initial review of the membership folders found a significant absence of signed application forms (n=319), and a significant presence of signed relinquishment letters or forms (affecting 114 individuals).

Evaluation of the 861 individuals certified by the petitioner as its members would be meaningless, if not impossible, if those members were deceased, not yet members, or had relinquished their membership. Therefore, the members evaluated under the criteria for purposes of the proposed finding include those who (1) were alive, (2) had submitted signed application forms, and (3) had not subsequently submitted signed relinquishments. The total number of members meeting those three definitions is 490, which includes 20 members whose membership folders had insufficient documentation to support their ancestry as presented on their ancestry charts.

Historical Band

The resolution passed by the petitioner's governing body on December 14, 2002, requires its members to trace their ancestry to an Indian (1) appearing on the 1870 annuity list of the Joseph Way-bway-dum band as also reflected in Durant's 1908 Field Notes and 1910 Roll, (2) receiving a Cheboygan allotment or homestead resulting from the 1855 Treaty of Detroit, or (3) enumerated on the Indian Population schedule of Burt Township in the 1910 Federal Census. However, this proposed finding concludes that the most recent identifications 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. A fuller discussion of the analysis of the historical band is found earlier in this finding.

Evidence of Descent

Evidence acceptable to the Secretary which can be used to demonstrate descent from a historical tribe (or tribes which combined and functioned as a single autonomous political entity) includes:

- Section 83.7(e)(1)(i) Rolls prepared by the Secretary on a descendancy basis for purposes of distributing claims money, providing allotments, or other purposes.

Acceptable evidence of this type consists of the 1910 Durant Roll, submitted by the petitioner. The 1910 Durant Roll, however, is not a stand-alone document, and relies upon the 1908 Durant Field Notes and the 1870 annuity list of the Joseph Way-bway-dum band (page 31) in order to

successfully document descendants of the historical Cheboygan or Burt Lake band. The 1870 annuity list identifies 33 families of the band, which Durant termed the "Burt Lake" band in his 1908 field notes. In his field notes, Durant, with the assistance of the "Cheboygan chiefs," identified the descendants of those 1870 annuitants, both living in and deceased by 1908.

The Durant materials recorded the names, ages, residences, and relationships of *descendants* of those Ottawa and Chippewa Indians of Michigan recorded in the 1870 annuity list, in which the Joseph Way-bway-dum (Cheboygan or Burt Lake) band appears on page 31. The Durant materials do not purport to document any tribal relations among those descendants in 1908 or 1910. Therefore, the field notes and roll prepared by Durant constitute evidence of Burt Lake band ancestry of these individuals living in 1908, but do not constitute evidence of members of a tribe, or even that a tribe continued to exist in 1908.

Individuals on the 1910 Durant Roll, who are also found in the 1908 Durant field notes for page 31 of the 1870 Ottawa and Chippewa Indians of Michigan annuity list, have met this regulation's definition of proving descent from the historical band. For the slightly less than half of the petitioner's membership with 1870 annuitant ancestors, the 1910 Durant Roll provided satisfactory evidence of descent between 1870 and 1908-1910, and those members needed only to document their descent from individuals on this 1910 Durant Roll.

- Section 83.7(e)(1)(ii) State, Federal, or other official records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.

Annuity Lists

Annuity lists, which identified the heads of every family considered to be part of the band in those years in which annuities were paid, are acceptable evidence of this type. Thus, annuity lists serve to define the historical band more than to describe descendants of the historical band. Individuals who were ancestors of current members of the petitioner were tracked in annuity lists of 1865, 1868, and 1870, although the petitioner supplied copies of even earlier annuity lists. The 1870 annuity list formed the basis of Durant's efforts to identify descendants of the Ottawa and Chippewa Indians of Michigan involved in the Treaty of 1836, as discussed previously.

The 1865 annuity list of the Joseph Way-bway-dum band identifies 31 families, 24 of which are also on the 1870 annuity list (McClurken 2002, Ex. 22). The band's 1868 annuity list identifies 32 families, 26 of which also appear on the 1870 annuity list (Lantz 1993, 89). The most recent government-generated listing submitted by the petitioner of contemporary members of the Joseph Way-bway-dum band is the 1870 annuity list of that band. It identifies 33 heads of families by name, and records the number of men, women, and children in every household, for a grand total of 108 individuals.

Of those 33 families, 22 had identifiable descendants yet living in 1908. Ten of those annuitant families are ancestral to 224 (of 490, or 46 percent) current members: Joseph Way-bway-dum, Non-quaish-caw-waw [Louis Nonqueskwa], [Antoine] Shaw-waw-now-now-quot, Aw-be-taw-get-zhe-go [George Shenoskey], [Louis]Shaw-bwaw-sung, Theresa Way-win-ding, Wm. Mick-

se-nin-ne, Mrs. Wm. O'Flynn, Isaac Shaw-waw-now-now-quot, and Ignatus Kaw-be-naw [Enos Cabenaw].

Allotments

One of the petitioner's three membership requirements states that a potential member's ancestor's name must appear on "The Cheboiganing/Burt Lake band's land allotments or homesteads pursuant to the 1855 Treaty of Detroit." A detailed description of the protracted process of allotting the Ottawa and Chippewa Indians of Michigan between 1855 and 1875 appears earlier in this finding. Four types of land records resulted from the 1855 treaty: the 1857 allotment choices, the 1864 allotment choices, the 1875 schedule of allottees, and Indian homesteads authorized by the Act of June 10, 1972. OFA located the earliest two of these four records, and concluded that these identifications of Ottawa and Chippewa descendants whose band affiliation was identified as "Sheboygan" constituted good evidence of membership in the historical band, as mentioned above.

The receipt of an allotment in the Cheboygan reserve in 1875 was not limited to members of the historical Cheboygan band. As summarized in Appendix A, OFA research found that 8 of the 45 allottees named on the petitioner-supplied 1875 schedule of allottees in the Cheboygan reserve (Townships 35 and 36 N, Range 3 W) belonged to the Ance, Bois Blanc, Thunder Bay, and Mackinac bands, and 19 allottees on the 1875 list who received patented land in the Cheboygan reserve did so without leaving evidence of tribal affiliation that has been located to date. Also, 18 Cheboygan allottees who selected allotments outside of the Cheboygan reserve were not on the 1875 list. Thus, appearing on the final 1875 list of allottees of land in the Cheboygan reserve does not automatically translate to affiliation with the Cheboygan band, nor did the 1875 list encompass Cheboygan Indians who were allotted elsewhere. As it cannot be relied upon to identify "ancestors of present members as being descendants of" the Cheboygan, Joseph Way-bway-dum, or Burt Lake historical band, the 1875 schedule of allottees is not considered acceptable evidence of descent from the historical band under criterion (e).

OFA's analysis of this 1875 list of 45 patentees found that only 5 have descendants in the current membership: Joseph Way-bway-dum, [Antoine] Shawwawnonquot, [Louis] Shaw-bwaw-sung, Theresa Way-win-ding, and John Vincent. John Vincent (born 1816 – died 1903) is the only one of those five who did not also appear as the head of a family on the 1870 annuity list of the Joseph Way-bway-dum band, or of any other band. Historical affiliation is not listed for John Vincent, who sold his allotment before it was patented, and there is no evidence that he ever lived on it. Acceptable evidence of John Vincent's tribal affiliation has not been located to date.

Of the 490 current members, 233 descend from John Vincent, 211 descend from Joseph Way-bway-dum, Antoine Shawwawnonquot, Louis Shaw-bwaw-sung, or Theresa Waywinding, and 33 have no ancestors among the allottees. The remaining 13 members have, as their only allottee ancestor, Cheboygan annuitant and allottee Louis Nongueskwa who selected land in Emmet County, and 4 of those 13 also descend from Cheboygan annuitant Enos Cabenaw who obtained an Indian homestead (see following).

Indian Homesteads
The wording of the petitioner's membership requirement allows for the consideration of all historical individuals receiving Cheboygan allotments and Indian homesteads between 1855 and 1875. However, the documentary evidence submitted by the petitioner pertaining to allotments consisted solely of the 1875 allotment list, without records of the earlier Cheboygan allotment choices of 1857 or 1864, nor any Indian homestead entries under the Acts of June 10, 1872, or March 3, 1875, pursuant to the 1855 Treaty of Detroit.

OFA located nine Indian homestead patentees, who would be considered "qualifying ancestors" under the petitioner's second membership by-law. While the 1857 and 1864 allotment selection records did identify band affiliations, the Indian homestead records of 1872 and 1875 did not, requiring applicants to swear only to their membership in the "tribe of Indians known as the Ottawas and Chippewas of Michigan" (GLO ca. 1872, Josette Shawwawnequom FC #3471, 3). As they cannot be relied upon to identify "ancestors of present members as being descendants of" the Cheboygan, Joseph Way-bway-dum, or Burt Lake historical band, the 1872 Indian homestead records are not considered acceptable evidence of descent from the historical band under criterion (e). However, the records contain genealogical detail which made them useful in documenting overall descent. OFA found that four of these nine Indian homesteaders have descendants in the current membership: Ignus Kaw-be-naw [Enos Cabenaw], Isaac Shaw-naw-not-quot, Moses Nag-ga-skaw [Nongueskwa], and Paul Nongueskwa. The first two homesteaders also appear as family heads on the 1870 annuity list, and the latter two are sons of an 1870 annuitant.

Federal Census Records, 1850-1930
Federal decennial population schedules do not identify ancestors of members as descendants of a historical band, although the special Indian Population schedules in 1900 and in 1910 did record the general tribal affiliation of each person and of his or her parents. These census records are acceptable evidence of genealogical descent and helped to document the direct descendants of members of the historical band. The petitioner supplied some census abstracts, as well as census photocopies in membership folders, and OFA obtained additional census photocopies from the National Archives.

The Federal Census of 1900 and 1910 included special Indian Population schedules, on which enumerators were to record every family composed mainly of Indians (Commerce 1979, 39, 49). Indeed, Indian Population schedules exist for Cheboygan County in 1900 and 1910. These schedules do not purport to record bands or tribes, although a general tribal affiliation was requested for each person recorded. In the case of Burt Township, most of those enumerated on the 1900 Indian Population schedule as "Chippewa" later appeared on the 1910 Indian Population schedule as "Ottawa."

The June 1900 Indian Population schedule of Burt Township identifies 77 Indians living in Burt Township, but does not denote the enumeration of a specific village or Indian settlement. Of the 77 Indians recorded in the Indian Population schedule of Burt Township in 1900, 66 survived until 1910, but 19 of those 66 were not in the 1910 Indian Population schedule of Burt Township.

Tracing one's ancestry to someone on the 1910 Indian Population schedule of Burt Township is one of the petitioner's three avenues to membership, per the December 14, 2002, amendment resolution. The 1910 Indian Population schedule of Burt Township enumerates 128 individuals in total, including 122 identified as "Indians," but the schedule does not specify that the enumerated Indians lived in one settlement. Even if a settlement were presumed or documented, it may not embrace the entire band in view of the burnout of October 1900 which resulted in a dispersion of the group. The 1910 Indian Population schedule of Burt Township included, among others, a member of the Boda family (which began marrying into the group around 1890), and an Indian Martell family who do not trace to Cheboygan annuitants or allottees, yet who are ancestral to current members.

Among the petitioner's current 490 members, 244 (or 50 percent) have at least one ancestor on the Indian Schedule of the 1910 Federal Census of Burt Township, and 246 (or 50 percent) do not (of whom 233 are Vincent descendants, and 13 have no qualifying ancestry). A total of 20 members (or 4 percent) descend from an ancestor on the 1910 Indian Schedule of Burt Township without having ancestors who were annuitants of the Joseph Way-bway-dum band or Cheboygan band allottees or Indian homesteaders. These 20 members descend from either Elizabeth (Martell) Griswold or Charlotte Boda (1887 – 1981).

Overall, census schedules of Burt Township from 1860 through 1930 identified an Indian population there of 70 in 1860, 65 in 1870, 79 in 1880, 77 in 1900, 122 in 1910, 59 in 1920, and 56 in 1930. Tuscarora Township, which was formed from Burt Township in 1877, constituted half of the Cheboygan allotment reserve. Its Indian population was 28 in 1880, 7 in 1900, 6 in 1910, 2 in 1920, and 8 in 1930. No current members trace to Indians residing in Tuscarora Township between 1900 and 1930. Some current members do trace to Indians residing in 1920 and 1930 in Mullett Township (formed from Burt Township in 1916). John Vincent and his family were enumerated in 1850, 1860, 1870, 1880, and 1890 in the northern area of Cheboygan County that became the town of Cheboygan, some 20 miles northeast of Tuscarora and Burt Townships.

- Section 83.7(e)(1)(v) Other records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.

The following records contain evidence accepted as identifications of ancestors of present members as being descendants of a historical tribe.

1897 McGinn Letter

The petition narrative cites a letter sent by John W. McGinn to the 22 individuals who, on December 5, 1897, owned homes on the land in Burt Lake Village that McGinn had purchased. This letter is not found in the petition documentation, although a transcription of it appears in McGinn's county court petition for a writ of restitution, located by OFA (McGinn 1/18/1898). Fifteen of these 22 homeowners, or their survivors, also appear among the 24 homeowners identified in the Indian Population schedule of the 1900 Federal Census of Burt Township, Cheboygan County. Thirteen of these 22 homeowners are ancestral to some of the petitioner's

current members. John Vincent does not appear in McGinn's letter, and current members who descend from him do not have any ancestors identified in McGinn's letter.

1899 Shananquet "Map"
The petition also furnishes a replication of a "map" purportedly drafted by Albert Shananquet in the 1950's, naming the owners and illustrating the relative positions of houses and buildings in Burt Lake Village in 1899 (Shananquet n.d.). Twenty-three homeowners' names plus one church and one schoolhouse appear in two columns on this "map." Twenty of these 23 homeowners in 1899 also appear in McGinn's description of 22 homeowners in 1897. Sixteen of these homeowners, or their survivors, also appear among the 24 homeowners identified in the Indian Population schedule of the 1900 Federal Census of Burt Township. Thirteen of these 23 homeowners are ancestral to some of the petitioner's current members. John Vincent does not appear on Shananquet's map of homeowners, and current members who descend from him do not have any ancestors identified on Shananquet's map.

The following records do not contain identifications of ancestors of present members as being descendants of a historical tribe, but instead provide evidence such as names, residence, and ages, which helped in the process of documenting the direct descendants of claimed ancestors.

Civil War Service and Pension Records
OFA obtained photocopies of these Federal records for John Vincent, Francis Bourasaw [Bourassa], and Moses Hamlin. These records provided genealogical data, and, in his pension file, John Vincent cited three different places on the north shore of the Upper Peninsula as his birthplace in 1816.

1881 Manuscript Census
Ten of eleven handwritten pages from the "Jonas Shawandose collection," provided by the petitioner without further description of provenance, contain a type of census of 25 families (Shawandose papers ca. 1880's). The legal descriptions of landholdings which are furnished for many families enumerated in this census pertain to Burt and Tuscarora Townships. By comparing the ages of the individuals in this manuscript census to those listed in the 1880 Federal Census of Burt and Tuscarora Townships, it seems probable that the manuscript census was created in 1881 or early 1882. John Vincent's family is not among those enumerated.

1894 State Census and GAR Records
OFA consulted published extracts from the 1894 Michigan State Census identifying Civil War veterans, as well as Grand Army of the Republic records for its Ruddock Post in the city of Cheboygan. Both records confirmed John Vincent's residence and status as a veteran, but the latter did not add new information.

1935 IRA Petition
The petitioner furnished a copy of a petition signed on May 13, 1935, by 41 adults from Cheboygan or Emmet Counties (Fred Kishego *et al.* 5/13/1935), seeking benefits under the IRA. Petitioner claims that the signers represent the Burt Lake membership at that time insofar as "[a]ll but one of the signers trace back" to the Joseph Way-bway-dum band annuitants of 1870 or Cheboygan allottees or Indian homesteaders (Petitioner 2002, Political Influence binder at tab

1930's). The petitioner's genealogist offered her interpretation of those names, and furnished what she believed to be each signer's qualifying ancestor on the 1870 annuity list, using Durant's coding system (the family or sequence number of each 1870 annuitant followed by the page number of each band as it appears on the 1870 annuity list).

OFA's analysis found that 9 of the 41 signers had no blood link to Joseph Way-bway-dum band annuitants. Of the 32 who had Joseph Way-bway-dum band ancestry, 21 have no descendants in current membership, and none are now living themselves. These 32 signers could trace to a total of 16 of the 33 annuitant families of 1870, whereas the petitioner's current members can trace to a total of 10 annuitant families of 1870. A total of 13 of the 41 signers were enumerated as residents of Burt Township in the 1930 Federal Census.

None of the 1935 signers were descendants of John Vincent, and no current members who are descendants of John Vincent trace their ancestry to any signer of this 1935 petition.

Of the 490 current members, 66 (or 13 percent) trace their descent from 11 of these 41 IRA petition signers. Thus, 87 percent of current members are not represented by ancestors who signed this petition in 1935. Removing current members who are Vincent descendants (n=233) from the overall membership total raises the percentage of current members represented by ancestors who signed the 1935 petition to 26 percent (66 of 257).

Internet Sources
Internet sources used included on-line indices to the 1870 Federal Census of Michigan, to the 1870 annuity list and 1910 Durant Roll, to marriages and deaths in Cheboygan, Emmet, and Mackinac Counties, and to newspapers of Cheboygan and Mackinac Counties 1871-1929.

Membership List

Section 83.7(e)(2) requires that a petitioner submit a separately certified membership list of all of its current members, including full names (including maiden name), birth date, and residential addresses. The petitioner's membership list, revised and resubmitted at OFA's request, contained 861 entries and included columns for the recording of the mandatory aspects of a certified membership list. However, the list of 861 names was missing 68 birth dates and 185 residential addresses, contained 59 non-residential addresses, and included 38 deceased members. Later review of the petitioner's membership folders showed that 114 of these members had already furnished written relinquishment letters or forms to the petitioner, and 319 had not submitted signed application forms.

Conclusions

Three percent of the petitioner (n=13) had no ancestor appearing on the 1870 annuity list (or the Durant 1910 Roll), in the 1855-1875 records of Cheboygan band allottees, or on the Indian Population schedule of the 1910 Federal Census of Burt Township. Four percent (n=20) trace to ancestors who arrived in Burt Township after 1900. The remaining 457 members fall into two

segments of nearly identical size. One segment consists of 224 current members who each has anywhere from one to five ancestors on the 1870 annuity list, and anywhere from one to three ancestors who either are identified as Cheboygan in the allotment records or are Indian homesteaders who are themselves, or are sons of, 1870 annuitants of the Joseph Way-bway-dum band.

The other segment, totaling 233 current members, consists of descendants of John Vincent, who obtained and sold his allotment in the Tuscarora Township half of the Cheboygan reserve. No records reviewed to date identify John Vincent as an Indian of the Cheboygan band, but only as an allottee within the Cheboygan reserve. The research presented in this proposed finding demonstrates that Indians of bands other than Cheboygan obtained allotments in the Cheboygan reserve. Hence, unless evidence emerges that identifies John Vincent as an Indian of the Cheboygan band, his descendants cannot be considered to have Cheboygan band ancestry on the basis of John Vincent's allotment.

Thus, 224 members (or less than 46 percent) can trace to Indian ancestors identified as 1870 annuitants of the Joseph Way-bway-dum band, and as "Sheboygan" in 1857 and 1864 allotment records. The same 224 members descend from individuals on the circa 1900 lists of residents of Indian Village on Burt Lake. Another 20 members (4 percent) trace to Martell and Boda women who arrived in Burt Township after 1900 and did not marry men with Cheboygan band ancestry, but were recorded as Indian residents of Burt Township in 1910. A total of 246 (50 percent; 233 Vincent descendants + 13 with no qualifying ancestry) have demonstrated descent from ancestors who are not identified as members of the Cheboygan, Joseph Way-bway-dum, or Burt Lake band. With only 46 percent of its membership able to document descent from the historical Cheboygan band, the petitioner does not meet the requirements of subsection 83.7(e)(1).

The petitioner's membership list fails to provide fully the required birth and residential address data. In addition, the membership list includes individuals who are deceased, have not submitted signed applications, or have relinquished their membership. The petitioner has the opportunity during the comment period to prepare and certify a list of all known current members, with the required birth and residential data, which does not include deceased persons, non-members, or former members. Copies of membership lists prior to 1994 should also be submitted. These additional steps are necessary in order to meet the regulations at subsection 83.7(e)(2).

Therefore, for these reasons, the petitioner does not meet the requirements of Section 83.7(e).

Criterion (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.

The names of the 830 persons for whom the petitioner submitted membership folders were compared with current tribal rolls and membership records of five federally recognized Ottawa or Chippewa tribes in the same general geographic area as the petitioner: Bay Mills Indian Community, Grand Traverse Band of Ottawa & Chippewa Indians, Little Traverse Bay Bands of Odawa Indians, Little River Band of Ottawa Indians, and Sault Ste. Marie Tribe of Chippewa Indians. The tribal rolls did not indicate when each member joined, but evidence in the petition shows that enrollment of the petitioner's members elsewhere has occurred since at least 1994, the first year in which members' written relinquishments listed their reason for relinquishing membership as "enrollment at Little Traverse Bay Bands."

The Little Traverse Bay Bands tribe requires its members to demonstrate that they are one-fourth Indian. At least one-eighth blood quantum must derive from ancestors identified on the Durant Roll as belonging to any of 12 "Traverse" bands (also identified on pages 20-37 of the 1870 annuity roll) (LTBB 8/27/1995, 2; 8/18/2002). Among these 12 bands is the Joseph Way-bway-dum band, from which 224 current members of the petitioner descend.

In 1994, the petitioner's group consisted of 634 members, 174 of whom are currently enrolled in federally acknowledged tribes, although only 106 have formally relinquished membership in the petitioner. A total of 219 of the 830 individuals with membership folders (26 percent) appear as members of two of the above five federally recognized tribes, and 125 of those 219 members have no relinquishment letters or forms in their Burt Lake membership folders. In that sense, those 125 members would be considered members of an acknowledged North American Indian tribe while retaining membership in the petitioning group (125 of 830 is 15 percent).

However, this proposed finding does not consider all 830 individuals with membership folders as current members Only the 490 of those 830 individuals who are alive, with signed applications, and without formal relinquishment are viewed as constituting the current membership. A total of 50 of those 490 current members of the Burt Lake petitioner (about 10 percent) appear as members of the federally recognized Little Traverse Bay Bands (n= 38) or Sault Ste. Marie Tribe (n= 12) by virtue of their appearance on membership lists of those tribes, through confirmation with those tribal offices, or per testimony of the chairman of a tribe. Among these 50 members enrolled elsewhere are two members of the petitioner's governing body. The chairman of the Sault Ste. Marie Tribe of Chippewa Indians revealed in court proceedings that the petitioner's current chairman is enrolled in that tribe (Bouschor 2002, 3).

Conclusions

The portion of the petitioner's members enrolled in acknowledged North American Indian tribes is just over 10 percent (50 of 490), based upon the definition of current membership used for this proposed finding. Thus, the petitioner is composed principally (about 90 percent) of persons who are not members of any acknowledged North American Indian tribe, and, therefore, meets the requirements of criterion (f).

Criterion (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.

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 Section 83.7(g).

Summary

The evidence available for this proposed finding demonstrates that the Burt Lake band of Ottawa and Chippewa, Inc., petitioner does not meet all seven criteria required for Federal acknowledgment. Specifically, the petitioner does not meet criteria Section 83.7 (a), (b), (c), or (e). In accordance with the regulations set forth in 25 CFR Part 83, failure to meet any one of the seven criteria requires a determination that the group does not exist as an Indian tribe within the meaning of Federal law. Therefore, the Department proposes to decline to acknowledge the Burt Lake band of Ottawa and Chippewa, Inc., as an Indian tribe.

Description and Analysis of the Evidence for the Proposed Finding

on the

BURT LAKE BAND OF OTTAWA AND CHIPPEWA INDIANS

TABLE OF CONTENTS

Historical Background

Historical Tribe

Previous Federal Acknowledgment

Criterion (a)

Criterion (b)

Criterion (c)

Criterion (d)

Criterion (e)

Criterion (f)

Criterion (g)

Appendices

Figures and Tables

Bibliography of Sources Cited

Description and Analysis of the Evidence for the Proposed Finding

on the

BURT LAKE BAND OF OTTAWA AND CHIPPEWA INDIANS

Historical Background

The petitioner claims to be a successor to a Cheboygan band of Ottawa and Chippewa Indians who had a historical village on Burt Lake near the northern tip of lower Michigan (see Figure 1). A historical Indian village was located on a bay on the western side of Burt Lake (see Figure 2). The village was situated along the northern shore of Maple Bay and on the western side of a peninsula that sheltered the village from the body of the lake. According to the petitioner, that village sat on an inland water route between Lake Huron and Lake Michigan, and the Cheboygan band at that village took its name from the Algonquin word for a portage, or passing through, that was used as the name for the largest lake on that route. Non-Indians named the lake Burt Lake about 1840, when the land was surveyed. Scholars have identified this village, which they labeled "Cheboygan," as existing as early as 1830. The existence of an Indian village and fields in this location was documented by plat maps of the area made in 1841 and 1855 by the U.S. General Land Office (see Figure 3).

Cheboygan Indians acquired title to the lands of the historical village by purchasing them from the United States between 1846 and 1849 and having that land patented to the Governor of Michigan in trust for the band. These lands were purchased by the Indians from the Federal Government, at the prevailing public price per acre, as six separate parcels for a total of $467 (GLO n.d.; Interior 6/13/1947). In April 1846, four tracts totaling 242.9 acres were purchased. These adjacent parcels in the east half of Section 29 and the southwest quarter of Section 28, Township 36 North, Range 3 West, covered the band's historical village site. In August 1847, a tract of 71 acres was purchased in the northeast quarter of Section 29. This parcel was adjacent to the original purchase along its western edge. In January 1849, the last tract of 61 acres was purchased, in Section 28. This parcel was adjacent to the original purchase along its eastern edge, and consisted of the lands between the original tract and the western shore of the lake, with the exception of the tip of Colonial Point. By 1850, the Governor of Michigan had received six patents

in trust for the Cheboygan band for a contiguous tract of 374.9 acres of land on the western shore of Burt Lake (see Figure 4).[1]

Individual band members received benefits under the provisions of treaties of 1836 and 1855. The treaty with the "Ottawa and Chippewa nations of Indians" of March 28, 1836, provided for annuity payments (United States 1836), and the treaty with the "Ottawa and Chippewa Indians of Michigan" of July 31, 1855, provided for per capita payments until about 1870 (United States 1855). Some treaty annuity payment documents listed Cheboygan band members. The 1870 annuity list included 33 household heads. The Treaty of 1855 also provided for selections of land by individuals within two designated townships. When Congress restored the unselected lands in those townships to public entry by an act passed in 1872 (United States 1872), it also provided that Indians who had not made allotment selections under the treaty could make homestead entries within the reserve, and some Cheboygan band Indians did so. An allotment schedule for the Cheboygan treaty reserve, which included individuals associated with other bands and individuals not on previous Cheboygan band lists, was approved in 1873 and Congress authorized patents to be issued for those lands by an act passed in 1875 (United States 1875). Some individual Indians acquired title to tracts of land in the vicinity of the historical village under the provisions of the Acts of 1872 and 1875 (see Figure 5).

The Cheboygan band lost title to the lands of the historical village through tax sales of the State trust lands because of delinquent taxes (White 1980, 82; Cornell 1994, 94, 131; Madison 2002, 24). State and local officials considered the band's State trust lands to be taxable as non-exempt private property (Parker 5/19/1894; Chase 12/20/1897; White 1980, 73-76). In 1897, John W. McGinn, who purchased most of the State trust lands at tax sales, notified the Indians living in the Cheboygan village that he was the owner of the lands on which their homes were located and that they were required to leave (McGinn 12/5/1897).[2] In 1898, he sought a writ of assistance in county court to claim possession of the lands on the basis of his tax title deeds (McGinn 1/18/1898). Some evidence indicates that some of the residents of the Indian village moved to new locations after receiving McGinn's notice (*Cheboygan Democrat* 12/22/1900; Sager 1975, [15]; Anonymous 1/23/1976). In October 1900, McGinn came to the village with

[1] A 1980 report by the petitioner's researcher Richard White listed these six patents by number and gave their total as 375 acres (White 1980, 11-12). However, a 1994 report by the petitioner's researcher George Cornell, who relied upon a resolution passed by the State legislature in 1903, mistakenly concluded that the trust lands consisted of eight patents and 418.8 acres (Cornell 1994, 106, 109-111). The discrepancy between Cornell's contention and the records of the General Land Office (GLO) consist of two errors. First, no patent for a Lot 5 in Section 28, presumably of 43.9 acres, is listed in the GLO tract book, and no Lot 5 is shown on the GLO plat book (GLO n.d., 1841, 1855). Second, the GLO tract book shows that one patent, rather than two, was issued for the NW quarter of the NE quarter (40 acres) and Lot 2 in the NE quarter (31 acres) of Section 29.

[2] McGinn claimed to have paid about 20 years of back taxes (*Cheboygan Democrat* 2/14/1903a).

the sheriff to evict the Indians, removed all the residents and their possessions from their homes, and set fire to the houses of the village (*Cheboygan Democrat* 10/20/1900, 12/22/1900; Cabenaw 4/24/1914; "Shawandose Papers" ca. 1950's; White 1980, 85-86; Cornell 1994, 96-97; Petitioner 2001, 10; Madison 2002, 24). The petitioner refers to this event as the "burnout" of 1900.

Thus, the existence of a Cheboygan Indian village on the shore of Burt Lake, which outsiders sometimes called Indian Village, came to an end in 1900. That settlement was described as it appeared about 1900 by a former resident, in 1957, as an Indian village of 26 mostly log-hewn homes (Shananquet 5/10/1957). Other sources described the village as consisting of a dozen, 14, or 16 buildings (*Cheboygan Democrat* 10/20/1900, 12/22/1900; Cabenaw 4/24/1914; BIA 4/14/1914). Former resident Albert Shananquet created a list of the heads of 23 households in the village in 1899, and noted that the village had a church and school house (Shananquet n.d.). McGinn identified 22 household heads in his legal notice in 1897 (McGinn 12/5/1897). The McGinn and Shananquet lists combined appear to identify 24 households in Indian Village at the end of the 19th century (see Figure 6).

After the burnout, some of the Indian Village residents settled along a road north of the village which became known as Indian Trail Road or Indian Road. It appears that they were able to settle in this area because some Cheboygan band Indians obtained homesteads there in 1872 under the provisions of the Act of 1872, and remained land owners in 1900. At the core of this settlement was an Indian church, built about 1908, approximately two miles north of the historical village. This location became known as "Indianville." The existence of an exclusively Indian settlement along Indian Road in 1902 is revealed by a plat book of Cheboygan County (Myers 1902; see Figure 7). Most of the Indian homeowners along Indian Road previously lived in the historical village. However, the Indian settlement that persisted on Indian Road after 1900 was but a portion of the previous geographical community on the lakeshore. The 1930 Federal census reveals that an exclusively Indian settlement of nine consecutive households continued to exist along Indian Road (U.S. Census 1930a). A 1938 survey of the rural property of the county also revealed that, as in 1902, all of the residents along Indian Road for two and one-half miles north of Brutus Road were individuals who can be identified from other sources as Indians (Cheboygan County 1938; see Figure 8).

A Joint Resolution of the State legislation in 1903 provided the Cheboygan band with State lands in lieu of the State trust lands lost at Burt Lake. Within months after the burnout of 1900, the Governor of Michigan recommended to the legislature that it pass legislation for the relief of the Cheboygan band because the State had a "moral obligation . . . to restore the land to this band of Indians" (Pingree 1/9/1901). The legislature did not act until 1903, and then it did not buy back the original State trust lands from McGinn, as the Governor had recommended, but provided other State lands instead. The Resolution of 1903 provided a maximum of 400 acres of land, to be chosen by the State land

commissioner in consultation with representatives of the Chebogyan band and to be held by the State in trust for the band (Michigan 1903).[3] The State resolution provided that the right of occupancy and use of those lands would continue until five years after the tract had been "deserted and vacated by said band of Indians and any and all of their lineal descendants" (Michigan 1903).

The Durant Roll was a list of Ottawa and Chippewa descendants created to identify the recipients of a monetary award won in the Court of Claims for a fund due the Indians from the United States under the Treaty of 1836.[4] By an Act of April 1908, Congress appropriated funds to pay the award 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 (United States 1908, 81). The Department of the Interior used Horace B. Durant, an attorney from Oklahoma, as a special agent to compile this roll, and issued him instructions in July 1908. Durant produced a preliminary roll in October 1909. After the Department disallowed some names, the Secretary approved the final roll in January 1910. The Durant Roll listed descendants of the Burt Lake band among the descendants of the "Traverse" band (Durant 1910). Durant based his descendancy roll upon the treaty annuity roll of 1870. He identified the page that annuity roll that listed members of the Burt Lake band (Durant 1908).

The *McGinn* case was a lawsuit filed in 1911 by a U.S. district attorney in Michigan, on behalf of the United States acting as guardian of the Cheboygan band of Indians, against John McGinn to compel him to return the band's State trust lands. The available evidence does not show that either Cheboygan Indians or the Office of Indian Affairs requested that such a lawsuit be filed, but the Department of the Interior provided

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[3] The petitioner's researchers identify this resolution both as Joint Resolution 20 of June 18, 1903 (White 1980, 94; Cornell 1994, 104), and Joint Resolution No. 579 of June 30, 1903 (Locklear 8/26/1980 cited *in* Cornell 1994, 167; Madison 2002, 25). House Resolution No. 579 passed the State house about June 9, 1903, and, when subsequently passed by the State senate, became approved Joint Resolution No. 20 of June 18, 1903 (Michigan, *Journal of the Senate*, 1903, p.1629, and Michigan, *Public Acts*, 1903, p.444).

[4] In 1905, Congress authorized the "Ottawa and Chippewa Indians of the State of Michigan" to file a petition in the Court of Claims to settle a question of whether a fund based on the Treaty of 1836 and held in trust by the Government was relinquished by the provisions of the Treaty of 1855 (United States 1905, sec. 13). The Court of Claims decided the case against the Government in 1907 and awarded a judgment to the Indians (U.S. Court of Claims 1907). Contrary to James McClurken (McClurken 1991, 82; see also Petitioner 2001, 12), the case decided by the Court of Claims that led to creation of the Durant Roll was not *William Petoskey et al. v. United States*, Case 27,978 (U.S. Court of Claims 1905), but *Ottawa and Chippewa Indians v. United States*, Case 27,537 (U.S. Court of Claims 1907; United States 1908, 81; see also Smith 1976, 2:153).

information and personnel for the Department of Justice to use in the litigation.[5] The Federal judge stated that the central issue in the case was whether or not the State trust lands were taxable, and he found that they were. The judge held that there was no Federal trust relationship and no Federal restrictions that precluded State taxation of those lands (U.S. District Court 1914a). He found that the Government had fulfilled its treaty obligations to the Ottawa and Chippewa Indians, that the treaty had dissolved their tribal organization, and that those Indians who had received patents for allotments under the provisions of the treaty had become U.S. citizens. Therefore, he concluded that the United States had relinquished its guardianship over those Indians. In 1917, the Federal judge dismissed the U.S. complaint and left McGinn's estate in possession of those lands (U.S. District Court 1917a).

[5] The evidence in the record does not adequately explain what led the U.S. Attorney to take this action in June 1911. A Cheboygan newspaper article in February 1911 reported that J.W. Strongheart of St. Louis, Missouri, who claimed to be a lawyer and a descendant of Sitting Bull, was holding meetings at West Burt Lake to inquire into the grievances of the local Indians (*Cheboygan Democrat* 2/17/1911). Strongheart said that he was "acting in an independent capacity as a counselor for the Indians. . . ." He drafted a letter to the Attorney General of the United States in 1911 to protest the 1900 burnout at Burt Lake and other "injustices" in northern Michigan (Strongheart 1911). It is not clear whether this letter was received by the Department of Justice or whether it played any role in the Government's litigation against McGinn.

The Historical Tribe

For the purposes of this proposed finding, the "historical tribe" is the historical Cheboygan band. The identifiable members of this historical band are those who received annuity payments or land allotments as members of the band under the treaties of 1836 and 1855 or who lived in an Indian village on the shore of Burt Lake as late as 1900.

Treaty Annuities

The Treaty of March 28, 1836, with the "Ottawa and Chippewa nations of Indians" provided for annuity payments, by geographical regions, for 20 years (United States 1836, art. 4). The Treaty of July 31, 1855, with the "Ottawa and Chippewa Indians of Michigan" provided for per capita payments which, under complicated provisions, could extend for 14 years after ratification, or until about 1870 (United States 1855, art. 2). The petitioner submitted treaty annuity payment lists for 1836, 1837, 1846, and 1870, and the researcher for the Little Traverse Bay Bands used 1865 and 1870 annuity lists among his court exhibits (Petitioner 2001, folder; Petitioner 2002, "Distinct Community" binder at tabs 1830's and 1840's; McClurken 2002, Ex. 22, 23). A list for 1868 has been published (Lantz 1993). An individual listed on an identifiable Cheboygan band portion of any such treaty annuity payment is considered a member of the band at that time, unless a later Federal investigation to identify the descendants of treaty Indians revealed that such an annuity recipient was not a Cheboygan or Burt Lake band member.

An annuity list was used as evidence of tribal membership by Special Agent Horace Durant when he compiled evidence and prepared a roll of the descendants of the Ottawa and Chippewa Indians of Michigan who had made the Treaty of 1836 (Durant 1908, 1910). The petitioner submitted Durant's 1910 descendancy roll and his field notes as petition exhibits (Petitioner 2002, CDs). Durant linked each individual on his 1910 roll to an Indian household head on the 1870 annuity list of the Ottawa and Chippewa Indians. Durant identified page 31 of that 1870 annuity list as a list of the Burt Lake band (see Table 1). However, based on the testimony and evidence he gathered, Durant also noted that two individuals on the 1870 list were not considered actual Burt Lake band members.[6] Because the Durant Roll of 1910 was based upon the annuity list of 1870, and because Durant identified the portion of that annuity list that constituted the Burt Lake band, with the noted exceptions, Durant's linkage of an individual on his 1910 roll to the

[6] See the statements of Durant about 1870 annuity recipients Elizabeth Harris (#28-31) and John Briggs (#32-31) in his 1908 field notes (Durant 1908, p.31, no. 28, 32).

historical Burt Lake band is evidence that demonstrates descent from an 1870 member of the Cheboygan treaty band.

Treaty Allotments

The Treaty of 1855 provided for individual selections of land, essentially the allotment of land to individuals, and designated two townships of land for such use by the Cheboygan band (United States 1855, art. 1). The petitioner submitted a list of Indians who received land patents in those two townships (Petitioner 2001, folder; Petitioner 2002, "Distinct Community" binder at tab 1870's, "Political Influence" binder at tab 1960's, and "Blackwell" folder; see also Shawa submission received 1/17/1995). The OFA researchers obtained earlier Office of Indian Affairs allotment schedules and land certificates prepared under the provisions of the treaty, and General Land Office tract books which list the land selected under the treaty in the two townships. If individuals were listed as eligible to make selections of land as members of the Cheboygan band or received land patents as members of the Cheboygan band, they are considered members of the band at that time.

As required by the Treaty of 1855 (United States 1855, art. 1), an Indian agent prepared a list of all the persons entitled to select land under the terms of the treaty, as well as the land they selected, and submitted it to the Indian Office in 1857 (see BIA 7/30/1869). An 1857 schedule of allotments, which was not submitted by the petitioner, was found by the OFA researchers in the records of the BIA at the National Archives (BIA 1857-1864). In this ledger, separate columns provided both an individual's number within a band and land certificate number, while the band name was entered in the "remarks" column opposite the first entry for each band. Therefore, it is possible to identify the "Sheboygan" band allotment list as certificate numbers 424 to 467. These selections also are listed on the tract book of the General Land Office with the reference "List No. 1" and the certificate number (GLO n.d.).

The Department of the Interior found the original selections and schedule to be defective, according to a summary of the allotment process written by the Commissioner of Indian Affairs, and the certificates for land selections were not issued (BIA 7/30/1869). Those unissued certificates, dated May 1, 1857, and signed by Agent Henry Gilbert, were found by the OFA researchers in the records of the National Archives (BIA 1857). A new list submitted in 1863 by Agent DeWitt Leach required correction of conflicting selections (see BIA 7/30/1869). In September 1864, Agent Leach issued certificates for individual land selections. Stubs or receipts for those certificates also were found at the National Archives by the OFA researchers (BIA 1864). The Department found in 1869, however, that while some Indians had changed their selections, they were issued certificates for their original choices. Commissioner of Indian Affairs E.S. Parker concluded that this series of problems resulted in "great confusion" and made it "difficult to tell what are the

present selections" (BIA 7/30/1869). By 1869, patents for land selections under the treaty had not been issued.

In 1870 and 1871, Agent James Long prepared schedules of land selections for several Michigan bands, including the Saginaw, Little Traverse, Grand Traverse, Grand River, and Sault Ste. Marie bands. Both the Commissioner of Indian Affairs and Secretary of the Interior approved these allotment lists by January 1872 (BIA 1872 ca.). With the allotment process apparently completed, Congress, in an Act of June 10, 1872, ended the temporary reservation of land provided for in the Treaty of July 31, 1855, and restored the remaining unselected lands to public entry (United States 1872). The available evidence does not include any allotment schedule prepared for the Cheboygan band by Agent Long or any schedule approved by the Secretary of the Interior for lands in the Cheboygan treaty reserve before the Act of 1872.

The Act of 1872 provided that all selections of land made by Indians, and recognized as valid by the Secretary of the Interior prior to the Act, should be patented to those individuals. It appears that the Act provided for the immediate issuance of land patents because the 10-year waiting period specified in the Treaty of 1855 had expired. Thus, some "Sheboygan" band members who selected allotments in Emmet County had those lands patented in 1872. The Act also provided a six-month period in which Indians would have the exclusive right to file homestead entries for unselected lands within the treaty reserves. Nine such homestead entries were patented, under the 1872 Act or its 1875 amendment, in the Cheboygan reserve to Cheboygan band descendants (GLO ca. 1872). Most of these homesteads were located just north of the Cheboygan Indian village, possibly along Indian Road (see Figure 5).

After the Act of 1872, the Secretary of the Interior directed the Commissioner of Indian Affairs, in March 1873, to have the agent at the Mackinac Agency ascertain the number of land selections made under the treaty but not reported to the Department prior to that Act (Interior 3/5/1873). The Indian Office forwarded such instructions to Agent George Betts and also instructed Special Agent John Knox to assist the agent in preparing a list of the land selections of the Ottawa and Chippewa Indians of Michigan (BIA 3/11/1873, 4/11/1873). Agents Betts and Knox submitted their report and schedules on June 21, 1873 (BIA 6/21/1873). According to the agents, the schedule consisted of 317 Indians entitled to land, 214 of whom previously had received land certificates (BIA 6/21/1873, 9/15/1873). This would mean that 103 Indians were added to the schedule who had not previously been issued a land certificate. The agents referred to the Cheboygan band as "holding certificates," but not having received patents (BIA 6/21/1873). When Secretary of the Interior Columbus Delano received this report from the Indian Office, he indicated his belief that he could not issue patents to individuals on the schedule because of the provisions of the Act of 1872 (Interior 7/12/1873).

Secretary Delano, however, directed the Commissioner to seek new legislation to authorize patents being issued to the Indians on the submitted schedule (Interior 7/12/1873). He also indicated that he would not authorize the General Land Office to restore those lands to market, as provided by the Act of 1872, pending such legislation. By an Act of March 3, 1875, Congress authorized the Secretary of the Interior to issue patents to 320 Ottawa and Chippewa Indians for selections they had made prior to the Act of 1872 that had not been reported to the Secretary (United States 1875). After passage of this Act, Agent Betts submitted a supplementary report on March 19 (BIA 3/19/1875). The schedule of allotments was reported to the Secretary on March 23 and approved on March 24 (BIA 3/23/1875, 1875a). The lands were patented on August 19, 1875 (BIA 1875a). Thus, as a result of the Act of 1875, patents were issued in 1875 in Townships 35 and 36 North in Range 3 West and were listed by both the General Land Office and the Office of Indian Affairs as made under authority of the Treaty of 1855 (GLO n.d.; BIA 1875a).

The petitioner submitted a list entitled "Reservations in Michigan set apart . . . under Treaty of July 31, 1855," which it described as the list of allotments to the Cheboygan band in 1875. Since the petitioner did not provide information about the source of this document, the OFA researchers verified its provenance by finding it in the records of the BIA at the National Archives. This list of allotments is contained in an Indian Office ledger labeled "46-A / Ottawa and Chippewa Bands in Michigan / Tract Book / Treaty of July 31, 1855" (BIA 1875a). The submitted list constitutes a portion of this ledger, and begins with a cover page entitled "Cheboygan Band." This tract book was accompanied by a schedule of allotments in another Indian Office ledger labeled "46-B / Schedule of Allotments / Ottawas and Chippewas of Michigan" (BIA 1875b). This schedule did not contain lists of allotments by bands. The "Tract Book" listed the allotments by section, township, and range, while the "Schedule" listed the allotments numerically by certificate number.

A comparison of the original selections made by 1857 and the patents issued in 1875 within the Cheboygan treaty reserve reveals that there was an increase in the total acreage allotted, from 1,907 acres in 1857 to 3,208 in 1875 (GLO n.d.; BIA 1875a). Another noticeable change was that the allotments in 1875 were geographically more dispersed than they were in 1857, being made both farther north and farther south of the historical village location than before. In 1857, all the selections were west of Burt Lake, but in 1875 more than 1,000 acres, or about one-third of the total acreage, was patented in locations farther south than the south end of the lake (see Figure 5). Only a minority of allotments were in what is now Burt Township, and most allotted land was in what is now Tuscarora Township of Cheboygan County.

The original "Sheboygan" band land selection list of 1857 consisted of 44 allottees (BIA 1857-1864, 18-19). Only 30 of these 44 allottees chose land within the Cheboygan reserve as defined by the Treaty of 1855, while 14 allottees made selections elsewhere.

By 1864, another six allottees changed their original selection and chose land outside the two townships designated in the treaty. Thus, eventually 20 of 44, or 45 percent, of 1857 "Sheboygan" band allottees selected land outside of the Cheboygan treaty reserve (see Table 2 and Appendix A). All of these selections were made west of the Cheboygan reserve and were located in Emmet County in the reserve defined in the Treaty of 1855 for the "Cross Village, Middle Village, L'Arbrechroche and Bear Creek bands, and of such Bay du Noc and Beaver Island Indians as may prefer to live with them" (United States 1855, art. 1).

In 1857, certificates within the Cheboygan treaty reserve were prepared for 30 individuals on the "Sheboygan" band list and for 5 individuals on lists of other bands, for a total of 35 allottees.[7] In 1864, three new allottees in the Cheboygan reserve were added to the schedule, one of whom was identified as a member of the "Sheboygan" band. However, six "Sheboygan" members changed their selection to lands outside their reserve. Thus, a total of 32 certificates were issued in 1864 for lands within the Cheboygan reserve. In 1873, the agents added 20 new allottees within the Cheboygan reserve, one of whom had been on the 1857 schedule with a land selection elsewhere. However, seven of the original 1857 "Sheboygan" members were dropped from the schedule, perhaps because of death. Thus, the total number of allotments within the Cheboygan reserve increased by 13, to 45. The Indian Office's "Schedule" of allotments consisted of certificate numbers 1 through 1405, while 19 of the 45 individuals on the list for the Cheboygan reserve in the "Tract Book" had certificates in the numerical range 1406-1425. Two of these allottees previously had been assigned earlier certificate numbers, but this evidence suggests that the other 17 allottees were very late additions to the allotment schedule.

The final list of land selections within the Cheboygan treaty reserve included 45 allottees in 1875 (BIA 1875a). The available evidence indicates that 19 of the 45 allottees, all of whom were added to the schedule in 1873, did not appear on any allotment list that designated their band affiliation other than as Ottawa and Chippewa Indians of Michigan (see Table 3 and Appendix A).[8] Only 15 of the 45 allottees, or 33 percent of them, had been listed on the 1857 "Sheboygan" band allotment list (BIA 1857-64). Another allottee

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[7] Some of these five allottees with an affiliation with another band may have had ties to Cheboygan band members or become accepted as members between 1857 and 1870. Pe-wa-be-koonse, on the 1857 schedule of the "Anse" band ["Ainse" village?], appears to have been on the 1870 annuity list of the Burt Lake band (Durant 1908, p.31, no.6). Also, Isabella Kaw-ca-paw (or Maw-co-paw), Catharine Waw-co-paw (or Maw-co-paw), and Theresa Bourrasa of the "Anse" band in 1857 might have had a relationship to Maw-co-paw, aka Francis Bourassaw, on the 1870 annuity list.

[8] A few of these 19 new allottees without an affiliation on an allotment schedule may have had an affiliation with the Cheboygan band. Theresa Way-win-ding (#1406) appears to have been on the 1870 annuity list of the Burt Lake band (Durant 1908, p.31, no.16). Francis Bourassa (#1423) may have been on the 1870 annuity list of the band as Maw-co-paw (Durant 1908, p.31, no.7).

was added after 1857 whose band was noted as "Sheboygan." Two 1875 allottees were listed as replacements for individuals on the 1857 list, and may have been considered Cheboygan (BIA 1857-64, 18; 1875b, #580). In addition to these 16 (or 18) Cheboygan members, 8 allottees were listed on the 1857 allotment list or a supplemental list as members of other bands (see Table 3). Thus, of the 1875 allottees within the Cheboygan reserve whose band had been identified on an allotment schedule, about one third were identified as being members of bands other than the Cheboygan band.

A group of 12 late allottees, those with consecutive certificate numbers 1409 through 1420, were allotted in the lands south of Burt Lake. This group of allottees included John B. Vincent, the ancestor from whom nearly half of the petitioner's members descend. In 1873, before these lands were patented, 10 of these 12 allottees sold their rights to these lands, with nine of them selling to the same attorney from East Saginaw (Cheboygan County 1854-1903, v.1; see Appendix A).[9] These nine allotments, with one exception, were contiguous parcels of land. The implication of this pattern is that these 12 allottees did not choose their land selections and that the Indian agent went down the list of certificates 1409 through 1420 and assigned those absentee allottees to the next available land shown on the tract books of the local land office. The immediate sale of most of their lands reveals that these 12 allottees were different from other allottees. None of the other 33 allottees on the 1875 schedule sold their lands this early, nor did any group of them sell at the same time to the same individual. This evidence suggests that allottees #1409-1420 did not come from the Burt Lake area and had no intention of locating there.

All 10 of the allottees who executed a deed to sell their lands in June or July of 1873, including John B. Vincent, were physically present on Michigan's Upper Peninsula at the time. Their deeds show that they all personally appeared before a justice of the peace or notary public, with eight doing so in Chippewa County, one in Houghton County, and one in Mackinac County (Cheboygan County 1869-1883, v.D). Chippewa County runs from Lake Huron to Lake Superior and includes the town of Sault Ste. Marie, Houghton County is located on a peninsula in Lake Superior, and Mackinac County is located just north of the Straits of Mackinac. Five of these deeds referred to the allottees as members of the Ottawa and Chippewa Indians, while the other five listed their residence. Those allottees identified by residence included three (#1409, 1410, 1411) from Sault Ste. Marie, one (#1420) from Houghton, and John Vincent (#1415) from the town of Cheboygan. Vincent executed his deed before a notary public in Mackinac County. Within one month following completion of the allotment list by Agents Betts and Knox, these 10 individuals who were late additions to that list sold their allotments while on the Upper Peninsula, not in the vicinity of Burt Lake.

[9] However, in 1874, John B. Vincent sold his allotment a second time before it was patented (Cheboygan County 1869-1883, v.E:277).

Allotment certificate 273 was issued for Naw-o-quaish-cum, who originally selected 40 acres in T30N, R7E (BIA 1875b, #273). According to the Treaty of 1855, land was reserved in T30N, R7E, for the land selections of the Thunder Bay band (United States 1855). Naw-o-quaish-cum was listed on the 1857 schedule of the Thunder Bay band (BIA 1857-64, 10), but was not able to receive a patent for this selection because a cash entry on that land already had been made and the General Land Office had issued a patent for that land in 1866 (BIA 1875b, #273). Therefore, as a substitute, he took an allotment in Section 26 of T35N, R3W, just south of Burt Lake. Durant's 1908 field notes listed Naw-o-quaish-cum as a head of family on the 1870 annuity roll, but not with the Burt Lake band, and noted his descendants living in 1908 in the Thunder Bay area near Hubbard Lake (Durant 1908, p.17, no.1). This evidence shows that a member of the Thunder Bay band was included on the allotment list for the Cheboygan treaty reserve. This example demonstrates that an individual's presence on the allotment list for the Cheboygan reserve did not necessarily mean that he or she was a member of the Cheboygan band.

Evidence from the Durant roll files also shows that several allottees in the Cheboygan treaty reserve appear to have been listed by Durant as the head of a family on an 1870 annuity roll for a band other than the Cheboygan band. Louis Cadotte (#1410) was an 1875 allottee on the Cheboygan reserve list, while a Louis Cadotte was listed by Durant as an 1870 head of family in the Sault Ste. Marie band (Durant 1908, p.5, no.27). Female allottee Chequesh (#1419) may be the same person as the female Che-quastch listed by Durant as an 1870 head of family in the Sault Ste. Marie band (Durant 1908, p.3, no.22). Nancy McGulphin (#1422) and Mary Ann Karrow (#1358) were 1875 allottees, while a Nancy McGalphin and a Mary A. Karrow (Carow) were listed by Durant as 1870 family heads in the Pine River Band (Durant 1908, p.13, no.29, 41). Isabella Karrow of the Pine River Band (p.13, no.7) also was an 1875 allottee (#266). This evidence implies that some of the Cheboygan reserve allottees, especially many of those with certificate numbers higher than 592, were not members of the Cheboygan band.[10]

This review of the available evidence reveals that Indian agents in Michigan did not restrict band members to select lands only within the treaty reserves designated for their band, nor limit land selections in those reserves to band members. The available evidence shows that a member of the Thunder Bay band was allotted in the Cheboygan treaty reserve because he was not able to receive a patent in the reserve designated for his band, that a number of Indians who made selections within the Cheboygan reserve were

[10] In addition, evidence from the Federal census shows that some of the allottees added to the schedule in 1873 were living away from Cheboygan County at about that time. Allottee Jane Stafford (#1409) appears to have been listed on the 1870 Federal census in Sault Ste. Marie Township in Chippewa County (U.S. Census 1870c, p.15). Alexander Busseay / Basney (#1411) also appears to have been listed on the census in Sault Ste. Marie (U.S. Census 1870c, p.12). A Louis Cadotte (#1410) was listed on the census in Holmes Township in Mackinac County (U.S. Census 1870d, p.13).

listed on the 1857 allotment schedule or the 1870 annuity list as members of other bands, that the band affiliation of more than a third of the allottees in the Cheboygan reserve is unknown, and that at least half of the allottees with an unknown affiliation revealed their lack of connections to the area by immediately selling their interest in these lands. In view of this evidence, it is not reasonable to assume that an individual was a member of the Cheboygan band because he or she was an allottee in Cheboygan County. The 1875 list of the allottees in the Cheboygan treaty reserve cannot be treated as if it were a membership list of the Cheboygan band.[11]

Therefore, in the documentation relating to the land allotment process under the Treaty of 1855, the only available evidence that identifies individuals as members of the Cheboygan band is the allotment ledger of the Office of Indian Affairs that included the original 1857 schedule of land selections. The 1857 schedule included 44 "Sheboygan" Indians, while the revisions made before the schedule of 1864 identified one more allottee as "Sheboygan." These individuals are considered Cheboygan members regardless of where they chose an allotment of land. Because this Government ledger specifically listed a group of people as "Sheboygan" Indians eligible for treaty benefits, this source is evidence that identifies members of the Cheboygan band in 1857 or 1864.

The Cheboygan Village, ca. 1900

Identifications of the historical Cheboygan or Burt Lake band generally referred to the Indian settlement, which outsiders called Indian Village, that existed on the shore of Burt Lake prior to the burnout of 1900. The residents of this settlement just prior to 1900 were identified by two contemporary observers who created lists of the households in the village. John W. McGinn, who acquired title to the lands and conducted the burnout, listed the adult residents of the village in 1897 and 1898 in legal documents in which he sought to demonstrate that he had provided those residents with notice of his intention to evict them from those lands (McGinn 12/5/1897, 1/18/1898). These documents are the most contemporaneous lists of village households in the available evidence. Albert

[11] This point was made indirectly by the Office of Indian Affairs in 1915. Attorney Watts Humphrey of Saginaw, Michigan, in that year obtained a certified copy of this list of lands patented in T35N and T36N, R3W [BIA 1875a], for use as evidence in court (Humphrey 3/3/1915, 3/18/1915; BIA 4/10/1915). When Humphrey additionally sought a list "showing the names of all the Indians belonging to the Cheboygan Band" (Humphrey 8/10/1915; see also 8/23/1915), the Office of Indian Affairs said that it was unable to locate such a list (BIA 8/20/1915). Later, the Indian Office explained that the list of the Ottawa and Chippewa Indians who received lands under the Treaty of 1855 "does not show clearly in all cases to which tribe of Ottawa and Chippewa Indians the individual receiving the allotment belonged" (BIA 9/15/1915). In response to Humphrey's request that the Indian Office certify that the list of lands patented in T35N and T36N, R3W, "constitutes a list of all of those who were entitled to receive lands as members of that band known as the Cheboygan Band" (Humphrey 9/18/1915), the Office of Indian Affairs stated that it "can not furnish you the certificate wanted" (BIA 9/25/1915).

Shananquet, who was an actual resident of the village, listed the village households as of about 1899 from memory more than a half-century later in the 1950's (Shananquet n.d.). The two lists, when combined, appear to identify 24 households in the village (see Table 4).[12] Since the Burt Lake band was identified largely in terms of Indian Village, and since the *McGinn* lawsuit was brought to regain the lands of that village, its residents are considered members of the historical Cheboygan band. Those residents are identified by the lists of McGinn and Shananquet.

Members of the Historical Tribe

In view of this discussion of the available evidence relating to the identification of the members of a historical Cheboygan band, it is apparent that some documentation from treaty annuity payment rolls, treaty land selection schedules, and claims award descendancy rolls is evidence of membership in the historical band or descent from a historical band member. An individual listed on an identifiable Cheboygan band portion of any annuity payment roll for the "Ottawa and Chippewa" Indians of Michigan is considered a member of the band at the time of that roll. An individual listed among the "Sheboygan" Indians on the 1857 schedule of land selections under the Treaty of 1855, or identified as a "Sheboygan" Indian when added to that schedule in 1864, is considered a member of the band in 1857 or 1864. An individual linked to the Burt Lake band by Special Agent Durant in his 1910 roll or his 1908 field notes is considered either a member of the Cheboygan band in 1870 or a descendant of such a member. Also the residents of Indian Village, as identified by lists made by John McGinn and Albert Shananaquet, are considered members of the band prior to the burnout of 1900

[12] The Indian schedule of the 1900 Federal census of Burt Township, taken four months prior to the burnout, includes most of these households, but that census listed all the Indian residents of the township, not just the residents of an Indian village. Because that Indian schedule did not purport to record the residents of Indian Village, it has not been used in this proposed finding as a source that identified the residents of the pre-burnout village.

Previous Federal Acknowledgment

Treaties

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 tribes in common ownership (United States 1836). Article 2 of the treaty provided that a tract of 1,000 acres "on the Cheboigan" [River?] was to be chosen by Chingassamoo, or Big Sail. Two scholars have identified a "Chingassamo" village at this time as located where the Cheboygan River exited Mullett Lake (Hinsdale 1931, map 2; Tanner 1986, p.131 map 24, p.134 map 25). Although the original draft of the treaty provided that these lands would become permanent reservations, the United States Senate amended the treaty by limiting the existence of the reservations to a five-year period after ratification (U.S. Senate 1836, 542). The treaty also provided for annuity payments to the "Ottawa and Chippewa nations," by geographical regions, for 20 years.

The Treaty of 1836 was signed by a series of chiefs and headmen who were listed in six groups: Maskigo, Grand River, Michilimackinac, Sault Ste. Marie, L'Arbre Croche, and Grand Traverse (United States 1836).[13] Chingassamo was listed as one of eight signers for "L'Arbre Croche," not as a representative of a Cheboygan band. Although the treaty did not explicitly mention a Cheboygan band, the researcher for the Little Traverse tribe agrees with the petitioner that the treaty reserved land for a Cheboygan band (McClurken 2002, #24; see also White 1980, 3). The treaty also provided for the reservation of a separate tract of 50,000 acres on Little Traverse Bay. While the treaty language implies Federal knowledge that a Cheboygan band had a distinct settlement or settlements, that knowledge does not in itself indicate that the Government considered the band to be

[13] The petitioner contends that the United States artificially created a single political unit, an "Ottawa and Chippewa tribe," for the purpose of concluding the Treaty of 1836 (White 1980, 2; Petitioner 2001, 6). However, both the title of the treaty and its first article referred to the "Ottawa and Chippewa nations," while its second article referred to "tribes" (United States 1836). This use of the plural in the text of the treaty indicates that the Government did not pretend to have negotiated with a single political entity to conclude the treaty. It was common for the United States to negotiate multi-tribal treaties, and it did so without contending that those treaty tribes constituted a single political entity. More importantly, the petitioner's argument does not contribute to an understanding of previous Federal acknowledgment under section 83.8 of the regulations. On the one hand, a demonstration that a single political entity was artificially created by the Government would not necessarily demonstrate that a Cheboygan band at Burt Lake was politically autonomous of other bands. On the other hand, it is reasonable to conclude that the Indian village at Burt Lake was included within the terms of the treaty, whether as part of an artificially created single political entity or not.

politically autonomous. Whatever the nature of actual political authority among bands at the time of the negotiation of the treaty, the Government's presentation of the Treaty of 1836 implies that the United States considered a Cheboygan band to have been part of a "L'Arbre Croche" political entity that was larger than a single band or settlement.

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 March 28, 1836" (United States 1855). The treaty provided that an Ottawa and Chippewa Indian who was a head of household, single adult, or orphan minor could select an allotment of land within designated reserves. The seventh reserve, designated "[f]or the Cheboygan band," consisted of two townships in Cheboygan County, Townships 35 and 36 North in Range 3 West, that included the village and trust lands. The original draft of the treaty reserved one township of land for the Cheboygan band to be selected at a future date, but the United States Senate amended the treaty by reserving two townships and describing them specifically (U.S. Senate 1856, 77). The treaty also provided for per capita payments which could extend for 14 years after ratification, or until about 1870.

The petitioner contends that the autonomy of the Cheboygan band is demonstrated by the refusal of the Cheboygan representative to sign the original draft of the Treaty of 1855, and the band's consent to sign the treaty in 1856 only after it was amended by the Senate (Petitioner 2001, 7-8, Littlefield 2002b, 7-9). The treaty was signed on July 31, 1855, in Detroit, by chiefs of Sault Ste. Marie, Grand River, Grand Traverse, Little Traverse, and Mackinac bands (United States 1855). Indian approval of the Senate amendments was obtained in 1856 at several locations. At Little Traverse Bay on July 2, 1856, a series of chiefs and headman signed to give their assent to the amendments. The petitioner contends that Ke-zhe-go-ne signed for the Cheboygan band. The researcher for the Little Traverse tribe argues that Ke-zhe-go-ne was listed among Little Traverse chiefs (McClurken 2002, #13, 30, 40), demonstrating that the Cheboygan band was part of a Little Traverse confederacy.

The Treaty of 1855, as amended and approved, did not specifically designate Ke-zhe-go-ne as a Cheboygan representative, nor did it specifically designate the signers on July 2, 1856, as Little Traverse chiefs. The thirteen signers at Little Traverse in 1856 included seven of the eight signers in 1855 for the Little Traverse bands, plus six new signers. Thus, Ke-zhe-go-ne was not unique in signing the treaty as amended, having not signed the original treaty. He did not sign to approve terms specific to the Cheboygan band, but to approve the entire treaty as amended by the Senate. The fact that the Government did not require a Cheboygan representative to sign specifically on behalf of a Cheboygan band suggests that the Government did not perceive the Treaty of 1855 to have been made with a Cheboygan band as one of many autonomous bands. A Cheboygan band may have been autonomous of Little Traverse authority in 1836 and 1855, but the Federal Government appears to have negotiated the treaties of 1836 and 1855 as if a Cheboygan band were a component of a larger political entity.

Post-Treaty Federal Policy

Indian policy administrators saw their responsibility to Michigan tribes as defined by treaty provisions, and perceived their authority over tribes as ending when those treaty provisions were fulfilled. In 1840, Superintendent Henry Schoolcraft described his duties in carrying out the provisions of the Treaty of 1836, but also stated that Indians remaining within the territory ceded by that treaty came "under the exclusive operation of state laws, so far as respects the subject of trade and intercourse," and that "the tribes must therefore abide such legal enactments . . . touching their internal affairs, as may result from local State legislation" (BIA 9/24/1840, 3). In 1872, replying to a report of the Commissioner of Indian Affairs that the last treaty annuity payment soon would be made and that patents for treaty land selections were being issued, Secretary of the Interior Columbus Delano stated the policy that, "[u]pon full [annuity] payment being made tribal relations will be terminated" (Interior 3/27/1872; cited *in* White 1980, 56).[14] The Secretary concluded that the members of the tribe then would become citizens of the United States, and be subject to Federal jurisdiction as citizens rather than as tribal members.

The contention of one of the petitioner's researchers (White 1980, 60-61) that Indian agents recognized Ke-che-go-we and Joseph Wa-bwe-dom as chiefs of a Cheboygan band and referred to them as such in their correspondence during the 1880's is not supported by the single citation the researcher provided. The cited letter of Agent George Lee to the Commissioner of Indian Affairs, dated January 5, 1880, made no reference to a Cheboygan or Burt Lake band or its chief (BIA 1/5/1880). A reference to Wa-bwe-dom as a chief was made by A.J. Blackbird in his letter to Agent Lee. The agent's letter provides no evidence that he corresponded with a band, since it was a response to an inquiry from a sympathetic outsider. Agent Lee said that Blackbird's letter about an abandoned school building at Burt Lake was the first he had heard of the issue, which does not demonstrate that the agent was familiar with the concerns of a band. Another claim, not cited by the petitioner's researcher, that Webwetom was recognized as

[14] Secretary Delano relied not only upon the satisfaction of the treaty provisions for annuity payments and land selections, but also upon Article 5 of the Treaty of 1855 to conclude that tribal relations would be dissolved, as he put it, "with the consent of the United States" (Interior 3/27/1872). The emphasis the petitioner gives to this article of the treaty ignores the evidence that the Secretary thought of it as only one of the reasons why Federal supervision over Ottawa and Chippewa Indians would cease. The petitioner argues that a Federal court has interpreted Article 5 differently from Delano and his contemporaries, concluding that it did not terminate tribal relations or Federal recognition (Madison 2002, 30; *United States v. Michigan*, 471 F.Supp. 192 at 264-265, 280 (W.D. Mich. 1979)). However, this more recent judicial interpretation does not resolve the issue of unambiguous previous Federal acknowledgment as defined in section 83.8 of the regulations. Section 83.8 asks what the Federal Government did and what its policy was historically, not what a court, a policymaker, or a historian later decided the Government should have done in the past.

chief by the Indian agent, was made by Webwetom himself (Kishigoe and Webwetum 12/12/1885). The available evidence does not demonstrate that the Indian agent actually took that position. Such documentation would be necessary to show that Federal agents maintained a relationship with a Burt Lake band after the 1870's.

The question of Federal responsibility toward the land purchased by Cheboygan Indians and patented to the Governor in trust for the Cheboygan band was considered by the Department of the Interior in 1878 and 1900. In both cases the Department took the position that it lacked the responsibility or authority to take any action on behalf of those lands. Thus, the Department of the Interior initially took a position contrary to the position that later would be adopted by the Department of Justice in 1911 in the *McGinn* litigation. In the 1878 case, Secretary of the Interior Carl Schurz disapproved an Indian Office recommendation that it employ a surveyor to carry out a request to partition into individual tracts the State trust lands, which the Secretary referred to as the parcel purchased by "members" of the Cheboygan band.[15] Noting that "the land in question was purchased from the Government by the Indians," meaning that it was not land owned by the Federal Government in trust for a tribe, the Secretary informed the Commissioner of Indian Affairs of his conclusion that the land "is not subject in any way to the jurisdiction of your office or the Department" (Interior 7/25/1878; cited *in* White 1980, 71-72).

In the 1900 example, the Indian Office concluded not only that there was no Federal trust relationship, but also that the State trust lands were taxable. In January 1900, the Indian Office reported to the Department on a letter written to the President, in December 1899, by Samuel Ki-shi-go-way and other Cheboygan Indians in response to a letter they had received from John McGinn requiring that they surrender possession of the lands he had purchased at tax sales.[16] Commissioner W.A. Jones stated that the Indian Office had no information on the nature of any trust relationship for the lands, which he described as

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[15] This request was similar to a previous inquiry, in 1860, when Cheboygan Indians asked the Governor how the lands he held in trust for them could be divided so that each Indian could "hold & improve his own distinct property" and "have a deed of his share" (Kishigoe 8/8/1860).

[16] This letter by Ki-shi-go-way *et al.*, on December 17, 1899, demonstrates that the residents of the Cheboygan village were aware of McGinn's proceedings against the State trust lands prior to the burnout of 1900. The contention of one of the petitioner's researchers appears to be that they may not have been aware of the specific proceedings in 1898 to obtain a writ of assistance (White 1980, 84), although a solicitor claimed to represent them (Halstead 1/18/1898; Circuit Court 9/12/1898; see also BIA 4/14/1914, p.4). For additional evidence of the knowledge of McGinn's proceedings by the residents of Indian Village, see the letter of Moses F. Hamlin to the Governor of Michigan on December 11, 1897 (Hamlin 12/11/1897). Both this 1897 letter and the 1899 letter responded to McGinn's letter to the residents of Indian Village (McGinn 12/5/1897). For examples of earlier Indian awareness of taxation of the land and tax title sales, see letters written on the Indians's behalf by A.J. Blackbird in 1894 and the law firm of Humphrey and Grant in 1895 (Blackbird 4/10/1894; Humphrey and Grant 5/27/1895).

having been conveyed in fee simple (BIA 1/11/1900).[17] In May 1900, the acting Commissioner described evidence supplied by the Governor of Michigan as showing that the patents for the lands contained no restriction against alienation or taxation, and that "the trust reposed in the Governor of Michigan" was not defined or described. He stated that the Indian Office "is forced to the conclusion that said lands are subject to taxation. Such being the case, the office is unable to make any recommendation for the relief of the Indians" (BIA 5/17/1900). The Secretary of the Interior then informed the Governor that it was "not within the power of this department to afford any relief" on behalf of the State trust lands at Burt Lake (quoted *in* Pingree 1/9/1901, p.273)

The Durant Roll of 1910 did not constitute Federal acknowledgment of any Michigan tribe or band. In the Act of 1908 that required the roll, Congress directed the Secretary of the Interior "to make a complete roll of the Ottawa and Chippewa Indians of the State of Michigan entitled to participate in the funds arising from the judgment of the Court of Claims," not to identify current members of any particular bands (United States 1908, 81). The Act authorized the Government to deal with Ottawa and Chippewa Indians for a single, limited purpose, not to establish a government-to-government relationship with any specific band. In producing the roll, Special Agent Horace Durant did not seek to identify members of bands existing in 1910, but to identify Ottawa and Chippewa Indians who had received annuities in 1870 and to list their lineal descendants. Such descendancy rolls did not constitute Federal acknowledgment of a tribe.

McGinn Litigation

The petitioner contends that the United States acknowledged the "Cheboygan Band as a federally recognized tribe" when a U.S. district attorney in Michigan, in June 1911, initiated litigation in Federal court against John McGinn to invalidate his acquisition of the band's State trust lands (Petitioner 2001, 14).[18] The petitioner thus bases its claim for previous Federal acknowledgment on the actions of the Department of Justice, but it also contends that the Department of the Interior and the Office of Indian Affairs "directly supported" that effort by conducting research and providing the results to the Justice Department (Bransky 4/5/1994; see also Cornell 1994, 116). In his initial bill of complaint, the U.S. Attorney claimed that the "Cheboygan Band of Indians" was "now"

[17] The commissioner of the U.S. General Land Office informed the State land commissioner, in 1894, that the trust lands patented to the Governor "were not *granted* or *selected*, for the Cheboygan Band of Indians," but "were purchased at ordinary private cash entry" (GLO 5/15/1894, emphasis in the original). He also noted that the lands were not purchased or patented "under any special act of Congress in relation to said Band of Indians. . . ."

[18] After McGinn's death, the litigation continued against the executors of his estate, and *U.S. v. McGinn* became *U.S. v. Shepherd and Ramsey*.

and historically had been "under the care, control, and guardianship" of the United States, and that it was "now . . . recognized by the plaintiff [United States] as a tribe . . ." (U.S. Attorney 6/22/1911). In addition to the district attorney, two "special assistants" to the Attorney General of the United States signed this bill of complaint. This representation, made on behalf of the Federal Government by a U.S. Attorney, was an unequivocal statement of Federal acknowledgment of a Cheboygan band.

This litigation did not result from existing Federal acknowledgment of a Cheboygan band by the Department of the Interior. There is no evidence in the available record for this petition that demonstrates that the Indian Office or Interior Department requested the Department of Justice to file a lawsuit on behalf of the Cheboygan Indians in 1911, or even that they were informed that such a suit had been filed by the district attorney.[19] Several months after the litigation began, however, the Indian Office began to gather some information about the Cheboygan land issue (see BIA 10/26/1911). In January 1912, more than six months after the Department of Justice filed a bill of complaint against McGinn, the Assistant Secretary of the Interior informed the Attorney General that, "[i]f you decide to instruct the proper United States Attorney to bring any actions" to help the Cheboygan Indians "regain possession of their lands," the Interior Department would direct an Indian superintendent to assist the district attorney (Interior 1/4/1912). This letter reveals both the Interior Department's lack of awareness of the pending litigation and its willingness to support legal action on behalf of Cheboygan Indians.

In January 1914, Judge C.W. Sessions of the District Court found the defendant's response to the U.S. Attorney's complaint to be "well taken," but granted the Government the opportunity to amend its complaint (U.S. District Court 1914b). At this point the Indian Office undertook an investigation relating to the issues in that litigation. J.W. Howell interviewed Indians at Brutus near Burt Lake, examined Federal and county land records, consulted the district attorney, questioned the judge, and submitted a report in April 1914 (BIA 4/14/1914). He recommended that his report and its enclosures be furnished to the Department of Justice and the U.S. Attorney, and this recommendation was approved by Commissioner of Indian Affairs Cato Sells. The U.S. Attorney used some of Howell's arguments and evidence when he filed an amended bill of complaint. The U.S. Attorney informed the Court in 1914 that his amendments were filed "by direction of the Attorney General of the United States" (U.S. Attorney 4/30/1914). In 1917, the Secretary of the Interior informed the Attorney General that he was prepared to send Howell to Michigan to assist the U.S. Attorney at trial (Interior 5/5/1917). Thus, the

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[19] The petitioner and its researcher imply that Federal action to reclaim the band's State trust lands began when Albert Shananquet wrote a letter to the Attorney General (Petitioner 2001, 13; Cornell 1994, 115). However, that letter was dated July 20, 1911, which was a month *after* the U.S. Attorney filed a bill of complaint in Federal district court (Shananquet 7/20/1911). The Interior Department's involvement in the court case, however, does appear to have begun when this letter was referred by the Justice Department to the Interior Department (see Interior 1/4/1912).

Indian Office cooperated with the Justice Department in an attempt to aid Cheboygan Indians.

In correspondence with the Department of Justice and in contexts other than the *McGinn* case, however, the Department of the Interior took positions different from those argued for the Government by the U.S. Attorney. Also, during the *McGinn* litigation, Federal officials replied to letters from Enos Cabenaw and Albert Shananquet about the progress of the case, but did not consult either as tribal leaders. In 1914, the Assistant Secretary of the Interior told the Attorney General that, "[t]he so-called Cheboygan Band was not an independent tribe, but was a part of the Ottawa and Chippewa of Northern Michigan" (Interior 1/26/1914). While it is not clear whether Interior's denial that the Cheboygan band was an autonomous entity conflicted with the position taken by Justice in the litigation, its reference to the band in the past tense did conflict with that representation. In 1917, prior to the judge's opinion in the *McGinn* case, Interior informed an individual "that the Ottawa and Chippewa tribes of Indians many years ago became citizens of the United States and of the state in which they reside and are now not under the jurisdiction and control of the Government" (letter 2/15/1917 quoted *in* Interior 5/1/1937). This statement of the Department's position since the 1870's was contrary to that stated on behalf of the Government by the U.S. Attorney in the *McGinn* litigation.

During the *McGinn* litigation, both Enos Cabenaw and Albert Shananquet wrote to Federal officials seeking information about the progress of the case. The available evidence shows that Federal officials replied to these letters, but did not initiate any consultation with either man. In 1914, Special Agent Howell visited Cabenaw. It appears that he did so because Cabenaw claimed to have evidence, not because the Government sought Cabenaw's advice or support as the leader of the plaintiff band (BIA 4/14/1914). Howell obtained an affidavit from Cabenaw for use in the lawsuit. Federal officials addressed their letters to Cabenaw and Shananquet as individual citizens, not as tribal leaders. Letters from the Indian Office, U.S. Attorney, and Department of Justice to Shananquet and Cabenaw (BIA 11/21/1911, 2/10/1912, 1/30/1914a, 1/30/1914b, 2/20/1914; U.S. Attorney 3/10/1914, 3/14/1914; Justice 2/10/1915, 3/2/1915, 9/6/1916) were addressed to them as individuals and used no titles that would have suggested they were considered to be leaders of the band about which they inquired.

Judge Sessions defined the issue in the *McGinn* case, in his 1914 opinion, by referring to "the controlling importance of the ultimate question of whether these lands were taxable by the State of Michigan" (U.S. District Court 1914a). In his 1917 opinion, he reiterated that "[t]he question upon which the decision of this case hinges is whether these lands were taxable" (U.S. District Court 1917a).[20] According to the judge's 1914 opinion, if the

[20] The petitioner and its researcher ignore Judge Session's explicit statements about the issue he found to be of "controlling importance" in the case. They claim both that the most important factor in the (continued...)

band's State trust lands were taxable by the State, the decision must be for the defendants; if they were not, the decision must be for the United States (U.S. District Court 1914a). The judge noted that the Federal Government historically used two methods to protect Indian interests: to retain legal title to the lands in trust for the Indians, or to convey legal title to the Indians with restrictions on their ability to sell the lands. He argued that in the case of the State trust lands the Government had not used either of these methods, nor had Congress imposed any conditions on Indian ownership, and therefore no Federal ownership or restrictions on alienation precluded State taxation of those lands.

After this 1914 opinion, the U.S. Attorney filed an amended complaint and the defendants filed a response (U.S. Attorney 4/30/1914; Shepherd and Ramsey 3/6/1915). The United States, which originally had stated that the Cheboygan band was the owner in fee simple of the State trust lands, now argued that "Indian trust funds were converted into land for the benefit of the entire band." The defendants argued that the Government lost control over the State trust lands when it patented those lands, and that lands held in fee simple were taxable. The U.S. Attorney challenged the procedures by which McGinn obtained possession of the lands, arguing that "the Indians had no personal notice" of tax assessments and tax sales and that when McGinn sought his writ of assistance in 1898

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[20] (...continued)
judge's decision was the State legislature's Resolution of 1903 to provide lands for the band (Cornell 1994, 140-141), and that the judge's decision resulted from his "false impression" that the band actually received land from the State under the Resolution (Petitioner 2001, 14). A review of the judge's 1914 and 1917 opinions, however, indicates that he referred to the 1903 Resolution only briefly and did not use that Resolution to resolve the "ultimate question" of whether the State trust lands were taxable.

Judge Sessions's 1914 opinion mentioned the 1903 Resolution only after he presented his central argument that the State trust lands were taxable. The judge then added a statement that the Treaty of 1855 did not help the Government's case because the status of the State trust lands, patented by 1850, were not "affected in any way" by that treaty (U.S. District Court 1914a). Since the treaty contained provisions relating to unselected public lands while the State trust lands already were selected under prevailing land laws, the treaty provisions did not apply to those lands. Sessions, however, also considered the alternative position, that he was wrong and the treaty did affect the band's State trust lands, and argued that this would not alter his conclusion that the lands were taxable at the time the lands were assessed for taxation. It was only in the discussion of this alternative position that the judge referred to the State's 1903 Resolution. Since, Judge Sessions's 1917 opinion mentioned the 1903 Resolution only as an additional demonstration of the Federal Government's failure to act to protect the State trust lands (U.S. District Court 1917a), George Cornell's argument (Cornell 1994, 140-141) that the State's attempt to restore lands to the Cheboygan band was the most important consideration in Session's 1917 opinion misreads that opinion.

One of the petitioner's researchers suggests that the 1903 Resolution revealed the State legislature's mistaken belief that the State trust lands were individual land allotments under the Treaty of 1855 (White 1980, 94). A careful reading of Judge Sessions's opinions reveals that he did not ground his decisions upon such an assumption. Furthermore, the report of BIA employee J.W. Howell in 1914 records that Howell put this question of a possible misunderstanding directly to the judge in a personal interview, and that Judge Sessions replied that "he was under no misapprehension as to the status of the lands in question" and had not accepted the views of the 1903 Resolution (BIA 4/14/1914, p.9). The judge knew that the lands at issue in the *McGinn* litigation were not obtained as individual land allotments under the Treaty of 1855.

there was no service on the band in its collective capacity. The defendants provided affidavits to show that individual Indian residents of the Cheboygan village were served legal notice of McGinn's request for a writ of assistance. The U.S. Attorney filed the original complaint for the United States as guardian of the Cheboygan band, while the defendants argued that the Indians had become citizens by receiving patents for land allotments and that the Government had no power to institute suits on their behalf.

In his final opinion in 1917, Judge Sessions argued that the U.S. claim that the State trust lands were inalienable and non-taxable could succeed only on a theory that the Federal Government had reserved and retained control over those lands, either by the specific terms of the original conveyances to the Chegoygan band or by some general right of guardianship over those Indians and their property (U.S. District Court 1917a). He rejected both alternatives. Taking up the first issue of the terms of the land patents for the State trust lands, the judge noted that they contained no restrictions on taxation or alienation. He rejected the Government's contention that the purchase of the lands represented a change of one form of trust property into another, concluding that, even though that purchase probably had been made with annuity payments received by band members, when they had received that money it "had ceased to be trust funds and had become the individual property of the Indians." He concluded that the patents did not state any duties of the trustee and thus established a "passive trust" (U.S. District Court 1917a). The judge also noted that for 60 years the Federal Government had made no demand on the Governor for an accounting of his role as trustee. This evidence did not show that the Government retained control over these lands either by its actions or by the terms of the patents.

On the issue of Federal guardianship, Judge Sessions argued that Cheboygan Indians had become citizens, according to the provisions of the General Allotment Act of 1887,[21] by receiving individual allotments of land under the provisions of a treaty, and had exercised the rights of citizens by voting and holding public office. He contended that the Cheboygan Indians, as a band, had "never been treated . . . or recognized as a nation or a tribe" (U.S. District Court 1917a). The evidence, according to the judge, showed that the Federal Government "abandoned and relinquished all right of guardianship over these Indians . . . more than a third of a century before the present suit was instituted" (U.S. District Court 1917a). In summary, he concluded that because of the Government's "full performance of treaty obligations," the 1855 treaty's "dissolution of the tribal organization of the Ottawa and Chippewa Indians," and the Indians's "final attainment of

[21] Section 6 of the Act of February 8, 1887, stated that, "every Indian . . . to whom allotments shall have been made under the provisions of this act, or under any law or treaty, . . . is hereby declared to be a citizen of the United States. . . ." That section also provided that upon "the patenting of the lands to said allottees, each and every member . . . to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside . . ." (United States 1887).

citizenship," the Federal Government "relinquished its right of guardianship over these Indians and their property" and, despite its pleadings to the Court, could not represent the Indians as their guardian at present (U.S. District Court 1917a).

Judge Sessions held that the State trust lands were taxable, and thus were properly acquired by McGinn (U.S. District Court 1917a). The judge issued a decree dismissing the U.S. bill of complaint (U.S. District Court 1917b). The Government decided not to appeal the decision. A Justice Department memorandum recommended against an appeal on the grounds that the judge had issued a correct opinion. A handwritten note on this memorandum by the Assistant Attorney General agreed, adding the comment that, "[t]he wonder is how it [the case] ever came to be brought" (Justice 12/4/1917). The views of the Interior Department about an appeal had been sought by the Justice Department, but not obtained. After this Federal judicial opinion of a lack of Federal responsibility for Cheboygan Indians, the Interior Department and the Indian Office appear to have returned to their post-1870's position that the Government lacked responsibility for and jurisdiction over the Ottawa and Chippewa Indians of Michigan.

Indian Reorganization Act

The Indian Reorganization Act (IRA) was approved in June 1934 (United States 1934). Section 16 of the Act provided Indian tribes a right to organize and adopt constitutions, but it made residing on a reservation a prerequisite for organizing under the Act. Section 7 of the Act, however, authorized the Secretary of the Interior to proclaim "new Indian reservations on land acquired" pursuant to the Act. Thus, if the Secretary acquired new lands, he could then establish new reservations and allow the Indians placed on the new reservations to organize under the Act. Section 19 of the Act provided that, in addition to members of federally recognized tribes or residents of reservations, "persons of one-half or more Indian blood" could be included in the benefits of the Act. Thus, the IRA provided a means by which unrecognized Indian groups could become organized, but required that lands first be acquired for them and proclaimed as a reservation. An opinion of the Solicitor of the Department of Interior in 1937 noted that, for Indians who lacked status as a recognized band or as Indians on a reservation, the only means of providing them the benefits of the IRA was to select those of "one-half or more Indian blood," purchase land for them, and then allow them to organize under the Act (Interior 5/1/1937).

In response to questions about the administration of the IRA, the BIA made several statements that indicated it did not consider the Ottawa and Chippewa Indians of Michigan to be a federally recognized tribe. For example, in 1934, Assistant Commissioner of Indian Affairs William Zimmerman informed Senator Arthur Vandenberg that "practically all of the Michigan Indians lost their so-called wardship status and are not members of a recognized tribe under Federal jurisdiction . . ." (BIA

12/17/1934). In 1936, M.L. Burns of the BIA said that the Chippewa and Ottawa Indians living within an area extending from the Straits of Mackinac to Traverse City "are not an enrolled band" and "are not wards of the federal government" (BIA 4/6/1936). The lack of Federal acknowledgment of a Burt Lake group was revealed by two letters in 1935. Assistant Commissioner Zimmerman, in his response to an inquiry about 20 "Indian families" in Burt Township, informed Representative Prentiss Brown of Michigan that "no one in this Office is acquainted with the group of Indians" mentioned by his constituent (BIA 5/17/1935). Superintendent Burns informed the Commissioner, in response to another inquiry, that Indians who called themselves the Cheboygan Band were not enrolled members in a federally recognized tribe (BIA 8/15/1935).

In 1934, BIA Superintendent Frank Christy of the Tomah Agency acquired options to purchase 7,000 acres of land in Emmet County, and he suggested that the land might be used to establish an "Indian colony" of Ottawa and Chippewa Indians under the provisions of the IRA (BIA 12/6/1934). Christy presented a plan for a rehabilitation program, in April 1935, that proposed to establish six such colonies, including one at Cross Village (BIA ca. 4/27/1935; see also BIA 5/4/1935). The proposed land purchases were not made by the BIA, however, due to a lack of Congressional appropriations, and previously unrecognized Indians in lower Michigan were not organized under the IRA. A map of the areas served by the proposed colonies showed the Cross Village region extending east and west from Lake Michigan to Burt Lake, and north and south from the Straits of Mackinac to Lake Charlevoix. Thus, the western side of Burt Lake was included within the territory of the proposed Cross Village colony. However, the available evidence does not include any specific references to Burt Lake Indians or a Burt Lake band by Superintendent Christy or any other proponent of the land acquisition plan under the IRA.

A petition stating that its signers were "desirous of obtaining the benefits . . . of the new Indian Reorganization Act" was submitted to the Commissioner of Indian Affairs on May 13, 1935, by Fred Kishego and 40 other individuals (Kishego *et al.* 5/13/1935). The IRA petitioners referred to themselves as "members of the Ottawa and Chippewa Tribes," but not as members of a specific band or residents of a specific locality. The signers gave their addresses as Cheboygan County, or as Pellston or Petoskey in Emmet County. Some, but less than half, of Indian Road adult residents in 1930 (11 of 25) signed the IRA petition. Most of the IRA petition signers (32 of 41) were descendants of an individual on the list of the Burt Lake band in Durant's field notes (Madison 2002, Ex. C, p.14, presented slightly different numbers). However, only 13 percent of the current petitioner's members descend from a signer of the 1935 petition.

One month after the IRA petition, Peter Shawanasige of Brutus wrote to the Commissioner of Indian Affairs asking for a response to an unidentified petition and mentioning a "Cheboygan Band of Indians" (Shawanasige 6/17/1935). Commissioner John Collier demonstrated a lack of knowledge about "a group who call themselves [the]

Cheboygan Band of Indians" by asking the superintendent of the Consolidated Chippewa Agency for information about such a group's status to organize under the IRA (BIA 7/23/1935). Superintendent M.L. Burns responded that he had "never met Peter Shawangasige of Brutus Michigan," who had inquired about the petition. He could supply no specific information about the petitioners, but noted that they could not come under the IRA because they were not enrolled and did not reside on a reservation (BIA 8/15/1935).

Several reports by BIA officials in 1937 noted problems in applying the provisions of the IRA to the Indians of lower Michigan and advised against doing so. Two major concerns of the Indian Office were that it lacked the resources and appropriations to provide basic services and economic rehabilitation to the Indians of lower Michigan, and that its attempts to assume such responsibilities could lead to a withdrawal of services to Indians by the State of Michigan. A 1937 report concluded that the "Indian Service has not sufficient funds to do a good job with the Indians already under its jurisdiction. It cannot afford to assume responsibility for more" (BIA 1937). A planning conference in 1937 discussed the situation of the "Ottawa-Chippewa" Indians of Michigan and concluded that "the Indian Bureau should not proceed to enroll and organize these Indians until such time as the Federal Government was ready to follow through on a comprehensive program of rehabilitation. It was decided, therefore, that no attempt should be made to bring these Indians under the Act [IRA] in the near future" (BIA 5/8/1937).

The existence of State services to Michigan Indians was noted by the 1937 report of a BIA field representative which argued that an act of Congress had transferred the Mount Pleasant Indian School to the State of Michigan in exchange for the State assuming responsibility for providing educational, health, and welfare services to the Indians of Michigan on the same basis as the general population. The report cautioned against disturbing this arrangement with the State (BIA 1937).[22] Superintendent Christy also adopted this position. Arguing that the State provided relief and welfare services to the Ottawa Indians of Michigan on the same basis as other citizens, Christy warned that "it would be exceedingly unwise to disturb this arrangement" until the Indian Service was prepared "to assume full responsibility" for those Indians, because "the local county and township governments . . . would welcome the opportunity to transfer responsibility to the Federal Government" (BIA 6/16/1937).

In January 1939, a conference of Indian Service officials discussed the question of the Indian Office's relationship to the Indians of lower Michigan and agreed that a study of the issue should be made by John Holst, Supervisor of Indian Schools (BIA 1939,

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[22] The Act of Feb. 19, 1934 (48 Stat. 353) granted the property of the Mount Pleasant Indian School to the State of Michigan with the condition that "Indians resident within the State of Michigan will be accepted in State institutions on entire equality with persons of other races, and without cost to the Federal Government."

introduction). In his report, Holst concluded that, "[c]omparatively few of the Indians of lower Michigan have ever had the status of Government wards by virtue of residence on land held in trust for them by the Federal Government." He noted that, "the Government allotted them in severalty . . . thus providing for the immediate elimination of wardship status . . ." (BIA 1939, 5). That description applied to the Indians at Burt Lake, although Holst did not mention them specifically. Holst concluded that "the Indian Bureau should refrain from any attempt to deal with any of the Indians of Michigan as a separate group" (BIA 1939, 8). One of his four major recommendations was that "the Indian Office shall not attempt to set up any additional or supplementary educational or welfare agencies for the Indians of lower Michigan that in any way tend to recognize Indians as a separate group of citizens" (BIA 1939, 21). That recommendation was approved by Commissioner Collier in May 1940 (BIA 5/29/1940).

This evidence reveals that neither a Cheboygan band nor the Ottawa and Chippewa Indians of Michigan were considered a federally recognized tribe at the time of the passage of the Indian Reorganization Act. The BIA, in its administration of the IRA, gave consideration to a land acquisition program for Indians in the vicinity of Cross Village that might have resulted in the organization of a tribe that might have included Indian residents of the Indian Road settlement at Burt Lake. The implementation of the Act, however, did not result in the organization of any new Indian groups or of any group of Indians of "one-half or more Indian blood" in lower Michigan. With respect to the current petitioning group, there was no mention of any Burt Lake band in any of the available evidence relating to administration of the IRA. The petitioner has not demonstrated, with any argument or evidence, that the BIA had any plans or intention, if it received adequate appropriations for land purchases and rehabilitation under the IRA, to organize a Cheboygan band or Burt Lake band as a separate Indian entity.

Congressional Recognition of the Little Traverse Bay Bands

In September 1994, Congress legislatively recognized the Little Traverse Bay Bands of Odawa Indians, the Little River Band of Ottawa Indians, and the Pokagon Potawatomi Indians. At the same time, Congress considered a bill to "reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe" (Stupak 4/14/1994). Representatives of the Burt Lake petitioner participated with these other petitioners for Federal acknowledgment in the lobbying and hearings that preceded consideration of these recognition bills. The Burt Lake bill failed to pass. The Act of 1994 that "reaffirmed" the Federal recognition of the Little Traverse Bay Bands did not include any mention of a Burt Lake band. The Act provided that the Little Traverse Bay Bands would submit a membership roll to the Secretary of the Interior (United States

1994, sec. 7, sec. 2(3)).[23] In defining its membership, the Little Traverse Bay tribe accepts as qualifying ancestors those individuals named on the page of the treaty annuity list of 1870 that Durant cited as the "Burt Lake band." Thus, as a result of the Act of 1994, some of the petitioner's members have become eligible for membership in a federally recognized tribe. In its 1994 legislation, however, Congress did not recognize a separate Burt Lake band.

[23] The Act of 1994 defined the "service area" of the Little Traverse Bay Bands in a manner that included the Burt Lake village site and the 1855 treaty reserve for the Cheboygan band (United States 1994, sec. 4(b)(2)(A)).

Criterion (a)

The petitioner's membership has two components of almost equal size, the descendants of Indians who received treaty annuities as historical Burt Lake band members and the descendants of John B. Vincent, who was not a member of the historical Burt Lake band. In view of the composition of the petitioning group, the regulatory question of whether or not the petitioner was identified as an Indian entity is not necessarily a question of whether a single historical entity was identified, nor whether the claimed historical band was identified. The petitioner might have been identified as a single Indian entity consisting of both of these components of its membership, or these two components might have been identified as separate Indian entities which later amalgamated as one petitioning group. The available evidence for each possibility should be considered. Thus, this proposed finding reviews evidence relating both to any identification of a group of Burt Lake band descendants as an Indian entity and any identification of a group consisting of Vincent's descendants as an Indian entity.

Identification of John B. Vincent and His Descendants

About 48 percent of the petitioner's members descend from John B. Vincent (1816-1903). The available documentation, however, provides no evidence that Vincent ever was part of any identified Burt Lake Indian entity or any other identified Indian entity. Although he was listed on the 1875 schedule of allotments under the Treaty of 1855 in the reserve designated by the treaty for the Cheboygan band, that schedule did not identify any band of which he was a member and he had not been listed as a member of the "Sheboygan" band identified on the original 1857 list of individuals eligible for allotments (BIA 1857, 1875a). The BIA's 1873 report referred to the Cheboygan band as "holding certificates" (BIA 6/21/1873), but Vincent had not received an allotment certificate. At the time of the treaty, Vincent was a resident of the town of Cheboygan. During his lifetime, he was described as having been one of the original settlers of that town in 1846 (Ware 1876, 15, 17, 18; *Cheboygan Democrat* 9/20/1902). The historical documents in the available evidence that mentioned Vincent described him as a founder and resident of the town of Cheboygan, or as a veteran of the Civil War army.

The local Cheboygan newspaper treated Vincent as a revered founding settler and long-time resident of the town of Cheboygan. For example, in 1902 the Cheboygan newspaper listed Vincent as the earliest of the city pioneers still living, and urged residents to "take off your hat" to him as one of the "men to whom we owe much" for having helped "in shaping the destiny of our city's future" (*Cheboygan Democrat* 9/20/1902) After his death in 1903, an obituary stated that Vincent was "highly

respected by all who knew him" during his 60-year residence in Cheboygan. Referring to the growth of the town of Cheboygan and the related decline of local Indians since 1846, this newspaper linked Vincent with the town, not the Indians, describing him as "a history maker for Cheboygan" (*Cheboygan Democrat* 2/14/1903b). Nothing in this obituary described Vincent as an Indian or as a member of any identified Indian organization, group, or community. The absence in these 20th century documents of any identification of any Indian entity of which Vincent was a member is consistent with the lack of any such identification throughout his lifetime, according to the available evidence.

There also is a lack of any identification in the record of any Indian entity of which Vincent's children were members. An obituary for Vincent's eldest daughter in 1921 did not describe her as an Indian or as belonging to any identified Indian group (*Cheboygan Democrat* 7/8/1921). The petitioner submitted no evidence that the two children of Vincent from whom they descend were ever part of any identified Indian group. The record does not show that, prior to 1984, any identified Indian entity included Vincent's descendants, with the possible exception that a federally recognized tribe in 1979 included a few of his descendants as licensed fishermen (DNR 1979-1990). Some of Vincent's descendants became members, starting in 1984, of an entity that was identified as a Burt Lake band organization. Prior to 1984, the available record contains no evidence that Vincent or his descendants were ever part of an identified Indian settlement at Burt Lake, or part of any identified Indian entity that historically amalgamated with a Burt Lake band.

Identification of a Burt Lake Band, 1900-1976

About 46 percent of the petitioner's members descend from Indians who received treaty annuities as historical Cheboygan band members. Many of those ancestors or their descendants resided in Indian Village at Burt Lake prior to 1900. Local newspaper coverage of the burnout of that village in 1900 provided identifications of "Indian Village" as an Indian settlement and Indian entity (*Cheboygan Democrat* 10/20/1900). The local newspaper also referred to "the Cheboygan Indians" of Burt Lake at this time (*Cheboygan Democrat* 12/1/1900). Although that newspaper lacked sympathy for treating those Indians as a tribe, rather than as individual citizens, it noted the attitudes of "many people who have an idea that the Indians referred to are a tribe named 'Cheboygan'," who had lived on the shores of Burt Lake (*Cheboygan Democrat* 12/22/1900). In 1909, this newspaper, in describing a dispute between "Burt Lake Indians" and relocated "Mullet Lake Indians," referred to them as a "tribe" (*Cheboygan Democrat* 5/21/1909). Therefore, at the beginning of the 20th century, local contemporaries referred to the Indians who had been living at Burt Lake at the time of the burnout of 1900 as an Indian group and Indian entity.

Governor Hazen Pingree of Michigan identified a "Cheboygan band of Indians" in his message to the State legislature in 1901, when he urged the legislature to buy back the former State trust lands at Burt Lake (Pingree 1/9/1901). He also referred to the Indians at Indian Village as "this band of Indians." The Governor added the observation "that these Indians are living together practically as a tribe, and should be treated as such by the State." The State legislature's Joint Resolution of 1903 referred to "the Cheboygan Band of Indians, who were located upon the shores of Burt Lake in Cheboygan county" (Michigan 1903). The text of the Resolution also contained several references to this "band of Indians." Thus, the Governor and legislature of the State of Michigan identified the Indians of Burt Lake as an Indian band and Indian entity in the first decade of the 20th century.

Individuals and organizations outside the local area took up the cause of the Burt Lake Indians in the years after the burnout. In 1903, a Michigan representative of the Woman's National Indian Association and J.E. Armstrong of Chicago used almost identical language in issuing an appeal on behalf of "a band of Cheboygan Indians" that had lost land at Burt Lake, thus identifying the Indians at Burt Lake as a band at that time (*Grand Rapids Evening Press* 2/7/1903; *Cheboygan Democrat* 2/7/1903; *Sault Ste. Marie Daily News Record* 2/12/1903). In 1906, a woman from Indianapolis who had spent the summer at Burt Lake, and heard the story "of the Indians who have their settlement at Burt Lake about four miles from Brutus," wrote to the Governor of Michigan to inquire whether McGinn could be forced to pay the Indians for the value of their lost church building so that "they may build another in their new settlement" (Brigham 11/16/1906). This correspondent thus identified a post-burnout Indian settlement in 1906. Special Indian agent Horace Durant wrote a brief comment in his field notes in 1908 about the "chiefs of the Burt Lake Band" (Durant 1908, p.31, no.28). Durant's comment implied the contemporary existence of an Indian entity in 1908.

The U.S. Attorney for the Eastern District of Michigan identified a "Cheboygan Band of Indians" when, as "guardian" of the band, he filed a complaint against John W. McGinn in 1911 (U.S. Attorney 6/22/1911). By stating that the "Cheboygan Band of Indians is now . . . under the care, control, and guardianship of the plaintiff [U.S.] and said band is now . . . recognized by the plaintiff [U.S.] as a tribe," the U.S. Attorney clearly stated that he considered the Cheboygan band to be a contemporaneous Indian entity. The U.S. Attorney maintained this position in an amended complaint in 1914 (U.S. Attorney 4/30/1914) and until the judge issued his opinion in 1917. J.W. Howell, in his 1914 report of his investigation for the Indian Office, did not explicitly identify an Indian entity, although he noted that Enos Cabenaw, from whom he took an affidavit, had written to the Government as acting chief of the Cheboygan band (Howell 4/14/1914). When the Secretary of the Interior offered the services of Howell during trial in 1917, he referred to "the rights of the Cheboygan Band of Indians" as the rights of an existing Indian entity (Interior 5/5/1917). Therefore, the Federal Government identified a

Cheboygan band at Burt Lake as a contemporaneous Indian entity during the *McGinn* litigation between 1911 and 1917.

The examples presented by the petitioner as evidence of identification in the 1920's contain no explicit identification of a Burt Lake band or an Indian community or group. A newspaper article in 1923 about the "Early History of Cheboygan" referred to an Indian cemetery, but did not identify any contemporaneous Indian group (*Cheboygan Daily Tribune* 1/16/1923). A newspaper noted in 1925 that Albert Shananquet had "represented his tribe at Washington upon many occasions," but his "tribe" was not identified except by a reference to his activities on behalf of "the north Michigan Indians" (*Cheboygan Democrat* 2/12/1925). Attorney Webster Ballinger of Washington, D.C., wrote to the Department of the Interior to present the claim of a "Sheboygan Band of Indians" to certain lands in Michigan (Ballinger 12/21/1923). Because Ballinger was an attorney claiming to speak for such a band, however, by acknowledgment precedent he would not be considered an external observer. Although Federal officials also referred to a "Sheboygan Band" in their correspondence with Ballinger, they were merely repeating his representations, not making any independent observation or identification of such a group (Interior 12/26/1923; BIA 1/5/1924).

A series of letters between Catholic Indian missionary Aubert Keuter and his superiors, during the late 1920's and early 1930's, described an Indian mission church at Burt Lake and revealed that Indians attended religious services there. Rev. Keuter, who resided at Petoskey, referred in his earliest letters to the Catholic "mission at Burt Lake" and to Burt Lake as one of the "mission churches" without actually referring to an Indian group or describing who attended the mission church (Keuter 1/12/1928, 8/21/1930; see also 11/9/1931, 5/21/1933, 12/18/1934). A newspaper article about him referred to Indian missions rather than to Indian groups (*Grand Rapids Press* 1936). One of Keuter's letters listed "Indian settlements," but did not include Burt Lake as one of them (Keuter 5/8/1933). The exception to this pattern is that in one 1931 letter Keuter referred to "the Indians at Burt Lake" having held a service without him (Keuter 12/30/1931). From Keuter's perspective, this was a reference to a Catholic congregation, but if most of the Indian residents at Burt Lake were nominally Catholic, then his use of "the Indians at Burt Lake" may have been a reference to an Indian settlement as well.

A reporter of local news and gossip from the "Crump Settlement"[1] in Burt Township during the early 1930's referred to the "Indians from West Burt Lake." For example, an item in 1931 reported that, "[t]he Indians from West Burt Lake are busy trapping" (*Cheboygan Daily Tribune* 12/5/1931; see also 11/8/1932). In 1932, an item referred to

[1] The "Crump Settlement" refers to northern Burt Township. The memoirs of Irene Train Mosser identify the settlement as an area north of Burt Lake (*Petoskey News-Review* 2/25/1970). The *Michigan County Atlas* shows the "township hall" of Burt Township to be located on Crump Road just northeast of Burt Lake (Universal Map n.d., map 16, p.35).

an "Indian Village" while reporting that "Mr. and Mrs. Ed Parkey and Mr. and Mrs. Joe Butler motored through here en route from the Indian Village" to a funeral (*Cheboygan Daily Tribune* 11/8/1932).[2] Thus, in 1932 this correspondent from Burt Township identified an "Indian Village" on the west side of Burt Lake in the vicinity of the original Cheboygan band village, and appears to have referred to its residents as a group of "Indians from West Burt Lake." Local newspapers also identified an "Indian Village" or an "Indian Settlement" at Burt Lake in the late 1930's. In an article in 1935, one Cheboygan newspaper stated that the "Indian Village at Burt Lake includes about 50 families" (*Cheboygan Daily Tribune* 3/13/1935). Two months later, it reported that a meeting recently had been "held in the Indian settlement at Burt Lake . . ." (*Cheboygan Daily Tribune* 5/2/1935). In 1939, another Cheboygan newspaper reported the death of a resident "of the Indian Settlement, west of Burt Lake" (*Cheboygan Observer* 1/12/1939).

An Indian settlement on the west side of Burt Lake was identified in the 1930's by other sources as well. In the *Archaeological Atlas of Michigan*, published in 1931, author Wilbert B. Hinsdale stated that, historically "[t]wo [Indian] villages were located upon the west side of Burt Lake" and that "[o]ne of the villages upon Burt Lake is still occupied by a small number of Indians" (Hinsdale 1931, 18). Hinsdale's map showed one Indian village at Colonial Point and another just to the northwest of Colonial Point, presumably along Indian Road (Hinsdale 1931, map 14). Whether or not Hinsdale's reference to two historical villages was accurate, the evidence of the burnout of the historical "Indian Village" on Colonial Point in 1900 means that it is likely that his remark about a village "still occupied" referred to the Indian Road location. A Mount Pleasant Indian School case card, recording a "first review" in 1935, provided directions to the family home which placed it on Indian Road in Burt Township, and described the home's location as the "Indian Settlement East of Brutus" (Mt. Pleasant School n.d.). Thus, local newspapers, a scholarly publication, and a school record identified an Indian settlement at Burt Lake between 1931 and 1939.

Some of the petitioner's evidence from the 1930's refers to Indian residents of the Burt Lake area without specifically referring to them as an Indian group or entity. A letter to the local congressman from Oswald McGinn on behalf of a Burt Township supervisor referred to "the Indian families" in Burt Township (McGinn 4/26/1935). The Indian Office's response to the representative, that "no one in this Office is acquainted with the group of Indians of whom Mr. McGinn writes," constituted a statement of its inability to identify any Indian group or entity at Burt Lake (BIA 5/17/1935). Some of the petitioner's evidence from the 1930's is ambiguous. A 1935 newspaper account of an American Legion rehabilitation program for Indians indicated that the Legion had stated

[2] The 1930 Federal census shows that Ed Parkey and non-Indian Joe Butler were next-door neighbors on Burt Lake Road, which runs along the west side of the lake just north of Colonial Point and is located just to the east of Indian Road (U.S. Census 1930a, ED 16-4, households #28-29). Parkey also was married to Butler's daughter.

that, "[s]uggested regions for the Indian work are Middle village, Good Hart, Burt Lake and other settlements" (*Cheboygan Daily Tribune* 5/1/1935). This language appears to have referred to Burt Lake both as a "region" and as an Indian "settlement."

Although a group of Burt Lake band descendants appear to have petitioned in 1935 for benefits under the Indian Reorganization Act (IRA), there was no mention of any Burt Lake band in any of the available evidence relating to the administration of the IRA between 1934 and 1940. Superintendent Frank Christy of the Tomah Agency and Superintendent M.L. Burns of the Consolidated Chippewa Agency developed a plan for land acquisition and resettlement under the IRA, but this plan proposed the creation of a Cross Village colony and did not include any specific references to Burt Lake Indians or a Burt Lake band. An inquiry about the 1935 petition by Peter Shawanasige of Brutus referred to a "Cheboygan Band of Indians" (Shawanasige 6/17/1935), but the Indian Office's lack of knowledge about such a group was demonstrated by Commissioner of Indian Affairs John Collier's request to Superintendent Burns for information about "a group who call themselves [the] Cheboygan Band of Indians" (BIA 7/23/1935). The superintendent responded that he had never met Shawangasige and could supply no specific information about the IRA petitioners (BIA 8/15/1935). Thus, this inquiry reveals the BIA's inability to identify a "Cheboygan Band of Indians" in 1935.

The 1939 "Survey of Indian Groups" by John Holst of the BIA concluded that "[t]here are very few or no Indian communities" in lower Michigan because the Indians there "are everywhere component parts of the communities in which they live" (BIA 1939, 6, 8). Holst reported that the "Burt Lake and Topinabee families. . . . are too widely scattered for any community action" (BIA 1939, 11). He said that the Indian families at Pellston "do not constitute a community in the sense that they recognize common interests" (BIA 1939, 10). Holst's list of examples of Indians clinging to old village sites did not include Burt Lake (BIA 1939, 9, 17). This language of the report did not identify Burt Lake area families as an Indian entity. Holst's table of the Indian population of lower Michigan was entitled "Indian Families in Lower Michigan." While this emphasis on families matched the text's emphasis on a lack of communities, the subtitle of the table was "Ottawa groups in Lower Michigan." The table provided the number of Indian families by geographical areas, listing 14 families at Burt Lake, 9 at Pellston, and 3 at Topinabee. To the extent that the table implied an identification of Indian groups, it identified Burt Lake, Pellston, and Topinabee as separate groups.

A Burt Lake Indian settlement or group was identified during the 1940's in two documents in the record. An obituary, submitted by the petitioner, was published in a local newspaper in 1945 for a resident of the "Indian Village at Burt Lake" (Anonymous 5/22/1945). A 1947 report, found by OFA researchers, of a State investigation of a timber trespass complaint made by Albert Shananquet, referred to "the Indian settlement near Brutus" as the residence of an informant (MacDonald 11/19/1947). Other documents from the 1940's submitted by the petitioner, however, did not identify a

contemporaneous Indian entity. Newspaper reports of local Indians serving in the military during World War II did not identify any Indian group or entity. A Catholic missionary referred to an Indian mission at Burt Lake in 1946 without identifying any Indian group or settlement there (Bérubé 9/6/1946). A 1949 newspaper article that named Eliza Parkey, 97, as the person who had lived longest in Cheboygan County referred to her as having grown up "in the Indian settlement" in Burt Township (*Cheboygan Daily Tribune* 8/3/1949). The Indian settlement this article identified, however, was one that had existed during Parkey's childhood in the 1850's and 1860's, not one that still existed in the 1940's.

In 1950, a local newspaper published an obituary for a woman who "died recently at the Indian Settlement near Brutus . . ." (*Cheboygan Daily Tribune* 8/15/1950). This obituary constitutes identification of an Indian settlement at Burt Lake in 1950. Other obituaries from the 1950's, however, did not include such references to an Indian settlement. The book *When Michigan Was Young* by Ethel Rowan Fasquelle, published in 1950, contained an imaginative account of "Pokagon's Village" on "Clear Lake" before 1900 (Fasquelle 1950). Fasquelle later confessed that she had borrowed the name for the village "as a literary license" in writing a "story" about Indian Village on Burt Lake (*Petoskey News Review* 3/16/1956). Since Fasquelle wrote that, "[t]he village is gone from the face of the Earth," any identification by her of Indian Village at Burt Lake was of a settlement that had existed prior to 1900. A newspaper article in 1955 which acknowledged that Indian "descendants still form a large part of the inhabitants" of the Burt Lake district did not, however, identify them as constituting a group or entity (*Cheboygan Daily Tribune* 7/2/1955). An article about "The Sad Story of the Burt Lake Band," published in *The Totem Pole* in 1956, was a historical account that stopped in 1901 and thus identified no contemporary group of Burt Lake Indians (*Totem Pole* 1956).

In March 1956, Jonas Shawanesse of Harbor Springs led a delegation of Indians to meet with the Governor of Michigan, and included a Burt Lake land claim in his presentation. Various newspapers described the Indian attendees as "a small group of Indians" (*Detroit Sunday Times* 3/11/1956), "Michigan Indians" (*Cheboygan Daily Tribune* 3/13/1956), "24 Indians from Burt Lake" (*Detroit Free Press* 3/13/1956), "Indians in the Burt Lake area" (Doherty 3/13/1956), a "group of Indians" (Lansing *State Journal* 3/13/1956), "the Northern Michigan Indian Club" of Harbor Springs (*Petoskey [News-Review]* 3/13/1956; *Emmet County Graphic* 3/15/1956), "Indians of Northern Michigan" and "Indians from Harbor Springs" (*Cheboygan Daily Tribune* 3/15/1956), "descendants of the Ottawa and Chippewa tribes" (WCBY Radio 3/15/1956), some "Michigan Indians" (*Detroit Times* 3/16/1956), and "Harbor Springs Indians" (*Petoskey News-Review* 3/16/1956). After the meeting, two State officials also described the meeting as having been held with "the Northern Michigan Indian Club" (Gilmore 4/18/1956; Adrian 4/25/1956).

These quotations reveal that the media of the State lacked a consensus about what Indians this delegation might have represented. Most of these descriptions were broad, vague,

and geographical. One article that referred to a "group of Indians" added no other description, while the other undercut the notion that any group existed by stating that the 1900 residents of the village at Burt Lake had "drifted . . . to the four corners of the state" (*Detroit Sunday Times* 3/11/1956). The two articles that referred to the delegation as Indians from Burt Lake referred to the geographical area rather than to any specific entity. None of these references identified an Indian entity that can be considered a predecessor of the petitioning group. However, one newspaper account referred to Shawanesse as the "manager of the Burt Lake band of Ottawas" (*Grand Rapids Press* 3/14/1956). Even if inaccurate in its description of Shawanesse's role, this 1956 statement identified a Burt Lake band as a contemporaneous Indian entity.

A result of the 1956 meeting with the Governor was his creation of a Study Commission on Indian Problems. According to a history of the creation of a Michigan Commission on Indian Affairs, the commission that existed from 1956 to 1957 "never completed its final report to the governor" and did not make recommendations about the Burt Lake claims (Hillman 1984, 32). A compilation of the minutes of the Michigan Commission on Indian Affairs, however, includes an undated "Report of the Indian Commission" which may be a draft report of the Governor's commission. That manuscript, possibly prepared in 1957, stated that the "only claim against the state" was "the claim outlined by Mr. Jonas Shawanesse, of the Burt Lake band of Indians . . ." (Hillman 1990, 47). That report's recommendation was that "the Burt Lake Indians" refer their claims to attorneys. The petitioner does not contend that Jonas Shawanesse was a Burt Lake band member, and the available evidence does not indicate that he had been part of any Indian group at Burt Lake. The Governor's commission was aware that Shawanesse had stated a case for lands lost by the Burt Lake band in 1900 and, if this was its draft report, assumed that a "Burt Lake band of Indians" existed in 1956. Thus, the Governor's Study Commission on Indian Problems may have identified a Burt Lake Indian entity in a 1957 draft report.

A local newspaper columnist's comment in 1957 on the Governor's Indian commission referred to the claim for lands at Burt Lake (multiplying the acreage by ten) as one made by a "group of Ottawas near Petoskey" (*Petoskey News-Review* 8/1/1957). As in the earlier references to Indians from Harbor Springs, this was not a likely characterization of a Burt Lake band. The petitioner submitted a memoir by a non-Indian, published in 1959, of growing up in the area of the town of Indian River southeast of Burt Lake. While the memoir mentioned Burt Lake, it neither referred to a historical Indian band nor any contemporary Indian group (Conners 1959). The petitioner also submitted a popular history of the trails and highways of Michigan published in 1959. This account of historical trails did not identify either historical Indian bands or contemporary Indian groups (Mason 1959).

A local history of Columbus Beach at the south end of Burt Lake, printed in 1966, referred to the Indian village on Burt Lake prior to 1900. While the text noted that there were "many Indians in the area" in the 1960's, it mentioned Cross Village but did not

identify any Indian entity associated with Indians from Burt Lake (McElroy and Peters 1966, 13, 14, 35, 54). A series of newspaper articles during the 1960's reported on the presentations of "amateur historian" Merton Carter about the burnout of Indian Village in 1900. While these accounts referred to a Cheboygan band prior to 1900, they did not identify any contemporaneous Indian group or entity associated with the former village at Burt Lake (*Petoskey News-Review* 6/10/1967; *Harbor Springs Harbor Light* 6/25/1969; *Detroit News* 10/12/1969).

None of the other newspaper clippings from the 1960's submitted by the petitioner identified a contemporaneous Indian entity. A 1963 obituary for an ancestor of members of the petitioning group mentioned an Indian cemetery, but no Indian settlement or Indian group (*Petoskey News-Review* 11/22/1963). One newspaper article referred to a cabin that had survived the burnout, but not to any existing Indian group that had done so (*Harbor Springs Harbor-Lite* 7/26/1967). An article about the Indian mission church at Burt Lake noted that some Indians resided in the area, but did not identify them as a group or entity. By noting the attendance at church services of visiting "resorters" and implying that a small number of Indians lived in the parish, the newspaper characterized the church as no longer serving as an institution only for Indians. By stating that, "[t]he little Indian church was once the center of a thriving Indian settlement in the early decade of this century," the newspaper placed the Indian settlement in the past, not in the present (*Petoskey News-Review* 11/10/1967).

Some of the evidence the petitioner presents for identification during the 1970's consists of memoirs that were written during the 1970's about earlier times. In 1970, a Petoskey newspaper published Irene Train Mosser's memoirs of growing up in the "Crump Settlement" north of Burt Lake in the late-19th century and teaching at the Indian school in Burt Township during the winter of 1900-1901 at the time of the burnout. This account identified an Indian settlement about 1900. It also revealed knowledge of individual Indian "descendants who still live around Burt Lake" without characterizing them as a group or entity (*Petoskey News-Review* 2/25/1970; see also 2/26/1970). The newspaper continued the series with a memoir of Laura Butler Parkey, a non-Indian who married Indian Ed Parkey, about teaching at the Burt Lake Indian School in 1918-1919. Parkey said that only two of the old houses of the Indian families were still standing in 1970 and that most of their land was now owned by other people. She concluded her memoir with the observation that "the Burt Lake Indian Settlement of the early 1900's remains only a memory to a few of us" (*Petoskey News-Review* 8/7/1970). This account identified an Indian settlement in the past, but did not identify such an entity in the present.

A paper about Indian folklore, written by a college student in 1971, relied in part upon an Indian informant who had lived part of his adult life at Burt Lake. This student referred to the "present location of the Indians, in a few habitations well inland from Burt Lake," as having resulted from the burnout of 1900 (Crum 1971, 8). In narrating that

history, he said that after the burnout the Indians moved to Indian Road and rebuilt a church "in the vicinity of the present 'village'" (Crum 1971, 9). In that context, he may have used "present" to refer to the time the church was built, about 1908, to distinguish the new settlement on Indian Road from the previous village on Maple Bay. He also may have used the term "present 'village'" to refer to the "present location" of Indians at Burt Lake. By putting the term village within quotation marks, however, this student seemed to question the validity of using the term. He may have been doubtful about referring to a location with "a few habitations" as a "village." This student indicated that he had gathered stories from his Indian informant "during the time that we shared a hospital room" (Crum 197[illegible], 30), and thus it would appear that he had no personal knowledge of the location. As a reference to a contemporaneous Indian entity, not just to contemporary Indians, these remarks in this student paper are ambiguous.

In a report to a commission for Catholic missions in 1972, a Catholic bishop referred to a church at Burt Lake as a church "for the special use of Indians" (Szoka 9/25/1972). While this designation and the bishop's text acknowledged the existence of "Indian people" in the Burt Lake area, the bishop did not identify any Indian group or settlement there. A history of Tuscarora Township, published in 1975, referred to an Indian village or "campsite" at Burt Lake prior to 1900. It identified a living individual Indian man, John Parkey of the "Ottawa tribe," but did not describe him as being part of any contemporary Ottawa group located at Burt Lake or derived from the historical village (Sager 1975, [14]). A student history paper written for a community college course in 1977 discussed the period prior to 1918 only and contained no identification of any contemporaneous Indian entity (Smith 1977).

Identification of a Burt Lake Band, 1977-

In 1977, attorneys from the Native American Rights Fund (NARF) and the Michigan Indian Legal Services (MILS) began to act on behalf of a Burt Lake band. NARF's director wrote to the BIA in 1977 to request that "the Burt Lake Chippewas of Michigan" be included among the "Indian Tribes" for whom NARF would be authorized to contract for expert witness services in order to present a legal claim on behalf of the band (Echohawk 7/29/1977). An attorney for MILS wrote to NARF in 1978 about the expenses of a historical consultant because MILS had "been asked to represent the band in their land claim . . ." (Pastor 2/24/1978). An attorney for NARF replied to MILS about presenting the claims of various bands and stated that she had "worked out the framework of a theory for the Burt Lake Band . . ." (Locklear 6/1/1978). The attorney for NARF contacted the Governor's office by 1980, and in 1981 informed the Governor that NARF and MILS "represent the Burt Lake Band of Ottawas . . ." (Locklear 1/7/1981). By acknowledgment precedent, attorneys representing a Burt Lake band and speaking for the band as its advocates would not be considered external observers.

The historical consultant for NARF and MILS, Richard White of Michigan State University, in 1978 informed the NARF attorney that he would "make the best case I can" and "document as best I can the remarkable persistence of the Burt Lake band as an organized group" (White 7/17/1978). This historian's statement implied his identification of such an entity as existing in 1978 at the time of his letter. In 1979, a Michigan State University publication attributed a reorganization of a Burt Lake band to the efforts of instructor George Cornell to "reassemble" the band. The publication concluded that, "[o]n Oct. 26, 1977 the Burt Lake Indians became a band once again" (*MSU News Bulletin* 2/22/1979). This university publication in 1979 identified a Burt Lake Indian entity as existing since 1977, but appeared to deny that such an entity had existed between 1900 and 1977. The publication, however, quoted Cornell as saying that the "band never really fell apart" (*MSU News Bulletin* 2/22/1979). Thus, two Michigan State University faculty members and a university publication identified a Burt Lake band as an Indian entity in the late 1970's.

In 1980, both the Federal Government and State of Michigan became aware of land claims being made on behalf of a Burt Lake band. A field solicitor of the Department of the Interior noted that a Cheboygan band was not federally recognized, but advised a BIA agency that it should do research about a "potential claim" for lands "once belonging to the Cheboygan Band" (Interior 6/24/1980). Although this language placed a possible claim in the present, its reference to a band was to a band in the past. The BIA superintendent replied with similar language about the "possibility of a claim" now being made against the State for lands that were "once held" by the State for the band. However, the superintendent also made the comment that, "[o]ver the last 20 years the State and the Band have had communication on this issue a number of times, but the Cheboygan Band has not been able to receive satisfaction" (BIA 7/1/1980). This language indicated an identification by a BIA superintendent of a Indian entity currently existing in 1980. However, in the years after 1979, as it implemented fishing rights decisions of Federal courts, the BIA only issued "tribal treaty fishing identification cards" to federally recognized tribes and made no references to any Burt Lake band (BIA 2/5/1982; DNR 1979-1990, files 1979-1982).

Both a special assistant and a legal counsel to the Governor of Michigan began responding, in 1980 and 1981, to the attorney from NARF by referring to a Burt Lake band only as the name the attorney used for her client. By mid-1981, however, the Governor's special assistant Ronald Quincy was considering new legislation that would designate State land "for use by the Burt Lake Band" (Quincy 6/12/1981). In 1982, Quincy referred to "members of the Burt Lake Band of Ottawa Indians" who attended a recent meeting and to the "Band participants" in that meeting, thus identifying this band as an Indian entity (Quincy 5/27/1982). A newspaper article in 1985 reported that the Governor's office was involved in negotiations to transfer land to a contemporary Burt Lake band organization, suggesting that the Governor's office identified such an Indian entity at that time (*Cheboygan Daily Tribune* 7/19/1985). In 1986, the Michigan

Commission on Indian Affairs indicated that, under authority granted by the State legislature, it had "formally recognized" ten Michigan tribes, including the "Burt Lake Band of Ottawa/Chippewa Indians" (MCIA 8/25/1986). The next year the Commission approved a motion of support for a State land transfer to the "Burt Lake Band" (MCIA 6/11/1987). Thus, a State agency identified this Indian entity in 1986 and 1987.

Two federally recognized Michigan tribes adopted resolutions during the mid-1980's in support of Federal acknowledgment of a Burt Lake band. The Sault Ste. Marie Tribe of Chippewa Indians passed a resolution in December 1984 stating that it "supports the efforts of the Burt Lake Band in seeking and obtaining federal recognition as an Indian Tribe . . ." (Sault Ste. Marie Tribe 12/21/1984). In January 1985, the Keweenaw Bay Indian Community passed a resolution giving "its full support to the Burt Lake Band of Ottawa and Chippewa Indians in their endeavors to seek and obtain federal recognition as an Indian Tribe . . ." (Keweenaw Bay Indian Community 1/12/1985). By referring to a Burt Lake band in these resolutions, these two federally recognized Indian tribes, both located on Michigan's Upper Peninsula, identified a contemporaneous Indian entity.

A local newspaper reported in 1980 on the meeting "to formally organize the 'Burt Lake Band of Ottawa and Chippewa Indians'" (*Petoskey News-Review* 5/1/1980). Local newspapers also reported on the efforts of a Burt Lake band to obtain land from the State of Michigan as compensation for the State trust lands lost in 1900. In 1983, an anonymous newspaper referred to the efforts of the "Burt Lake Band of Ottawa and Chippewa Indians" to secure land (Anonymous 4/11/1983). In 1985, the *Straitsland Resorter* referred to "the Burt Lake Band of Ottawa and Chippewa Indians," the "group of Ottawa and Chippewa Indians," "the Indian band," and the "Burt Township Band" seeking State-owned land near the location of the historical village (*Straitsland Resorter* 2/28/1985, 7/25/1985, 9/5/1985). The *Petoskey News-Review* reported on the request for compensation as being made by the historical tribe now "[o]rganized into the Burt Lake Band of Ottawa and Chippewa Indians" (*Petoskey News-Review* 3/8/1985). The *Cheboygan Daily Tribune* focused on local opposition to a land transfer "to the Burt Lake Band of Ottawa and Chippewa Indians" (*Cheboygan Daily Tribune* 3/11/1985; see also 7/19/1985, 7/22/1985). Thus, at least three local newspapers identified an Indian entity during the 1980's by its formal name of the Burt Lake Band of Ottawa and Chippewa Indians.

Some of the evidence the petitioner presents for identification during the 1980's consists of historical accounts that were published in the 1980's. A columnist for a Cheboygan newspaper wrote a series of historical articles, including one in 1981 about Cheboygan Indians. This historical survey noted that "Indians had a little town" at Colonial Point and recounted the burnout of that settlement in 1900. It also noted that a new settlement, called "Indianville" on county maps, was formed by the previous residents of the burned village. The writer also referred to this settlement, at some point in the past, as "the Burt Lake Indian grounds settlement." He observed that "[s]ome of the descendants," four or

five "Indian families," still lived around the church, but he did not characterize them as an Indian settlement or group (*Cheboygan Observer* 12/21/1981; see also Turner 1987). Another local paper contained items in the late-1980's that featured a local Indian resident and commented on aspects of local Indian history. While these accounts noted the continued existence of Indian families in the area, commenting on their reduced number, the newspaper did not identify the surviving Indians as a contemporary group or entity (*Straitsland Resorter* 8/8/1985, 10/13/1988).

In 1986, the Grand Rapids Inter-Tribal Council published *People of the Three Fires*, which contained brief tribal histories of the Ottawa, Ojibway, and Potawatomi (Clifton *et al.* 1986). James McClurken's account of Ottawa history identified a Cheboygan Village at Burt Lake prior to the Treaty of 1836. His discussion of the 20th century, however, did not mention any Burt Lake group (McClurken *in* Clifton *et al.* 1986, 23, 37). George Cornell's account of Ojibway history did not include the Indian village at Burt Lake among Ojibway settlements, but discussed the burnout of that village in 1900 as an example of Ojibway history. Cornell also wrote that "the Burt Lake Band is currently negotiating with Governor Blanchard's administration" for compensation for the State trust lands lost in 1900 (Cornell *in* Clifton *et al.* 1986, 84-85, 100-101). Although most of these references were to the past, Cornell did identify a Burt Lake band as an Indian entity existing about 1986.

A number of obituaries printed in northern Michigan newspapers during the 1990's referred to the deceased as "a member" of a "Burt Lake Band" of Indians (*Petoskey News-Review* 3/1/1991, 12/4/1991, 8/3/1992, 10/6/1992, 4/26/1995, 12/9/1999, 12/30/1999; Anonymous 3/22/1991; *Cheboygan Daily Tribune* 5/30/1995; Lansing *State Journal* [1996]; *Sault Ste. Marie Evening News* 11/1/1999; *St. Ignace News* 11/4/1999). All of these obituaries referred to a contemporaneous Indian organization, and thus identified an Indian entity during the 1990's. A newspaper of the Catholic Church also identified an entity when it reported that the local bishop had transferred 20 acres of land to the "Burt Lake Band of Native Americans" (*Catholic Weekly* 10/6/1992). A photograph caption in 1993 of "chairmen from five Michigan tribes" seeking Federal acknowledgment mentioned a "Burt Lake Band of Ottawa" (Anonymous 9/21/1993). A newspaper article in 1997 included a photograph of the executive director of the "Burt Lake Band of the Ottawa and Chippewa Indians," which it described as a "band now clustered around the small town of Brutus, Mich." (Anonymous 7/20/1997). This evidence shows that newspapers identified a "Burt Lake Band" as an existing Indian entity during the 1990's.

Several historical accounts written in the early 1990's contained references to a contemporary Burt Lake band. In 1991, Simon Otto, a retired "executive coordinator" of the Little Traverse Bay Bands of Odawa Indians, wrote a newspaper column about the removal of the residents of the Indian village at Burt Lake. Although that article referred only to the "bitter memory" of some of the "descendants" of those village residents, a

revised version of that column, published in 1993, used the present tense to say that the "Burt Lake Band consist[s] of many who can recall" their ancestors talking about the burnout of the village (Otto 5/10/1993). A book published in 1992 by anthropologist Charles Cleland contained a footnote to his discussion of the Treaty of 1836 which offered his opinion that several unrecognized "Indian bands" had "a legitimate claim to treaty rights under the Treaty of 1836, including . . . Burt Lake" (Cleland 1992, 299-300). At some time between 1991 and 1993, James McClurken, writing on stationery of the Michigan State University Museum, made an argument, according to the title of this memorandum, for "special case status" for several unrecognized groups, including the "Burt Lake Band of Ottawa and Chippewa Indians" (McClurken n.d.). McClurken's text, however, in contrast to his title, made no mention of a Burt Lake band.

In the mid-1990's, two members of the U.S. House of Representatives from Michigan districts identified a contemporary Burt Lake band in the process of supporting legislation to "reaffirm" its status as a recognized Indian tribe. Representative Bart Stupak and twelve other members of Congress wrote to President Clinton in March 1995 to request an executive order to "reaffirm the federal relationship with the Burt Lake Band of Chippewa and Ottawa Indians as a federally recognized tribe" (Stupak *et al.* 3/2/1995). In November 1995, Stupak testified before a House committee in support of his bill "for the reaffirmation and clarification" of the Federal recognition of "the Burt Lake Band of Ottawa and Chippewa Indians." In this testimony, Stupak said that "the Burt Lake Band continues to exist today" (Stupak 11/14/1995). Representative Dale Kildee stated, during congressional debate on a similar bill in 1997, that "this tribe [Burt Lake band] deserves to have its relationship with the Federal Government reaffirmed" (Kildee 11/4/1997). Thus, these members of Congress identified a Burt Lake band as an Indian entity existing in the 1990's.

At the time this recognition legislation was being considered, five federally recognized Indian tribes from Michigan passed resolutions in support of the Federal acknowledgment of a Burt Lake band. The Little Traverse Bay Bands resolved to support "the reaffirmation of the status of the Burt Lake Band as a Federally recognized Indian tribe" (Little Traverse Bay Bands 1/7/1996). Four other tribes resolved, in identical language, to support the efforts of a "Burt Lake Band" to "reaffirm their status and re-establish their trust relationship with the U.S. Federal Government" (Little River Band 1/7/1996; Lac Vieux Desert Band 1/24/1996; Pokagon Band of Potawatomi 3/9/1996; Bay Mills Indian Community 4/1/1996). These resolutions of support constitute identification of a contemporaneous Indian entity. In addition, in a discussion of the distribution of an Indian Claims Commission award, the chairman of the Little Traverse Bay Bands referred to a "present day Burt Lake Band" in a 1996 letter (Ettawageshik 10/15/1996). Thus, in 1996, some federally recognized Indian tribes identified a Burt Lake band as a contemporaneous Indian entity.

Some of the evidence from the 1990's submitted by the petitioner does not contain any identification of a contemporaneous Indian entity by an external observer. A reprinting in 1993 of excerpts of the 1970 memoirs of Irene Train Mosser and Laura Butler Parkey added no identification of any contemporary group to supplement those accounts of an historical Indian settlement (*Cheboygan Daily Tribune* 7/30/1993). The testimony of the chairman of the petitioning group before a congressional committee in 1993 is not an example of identification by an observer external to the petitioner (Frazier 9/17/1993). BIA form letters and news releases in the late 1990's about the procedures that would govern applications to share in the distribution of judgment funds awarded by the Indian Claims Commission referred to "descendants," including "lineal descendants of the . . . Cheboigan" band (BIA 3/1/1998), while making a distinction between descendants and enrolled tribal members (BIA 6/24/1999). The language of these BIA documents did not refer to Cheboygan band descendants as a contemporaneous Indian entity, nor imply that they constituted an entity at present.

Summary

The petitioning group's membership has two main components, descendants of the historical Cheboygan band, all of whom also descend from a resident of an Indian settlement at Burt Lake about 1900, and a larger number of descendants of John B. Vincent, who was not a member of the historical band or a resident of the historical settlement. The record for this case contains some identifications prior to 1956 of an Indian settlement at Burt Lake or an Indian entity consisting of descendants of the historical band. The record, however, does not contain identifications of any Indian entity consisting of Vincent's descendants prior to 1984, with the possible exception that a federally recognized tribe in 1979 included a few of his descendants as licensed fishermen. Therefore, a majority of the petitioner's members do not descend from an ancestor who, prior to 1979, was part of an identified Indian entity. The available evidence does not demonstrate that both components of the petitioner's membership were identified as constituting an Indian entity, or as separate entities that amalgamated, from 1900 to 1978. A Burt Lake band organization that has become the current petitioner has been identified since 1978, and since 1984 identifications of that Indian entity have identified a group that consists of both Vincent descendants and Burt Lake band descendants.

Criterion (a) as modified by § 83.8

Identification as the Same Entity as the Historical Band

If the petitioner were to be evaluated as a previously acknowledged tribe or band, the evaluation under the regulations would ask whether or not the identifications of the petitioner also were identifications of the petitioner "as the same tribal entity that was previously acknowledged or as a portion that has evolved from that entity" (§83.8(d)(1)).[3] When the U.S. Attorney for the Eastern District of Michigan litigated on behalf of a Cheboygan band between 1911 and 1917 to reclaim title to its State trust lands at Burt Lake, he did so on a theory that a contemporaneous entity was the same entity as the historical band at Indian Village (U.S. Attorney 6/22/1911). A 1931 publication by Wilbert Hinsdale stated that one village at Burt Lake was "still occupied," thus implying that a contemporary settlement was the same entity as a historical village (Hinsdale 1931, 18). A manuscript which may be the 1957 draft report of the Governor's Study Commission on Indian Problems appeared to link a contemporaneous Burt Lake band to a claim being made on behalf of the Burt Lake band as it had existed in 1900 (Hillman 1990, 47).

By linking the land claims being made by a Burt Lake band in the 1980's to the burnout of the Indian village at Burt Lake in 1900, a number of the external observers who identified a band in the 1980's supposed that it was related to the band that existed in 1900. These observers did not specifically describe such a band as having continuously existed between 1900 and the 1980's, nor necessarily assume that it had done so, but they identified a present band as if it were a successor of the historical settlement. For example, in 1980, a BIA superintendent stated that a modern band had communicated with the State of Michigan about lost lands at Burt Lake (BIA 7/1/1980). In 1985, both the *Straitsland Resorter* and the *Petoskey News-Review* reported that a contemporary Burt Lake band was seeking compensation for, but not the return of, land at Colonial Point lost in 1900 (*Straitsland Resorter* 2/28/1985; *Petoskey News-Review* 3/8/1985). The *Cheboygan Daily Tribune* described a proposed transfer of State land to a current Burt Lake band as "an effort to settle a long-standing claim against the state" based on the burnout of 1900 (*Cheboygan Daily Tribune* 7/22/1985; see also MCIA 6/11/1987). Thus, during the 1980's, identifications of a contemporaneous Burt Lake Indian entity also identified that entity as having ties to the historical Burt Lake Indian village.

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[3] The regulations also provide that the petitioner "may demonstrate alternatively that it meets the requirements of the criteria in § 83.7 (a) . . . from last Federal acknowledgment until the present" (§83.8(d)(5)).

Burt Lake Band (#101): Proposed Finding - Description & Analysis (a)

Anthropologist Charles Cleland in 1992 contended that a contemporary Burt Lake band was a successor to an 1836 treaty band (Cleland 1992, 299-300). When the Catholic bishop of Gaylord transferred 20 acres of land to the Burt Lake band in 1992, the church's publication linked that band to an 1836 treaty band and to the Indian village at Burt Lake burned out in 1900 (*Catholic Weekly* 10/6/1992). A newspaper column written by Simon Otto in 1993 also linked a contemporary Burt Lake band to the historical Burt Lake village through the memories its members and their ancestors had of the burnout (Otto 5/10/1993). The Michigan congressmen who advocated the "reaffirmation" of a Burt Lake band did so on the assumption that a contemporary band had been previously acknowledged by the Federal Government by treaty and administrative action prior to the 1930's (Stupak *et al.* 3/2/1995; Stupak 11/14/1995; Kildee 11/4/1997). Resolutions passed by five federally recognized tribes also were based on that theory (Little Traverse Bay Bands 1/7/1996; Little River Band 1/7/1996; Lac Vieux Desert Band 1/24/1996; Pokagon Band of Potawatomi 3/9/1996; Bay Mills Indian Community 4/1/1996). Thus, during the 1990's, identifications of a contemporaneous Burt Lake Indian entity also identified that entity as having ties to a historical Burt Lake band and village.

If the petitioner were to be evaluated as a previously acknowledged tribe or band, the time period to be evaluated for criterion (a) would be revised by the regulations which require that "such identification shall be demonstrated since the point of last Federal acknowledgment" (§83.8(d)(1)), rather than since 1900.

Criterion (b)

Geographical Overview

John B. Vincent and His Descendants

More of the petitioner's members descend from John B. Vincent (1816-1903) than from any other ancestor. The available documentation, however, provides no evidence that Vincent ever associated with residents of Indian Village at Burt Lake. According to information on the Federal census, Vincent's father was born in Vermont and his mother in Canada (U.S. Census 1880b). Vincent's place of birth was indicated to be various places on Michigan's Upper Peninsula, but was given as "Kayana Bay" [Keweenaw Bay] by Vincent himself in his Civil War pension application (V.A. 1880). His obituary noted that the "place of his early years is not known" (*Cheboygan Democrat* 2/14/1903b). He may have spent time in Canada, since his wife was born there (U.S. Census 1850, 1860b, 1870b, 1880b). His eldest child was born, probably in 1841, in St. Clair, Michigan (*Cheboygan Democrat* 7/8/1921) or possibly in Canada (U.S. Census 1860b). In 1846, Vincent arrived in Cheboygan as one of that town's earliest settlers (Ware 1876, 15, 17; *Cheboygan Democrat* 9/20/1902, 2/14/1903b; Fuller 1928, 3:98).

Vincent was living in Cheboygan, either in Inverness or Beaugrand Townships, according to every Federal census between 1850 and 1890 (U.S. Census 1850, 1860b, 1870b, 1880b, 1890). In 1902, he lived briefly at the Old Soldier's Home in Grand Rapids (Polk 1902), but his 1903 obituary referred to his home on Mackinaw Avenue in the town of Cheboygan (*Cheboygan Democrat* 2/14/1903b). No available evidence places Vincent at Burt Lake or in association with any Indian Village residents. Vincent was a ship's carpenter or boatbuilder. He served in the Union army during the Civil War. He received an allotment of land in the Cheboygan band treaty reserve, but he sold that land as soon as it was granted, and he did so in 1873 while he was on the Upper Peninsula (Cheboygan County 1869-1883, v.D). A local history published in 1876 described him as being in business at that time as a ship's carpenter in Beaugrand Township (Ware 1876, 17, 52). In 1884, Vincent became a charter member of the local post of the Grand Army of the Republic (GAR) in the town of Cheboygan (GAR 1884). His funeral service in 1903 was conducted by the GAR post (*Cheboygan Democrat* 2/14/1903b), suggesting not only that he had continued to participate in the post's activities, but also that he had associated during his life with GAR and Cheboygan friends rather than with any Indian church or community.

In 1894, an article in the Cheboygan newspaper listed Vincent as one of the "pioneers of Cheboygan county" who had organized "a Pioneer's Society" (*Cheboygan Democrat* 1/20/1894). In 1897, when he applied to live at the Old Soldier's Home, the local newspaper commented that it was something "he justly deserves" and praised "the splendid work that Mr. Vincent and his beloved wife did for Cheboygan people in the old days when the whole town had the small pox . . ." (*Cheboygan Democrat* 5/8/1897). In 1902, the newspaper listed Vincent as the earliest of the city pioneers still living and a man who had helped "in shaping the destiny of our city's future" (*Cheboygan Democrat* 9/20/1902). Thus, the local newspaper described Vincent as a founding settler and long-time resident of the town of Cheboygan. The available evidence does not link Vincent with a Burt Lake Indian group, but does describe him as an important figure in the history of the town of Cheboygan after 1846.

Members of the petitioner who descend from John B. Vincent descend through two of his children, John Vincent (b.1848) and Catherine (Vincent) Sailler (b.1864). The available documentation, however, provides no evidence that either of these Vincent children ever associated with residents of Indian Village or the settlement along Indian Road at Burt Lake. Both were raised in the family home in Cheboygan (e.g., Census 1870). The younger John Vincent was married in St. Ignace on the Upper Peninsula in 1877 and, according to the evidence of the Federal census and the birthplaces of his children, lived between 1877 and 1900 on Garden Island in Lake Michigan (U.S. Census 1880c, 1900a.). He died in Petoskey in 1909. Catherine, or Kate, Vincent was married in Cheboygan in 1881 to a German immigrant and was a long-time resident of the town of Mackinaw City (U.S. Census 1900b, 1910b, 1920a; Cheboygan County ca. 1924).

Indian Village at Burt Lake

The petitioner's members also descend from ancestors who were members of the Cheboygan band in 1870, and from ancestors who were residents of the historical Indian village at Burt Lake about 1900. That village was located on a bay on the western side of Burt Lake (see Figure 2). It was situated along the northern shore of Maple Bay and on the western side of a peninsula that sheltered it from the body of the lake. This Indian village has been identified as existing as early as 1830 by scholars, who labeled the village "Cheboygan" (Tanner 1986, p.131 map 24, p.134 map 25; Clifton *et al.* 1986, 23; see also Hinsdale 1931, map 2). The existence of an Indian village in this location was documented by plat maps of the area made in 1841 and 1855 by the U.S. General Land Office (GLO 1841, 1855). Both those maps placed the village in the same location, but the 1841 plat showed Indian fields extending east of the village, while the 1855 plat showed those fields extending to the north of the village (see Figure 3). A topographical map produced by the U.S. Geological Survey reveals that the location of the village as shown on historical maps was a plateau or relatively level area that was elevated slightly

above the lake and situated between a hill on the peninsula to the east and the marshy lowlands along the bay to the west (USGS 1986).

The residents of this village, which outsiders sometimes called Indian Village, were identified by two contemporary observers -- John W. McGinn and Albert Shananquet -- who created lists that provide historical documentation of the households in the village just prior to the burnout of 1900. Their lists are consistent with an attorney's estimate in 1895 that about 20 to 30 families occupied the band's State trust lands (Humphrey and Grant 5/27/1895). McGinn, who acquired title to the lands and conducted the burnout, listed the adult residents of the village in 1897 and 1898 in legal documents in which he sought to demonstrate that he had provided those residents with notice of his intention to evict them from those lands (McGinn 12/5/1897, 1/18/1898). These documents are the most contemporaneous lists of village households in the available evidence. Shananquet, who was an actual resident of the village, listed the village households as of about 1899 from memory more than a half-century later in the 1950's (Shananquet n.d.). McGinn listed 22 heads of households and Shananquet identified 23 households. The two lists appear to agree on 20 households and, when combined, to identify 24 households in the village (see Table 4).[1] The available evidence indicates that 14 of these 24 Indian households have descendants in the petitioner's current membership.

Both McGinn and Shananquet not only identified these residents, but also provided information about their geographical arrangement. McGinn provided the legal description, by quarter-quarter section, of all but one individual on his list of residents (McGinn 1/18/1898). Shananquet listed a school, a church, and 23 households in two columns, apparently to represent their order along two sides of the village's single street (Shananquet n.d.). In Shananquet's representation of the village, the church and school were located at one end of the settlement, presumably its northern or western end. Yet Shananquet also gave a deposition in 1957 in which he stated that the church "stood in the middle" of the village (Shananquet 5/10/1957). While McGinn did not mention the location of the church, a 1902 plat book indicated its location, so it is apparent that McGinn placed about 10 of 21 households north of the church or at least 6 of 21 households west of the church. In view of the conflict between Shananquet's list and his statement, his list may not have represented a physical ordering of households. Therefore, the apparent differences between Shananquet and McGinn about the geographical arrangement of households may not be actual differences. Because McGinn used legal descriptions of the land, his representation of the village is more easily and accurately mapped (see Figure 6).

[1] This analysis treats McGinn's Susan Kishigowe and Shananquet's Sam Kieshigoway as members of one household, as they were on the 1900 census; McGinn's Margaret Chipp and Shananquet's Chipps as one household; and McGinn's Paul and Jane Wasson as one household, as Shananquet apparently did. Thus, the differences are that Shananquet did not acknowledge Angeline Tromblay on McGinn's list, and added himself, Esaul Kewaquom, and Louie Miksini to McGinn's list.

The 1900 Federal census listed 23 households on the special Indian population schedule of Burt Township and an Indian population of 77 persons (U.S. Census 1900b, ED 68). In comparison to the list of Indian Village households for the years immediately preceding 1900, combined from McGinn and Shananquet, it appears that 8 of the 24 household heads of the village did not appear on the 1900 census in the same area, while 16 were listed on the census, although one not as a household head. The Federal census counted eight Indians as household heads who did not appear on the list of Indian Village households. These 8 household heads plus the 15 household heads in the village constitute the 23 households on the 1900 census. Three of the eight household heads on the 1900 census who did not appear on the lists of Indian Village households can be found, or a spouse can be found, as homeowners on a 1902 plat of the county along Indian Road north of the historical village and, therefore, may have been living there before 1900 rather than in the village. The 1900 census data suggest that the Indian population at Burt Lake was living not only in the village, but in its vicinity as well. A local newspaper noted this pattern in 1900, saying that, "[t]here are some Indians who have farms a short distance from the [Indian] village . . ." (*Cheboygan Democrat* 12/22/1900).

Indian Road Settlement, 1902

The existence of an exclusively Indian settlement along Indian Road in 1902 is revealed by a plat book of Cheboygan County published in that year (Myers 1902; see Appendix B).[2] This source's detailed map of Burt Township showed not only the owners of the land, but also the location of houses, a school, a church, a cemetery, and various roads. According to this plat book, all of the residents along Indian Road for two and one-half miles north of Brutus Road were individuals who can be identified from other sources as Indians (see Figure 7). Immediately along the road were ten houses on the land of six (or seven) Indian owners. In the vicinity of the road were an additional five houses of five other Indian owners. The available evidence indicates that 6 of these 11 Indian landowners have descendants in the petitioner's current membership. Also, there were at least five additional Indian landowners in the vicinity of Indian Road who, according to the 1902 plat book, did not have a house on their land. The plat book showed that most of the houses owned by non-Indians were located east of Indian Road along the lakeshore, while two non-Indian landowners had houses west of the road. Only one of these non-Indian houses was within a quarter mile of Indian Road.

At the center of the Indian Road settlement in 1902 was the quarter section of land acquired by Moses Nongueskwa as an Indian homestead under the provisions of the Act

[2] The petitioner submitted a slightly different, and less detailed, version of a 1902 plat book obtained from an internet site ([Cheboygan County] 1902).

of 1872. The 1902 plat book of Cheboygan County showed three houses and a school house on Nongueskwa's property where a creek crossed Indian Road (Myers 1902; see Figure 7). Much of the land he had acquired under his 1872 patent that was west of the road, however, was shown on the 1902 plat as the land of S[am] Kishegowe and Joseph Boda, with a house located on Boda's quarter-quarter section. Just south of Nongueskwa's property along Indian Road, according to the 1902 plat book, were two houses on the land of Joseph Parkey. This quarter-quarter section of land had been acquired originally as an Indian allotment under the provisions of the Act of 1875 by Joseph Ah-sa-gon. Adjacent to this tract on the east, and thus east of Indian Road, according to the 1902 plat book, was the house and land of L[ouis] Mixenene. This land appears to have been purchased by Mixenene from the Government in 1884 (Michigan n.d., Cheboygan Co.).

Farther south, where Indian Road met Brutus Road, according to the plat book of 1902, Jane Grant lived east of Indian Road and Enos Cabenaw lived west of the road (see Figure 7). Cabenaw and Grant were the two individuals who provided affidavits in 1914 in the *McGinn* litigation after being interviewed by a BIA agent. Grant was living on a quarter-quarter section of land acquired as an 1875 allotment by her father, Joseph Way-bway-dum. Cabenaw was living on a quarter-quarter section of land he appears to have purchased from the Government in 1889 (Michigan n.d., Cheboygan Co.). Cabenaw also had acquired a quarter section of land as an Indian homestead under the Act of 1872. According to the plat book of 1902, there were no houses on that land along Indian Road just north of Moses Nongueskwa's quarter section. Farther north of Nongueskwa's land, according to the plat book, was a house of Charles Massey along Indian Road, and houses east of the road belonging to P[aul] Wasson, T[homas] Norton, and James Thawanasge [Shawanasige / Shenoskey?].

Of the 11 Indian homeowners listed on the 1902 county plat book, 8 had been earlier residents of Indian Village, having been listed as a village resident either by McGinn or Shananquet. (Since one parcel with two dwellings on the 1902 plat book may have been owned by both William and Eugene Hamlin, both of whom had been Indian Village residents, it may be that one additional Indian homeowner along Indian Road in 1902 had been a previous resident of Indian Village.) The other three 1902 Indian homeowners, or their spouse, had appeared on the 1900 Indian population schedule of the Federal census of the township. The home of one of the three non-village residents, Jane Grant, was probably between a half-mile and a mile from the village. Thus, 9 of 11 homeowners along Indian Road came from Indian Village or its nearby vicinity. From the perspective of 1902 back to 1900, therefore, the homeowners in the Indian settlement along Indian Road represented continuity from Indian Village on Burt Lake.

Less continuity between Indian Village and Indian Road is apparent, however, from the perspective of 1900 forward to 1902 and 1910. Of the 24 household heads in Indian Village identified by either McGinn or Shananquet, eight or nine were listed in the

county plat book as homeowners along Indian Road in 1902. Six of the 24 household heads died before the 1910 census, and 14 or 15 of the remaining 18 were listed on the 1910 Indian population schedule for Burt Township. However, some of the Indian Village residents relocated to the lands on Mullett Lake provided by the State in lieu of the lost lands of Indian Village. The families of five of these men were listed on the 1910 census of Burt Township. If they actually were living at Mullett Lake at that time, then 10 of 18 still-living household heads from Indian Village were residing in Burt Township in 1910. One of the 1900 household heads who relocated to Mullett Lake and one who was not listed on the 1910 census later appeared on a census as a resident on Indian Road. Thus, it appears that 12 of the 18 household heads who lived for a decade after the 1900 burnout resettled on Indian Road. While an Indian settlement persisted on Indian Road after 1900, the burnout of 1900 had an impact and reduced the size of a geographical Indian settlement at Burt Lake.

Mullett Lake Lands, 1903-1914

The lands provided for the Cheboygan band under the provisions of the State legislature's Joint Resolution of 1903 were located on Mullett Lake, just to the east of Burt Lake. A Cheboygan newspaper in 1909 referred to "the Indian reservation" on Mullett Lake, which it said had been provided the families there "in return for the land taken from them at Burt Lake" (*Cheboygan Democrat* 4/23/1909). The paper indicated that some families had been there for two years, or since about 1907. The historical notes from the anonymous "private collection" submitted by the petitioner, which it attributes to Jonas Shawandase,[3] record that the lands at Mullett Lake were held in common, without any assignments of land to individuals ("Shawandose Papers" ca. 1950's). The Cheboygan newspaper reported on the attempt of some Indians at Mullett Lake to have the lands there divided into individual tracts, thus noting the existence of Indian residents at Mullett Lake (*Cheboygan Democrat* 5/21/1909). It also referred to Indians at Mullett Lake when reporting on Horace Durant's research in 1909, and in articles in 1910 and 1911 (*Cheboygan Democrat* 6/11/1909, 9/9/1910, 2/17/1911, 3/31/1911). Some of these articles mentioned individuals who had resided in Indian Village before 1900. Thus, contemporaneous evidence demonstrates that some Burt Lake Indians did relocate to lands on Mullett Lake.

Records of the State land office documenting the status of the 1903 Resolution lands have not been located. However, a 1948 letter by the State Land Division said that its

[3] The petitioner and its researcher Barbara Madison attribute this collection to Jonas Shawandase or Shawandose (Madison 2002, 41-42, and Ex.C, p.29; Petitioner 2001, 24, and 2002, "Exercised Political Influence" binder). The petitioner's researcher George Cornell attributes this collection to Jonas Shawanesse (Cornell 1994, 93). Madison contends, however, that Shawandase and Shawanesse were the same person (see, however, McClurken 2002, #51-52).

records showed that lands in Section 24, T36N, R2W, located on Mullett Lake, "were reserved for the Cheboygan Band of Indians in accordance with Joint Resolution No. 20, Session of 1903" (Struhsaker 1/20/1948). Circumstantial evidence also identifies the location and probable size of this tract. A photograph of the Shananquet family in 1907 was described, in 1958, as having been taken at their home about three miles south of the town of Aloha on the eastern edge of Mullett Lake (*Straitsland Resorter* 1958). Albert Shananquet gave Aloha as his Post Office address in a 1911 letter (Shananquet 7/20/1911). In 1956, advocate Jonas Shawanesse said that some of the Burt Lake families had moved temporarily to a location on the eastern shore of Mullett Lake where a Boy Scout camp was located in 1956 (*Cheboygan Daily Tribune* 3/15/1956). The petitioner's "private collection" of historical notes, perhaps made by Shawanesse, identified that location as Round Point ("Shawandose Papers" ca. 1950's). The *Michigan County Atlas* shows a Boy Scout campground near Round Point at the mid-point of the eastern shore of the lake (Universal Map n.d.).

Plat books show that State lands were available at this site. Both a county atlas of 1913 and an undated county plat book, probably from about 1910, show three tracts of land in State ownership in Section 24, T36N, R2W, in Mullett Township (Middleton 1913; Hixson n.d.). The 1902 plat book of Cheboygan County shows that these lands previously had been privately owned (Myers 1902). These three parcels totaled about 137 acres. The petitioner's "private collection" of historical notes stated that in 1907 the State set aside 137 acres for the Indians of Burt Lake ("Shawandose Papers" ca. 1950's). Two of the three parcels had lake frontage on a bay between Round Point and Needle Point south of Aloha on the eastern shore of Mullett Lake. Currently the eastern parcel is in State ownership and provides public boat access to the lake, while the two western parcels have been in County ownership since 1940 and contain the Boy Scout camp site (Cloud Cartographics 1997; Struhsaker 1/20/1948; FD). Lakeshore homes now occupy the adjacent tracts (FD). The petitioner's "private collection" of historical notes record that there were no roads to the Mullett Lake lands, and that the nearest school was two miles by boat to Aloha ("Shawandose Papers" ca. 1950's). The plat books confirm the lack of roads to this location in 1902 and the 1910's.

The historical notes from the petitioner's "private collection" record that several families moved to the Mullett Lake lands at Round Point ("Shawandose Papers" ca. 1950's). The first was Albert Shananquet, who moved his family, father (Isaac Shenanquet), and grandparents (Antoine Shawwawnawnawquot and wife) to the new lands. According to this source, the families of Paul Wasson, Sam Kishago, John Wanageshik, and Joe Parkey also moved to Mullett Lake. A 1909 article in the local paper identified the family of Albert Shananquet as residents of the Mullett Lake Indian lands (*Cheboygan Democrat* 4/23/1909). Articles in 1910 and 1911 identified Sam Kishegowe as "one of the Indians living on the east side of Mullet Lake" (*Cheboygan Democrat* 3/31/1911; see also 9/9/1910). It is possible that the Eugene Hamlin family moved to the Mullett Lake location as well, since that family was in Mullett Lake Township on the 1920 census

(U.S. Census 1920a; Petitioner 2001, 14).[4] A 1956 newspaper article cited Jonas Shawanesse as explaining that the Burt Lake Indians left the Mullett Lake site "because there were no schools for their children on that side of the lake" (*Cheboygan Daily Tribune* 3/15/1956). The petitioner, relying upon the "private collection," says that "by 1914 most families had moved off of the site" at Mullett Lake (Petitioner 2001, 10; "Shawandose Papers" ca. 1950's).

Durant Roll, 1910

The 1910 Durant Roll of Ottawa and Chippewa descendants linked living descendants in 1910 to 20 of the 33 individuals on the 1870 treaty annuity list Durant had identified as the list of the Burt Lake band (see Table 5).[5] However, four of those 20 individuals on the 1870 list were the sons or daughters of other individuals on that list, so that Burt Lake band descendants on the 1910 Durant Roll ultimately traced back to 16 individuals on the 1870 list. The petitioner's members who descend from John B. Vincent do not descend from an individual on the Durant Roll or the 1870 annuity list of the Burt Lake band. The petitioner's members who do descend from an individual on the 1870 annuity list descend from 10 of the annuity recipients. Since two of those individuals also descended from another annuitant, the petitioner's members ultimately trace back to eight individuals on the 1870 list. The petitioner's members therefore descend from half of the Burt Lake band treaty annuity recipients (10 of 20, or 8 of 16) who had lineal descendants on the Durant Roll.

Based upon the information supplied by Durant, OFA researchers have identified 87 living adult descendants or still-living annuity recipients of the Burt Lake band on the Durant Roll of 1910 (see Appendix C). The adult enrollees on the Durant Roll had a variety of post office addresses. These entries on the Durant Roll likely represent places of residence in 1908, when Durant did his field research. Durant's entries indicate that 33 adult enrollees had a Brutus or Burt Lake address. The only other places with any concentration of descendants and annuitants were the town of Harbor Springs with 10 adults and the town of Cheboygan with 9 adults. In addition to the 33 adults at Brutus, there were 4 at Alanson, 3 at Pellston, and 1 at Indian River, for a total of 41 adults in the Burt Lake vicinity. Another four adults had addresses in the vicinity of Mullett Lake.

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[4] There was no cluster of Indian households in Mullett Township in 1920. Eugene Hamlin's household (ED 121, #55) and Albert Shananquet's household (ED 121, #71) were listed in the midst of a non-Indian population.

[5] This analysis is based on the evidence as presented on the Durant Roll. However, Durant's field notes reveal links to two additional 1870 annuity recipients (# 10-31 and 22-31). The petitioner's members do not descend from either of those individuals. Thus, the field notes link living descendants in 1908 to 22 of the 33 annuitants, and record no living descendants for 11 of the 33 annuitants.

Thus, a review of the living Burt Lake band annuity recipients and their adult descendants listed on the Durant Roll shows that slightly less than half of them resided in the vicinity of Burt Lake, and slightly more than half of them resided in the general vicinity of Burt Lake or Mullett Lake in 1908. Entries on the Durant Roll indicate that 38 percent (33 of 87) of the adult descendants or annuity recipients of the Burt Lake band had a Brutus or Burt Lake address in 1908 (see Table 5).

Four of the adult 1910 descendants of 1870 annuity recipients of the Burt Lake band had post office addresses as Mullett Lake or a town on Mullett Lake. Three minors were living at Topinabee without their Indian parent. Only one of those seven descendants, Albert Shananquet of Aloha, was identified by other evidence as a resident on the 1903 Resolution lands on Mullett Lake. His grandfather was on the 1870 annuity list and was an ancestor of many of the 1910 descendants with Brutus post office addresses. The descendants living at Topinabee also had an ancestor on the 1870 list who had descendants with Brutus addresses. Descendants with Mullett Lake addresses had only two ancestors on the 1870 list -- Mrs. William O'Flynn (#20-31) and her daughter Harriet Davenport Hurst (#26-31) -- who had no descendants living in the Burt Lake area in 1910. Thus, the Durant Roll of 1910 did not reveal that relocation to the State lands on Mullett Lake had created any settlement that descended from different Cheboygan band ancestors than the settlement that continued to exist in the Burt Lake area.

The available evidence indicates that 27 of the 87 individuals on the Durant Roll who were linked to the historical Burt Lake band have descendants in the petitioner's current membership. Twenty of those 27 adults enrolled by Durant had a Brutus or Burt Lake address in 1908. Thus, the petitioner's members descend from 20 of 33 adult Durant enrollees with a Brutus address and from 7 of 54 enrollees who were living elsewhere in 1908. The petitioner's members also descend from nine treaty annuity recipients of the Burt Lake band who had a descendant residing near Brutus in 1908, and perhaps from one annuity recipient who did not have descendants living in the Burt Lake area. Therefore, the petitioning group disproportionately represents the descendants of the 1870 treaty annuity recipients of the Burt Lake band who continued to live in the area of Burt Lake in 1908.

Indian Road Settlement, 1930's

The 1930 Federal census reveals that a small but exclusively Indian settlement continued to exist in the area on the west side of Burt Lake near the historical Indian Village. The 1930 census listed nine consecutive households along Indian Trail Road [Indian Road] that contained Indian residents (U.S. Census 1930a, ED 16-4, households #37-45). Indeed, all 46 of the individuals listed in those nine households were designated racially as Indians. On nearby Burt Lake Road along the lakeshore were two households consisting of an Indian married to a non-Indian and their children (households #28 and

30). The census enumerator considered those children to be Indians. Thus, in 1930 there was a geographical area of Burt Township, north of Brutus Road and west of Burt Lake, that contained Indian residents. At its core was an exclusively Indian settlement along Indian Road.

While this settlement persisted, the total Indian population of Burt Township, according to the Federal census, declined from 122 in 1910, to 59 in 1920 and 56 in 1930 (U.S. Census 1910b, 1920a, 1930a). Although the Federal census of Burt Township for 1930 indicated the roads on which households were found, the census of 1920 did not do so. The census of 1910 listed Indians on a separate schedule, rather on the regular schedule, so Indian households cannot be placed in geographical order. Therefore, it is not possible to evaluate with confidence any changes in the settlement on Indian Road from 1900 to 1930. However, if the Indian Road settlement is considered to be households #31 through #41 on the 1920 census (U.S. Census 1920a), then the Indian population of Indian Road was 49 in 1920 and 46 in 1930, and the number of adult Indians there was 26 in 1920 and 24 in 1930.

Although the population and number of adult Indians living on Indian Road appears not to have changed greatly from 1920 to 1930, the age distribution of the population was different in those two years. The 1920 adult Indian population was characterized by a typical age pyramid, with 13 individuals between 20 and 39, 9 between 40 and 59, and 3 between 60 and 79. In 1930, the adult Indian population lacked such an age pyramid, with 7 individuals between 20 and 39, 8 between 40 and 59, and 6 between 60 and 79. The implication of this pattern is that, as the persisting population of the settlement aged, young adults were decreasingly likely to continue living along Indian Road. A similar pattern is revealed by an analysis of the children and grandchildren of the eight oldest residents of Indian Road in 1930, those older than 60. Among these resident's descendants born between 1880 and 1910 and apparently still living in 1930, one-fourth of those individuals born in the 19th century (5 of 20) and one-sixth of those born in the first decade after 1900 (3 of 18) lived in Burt Township in 1930. This evidence also suggests that, over time, as the children and grandchildren of residents reached adulthood they were decreasingly likely to remain in, or very near, the Indian Road settlement.

Seven of the eight residents age 60 or older along Indian Road in 1930 had been residents of Indian Village before 1900.[6] The eighth, Jane Grant, was on the 1902 plat book on Indian Road, was listed on the 1900 Indian census, and was identified as the daughter of the 19th century chief or leader Joseph Way-bway-dum. In addition to the elders over 60, a 52-year old man on the 1930 census had been named as a household head in Indian Village before 1900. This evidence demonstrates that the Cabenaw, Nongueskwa,

[6] This conclusion is based on an understanding that Mary Cabinaw married to Enos Cabinaw in 1930 was also married to him in 1900; that Elizabeth Nongueskwa was the spouse of Moses Nongueskwa in 1900; and that Eliza Hamlin was the spouse of William Hamlin in 1900.

Massey, Hamlin, Parkey, Shananaquet, Shenoskey, and Grant (Way-bway-dum) families persisted at a Burt Lake Indian settlement from the 1890's to 1930. The adults in the 1930 Indian Road settlement younger than 60 came from the same family lines. In 1930, the only apparent additions to the settlement since 1900 were children and the spouses of Louis Cabenaw, Peter Shenoskey, Agnes (Shenoskey) Naganashe, and Mary (Shananaquet) Martell. Thus, despite the remarkable persistence of the settlement's elders until 1930, the settlement's lack of new families, scarcity of new residents, and increasing out-migration of young adults help to explain why the Indian settlement on Indian Road would decline after the 1930's.

In 1938, the Michigan State Tax Commission inventoried the rural property of Cheboygan County. The forms completed by the staff of this W.P.A. project recorded the property owner, legal description, and number of acres of a tract of land, and provided a detailed description and sketch map of any dwellings on that property (Cheboygan County 1938; see Appendix E). Although the focus of these "rural property inventories" was on housing and land conditions, they also provided information which can be used to map residential patterns in Burt Township in 1938. These forms reveal that, as in 1902, all of the residents along Indian Road for two and one-half miles north of Brutus Road were individuals who can be identified from other sources as Indians (see Figure 8). All nine houses, and one "shack," within one-quarter mile of Indian Road were located on lands assessed to Indians.[7] Another six to eight Indians were assessed for property in the vicinity of Indian Road, but lacked a dwelling on their land. Non-Indians owned land but did not live along the road. There were eight non-Indian landowners with houses or cabins along the shore of Burt Lake and two with houses more than one-quarter mile west of Indian Road. Thus, this inventory of rural property demonstrated the existence of an exclusively Indian settlement along Indian Road in 1938.

A church, cemetery, and school on the property originally acquired by Moses Nongueskwa comprised the core of this settlement, and was the location labeled "Indianville" on maps. The residents in the vicinity of the church in 1938, according to the rural property inventories, were Mrs. Moses Nongueskwa (73 acres), James [Jonas] Shananaquit (1 acre), Mrs. W[illiam] Hamlin (1 acre), and Ida Cabenaw (39 acres). About one-half mile to the north of the church was Amos Shawa (1 acre). Just over a mile to the south of the church, near the junction of Indian Road and Brutus Road, were Jane Grant (40 acres) and Enos Cabenaw (2 acres) in the same locations as in 1902. Lucius Cabenaw (29 acres) was located on the quarter-quarter section adjacent to his father. More than a mile north of the church, Steve Shinskey [Shenoskey] had dwellings on two tracts (38 and 77 acres). These nine households constituted the exclusive Indian

[7] One additional house was assessed to a bank, not to any individual, and thus has not been included in this discussion of residential patterns.

settlement along Indian Road in 1938. The available evidence indicates that seven of these nine households have descendants in the petitioner's current membership. It is possible, of course, that other adults were living in these households, or in Shinskey's [Shenoskey] second house, a house assessed to a bank, or a shack not counted as a dwelling by this survey. While these rural property inventories do not reveal the population of this settlement, they do reveal its exclusive nature.

The survey of 1938 identified very few Indian homeowners who had not been enumerated on the 1930 census, and they were from the Cabenaw, Massey, and Shenoskey families present on that census, and the Norton family present on Indian Road in 1902 and the census in 1900 (see Table 6). Individuals found on the 1930 census on Indian road who did not appear on the 1938 survey were mostly young adults who had not had as much time as older adults to acquire homes. Like the 1930 census, the 1938 survey revealed the persistence of Indian Village families in the area and the lack of new families on Indian Road. The 1930 census identified 25 adult residents on Indian Road, and the 1938 survey identified an additional 5 Indian landowners along the road. Thus, the 1930 census and 1938 survey combined identified 30 possible adult residents of the Indian settlement on Indian Road during the 1930's (see Table 6).[8] All of these individuals either were members of, or had married into, the Cabenaw, Nongueskwa, Shananaquet, Shenoskey, Parkey, Massey, Hamlin, Norton, or Grant (Way-bway-dum) families. The available evidence indicates the 23 of these 30 adult residents or landowners in the Indian Road settlement in the 1930's have descendants in the petitioner's current membership.

Community Processes

Overview

Demographic evidence shows that not all persons, or families, listed as Chegoygan Band Treaty annuitants in 1870 were represented at the village located at Indian Point, which was burned in 1900. It also shows that not all of the persons and families living in Indian Village at Burt Lake, and individual families or related families lived in nearby smaller communities at Pellston, Brutus, and Topinabee on neighboring Mullet Lake. The petitioner evolved from the Indian Road settlement, and therefore is a portion of the historical tribe. Other Cheboygan annuitants and Indian Village residents, who did not remain near Burt Lake, moved permanently to neighboring Indian communities, such as Harbor Springs, Petoskey, and other villages and non-Indian communities, based the petitioner's genealogical database. Their descendants generally did not join the petitioner after 1978, when Margaret Martell began her organizing efforts in Lansing, unless they

[8] In addition, Lizzie Griswold, the Indian spouse of Harvey Griswold, was enumerated on Burt Lake Road on the 1930 census (household #30), and Harvey Griswold was included on the 1938 survey as the owner of a dwelling along the alke in Section 17, but the Griswolds neither lived nor owned property along Indian Road.

married someone living in or associating with the Indian Road community after 1900.

Migration from the Indian Road community has occurred since 1900, although the population remained stable until at least 1938 due to births keeping up with migration. The petitioner submitted little evidence about social relationships between individuals living in the exclusive Indian community on Indian Road after 1900, and those who lived nearby, in other Indian communities in the region, in regional centers, or urban areas. Although other evidence is available before 1938, the petitioner may consider submitting evidence of actual interaction after that date for all periods.

No evidence reveals that John B. Vincent's descendants socially interacted with Burt Lake descendants living on Indian Road before about 1984.

The Ottawa- Chippewa Regional System of Marriage

Anthropologists generally agree that before sustained contact with Europeans, neither Chippewa nor Ottawa lived within bounded social systems. Their marriage practices, most notably local band exogamy, linked villages or local bands in a widespread network of kin and affinal relationships (Feest and Feest, 1978). In such exogamous systems, one spouse changed his or her residence at marriage. As a result of change in residence at marriage, 19th century Chippewa and Ottawa villages on the Great Lakes generally displayed variability in composition over time. Anthropologist Jane Willets studied one of these villages, the Ottawa community at Harbor Springs, twenty miles west of Burt Lake, in the early 1940's. She wrote in a 1945 unpublished manuscript that most "usually an Ottawa marries an Ottawa girl from a neighboring town, to whom he is not related or only distantly so" (Willets, 1945). After the groom worked for a year for the bride's parents, the couple moved back to the groom's home; however, the couple sometimes remained in the woman's village or even relocated near other relatives (Willets, 1945). These marriages provided long-lasting and significant contacts among various semi-autonomous local bands within the larger regional band or tribal groupings (Feest and Feest, 1978). Marriage choices sometimes crossed the "tribal" or linguistic boundaries between the Ottawa and Chippewa regional bands, forging links with neighboring peoples despite traditional animosities.

As available in the documents submitted by the petitioner, genealogies of the Burt Lake ancestors of the petitioner and the Cheboygan annuitants appear to have followed these patterns of marriage and residence. Until 1959, the Indian people at Burt Lake were full participants in a regional system of marriage, which influenced other social interactions. The available record of 19th century marriages of the Indian Point ancestors of the petitioner indicated that they generally selected marriage partners from the Ojibwa/Chippewa communities on the Upper Peninsula (for example, Solis, Smith/Cube, Mibawekwe, Bidwcurtam, Moses), the Grand and Little Traverse Ottawa communities to the west (for example, Odeiman in Cross Village, Mixceney in Middle Village, Shawa in Little Traverse, Chingwa in Good Hart), and the Grand River to the south. After

marriage, one spouse moved permanently into his or her partner's village to live, work, raise children, and essentially become a member of the community. Because marriage signaled a change in residence for the bride or groom and often other relatives,[9] actual social interaction, not merely birth, defined who was and was not an active member of each local band.

Fluctuating Membership of Burt Lake Community

The genealogies show that some individuals and families who were part of the Burt Lake community before 1900 did not remain connected to the petitioner after 1900. Just as individuals joined the Indian Point community by marrying someone who lived there, sometimes bringing their relatives with them, other individuals born into the Indian Point community moved away permanently at marriage. Louis Chingwa, for example, who appeared on the 1860 Federal Census in Burt, married and raised his family at Bear Creek, near Harbor Springs in Emmett County, where several of his children subsequently settled. Alexander Kodash/Kishigo moved his family to Harbor Springs. Throughout the genealogy submitted by the group are names of individuals who married into other groups, such as Cross Village, Harbor Springs, Middle Village, Les Cheneaux Islands, and Petoskey, and whose descendants did not live in Indian Point or associate in significant ways with the people living there. The petitioner submitted documents as evidence under criteria (b) and (c), which contained these names of individuals historically associated with the Cheboygan band, even though it does not appear that the named individuals were working in concert with anyone from Indian Road, and may even have been acting in opposition to the Indian Road population or part of it. Individuals may live in this region who are Cheboygan descendants, but not members of the petitioner. The petitioner's social and political behavior may reflect this fact and may provide evidence under both criteria (b) and (c).

Various social events may cause individuals to change bands. Separate sibling groups from two women married to a man, whether their unions ended by divorce or death, show that full siblings often acted together. For example, some of Antoine Shawwawnonquot's descendants married spouses from two other communities. One son of Antoine Shawwawnonquot, Isaac Shawwawnonquot, had children by two women. Only the children from his first wife remained connected to Burt Lake, and his children from his second wife lived near Traverse City. None of his second wife's children or their descendants has ever been involved with the petitioner.

At least one family that associated with Burt Lake and Indian Road after the burnout left between 1910 and 1920. The Kishego family, who appear on the Durant Role, and on censuses between 1860 and 1910, appear to have moved to Harbor Springs in Emmett County after 1913, when Alex Kishego appeared in a photograph with other Burt Lake residents. No descendants were involved in Margaret Martell's activities after 1978, even

[9] The records contain examples of widowed parents and orphaned siblings taking up residence at Burt Lake.

though one politically active individual, Doris Adams, attended the first meeting in the record in 1978, and three older members attended a meeting with the Governor in 1956, which ostensibly was about Burt Lake Burnout.

Not only did individuals born in Burt Lake Indian Village and Indian Road settlement separate from it, but also apparent outsiders became associated with Burt Lake. For example, Eliza Odagamiki, wife of one of Isaac Shawwawnonquot's children, came from Bay Shore in Emmettt County, when her father died when she was two years of age. Her mother moved to Indian Point on Burt Lake" (*Cheboygan Democrat*, 2/12/1925). Their descendants have been very active in the petitioner. In 1873, Moses Hamlin of Mackinaw married 37-year-old Theresa Waywinding of Burt Village[10] (Cheboygan County Marriage Register, 1873). Although living in his sister's household in St. Ignace on the Upper Peninsula side of the Straits of Mackinaw in 1870, and later identified as a Mackinac band of St. Ignace annuitant by Durant, Moses Hamlin would remain in Indian Point Village until at least 1899, when his name appeared on McGinn's letter. He then remained in Burt or Mullet Townships until his death. Moses Hamlin moved the Indian Village at the time of his marriage and remained associated with individuals at Mullet Lake and Indian Road (McElroy and Peters, 1966). Many other examples of changing residence appeared in the record.

It was rare for an individual who married out of the community and stayed away for a long period to return with a spouse after a long absence. However, the daughter of Burt Lake resident George Shenoskey (Agnes) married a man from Traverse Township (Basil Naganashe) in the first decade of the 1900's. Their first child (George) was born in 1908, in West Traverse, Emmettt County. Although the couple appears to have lived away from Burt Lake for several years, by 1930, they returned, and two of their children, George and Susan, married and remained at Burt Lake. Almost all of their descendants appeared on the 1994 membership list, and several were very active until 1994. In some cases, in-laws took up permanent residence and seemed to become part of the community, and were named on some of these documents. Not all individuals who joined the community had Michigan Indian ancestry. A few men who married Burt Lake women appeared to have French Canadian heritage. Some had Indian ancestry themselves and had lived in Michigan for several generations.

This pattern of spouse selection, and the resulting loss of members to other villages, has continued at some level to the present-day for the part of the petitioner descending from the Cheboygan band, although documentation has never revealed such a marriage pattern for the part of the petitioner descending from John Vincent. Its affect is that many children who may have been born to a Burt Lake parent or raised at Burt Lake may never have associated formally with that community, and the result is that their descendants have been part of other Indian communities.

The petitioner submitted no membership lists before 1994. Instead, its researchers relied

[10] Joseph Webwetam acted as Justice of the Peace, Enos Kishigowi (his wife was Theresa Waywinding's sister) and Mary Cabinaw of Burt were witnesses.

on documents naming individuals who appeared to live in the geographical settlements associated with the petitioner or to be their ancestors. Some documents, such as censuses, petitions, and sign-in sheets sometimes listed several individuals, but other materials only named a few. While there may be some merit in this approach, particularly as a fall-back analysis, it tends to ignore the relationship of possible members and ancestors who do not live in the Indian Road settlement, or nearby, which becomes increasingly problematical as time goes by and more and more possible members live outside of the geographical area due to labor migration.

Participation of the Petitioner in a Regional Marriage System to 1959

Almost all of the members of the petitioner who descend from Burt Lake, also descend from Antoine Shawwawnonquot, a fact well recognized by the Burt Lake descendants (Shannanaquet 7/18/2003; Teuthorn 7/18/2003). The marriages of Antoine Shawwawnonquot's children and grandchildren between 1848 and 1910 documented in the petitioner's database reveal patterns in mate selection for individuals living in the Indian Village to 1900 and Indian Road settlement. Some thirty-six marriages[11] were indicated (out of a total of 44 Shawwawnonquot children and grandchildren included in the petitioner's genealogical database). The great majority married other Indians; only seven (20 percent) of the known marriages appear to have been to non-Indians, including some early marriages before 1870. Only two persons married a person also born in Burt Lake, which reveals a preference by the members of this family to marry Indians from communities outside of Burt Lake. It also resulted in part from the close kinship of people living within the small village, many of whom were first and second cousins and proscribed from marrying each other according to Roman Catholic tradition. The two Shawwawnonquot men who married women from Burt Lake, wed women with a non-Indian parent. Fully 27 of the 36 marriages (or 75 percent) were to other Indians, almost all from Michigan.

Burt Lake residents married individuals from several Indian communities. Almost half of the Shawwawnonquot marriages were to individuals from 13 named villages. Only two villages supplied more than a single partner. Four Shawwawnonquot descendants married individuals from Cross Village and two married individuals from Traverse/Little Traverse. The others married individuals from Middle Village, Harbor Springs, Saginaw, Good Hart, Hessel, Cedarville, and Les Cheneaux. Some if not all of these locations have Indian and non-Indian neighborhoods, but the Indian neighborhood was an exclusively Indian communities. Fourteen married other Indians, but their local bands or villages were not given in the genealogical database. To have made marriage ties with so many Indian communities indicates that the Indian Point Indians knew and interacted with people from throughout the region.

Similarly, seven marriages for the children and grandchildren of Louis Nongueskwa were documented between 1859 and 1900. These marriages showed that Nongueskwas

[11] Some of these individuals married more than once.

married Indians from Little Traverse, Harbor Springs, and Michigan in general. One married an Indian born in Kalamazoo, but living in Harbor Springs. Two men married Indian women from Burt Lake. Two married persons (a man and his niece) from Quebec. Durant's roll and his notes also showed that people who were annuitants of the Burt Lake band in 1870 had dispersed widely to other Ottawa and Chippewa villages, especially after marriage. Numerous examples of this sort demonstrated the general tendency for individuals through out their lifetimes to live and associate with several local bands.

John B.Vincent's descendants did not participate in the regional Indian marriage system that included Indian Point village. They married non-Indians with one exception. In 1867, his daughter Adelaide, who was born either in 1841 in St. Clair, Michigan or in 1843 in Canada, married John Briggs of Sault Ste. Marie, who was listed with the Cheboygans on the 1908 Durant field notes. Federal censuses identified him as an Indian.[12] The "Cheboygan Chiefs" said he had "no right to enroll in 1870" and labeled him "half breed." He was not included on the later role. Although his wife, Adelaide (Vincent) Briggs, identified as "White" by Durant on her husband's page of notes, had five children, none have descendants in the current petitioner. Two of John Vincent's children married non-Indians from Ontario, three married non-Indians from islands in Lakes Huron and Michigan, and one married a man from Germany.

While marriages often precipitated a change of residence for one or the other marriage partner, families or individuals also changed villages and bands as a result of a feud, a dispute, or just because they sought a better economic situation. (Ruth Landes, *Ojibwa Sociology*, Columbia U Press, NY, 1937; Jane Willets, Manuscript found in American Philosophical Society: "Changing Patterns of Ottawa Kinship and Social Organization." based on 1945 fieldwork p. 33.; Feest and Feest, 1978). Thus, in the late 19th century and early 20th century, some individuals, particularly with French Canadian backgrounds, appeared to have moved into the Burt Lake area in order to work in the lumber industry. Siblings or other relatives followed them. Sometimes, in-laws (for example, the Martells) and even their collaterals and friends joined a band and stayed for life, establishing a permanent relationship with that band. Several individuals on McGinn's list of residents of Indian Point were not from Burt Lake and had no known connection to the Cheboygan Band.[13] These movements from one band to another

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[12] Briggs was sometimes identified as a "half-breed" and the Cheboygan Indians disputed his inclusion on the Durant Roll and did not at any point suggest that the man's wife or father-in-law should be listed.

[13] For example, Burt Lake residents who were named by McGinn but were not originally from Indian Point included:

Charles Massey, born in Ontario, married three Burt Lake women, whose families were on the 1860, 1870, and 1880 censuses of Burt Township listed with other Indians; one of his sons married Esther Martell in 1903, whose younger, perhaps orphaned, siblings lived with them in 1910. In 1907, these same siblings lived with a grandmother in Cross Village.

Joseph Parkey of Cross Village, married Susan Shawwawnonquot, whose father Antoine appeared on 1860, 1870, and 1880 Federal censuses of Burt Township listed with other Indians;

Moses Hamlin from Point St. Igance band in Mackinac County, married Theresa Waywinding,

shaped the social and political relationships within each local band and among neighboring bands.

John Vincent's Community

The identifications of John Vincent and some of his activities were discussed previously. However, a further attempt is made here to reveal his social interactions, his position in society, or other sociological aspects of his documented life which would reveal connections with Indian communities at Burt Lake or elsewhere. The descendants of John Vincent were not documented as part of the community near Burt Lake at anytime. The documentation available on John Vincent and his wife describe an illiterate carpenter of unknown birthplace on the Upper Penninsula (variously reported as born in L'Anse, Marquette, or Kayana Bay near Lake Superior), who moved to Cheboygan in 1846, and interacted with the non-Indian pioneer developers of the region. A Centennial history said that John Vincent and his family "arrived soon after the first settlers" (Ware 1876). No documentation has yet been located about his life between his birth in about 1816 and his arrival in Cheboygan just before 1846, and his contemporaries knew little of that period of his life, according to his obituary (*Cheboygan Democrat* 2/14/1903).

Vincent lived in Cheboygan County in the village of Cheboygan, about 20 miles northeast of Indian Point. Cheboygan suffered a smallpox epidemic in 1846 (Ware 1876) and the work that he and his wife did at that time was remembered by the handful of other settlers, some of whom, such as the first settler Jacob Sammons, lost young children. Some of these city founders, became the leaders and wealthy businessmen of the community in later years (*Cheboygan Democrat* 5/8/1897). Ware showed Vincent interacting in many activities with the original settlers of the community (Ware, 1876). He placed him and his family, on the west side of the Cheboygan River, "some forty rods" above the first settler named Sammons.[14] However, Rev. Ware did not imply that any of the various men named as the earliest settlers of Cheboygan were Indians. He named Alexander McLeod and his brother, as successful men in lumber and shipping, who came from New York "bringing with them a number of men, machinery, tools &c., and commenced the erection of a water saw mill" (Ware, 1876). Vincent lived in the same household as McLeod and built ships for him. McLeod may have become Vincent's brother-in-law when he married Catherine Barron, a possible sister of John Vincent's wife, Sophia Barron [Baron]. John Vincent had hosted McLeod's wedding at his home in about 1846 (Ware 1876). In 1847, Alexander McLeod and his brother hired John Vincent to build "the first vessel of any kind built" in Cheboygan, which was later

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daughter of a man identified as "chief of Topinabee," a community associated with Burt Lake and who had lived with her family in Burt Lake as early as 1860; and

Angeline Trombly, reportedly the second wife of a "Grand River Indian," and the mother-in-law of Jonas Shawwawnonquot, grandson of Antoine Shawwawnonquot. She did not marry a Burt Lake resident.

[14] Although the various documents put the arrival of the first settlers in differing order, John Vincent was always among the first five or six arrivals.

refitted to sail on the Great Lakes, and, in 1848, a "schooner-built scow, named the "D. R. Holt," length eighty-four feet keel, twenty-two and one-half feet beam, and six feet hold (Ware 1876). The D.R. Holt's first cargo was twenty-eight cords of stone hauled from the Cheneaux Islands on the Lake Huron shoreline of the Upper Peninsula for the Waugoshance light house (Ware 1876). This was a substantial ship for the time. Rev. Ware's relatively detailed descriptions of John Vincent's activities in the late 1840's show him to be part of the founding fathers of Cheboygan and a contributor to its development.

Ware may have overstated Vincent's importance. In the 1850's, Vincent worked on less grand projects, including in 1857, supplying lumber and building a barnyard fence, for which Vincent and his partner, Smith, were paid $70 in 1868, following a probate settlement (Cheboygan County 1/28/1868). Also in 1857, Vincent sought payment from an estate for cleaning Maple River. Robert Micklejohn swore that in 1857, "he was with John Vincent on Maple River from August to February." However, he never heard anyone discuss contractual arrangements between the deceased and Vincent (Jeremiah W. Duncan Probate, Cheboygan County, 6/19/1857). Vincent claimed that the deceased, who was in business with Alexander McLeod, had earlier promised to pay for a three-year contract for lumbering, using a team of oxen, and for supplies, but Vincent had no written proof he was owed for this work. Non-Indians testified that they knew nothing about this deal (Jeremiah W. Duncan Probate, Cheboygan County, 6/19/1857). No known Burt Lake Indians were named, even though the work was on Maple River, which emptied into Burt Lake just west of Indian Point. Although in close proximity to Indian Village at Burt Lake, Vincent is not documented interacting with the nearby Indian village.

In 1861, Vincent enlisted in the army as a private in Company F of the Third Michigan Cavalry (Register Michigan Soldier's Home). Contrary to the belief of some of the petitioner's members, this company was not Indian (Moore/Reckord 2003). Its members were from the general population. Less than a year later, he was discharged near Corinth, Mississippi due to a "general disability." In subsequent years he claimed that the war ruined his eyesight. In 1875, John Vincent lived in Beaugrand, Old Mackinac road, on the coast of Lake Huron, some 15 miles north of Indian Point. His contemporary, Rev. Ware still identified him as a Ship Builder in 1876 (Ware, 1876, p. 52), but an associate of Vincent said in 1883 "that before [Vincent] entered the Army he carried on the business of building and repairing boats and vessels and doing a wrecking business but that since he returned he has never been able to follow said business" (Stevenson, 1883). In 1875, John Vincent received an Indian allotment near Indian River about six miles south of Indian Point, but he sold it four months later.

John Vincent's Civil War Pension File contained an affidavit from 1882 requesting a pension. The affidavit was signed by twenty men, who were identified on the census as non-Indian. Most were younger than 66-year-old John Vincent. John Vincent signed with an "x," as he always did. Several were French Canadian. They came from Cheboygan City and surrounding townships including Inverness, Grant, Duncan, and Beaugrand, where Vincent lived (A point north east of Cheboygan City is now called

Duncan State Park). Parts of these townships encompassed Chegoygan City. None of the men lived in Burt Township. With the exception of the county clerk, none appeared on documents also mentioning Indian Point residents. Many of these same names also appeared together on other documents, not only with John Vincent but also with each other, indicating that they formed a network of Cheboygan area non-Indians who generally interacted in business and other affairs.

Vincent, himself, did not act as a witness for others on legal documents; he was illiterate and signed documents with an "x." However, his daughters and his wife witnessed signatures from time to time. Neither John Vincent's nor his family's social contacts overlapped with anyone from Burt Lake in the documents during Vincent's lifetime. The people who were named in documents with John Vincent appear to have been involved in a completely different society from the network encompassing individuals from Indian Point who were named together in documents and included a few non-Indians who married Burt Lake Indians.

After the August 1882 pension request, the individuals appearing on documents naming John Vincent continued to represent the same group of non-Indians. Horatio N. Stevenson signed a May 3, 1883, Cheboygan County document which discussed his relationship to John Vincent and details of his health. On another document, H. Stevenson said that he had known Vincent since 1846, and that he had worked with him. The 1880 Federal census described Stevenson as a fisherman. A separate affidavit of May 22, 1883, signed by Oliver Beaugrand discussed John Vincent's health since the war, indicating that he had known Vincent for 29 years (since 1854) and that he had "been a neighbor of his and . . . also worked with him . . . always at least six weeks in every year and have seen him, on an average, at least once each month and during this time he has been troubled more or less with the disabilities mentioned and at times unable to work at all." On June 12, 1886, John Vincent himself gave a "Declaration for the Increase of an Invalid Pension" in Cheboygan. The witnesses were J.P. Sutton and W.H. Crawford. On January 18, 1888, John Vincent signed another "Declaration for the Increase of an Invalid." None of these documents contained a signature or reference to any Indian at Indian Point village or to any non-Indian who married into that Indian community or whose family member married into that Indian community.

John Vincent entered the Grand Rapids Old Soldiers' home in 1902, but stayed only a few months. He received a $17 monthly pension at the time. John Vincent died in Cheboygan on February 7, 1903, at the age of 86. The funeral services were held at St. Charles' church, "conducted under the auspices of Ruddock Post, G.A.R. of which deceased was a member." He was buried in Calvary cemetery (*Cheboygan Democrat* 2/14/1903b). One of his obituaries implied that he came from elsewhere and took on a tone and point of view that would seem to indicate he was not viewed as Indian (*Cheboygan Democrat* 2/14/1903).

A record book for the Indian Missions on the Beaver Islands and Fox Islands in Charlevoix County lists one of John B. Vincent's sons, John, and four of John, Jr.'s sons,

who were living on Garden Island in 1905 to 1907 on a page entitled: "Names of all the Indians living on Garden Island" (Record book). None of these grandsons has descendants in the petitioner. The 1910 Federal Census Indian Schedule also lists these Vincents and indicates that their father is "white" and their mother is "Chippewa" (U.S. Census 1910a). On the same page of the mission record book, but below the four grandson's names, is written "Frank Vincent and wife," and below that and removed by five lines is written "William Keway and wife." William Keway's two daughters married first cousins from Burt Lake, William and Steve Shenoskey (Littlefield 2002b). William Keway is the grandfather of Alice Shenoskey Honson, who was involved in the movement to recall Vincent's descendants from the Burt Lake board in 1992.

The life of John Vincent in Cheboygan County after 1845 is relatively well documented, and none of those documents show him socially interacting as part of an Indian community at Burt Lake or as part of another Indian community. These documents also indicate that his activities were distinct from the activities that most of the Indians at Burt Lake were involved in, even though Vincent is documented working in close proximity to Indian Village on one occasion in 1857. The specialized nature of John Vincent's work as a ship's carpenter and businessman differs markedly from Indian men at Burt Lake who were generally described as laborers, farmers, and woodmen (U.S. Federal Census 1870). He did not serve in an all-Indian army unit in the Civil War. He and his non-Indian wife had 13 children, none of whom married someone from Indian Point or from other Indian communities, with the possible exception of his daughter Adelaide. But even her husband, John Briggs, was not linked to a specific Indian community. The petitioner did not analyze or elaborate on the evidence from a 1905-07 record book concerning the Indian mission at Garden Island concerning John Vincent's grandsons, but they have no descendants in the petitioner. Vincent's children are not documented participating in patterned out-marriages within a larger regional system. None of them were recorded marrying anyone from the Indian communities of Burt Lake, Cross Village, Middle Village, Petoskey, St. Ignace Village, Les Cheneaux, and Harbor Springs. Also, although Roman Catholic, no documents demonstrated that Vincent's children baptized their children at St. Mary's Mission at Indian Point, married in that church, or buried their dead there. They did not appear to suffer from discrimination in the general community, and enjoyed significant respect in newspaper coverage of their activities. Although in early censuses, Vincent was identified as a person with Indian ancestry, his documented interactions in Cheboygan were within the general population, most often the business community, and not with Indian individuals or as part of an Indian entity.

The Community at Indian Point

By the 1880's, Burt Lake was situated in the midst of a growing resort area for people from Detroit, Chicago, and other mid-west cities. One tourist guidebook in 1882 lured tourists to Burt Lake. The guide described it as "twelve miles long and from five to eight miles wide. It is full of fish and its shores abound in game. Pigeon, Indian and sturgeon

rivers empty into it. The Mackinaw Division of the Michigan Central Railroad runs close along its northwest shores nearly its whole length" (Van Fleet 1882). Basket-making for the tourist trade became a way to make a living for Indian women at Indian Point. The censuses listed this occupation for Burt Lake women. By 1880, a wholesaler operating out of a store in Petoskey encouraged them to copy baskets from Canada and to use industrial dyes on the basswood splits to make them more attractive to buyers and individuals summering at the nearby resorts (Fasquelle, 1950; McElroy and Peters, 1966). Indians participated in logging and market hunting (Higgens, 1974).

The residents of Indian Point attended the small St. Mary's Roman Catholic Church and cemetery. The missionary church was "located at Indian Village" and the cemetery was between the "Indian Roman Catholic, Indian village, and north shore of Burt Lake" (Ware, 1876 19,47). St. Mary's was an "Indian mission" built in 1832[15] by Father Frederick Baraga, who later became the Bishop of this part of Michigan. Virtually everyone from the community who died was buried at the St. Mary's Church cemetery, and only a handful of non-Indians who were not close relatives to the Indians, were buried there. The Indian Point residents most likely celebrated together various Catholic rituals, some of which had distinct traditional cultural elements, although to what extent these practices were Ottawa or Chippewa in origin is unclear.

The petitioner's members descending from Burt lake assume that traditional celebrations such as "Booshooing" on New Years Day, the Ghost Suppers on November 1, Kings' Day on Twelfth Night (January 6) and other events that most likely traced to French Canadian or other European Catholic influence, were celebrated by the Indian Point population before 1900. However, little documentation of such celebrations before 1900 was submitted, even though general local histories and memoirs from before 1900 discussed these events in other locations. A late 19th century photograph of the St. Mary's mission cemetery showed simple wooden grave markers with pieces of light colored cloth or paper tied around the cross pieces (McElroy and Peters, 1966). This kind of decoration of the crosses is a tradition still associated with ghost suppers.

The surrounding population was well acquainted with the Indian Point Indians through 1900 because they worked with them on timber operations, hired them to do odd jobs, to clean, groom and winterize their resorts, and to carry the mail or pick huckleberries. They took their shoes and slippers to them for repair, bought their baskets and tourist curios, went to school, taught at the school or sent their children there with Indian children, hired the Indian men as hunting and fishing guides, and even toured their village and church. Some of the Burt Lake annuitants had farms a mile or two away from Indian Point Village and were doing quite well (*Cheboygan Democrat*, 12/22/1900). Little documentation indicated that working at wage labor was organized by the group. Whether basketry, berry-picking, guiding, market hunting or other occupations were done as a group or arranged through the mediation of Indian Point contacts was not

[15] Jonas Shawandose's papers include early photographs with typewritten captions. The captions on the church and cemetery photos give 1832 as the date the church was built by Father Baraga and 1829 as the date the mission was established by Father Peter Dejean.

documented.

The effect of logging development along the inland water route on the Indian Point village at Burt Lake is unclear in its specifics. It was also during that time that the leadership of Burt Township was temporarily placed into the hands of two Indian Village residents, Antoine Shawwawnonquot and Joseph Nongueskwa, and an Englishman named "Dan Davenport" (Cheboygan County Birth register for Davenport twins born Dec. 4, 1891). In 1903, "Mr. McGinn," one of the principals taking possession of the Indian Point village in the 1890's, gave an interview to the Cheboygan newspaper where he outlined "for the first time the true facts in connection with his deal with the Indians." His story implied that non-Indian residents of Burt Township nominated Indian men for office in 1876, so that the Indians would vote in the election. The purpose was to remove Indians from the protection of wardship status:

> Chief Kishegay, of the Ottawas, held this land in trust, by permission of the government, not being able to hold it in his own name according to law. At this time they were wards of the government, drawing government money, so much per head. Some cheap politicians of Burt finally induced these Indians to register and vote for them. This made them citizens entitling them to all the rights and benefits of American citizenship, and causing them to cease to be wards of the government (*Cheboygan Democrat*, 2/14/1903).

The descendants of Burt Lake believe that this is an accurate account of events, which contributes to their view that their ancestors suffered prejudice and injustice at the hand of some local non-Indians which led to their loosing their Village (Martell 7/23/2003). These shared events contribute to the Burt Lake portion of the petitioner's shared identity.

By 1895, the Indian Point community had grown to "20 to 30 families belonging to the old tribe living upon the lands and occupying them," by one estimate (Watts, 5/25/1895). For several years, men had been attempting to obtain the Indians' lands. As a witness to the events stated: "I believe they have been threatened with ejectment by some tax title sharks who have got hold of those tax titles, and they have written to me to see what can be done for them. It does not seem right that these lands should be seized for taxes, they being held in trust for the Indians by the Governor" (Watts 5/25/1895). McGinn also knew the Indian residents personally. In 1903, he talked retrospectively and perhaps self-servingly to a newspaper reporter who then reported that, during the 1990's "many of the Indians had been working for Mr. McGinn in his lumber operations, and having a personal acquaintance with them and feeling a little sympathetic, he offered to give each Indian back his house and one or two acres of land, without cost, with a clear title, if they would come to Cheboygan some time during a certain week for it. This they promised to do, but they never came, again claiming a white man from Petoskey told them not to"

(*Cheboygan Democrat* 2/14/1903).

The fact that "many of the Indians" worked for McGinn indicated that he may have been dealing with an intermediary in the village to locate and hire workers in his business and that the Indian Point people acted together in finding employment in the lumber industry. Charles Massey's presence and appearance in photos depicting Indian Point men working in lumber operations suggests he was a possible go-between, but specific evidence is weak on this point. Charles Massey was born in 1860 in Ontario, but by 1881 was present in the Burt Lake area, where he serially married several women associated with Indian Point. He, himself, appeared on the McGinn letter, which indicates that he was living in the village at the burnout. He, his sons, and various Indian Point men, such as Frank Shananaquot, Jonas Shawawnonquot, Antoine Shawwawnonquot, John Parkey, Joseph Shenoskey, John Nongueskwa, Jim Shenoskey, Louis Moses, Albert Shanananquot and others appear together in these undated photographs from about the turn-of-the century.

The overall record of events also indicates that McGinn and others dealt with the Indian Point community as a distinct group of people whom they employed as a group. On Monday, October 16, 1900, when Indian Point Village was burned to the ground and its residents evicted, the men may have been working together. According to a note in Jonas Shawanesse's files, the "Burt Lake Indian men worked at Crooked Lake making cedar post ties and poles." They had been paid and taken their checks to Cheboygan to cash them. The village was burned to the ground in their absence (Shawanesse, 1900-1905). Burt Lake descendants believe that McGinn and the other men in the county knew the Indian Point men well, and that they may have also known when they were to be paid and purposefully waited until the men were away to burn the homes.

The Community's Response to Events

The local reaction by one news source was less than sympathetic to the Indian's plight than to the expense on the other citizens when it editorialized that "the Indians have been a charge on the country to a more or less extent for some years, and it is probable that they will become more of a burden now they have become homeless" (*Cheboygan Democrat* 10/20/1900) at "the beginning of very bad weather" (*Cheboygan Democrat* 12/1/1900). The petitioner quoted the *Cheboygan Democrat* of Dec. 22, 1900, "there are some Indians who have farms a short distance from the village, who are industrious and make a living, but the report of the superintendents of the poor shows a long list of Indians' names" (Cornell, 1994). It appears that on and off for several years activists from other states agitated on the Indians' behalf and circulate a petition (Armstrong 1/22/1903; Engle 2/12/1903). In the end, these activitists may have been partly responsible for the State resolution in 1903 setting aside state land for them, which they eventually found "unsuitable" (Martell, 2003).

Jonas Shawanesse believed that the Indian Point community continued to use the original Indian mission church for two or three years after the "burnout," although later reports

were that the new owner turned it into a hay barn (Shawanesse, 1902). The same group of people who had lived in the Indian Point village before the event may have continued to bring their children to be baptized there immediately following the event because the St. Mary's register noted the baptisms of Caroline Shanonaquet, Josephine Shiawanasse, and Stella Mixceney. The register also showed that in 1902, John Dashner married Alice Boda, Joseph Norton married Angeline Kosequot, Pete Shewanasga [Peter Paul Shenoskey] married Madeline Kewaquom (whom he would later divorce), and Louis Massey married Josephine Nongueksswa.[16] Burials in the St. Mary's Indian cemetery did not occur there after the burnout. The St. Mary's burial and death records between 1900 and 1908 recorded "Buried at Harbor Springs" beside three names of individuals who died between 1900 and 1908. It was not until 1908, presumably after a new St. Mary's Church was built on Indian Road, that the burials were made at St. Mary's Church. It is not clear that the St. Mary's congregants returned to the Indian mission in the Indian Point village after the burnout. The descendants of the people whose marriages, burials, and baptisms were written in the St. Mary's register at this time would be some of the most active members of the Indian Road community in the future. These people came from families of the pre-burnout community who would form the core of the post burnout community for fifty years. They were also in the families of the ancestors of many members of the current petitioner, particularly the Masseys, Shenoskeys, and Nongueskwas.

The Indian Point community's immediate response to the burnout is documented in various records, but the social processes that led the displaced villages to establish an exclusively Indian settlement on Indian Road are not well documented. Margaret Martell, who was not alive at the time, said that she had been told that her grandfather Moses Nongueskwa, who had a large homestead on Indian Road, had provided places for the homeless and helped them arrange new places to live near him. She indicated that relatives, primarily his Shawwawnonquot in-laws, moved to the Nongueskwa property. Martell explained, "This group is mostly Shannanaquot's . . . Antoine's Shannonaquot's descendants. That's what it is. And my Dad's father, Moses Nongueskwa [1852-1918], homesteaded [in 1872 at Burt Twp., T36, R3, Sec 18, FC 4033], or got a land grant . . . The Nongueskwa land was by the church [on Indian Road]" (Martell 7/24/2003). Martell's grandmother [Elizabeth Shawwawnonquot 1862-1950] was the last one who stayed on this property (Martell, 7/24/2003).

The burnout forced the Indian Point population to disperse at first. This movement from Burt Lake was temporary for a number of individuals, but for others, it brought on a permanent geographical separation from the Indian Point community. A newspaper article claimed that the oldest resident, Negonee, who it was reported was 106 years old, had walked to Middle Village in Emmett County and died soon after. The oldest individual on the Federal census of 1900 living in Indian Point village, however, was born in 1820, so this woman could not be identified. But other records show that a portion of the residents living at Indian Village on Burt Lake did not move to Indian

[16] Although Jonas Shawanesse's notes include the fact that Paul Nongueskwa was buried in the cemetery, he died six months before the burnout in April 1900.

Road. Rather they moved to other Indian communities. The Kishegos, for example, did not return permanently to Indian Road or nearby communities. Kishegos are now associated with Petoskey and Harbor Springs. The Grants also did not return. However, by 1908, many of the Indian Point people had either returned to or stayed in the immediate area of the Indian Point village. A number of families eventually reformed an Indian community on Indian Road, only a mile or two from their original Indian Point location.

A photograph from 1908, showed a group of men building the new St. Mary's church. These men, Joe Parkey, John Nongueskwa, Henry Massey, Jim Shenoskey, Jonas Shenonquet, Charley Massey, Alex Kodash[17], Francis Massey, Louis Massey, Antoine Shawwawnonquot, and Frank Shenonquet were household heads from the main families that formed the social core of the Indian Road community in later decades. They represented younger generations of families who had lived in Indian Point village before the burnout. One family that would become important on Indian Road, but was not represented in this photograph, was the Martells. While not shown building the church, they lived in the Indian Road community by the 1910 enumeration for the Federal census. Matthew Amos Shawa was also not in the photograph, but his grandfather and uncles were.

The Eugene Hamlin and Albert Shawwawnonquot families did not take up residence on Indian Road. Hamlin's wife was Albert Shawwawnonquot's sister. In 1903, their families moved to the state lands set aside by the 1903 resolution. on the east side of Mullet Lake.[18] Photographic evidence from about 1903 or 1904[19] pictured the "hastily" constructed home on Mullet Lake built by 32-year-old Albert Shananaquot for his family members including his wife and young daughter. Also in the photograph were Albert's grandparents, 90-year-old Antoine Shawwawnonquot and his 88-year-old wife, and Albert's father's brother, Frank Shenonquet. The adults in the photograph had lived in Indian Point village where they were listed on the 1900 Federal census. The home in the photograph was clearly dilapidated, unlike those that had stood in the Indian Point village.
Albert Shananaquet's family and his sister's family eventually took up residence at in the community of Topinabee, less than a mile and a half due east of Indian Point, but about five miles by road. According to Albert Shawwawnonquot's granddaughter in 2003, they located on the top of a hill at Topinabee on land they apparently did not own, and stayed there based on "squatter's rights" (Teuthorn 7/18/2003). The Eugene Hamlins and Albert

[17] It is unclear who this is. It may be Alexander Kishigowe. His descendants would eventually live in Harbor Springs and become active in the 1950's with a group attempting to obtain compensation for the burnout. Doris Kishigo Adams, who attended the 1950 meeting with the Governor is his granddaughter, but has not been active in the petitioning group.

[18] This property did not have the attributes and legal status normally associated with a Federal Indian reservation.

[19] The caption of this photo implies that it was built immediately after the burnout, but the age of Albert Shananaquet's daughter Cora at about 3 years old dates it to about 1903 or 1904.

Shananaquots at Topinabee continued to stay in contact with the people on Indian Road and to attend St. Mary's church, where they buried their dead.

Albert Shananaquet's brother Jonas lived on Indian Road with his wife Susan Negake, and numerous children in the 1920's. Also on Indian Road were numerous first cousins and Shawwawnonquot aunts and uncles. The only other Burt Lake family living in Topinabee was Eugene Hamlin and his wife Hattie Shananaquet, after their marriage in 1924. Hattie, like Albert, grew up in Burt township either on her father Isaac's homestead or in the Indian Point community. Her husband's name was on the McGinn Letter. She would have known the other Indian Point residents well, including the Nongueskwas, Cabinaws, and Shenoskeys. Many were her siblings, aunts and uncles, and first and second cousins.

Another family, referred to by current members of the petitioner as "the Bodas, lived in Pellston. It included descendants of Enos Cabinaw who lived on Indian Road, himself, with his wife, daughter and granddaughter. Without information to the contrary, it must be assumed that these Cabinaw, Shananaquot and Hamlin families were in contact with their close relatives on Indian Road, based on close ties of kinship. Thus, for the purposes of this report, the Bodas and Cabinaw descendants in Pellston and the Shawwawnonquot descendants in Topinabee were considered to be part of the core community geographically centered on "Indian Road."

Many residents of the original Indian Point village continued to interact in the early 20th century even if they did not live nearby. The ancestors of the petitioner, as constituted in 1994 and excluding the John Vincent descendants, continued to marry other Indians. Regional band marriages which typified the participation of the Indian Point community in a regional system of marriage ties before 1900 would very gradually drop off between 1900 after they dispersed to Indian Road, Brutus, Pellston and Topinabee and 1960. The marriages of the descendants of Antoine Shawwawnonquet provide a sample population for analysis. Although not the complete Burt Lake community, the analysis incorporates most of the Indian Point people who remained connected to each other, even if they were not represented in the current petitioner. Before 1920, virtually all Shawawnonquot marriages included in the petitioner's genealogical database were Indian-Indian marriages. Individuals living in Indian Point before 1900 and in Brutus, Pellston, and Topinabee after 1900, to individuals from Cross village, Harbor Springs, Middle Village, Hessel in Mackinac Co., Little Traverse, and some Islands in Lakes Michigan and Huron. Thus, for this part of the 1994 petitioner, marriage to other Indians continued into the 1950's.

A second analysis was done based on the record of documented marriages from 1860 to the present. It analyzed not only the date when a marriage occurred but also computed for each decade all marriages that occurred in that ten-year period and all marriages that continued in that decade from earlier periods. Thus, marriages were counted until a divorce occurred or a spouse died and the marriage ended. Marriages without specific information concerning duration were counted only through the birth of the youngest

child, making the computation somewhat conservative. Because of the general custom of preserving names in Indian languages in this region, determining Indian heritage was not difficult until 1960 when children of earlier mixed marriages, who had non-Indian names, began to marry. As in the above measurements concerning Shawwawnonquet's descendants in the genealogical database, this analysis revealed that between 1870 and 1900 all recorded marriages (n=20) in the record submitted by the petitioner were between Indians of this regional marriage system. Other results, which appear in Appendix B-2, show that Burt Lake individuals continued to marry within the regional marriage system to 1960, when out-marriage suddenly became widespread as 'baby-boomers" married in large numbers and the percentage of individuals involved in such marriages dropped precipitously within a few years.

Some attempt was made to determine if out-marriage from Indian society resulted in alienation from the group as reflected in marriages, but no clear patterns of that can be detected. Those families with numerous marriages into other local bands, some of which are now recognized, are much less likely to appear on the 1994 membership list. This would imply that numerous out-marriages within the regional band marriage network in the past by ancestors, gives descendants more choices at present to gain entrance into a federally recognized tribe.

The Shawwanonquet descendants appear to be acting quite differently from the Vincent descendants. Thus, nothing in the data set indicates an intersection of the Vincents with other Indians either with the Burt Lake descendants or with the other local bands in the regional band marriage network. By 1920, ten families of burnout victims had relocated along Indian Road. Two other families were living in Topinabee and another family lived in Pellston. Only one of these Indian households did not have an ancestor listed on the McGinn Letter, while thirteen did have such an ancestor. Included on this census were people whose names would be described as leaders by the petitioner, including Peter Paul Shenoskey, John Julius Parkey, John Nongueskwa, Margaret Nongueskwa, later Martell, Charley Martell, and Jonas Shawwawnonquot.

Most of the non-Vincent members of the current petitioner traced back to this Indian Road community, and a very few did not. The Indian Road community was a particular portion of that earlier village, a segment descending primarily from Antoine Shawwawnonquot and Louis Nongueskwa. Also included were descendants Abraham Martell, who lived in the immediate area. While many Martells into the Shawwawnonquot, Nongueskwa, and Cabinaw families, some Martells did not. This later portion of Martells did not descend from Indian Point residents before the burnout, but became integral to the post-burnout community. This is the community that Margaret (Nongueskwa) Martell was born into and lived in until 1927. It is from this community that she would primarily recruit Indians to join her when she formalized the group's political organization in the late 1970's. There were no descendants of John Vincent living in this community.

The school records from Burt Lake township School, district #1, submitted by the

petitioner, lists 25 children attending school during the September 1916 to June, 1917 school year. Aged 5 to 13, the 25 children are overwhelmingly Indian, from the local community at Indian Road, which reflects the exclusive nature of the community. It appears that only two or three of the children have no Indian ancestry, and that two of three of those children during their lifetimes will marry or become in-laws to Burt Lake Indians. All of the Indian children on this list are also listed on the 1910 Federal census and/or the 1920 Federal census (U.S. Census 1910, 1920) with their parents. The school, located near St. Mary's Church on Indian Road (Smith 1977; Shawa 7/15/1995), was maintained in large part by the community, according to local history. As early as 1889, the school educated the Indian children. One teacher, Irene Train Mosser, from that period is quoted in a local history as saying that Elizabeth (Nongueskwa) Shawwawnonquot housed and fed her, and that John Nongueskwa, helped her to school (Smith 1977). The school closed around 1940, when the children were bussed to Pellston (Shawa 7/15/1995).

Other documents indicated who was interacting with one another. For example, the school records from 1920 indicated that there may have been significant labor migration because many of the Indian children at the Burt Lake school only attended half a term. For example, 16 year old Henry Enos Cabinaw attended only 5 days, the Martell children enrolled only 60 days, while the Griswold children attended 165 days, and a non-Indian family attended 179 days. Paul Boda [b.1906] attended the Burt Lake school in 1920, although neither he nor his family appeared on the census sheets for Indian Road or Pellston in 1920. They did appear in Burt Township on the Indian schedule 1910, and after Paul died in 1926, his family appeared on the Federal census for Burt Township in 1930. A Daniel Gilbert Boda and Susie Boda also attended in the primary division and their family, including parents John Boda and Annie Parkey, but did not appear on the census on Indian Road. None of the latter couple's descendants are in the current group.

The Martell and Griswold families began to show up on documents in association with the Indian Road settlement some time after the June 15, 1903, marriage of Esther Martell to a descendant of Louis Nongueskwa and a nephew to Moses Nongueskwa. It appears that after Esther's father died in 1898, she may have taken in her youngest siblings at some point, although Durant placed them with their grandmother in Cross Village in 1908 (Durant, 1908). The Martells came from the Upper Peninsula of Michigan.

According to Margaret Martell, her father John Nongueskwa worked seasonally. In the winter he "worked lumber . . . cut lumber, rode logs down the river, all that kind of stuff. In the wintertime he was away from us. He'd go away for the winter . . . come home in spring. Winter was logging time. When breakup came, they'd ride the logs down the river." (Martell 7/23/2003). Other men in the village had also followed this pattern. But as the lumber business moved north, so did some of the lumbermen, including William Shenoskey and John Nongueskwa, who had connections through his wife to the UP. The birthplaces sited in the genealogical database for the burnout descendants born between 1920 and 1940 indicate that several people were born on the Upper Peninsula, most likely at lumber camps, and several Burt Lake women married men born in such communities,

but most of these births traced back to the Nongueskwa and Shenoskey families already mentioned. Thus, the movement to the UP was not a general trend.

An analysis of the 1930 Federal census of Clark Township in Mackinaw County and from what Margaret Martell said in her interview with an OFA researcher indicate that the Indian residence areas in Mackinac County were not as contiguous as at Indian Point before the burnout[20] and even Indian Road after the burnout. Indian households were spread throughout the census sheets. However, those people mentioned by Margaret as being at Marquette Island after her family's arrival there in 1927, lived in four households near one another in 1930. In the resort areas, Indians felt discrimination. Margaret Martell described her mother's family's community/village on Marquette Island, where they lived in summer when her father worked at the Les Chenneaux Islands Club in the late 1920's and early 1930's. She said, "We had a tough time there. We were not really accepted. . . We were never allowed in . . . many of the homes. Some of the homes people had more respect for us. But we had friends regardless what their parents were like" (Reckord/Martell, 7/24/2003). In winter, the John Nongueskwa family lived off-island on Meridian Road, most likely in the house John Nongueskwa built on "block four," while his family lived with relatives on Marquette Island for a year or two (Martell/Reckord, 2003). Margaret's oldest brother Daniel and his wife were also living in the family household in 1930. Both John and Daniel were working as "common laborers."

Relying on the genealogical database submitted by the petitioner, analysis demonstrates that the Indians living in Clark Township in 1930 were generally descendants of John Smith/Cube or his brothers. These people included Margaret's mother, Jennie Solis, whose grandfather was John Smith. In addition to the Nongueskwas were Wabaginesse, Osogowin, Smith/Cube, Lewis, Bolton, Mendoskin, Dixson/Dickson, and Baker families. Virtually all of them were first or second cousins of Margaret Nongueskwa Martell on her mother's side. Although the genealogical database placed the birthplaces of John Smith and his wife Mary in Canada, the 1900 Federal Census indicated that both they and their parents were natives of Michigan. Of John Smith's eight children, only Mary Louise Smith, who first married a man named Lewis and then married a man named Solis, has descendants in the current group. Of her three children, two married Shawwawonquot descendants from Burt Lake.

However, it appears that individuals descending from a Joseph Anieawie-neMe-Ke-Waw-Be Alick, who may be the brother or some other relative of John Smith/Cube's wife Mary Ann, are members of the current petitioner, including at least thirteen of the sixteen individuals who did not meet the petitioner's requirements for membership. Among the descendants who do meet the petitioner's requirements for membership are the cousins to the adopted daughter of Margaret Martell and in-laws of Margaret's oldest and youngest

[20] The 1900 Federal Census of Sherwood, Marquette, and Cedar townships which combined into Clark Township by 1930 is the basis for these statements, with the 1930 Federal Census of Clark township in Mackina County and what Margaret Martell had said in her interview, looking at the people she mentioned in particular.

sisters. A number of marriages between the descendants of individuals from Marquette Island and the mainland nearby are noted, including Martells, Nongueskwas, Smith/Cubes, Andrews, and Alecks

John Nongueskwa, according to his daughter, was the source for believing that a connection existed in the past between John Vincent's descendants, or "the Vincents," and Burt Lake people. Because John Nongueskwa had in-law and work connections on the Upper Penninsula and because he was a lumberman, it was entirely possible that he did know descendants of John Vincent, some of whom lived in Mackinac County[21] and worked in the lumber industry. Their researchers have focused to some extent on the UP looking for evidence of this connection because the Vincents involved with the petitioner since 1985 have been living there for several generations. They have not found credible evidence that the Vincents and Nongueskwas had significant interactions based on their association with Burt Lake at any time on the UP or elsewhere.[22] In this regard, the Vincents have a very different social status within the Burt Lake descendants from the Martell's Indian in-laws, who have no Cheboygan band ancestry but associated in significant ways with the Indian Road community for 100 years.

While the Nongueskwas and a few other families emigrated in search of work in 1927, most Indian Road families remained in the Burt Lake area through the decade of the 1930's. The community remained geographically and socially centered along Indian Road. The Burt Lake school had closed in about 1926, and the children attended school in Pellston or St. Mary's mission in Harbor Springs (Margaret Martell/Reckord 2003). The discussion of the community in the 1930's under criterion (c) contains significant information concerning the social interactions in the community because the extremely informal nature of political activity was embedded in them and could not be discussed without significant reference to them. Readers are therefore directed to the report under criterion (c) for more information on the social aspects of the Indian Road settlement in the 1930's and later.

In 1938, John Holst, superintendent of Indian schools at Mount Pleasant surveyed Michigan Indian communities and wrote *A Survey of Indian Groups in the State of Michigan*, which was a mimeographed pamphlet. The Holst Report listed "Indian Families in Lower Michigan," and distinguished between Ottawa Groups in Lower Michigan and Chippewa Groups in Lower Michigan. Under Ottawa Groups of

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[21] Mackinac County stretches more than 100 miles east to west on the north side of the Straits of Mackinac. Most of the members of the current petitioner descend from individuals who settled in the western part of the county. Marquette Island is in the eastern part of the County.

[22] Only a handful of ancestors or current members were born in Cedarville (Birthplaces shows people were present in a particular town at the dates of birth). They are basically the John Nongweskwa family, particularly the descendants of John through Anna Esther and her children by Andrews born between 1932 and 1937, and Anna's sisters Elizabeth Nongueskwa's oldest child Raymond born in 1933, and a third sister's (Melvina Vertz). child born in 1941. No other Louis Nongueskwa descendants had descendants born in Cedarville. By the 1950's virtually all of John Nongueskwa's descendants appear to have moved to southern Michigan, especially Lansing.

significance to Burt Lake he showed listed nine families in Pellston, 14 families in Burt Lake, and three families in Topinabee. Under Chippewa groups he listed seven in "Burt." He did not explain the distinction between the seven Chippewa families at "Burt" and the 14 Ottawa families at "Burt Lake."

Holst believed that the Michigan Indians were assimilated, had disregarded attempts to organize under a united leadership, had few common political interests, and were sometimes "widely scattered." About the Indian Road settlement and nearby Topinabee he found that "Burt Lake and Topinabee familes mostly live on small farms and work on W.P.A. They are too widely scattered for any community action. They live much the same as their white neighbors" (Holst 1939, p. 11). Contemporary critics of Holst said that he painted with too wide a brush stroke. The description of the Burt Lake community from other sources would seem to indicate that Burt Lake had more solidarity than Holst was able to observe during his brief study period, even though they lived on farms, represented various levels of economic security, and no longer lived dispersed on property universally recognized as a reservation or village.

In the 1930's some individuals who were interviewed remembered being so "hungry" and impoverished, their stomachs ached at night and their parents sent them to Catholic boarding schools in order to feed and clothe them. The petitioner collected a number of photographs and submitted most of the pictures several times. Sometimes they were captioned, and sometimes they were not. Provenance for both the photographs and for the captions would enhance the ethnographic value of these materials.[23] Nevertheless, these materials provided some evidence about the community between 1920 and 1940.[24] The petitioner also submitted two collections of oral histories pertaining to the period between 1930 and 1950. The first collection contains transcripts of three oral history sessions with older Burt Lake individuals who had grown up near Indian Road, or had personal experiences there, taken by Gary Shawa, group member and executive director of the petitioner's organization. The interviews, or more accurately "focus groups," contain much valuable and credible information. The use of these oral histories as ethnographic evidence, however, is now limited because the petitioner did not identify who was interviewed and the transcripts did not identify who was talking. Sometimes, the context and side conversations people had with each other named people who were present at the sessions.[25] The OFA researchers have tried to cross reference some of the

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[23] For example, if the captions were taken from the back of the photograph from hand-written inscriptions made close to the time the photos were made, they are more reliable, than if they were made recently by someone who was born after the photo was made. If an individual placed the captions on the photographs after showing them to individuals who were actually pictured in the photos, then such information would be more valuable than information placed there without consulting a non-participant.

[24] The petitioner may want to clarify the reliability and enhance the usefulness of these materials by fixing these problems of methodology and presentation. If the identities and provenance are being withheld due to privacy concerns, then their usefulness will remain compromised.

[25] The earlier years were less easy to evaluate because some of the people most likely present in the interviews were born after the activities under discussion, but there is now no way to determine if they or someone who experienced the activities personally was talking on the tape and whether the evidence may

evidence to determine times, places and persons discussed in the interviews and shown in the photographs. However, without more facts relating to the circumstances surrounding the collection and presentation of these materials, she believes that the usefulness of the evidence is limited in its present form.

On February 12, 2001, Alice Littlefield, anthropological consultant to the group, interviewed some of the older people who had grown up in Burt Lake. The oldest were a man and a woman, who were both born in 1934. Also present were sisters, one of whom was a sister-in-law to the oldest man present. The sisters were born in the mid-1940's. Those being interviewed shared memories of their youth. The two older interviewees remembered more names and greater detail of events than the sisters who were ten and more years younger. The general picture of the Burt Lake residents in the 1940's to the 1960's is quite vivid and discusses many of the same people who had been listed earlier on the 1930 census of Burt Lake in the households between #28 and #45. They described these people interacting continuously in well-established and significant social relationships.

Despite the break between these neighborhoods, the community's members interacted often. Nevertheless, there was a distinction. In response to a question from Littlefield, Ben Parkey stated that Charlie Martell brought fish around and that he was "the only one that I can remember" doing such sharing. He also said that his family never had social engagements at their home, but that his non-Indian mother would take home grown vegetables or cottage cheese from their dairy to various social events near the church and attend them.[26] Helen (Shawa) Kiogima seemed to point out that her "Aunt Laura" Parkey, Ben's mother, always attended and brought food and seemed to imply that his Burt Lake Indian father did not socialize very much: "His Mom was the busy one; his Dad took care of the farm." Laura (Butler) Parkey had been the teacher in the Burt Lake one-room school before marrying Edmund Parkey, and Helen still teased Ben about being a teacher's kid. Such multifaceted memories in addition to Helen's apparent desire to defend her Aunt Laura from any assumption that she may have been unsociable, indicated that the Parkey's were well known to Helen Kiogima, a daughter of Amos Shawa who lived at the south end of the road. Similar statements throughout the

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be considered personal recollection or hear-say. The value of these interviews as ethnographic evidence would be greatly enhanced if specific information were provided, especially about the speakers. For example, if speakers were identified, it would be clear who they are referring to by various kin terms. One can only guess who "mother," or "my little brother" is without knowing who is talking. Throughout their statements are phrases like, "I was just seven when my father went to the Upper Peninsula to work." If the speaker's identity were known, then the approximate time this event occurred would also be known. This kind of specific information would allow a more accurate and verifiable description of the Burt Lake community, especially from 1920 to 1940.

[26] The presence of alcohol at parties held in some homes appears to be "touchy" subject to the older people interviewed by Littlefield. Others were more explicit about alcohol use with the OFA anthropologist and Gary Shawa. There may be a rather fuzzy delineation between the ladies who only attended the church socials, etc., and those who attended so-called parties involving music, dancing, etc. -- "fuzzy" because many people attend both kinds of events. The petition does not identify these sub-grouping or any other sub-grouping within the petitioner's membership.

interview indicated not only that these people knew each other well, interacted often, and were mutually dependent on one another until at least 1960, but also that there was a depth of caring among these individuals based on their childhood associations and the associations of their parents that continues in the present.

Helen Kiogima, like others who were interviewed, also referred to some of the people living in the nearby community as "Mrs. Parkey" and "Mr. Griswold," and to the others living in the contiguous Indian community merely by their names or a kin term, indicating a perceived difference, perhaps based on age and kin relationship, but also race, as Parkey and Griswold were non-Indians married to Indians. The Griswold/Martell connection has already brought the Griswolds near to the Indian Road settlement. Although they were known, they were not really in the center of the social network. In addition to the Griswolds and Parkeys, the interviewees discussed with obvious common knowledge the rest of the community in the 1940's through 1960's. The interviewees also referred to the people at Mullet Lake or Topinapee, as part of their social circle. They described a variety of social events and named the following people residing on Indian Road: Griswolds; Charlie Martell; Irene (Shenoskey) Massey, Charley, Elizabeth, and Louis Massey, Annie Midwagon; Agnes and Basil Naganashe; John Nongueskwa; Roy, Lucy, Edmund and Laura (Butler) Parkey; Sam and Ida Shananaquet; Amos and Ida (Chingwa) Shawa; Eliza Shawwawnonquot; Steve, William, Pete and Christine (Mixceney) Shenoskey. The presence of these adults also implied that numerous children of the same ages as those being interviewed also lived in the community. The people listed in the interviews were generally the same people who were present in 1930 on the Federal Census. Clearly, the set of people interacting present a geographical core of the community as well as a social core, and they are the ancestors of the current petitioner and the part of the petitioner during the last twenty years that do not descend from John Vincent.

Analysis revealed social distance between those being interviewed and some of the people who resided on Indian Road in the past. For example, Enos Cabinaw and Mary (Nonqueskwa) Cabinaw were not discussed, perhaps because both had died by 1942, when the older informants were only seven or eight. However, their children, with the exception of Ida and Sam Shawanonquot, were also not present in these descriptions, and their descendants were not represented. Most of their descendants had relinquished. Also well represented on the relinquishments were the Naganashes. About a quarter of the descendants of John Nonqueskwa's mother, Elizabeth, had relinquished. Whether they relinquished because they were not connected to the group or they were not mentioned because they had relinquished is unclear.[27]

As long as the Indian Road community continued to exist until about 1950, it provided a

[27] The OFA anthropologist found in 2003 that members descending from the Indian Road community who she interviewed were very well informed about who had relinquished and who had not. Their familiarity with other members of the petitioner made it easy for them to focus their discussions on particular families who were still members of the group in their interviews.

hub where people who had left the community could return and socialize. The people who had migrated to Grand Rapids, Lansing, or Detroit and also to regional centers continued to visit, particularly during the fall season to attend ghost suppers, and also throughout the year to attend the many social events occurring in the community. Loretta (Massey) Parkey stated that while living in the Upper Peninsula, John Nonqueskwa continued to visit the community along Indian Road. She said, "If you needed something, John Nongueskwa would come down" (Littlefield/Parkey p. 38., 2001). The Nongueskwa family visited John Nongueskwa's mother, Elizabeth Shawwawnonquot (1862-1950) who stayed on Indian Road until her death. John's daughter said, "We'd go on the boat from Cedarville to St. Ignacio and take the ferry boat to Mackinac city and catch the train there to Pellston. We'd get off in Brutus. . . .Walk five miles to Burt Lake. We'd walk four and a half and five miles" (Martell, 7/24/2003). The reason for returning to visit, according to Margaret Martell, was to attend religious functions and "big doings there."

We'd have a big gathering. We always did. Most generally in the fall or in the summertime or in the spring. Any occasion there, we'd get together. They had a big [structure] with a roof on it and social tables in there. Where the church is, well right across the road where Sam's [Shananaquet] place is now. They'd have dances in any one of the homes. And they were all musicians. My husband's grandfather [Jonas Shawwawnonquot 1870-1945] he was a violin player. He could play organ. My dad was a guitar player, banjo, piano. Didn't play violin (Martell, 7/24/2003).

Those being interviewed described the social events at the farming community at Burt Lake. The social events consisted of square dances, ghost suppers, funerals, singing groups, haying and threshing, and reference was made to drinking "moonshine." Invitations were not required. People walked back and forth to one another's homes along paths through the woods. People just showed up, and all were welcome.

A man from Petoskey interviewed in 2003, also said that he had attended parties at the Shananaquets on Indian Road in the late 1940's and early 1950's when he was in his twenties and his description differs little from John Nongueskwa's daughter's description from the late 1930's. He said that young Indians like himself were attracted in part because they were "never bothered out there" by police, implying that Indians from various communities attended. He said that there was an organ and a fiddle to provide live music. They moved the furniture outside. A woman "bought booze after hours" from a local restaurant. They drank "muscatel." Attendees were primarily Indians. The only whites present were spouses of Indians. When a non-Indian showed up, a man would quietly escort him to his car and ask him to please leave, and they "were escorted out." (Otto 7/10/2003). When Littlefield asked her group if all were Indians, people seemed hesitant. Their response was that "anyone could come." Non-Indians married into their families, and they attended many functions and the nature of the functions varied greatly. They noted a man from Cheboygan, apparently non-Indian, whose name they could not remember, who came. They indicated that his presence was somewhat remarkable, and thus implied that these affairs were generally Indian events which would

have included non-Indian in-laws or close associates, but rarely included those outside of this social circle.

Socializing also occurred in bars that catered to Indians. In the summer, they socialized in so-called "black and tans," described as restaurants and bars in Petoskey and elsewhere where African American and Indians socialized on Sunday and Thursday nights when the resort workers had time off from their normal duties. "It was a working class thing" one person said. The Indian and black employees at the resorts worked together and socialized seasonally during the summers. He did not know of any marriages between the two groups (Otto 7/10/2003). In the winter months, some bars catered to Indians. One such business was located in Brutus, five miles from Indian Road, and the Burt Lake people favored that bar (Shawa 7/14/2003).

None of the individuals from the burnout community who were interviewed by either Gary Shawa or Alice Littlefield mentioned any Vincent descendants at these social events. When asked directly by the OFA anthropologist whether they knew the Vincents as children, people denied knowing them until Donald Moore joined the group in the mid-1980's. Several people went out of their way to tell an OFA researcher privately that they did not believe the Vincents were from Burt Lake. One Indian man who was not a member of the group but who consulted with it in the early 1990's said, "I think they must be French." The petitioner submitted almost no information about the Vincents' activities and social interactions, but because they currently live on the Upper Peninsula, they referred to the logging communities there as possible places of interaction.

Nahma was one of the communities where several Burt Lake people seemed to have spent time in the first half of the 20th century. Some of Peter Paul Shenosky's grandchildren, (the Daysons) for example, were born in Nahma, and Charles Massey (descendant of Masseys and Nongueskwas) was born there in 1927. The Holst report described Nahma in 1939 as "the center of a widely scattered Chippewa settlement some 35 miles east of Escanaba [where] members of 17 families are employed at the timber mills and these families live on the Mill Company property and pay a dollar a year occupancy rent. This is to prevent the Indians from acquiring squatter title to the property. The land on which these families live will not support gardens. The homes are small and need repairs inside and out. The mills at which the Indians work will continue only 10 to 15 years at most [Dayson family 1906-1940; Alice Shenosky born in 1939;and Charles Massey in 1927] (Holst 1939).

Holst's description of this logging mill community as a typical "company town." The petitioner argues that the descendants of both the Indian Point community and John Vincent may have interacted in significant ways or even lived together in such communities for ten or fifteen years at a time. They submitted no documentation to support their position. Littlefield referred to Barbara Madison's taped interview with

Donald Moore, a Vincent descendent who was elected as the leader of the group in 1985 as the source for one case of interaction. She wrote,

> In a taped interview with Don Moore, Madison learned that Moore's father worked for tribal member Melvina Vertz and her husband in their lumber camps in the Upper Peninsula or Michigan during the 1940's through the 1960's. Don Moore's older brother Jerry Moore also worked for Vertz in the 1960's. Most of the Vertz employees were Indians who fished during the summer and worked in the lumber camps in the off seasons. Melvina Vertz [John Nongueskwa's daughter] is Margaret Martell's sister. Melvina had moved from Cedarville Michigan to Trout Lake, Michigan after she married Henry Vertz (Littlefield 2002c 21).

According to the genealogical database, Melvina (Nongueskwa) Vertz was born in Burt Lake in 1921. She married non-Indian Henry Vertz in 1940. She had children in Cedarville in 1941, in Chippewa County in 1942, in Sault Ste. Marie in 1947. The records in the genealogical database show that Lee Alden Moore, Don Moore's father, lived primarily in the far western part of the UP and in the 1940's had children in Marquette, Eckerman, and Newberry, all UP communities. His son, Gerald Moore, Sr., had children in Sault Ste. Marie between the years 1966 and 1977, but he was born in Marquette County to the far northwest of the Upper Peninsula. Although these families lived on the Upper Peninsula when they could well have met and worked with Henry Vertz, it is not clear that they lived in a specific lumber community together over a period of time.[28]

In fact, culling through the birthplace records of the petitioner's members and ancestors to determine where people were living in the past, almost none of the burnout descendants ever lived in the same, small Upper Peninsula communities with the John

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[28] The connection of Melvina (Nongueskwa) Vertz (b. 1921) to the Upper Peninsula may reflect on her lack of connectivity with the BL petitioner, rather than on the Moore's connection to BL. Although she was Margaret Martell's sister, there was no evidence that Melvina Vertz interacted with the community along Indian Road in the 1940's and later when she and her husband were in lumber camps on the Upper Peninsula. Births show that her nieces and nephews were born outside of Burt Lake in the Upper Peninsula or downstate in Lansing and Detroit. Only one first cousin was born in Burt Township. Melvina, herself, was born in BL and that fact carries some weight. She was not listed in Burt Twp on the 1930 census, which reflects the fact that her natal nuclear family left Burt Lake in 1927. Only her brother Harry and his grandmother Elizabeth Shawwanonquot were on the 1930 Federal census in Burt Twp in household 42/43, the center of the Indian community.

Vincent descendants after 1940. Although the petitioner also mentioned Cedarville as a likely community for interaction, no record showed any Vincents resided there at any time. Even if they were living in such communities at the same time, there is no evidence to show that they were there because they were members of the Burt Lake band, had helped each other settle there or actually interacted. Without more specific information, it is impossible to accept the petitioner's position that the two parts of the petitioner's membership interacted on the Upper Peninsula in significant ways.

During World War II out-migration permanently changed the character of the Indian Road community because so many of young people of child bearing age left the community, the population no longer remained stable. Out migration is illustrated by analyzing birthplaces after 1940 of people descending from the burnout. Many babies were born in Grand Rapids, Lansing, and Detroit beginning at that time. Not only did young men serve in the armed forces, but both men and women worked in the large industrial plants in southern Michigan. After the end of the war, they remained there. Many made good wages in automobile and other industries. The Indian Road population grew old. Older couples raised some of their grandchildren, and a widow raised her children nearby. The Indians who had actually experienced the burnout themselves as children were beginning to die. During the school year, children often attended school at St. Mary's boarding school in Harbor Springs where they received food and clothes as much as an education. Between 1940 and 1960, the community would lose most of its population. Although people have lived along Indian Road continuously since allotments were made there, by 1970 only a few elderly people remained.

Making a living in the area was always difficult. Some turned to tourist entertainment, especially in Harbor Springs in the late 1930's. Except for John Parkey, there was little evidence in the record that Indian pageants and the pan Indian ideals expressed at these pageants appealed to the people at Burt Lake. An unpublished paper by Jane Willets described a performance by a troupe based in Harbor Springs and Petosksy. It toured Michigan tourist destinations to raise money. They purportedly had "Cherokee" from Georgia, and *bonafide* Indians from Michigan. Newspaper articles traced the activities of this group as they adopted dignitaries such as Admiral Nimitz into their tribe. Collateral relatives of the pageant participants were on the Burt Lake membership list in 1994. Most specifically, the Kishigos, Chingmans, and Coopers appeared to be active in this troupe and are also descendants of the Burt Lake Wasson (Wasso) family. The Kiogima's have also married with Burt Lake. Fred Ettawageshick and his sister were the children of Agnes Chingwa, a BL born woman who married Joseph Ettawageshick. While these people had Burt Lake ancestry, only one or two descendants are now associated with the petitioner.

The Indian Road residents were not part of the pageant effort. However, in the 1950's some of these people were very much part of an effort to get compensation from the Governor for the loss of Indian Point village (See report for criterion (c)). Several people interviewed by an OFA researcher expressed antipathy toward specific individuals involved in these pageants and others expressed anger that some people would take

compensation rather than actual land. Although these references sometimes point to a split between the people who remained at Burt Lake or on Indian Road and sought land and the people who married Indians in other communities, including these pageant participants and others who sought monetary compensation, the petitioner has not directly described or provided oral history or documentary evidence about any sort of split that is reflected in their social interactions. There is also some evidence in oral histories that these people were part of a group of Burt Lake descendants who the petitioner's members viewed as socially and culturally distinct from the people on Indian Road. Without specific evidence about such distinctions and animosities, however, solid ethnographic understanding and description is difficult.

Amos Shawa (1884 – 1963) continued to live along Indian Road until his death in 1963, and his 90- year-old mother Eliza (1862-1950), the last surviving daughter of Antoine Shawwawnonquot, lived with his family, or in a nearby house on his property. She apparently continued to weave rugs, even though blind, according to a contemporary newspaper article (*Cheboygan Daily Tribune*, August 8, 1949). The article stated that her father was a full-blooded Indian and her mother half French and half Indian and that she grew up in the "Indian settlement." The same newspaper article, which was on the longest-lived residents of Cheboygan County, also named Catherine Sailler of Mackinaw City, "born in Cheboygan at the site where the Ottawa Hotel now stands," who was "86 and always lived in this county." Sailler was John B. Vincent's daughter. The article did not mention that she had any Indian heritage.

The priest at the Indian Church of St. Mary's on Indian Road in 1946 requested relief from serving the mission. He wrote to his superiors in Grand Rapids pointing out that the 130-mile circuit he served prohibited him from celebrating masses at the three mission churches every week. He served the largest congregation with 35 to 40 families in Peshabetown twice a month and Burt Lake and Middle Village, only once a month, and believed that the children could not learn their catechism in classes offered only once a month. He did not give a tally of the families served at St. Mary's, nor did he say that attendance had dropped off. He requested permission, which was apparently given, to allow the priest at Pellston to take over the responsibilities at St. Mary's and for the children to receive catechism there also. How the people at Burt Lake received this change is not documented. Considering the important roll of this institution in the Indian community in earlier years, the change particularly in the catechism classes reflected the changing demographics of the community as young families left. It also seemed to indicate that the Church may have no longer viewed their service to Burt Lake Indians as a special or distinct mission (Berube, 9/6/1946).

The continuation of marriages among Indians until 1960 indicated that discrimination may have risen in the 1950's, after a temporary decline during WWII. According to David Massey, in the 1950's and early 60's when he went to school in Pellston, he knew the Burt Lake people there even if they did not live on Indian Road. He said that the Burt Lake students sat toward the back of the class (Reckord/Massey, 7/14/2003). Gary Shawa remembered that Indians tended to socialize in a specific restaurant near Brutus

when he was a child in the 1950's and 1960's. Similar statements are found in other interviews. However, when asked directly, people generally denied that they experienced discrimination, perhaps believing that the interviewer was asking if they had experienced legally sanctioned segregation rather than more subtle discrimination.

In 1978, when Margaret Martell called together a meeting of Burt Lake descendants that began the formalization of the petitioner's organization, gradual changes in the community occurred primarily as younger generations left and the oldest residents died. However, even in the 1970's, the older people on Indian Road continued to speak to each other in Ottawa, to celebrate ghost suppers, to work on crafts for tourists, to attend St. Mary's on a regular basis, to entertain visitors and to generally support each other. Those present in 1970 included Charlie Martell (1897-1982), Irene Massey (1920-1992), Steve Shenoskey (1894-1981), Agnes Naganashe (1889-1959), Henry Shenoskey (1922-1995) and Ida Chingwa Shawa (1910-1988). The church remained an important focus for the older women, especially. They spruced up the church, ironed the altar clothes, and cooked the priest's supper. They socialized at church picnics held on the church property.

David Massey was able to recall details of the Indian Road community in the 1970's. He was born in 1951. According to him, the remaining Indian Road residents continued to socialize, and they talked Ottawa together. His mother, Irene Massey, hosted ghost suppers. Irene Massey's son believed that despite his mother's 6th grade education, "people used to respect her" (Massey 7/14/2003). People who had left the community but still lived in the region came back to these ghost suppers his mother and sisters prepared with great effort. People came from Charlevoix and Petoskey drove in cars to attend them in the 1970's. As the post-war baby-boomers started families they came back with their children to this event. According to David Massey, this growth in the number attending was a new phenomenon. He said that before the 1970's, usually only people from Burt Lake and Pellston had attended them. He said that the extended family of Amos Shawa (1884-1963) and his wife Ida (Chingwa) Shawa (1910-1988) used to come, and he also named Frankie Moses and Russell Menefee, two younger people who lived in the immediate area. The Masseys would go to other ghost suppers in the neighborhood or go further if they got a ride (Masssey, 7/14/2003). As the elders died, more and more people attended Irene Massey's event. Since her death, her daughters have had a difficult time serving everyone who wants to attend (Massey 7/12/2003). In the past, a coin was hidden in the food, and the people who got the coin were expected to host a dinner in the following year. Since, only a few people live in the traditional community, the random assignment system has broken down, placing an enormous burden on the few still resident there (Massey 7/12/2003).

David Massey's description of Indian road in the 1970's indicates that Margaret Martell's father-in-law, "Charley Martell [1897-1982], [was in] his house . . . [and] there used to be a house up by the church there. That's where Russell Menefee grew up. Would always play there. Russell was older. And, the Shananaquots were still there . . .They've always lived there – Sam and Nancy. They are still there. The Parkeys have always been there .

. . Bernard up on the hill. Kenny, that's his property. The Naganashe's just down the road from the Crossroads . . . That's the main ones. Not that many houses there" (Massey 7/17/2003). David lived "near the store, near the Parkeys" with his mother Irene Massey (1920-1992) (Massey 7/14/2003) According to him also, the Griswolds "lived down by Burt Lake" David Massey said that he did not remember meeting the Vincents as a child (Massey 7/14/2003).

With the exception of the Shananquots, who relinquished their memberships around 1994, the other families have members in the petitioner. The relationship of the current petitioner to the people known to be living in the Indian Road community in the 1970's shows that approximately 80 current members were alive in the 1970's and were also close relatives to the people named above. None of these people are Vincents. However, it is also clear that many more individuals also descend from these people, were on the 1994 membership list, but have relinquished since then. For example, all of the Shananaquet's close relatives, some fifty individuals, have relinquished their memberships. Only about half of Henry Shenoskey's children are still enrolled in the petitioner, and many of his nieces and nephews have chosen to relinquish and join LTBB.

The on-going community at Indian Road and people living nearby in the Emmett and Cheboygan counties tended to mitigate negative impacts of out-migration. Two generations have passed since 1938. Virtually everyone alive in the 1970's who was a member of the petitioner in 1994 and currently, who is not a Vincent descendant, could recount experiences on Indian Road. These experiences concerned the church and cemetery, socializing, ghost suppers, and just general visiting. The members know many other members throughout their lives and in significant ways. The members display significant knowledge about each other, how they are all related to one another and to the older people still alive in the 1960's and 1970's, and about the choices that families have made concerning relinquishment. Because the Indian Road settlement was small and multiple social and kin links connected individuals in face-to-face interactions, their network of social relationships has been and continues to be complex and dense. Most know people from every family. Thus, it is extremely significant that the descendants of the burnout and Indian Road did not know the Vincents before 1985, and many still do not know them and cannot identify them at meetings of the organization.

The social network of Burt Lake descendants is especially complex and difficult to describe because of the many links people have through marriage into other Indian communities. Thus, parties and ghost suppers have in recent years included many descendants of Burt Lake who have not ever been involved in the petitioner's organization because they are members of recognized tribes and other petitioners for acknowledgment. They gain membership in those other organizations through their kinship rights in other Indian entities. Certain events, such as the ghost suppers in the fall or a birthday party, were open to people from surrounding communities, and had the effect of not only maintaining contact with distant relatives and in-laws, but also of introducing young people to one another because people attended these functions as families. However, other occasions, such as attendance at the St. Mary's church and its

picnics and cemetery cleanings and decoration, did not attract large numbers of other Indians and were directed primarily at the immediate Indian Road settlement and people connected to it. Funerals, too, are performed primarily by members of the community. "Booshooing"[29] at New Years was described as a smaller occasion, involving primarily close kin and neighbors. Thus, it appears that some events are small and do not extended beyond the immediate settlement at Burt Lake. The petitioner has provided valuable information about attendance at ghost suppers, but no general analysis and discussion of what people think these different kinds of events mean to their social interactions and behavior of the petitioner's members.

The people who claimed to be from Brutus when they signed in at meetings between 1978 and 1984, appear to be from about six or seven households because six nuclear families are represented, and two elderly individuals. The two individuals possibly living alone include Charles Hyacinthe Martell (1897-1982) and Josephine Mary (Petoskey) Naganashe (1912-2000). The families include Roy Edmund Parkey (1930-1999) and Frieda Diane Carroll (1939); Kenneth Albert Parkey (1941) and Loretta Leona Massey (1944); Samuel Gerald Shananaquet (b. 1935) and Nancy Marion Naganshe Shananaquet (#2's daughter) (b.1937), and Sherry Lynn Shananaquet (b. 1960); Irene Elizabeth (Shenoskey) Massey (1920-1992) and daughter Doris Massey (1948); Henry Joseph Shenoskey (1922-1995) and Eliza Marie Naganashe (1933-1982) and teen children Sandra Ann Shenoskey (b. 1956), Sarah Shenoskey (b. 1966) and Rebecca Ann Shenoseky (b. 1968). This is a core geographical grouping of people. These people are the families and older people living on Indian Road before 1970 and named in the oral histories.

The petitioner submitted no information about the social organization of the migrants in the urban areas of southern Michigan after the migration began in large numbers. When Martell began to organize the petitioner from her location at the Lansing Indian Center in 1978, she attempted to recruit people to represent areas where Burt Lake descendants were living. Gary Shawa said that she recruited him to go to powwows in Grand Rapids and contact young people. According to Martell, the urban Indian centers provided a place for Indians to socialize but no particular Burt Lake grouping met there. More information is required to describe social interactions among Burt Lake descendants living in the urban areas and their interactions, if any, to Indian Road.

One man said that when he first moved to in Grand Rapids since 1975, he stayed with a cousin. There used to be Indian bars on Rich Street, northwest, when he first arrived. "That's where the Indian Population was living. . . . most of the Indian families when I moved down here, they used to live right down in the Rich Street area when I met them." (Kiogima, 7/21/2003). He could name numerous Burt Lake families in Grand Rapids, including Bodas, Martells and Shawas, but he generally interacted with other Indians, "not Burt Lakers." He never attended any Burt Lake meetings in Grand Rapids. In his

[29] The word probably comes from the French word "Bonjour," literally meaning Good Day. Apparently, people made it a custom to go around at New Years to greet each other and this is today called "Booshooing. "

view Grand Rapids is "pretty much like a melting pot. . . . a lot of Native Americans here but all different tribes." He socialized primarily with Pokagon Potawatomi and married a Potawatomi woman. "Back then," he said, "I never knew peoplethat was directly from Burt Lake. In fact, the ones I met for the first time a lot of them were from Grand Traverse, Peshawbetown, Battleground, Bunn Lake and from the Manestique area (Kiogima, 7/21/2003).

Two Vincent descendants were very involved in the formal organization after 1985. Donald Moore was very involved in the 1980's, and Carl Frazier shows up in documents in 1994. Their involvement appears to almost always be political. They are not at the ghost suppers for example. Christine Vincent in the late 1980's and Michael Vincent in the early 1990's are present at meetings and on the council, but again no evidence of informal social interaction with Shawwawnonquot descendants is in the record. Evidence about the Vincents, including a picture of people at a family reunion, show no people from the Burt Lake organization who are not also descendants of John Vincent. The annual mid-summer birthday party of Loretta Parkey's adult son attracts many Burt Lake people, but few if any Vincents were named as attending.

The descendants of John B. Vincent were studied to determine their participation in the ghost suppers held at the Massey's between 1982 and 1994. This is a fairly open social, rather than political, event. The record of attendance is well documented in sign-in sheets at these events which the petitioner submitted to the BAR. No Vincent descendants signed ghost supper sign-in sheets between 1982 to 1994. However, it was sometimes difficult to read the signatures and hand scripted sign-ins were sometimes difficult to decipher. Eight surnames appeared among the Vincent descendants and on the sign-in sheets. They were Webb, Peck, Newman, Massey, Lewis, Davis, Brown, and Smith. Several of these names are very common in the general population. These names were double-checked to see if someone could possibly have used to nickname or maiden name when signing in, but still no connections were found between the individuals who signed in at ghost suppers and the Vincents.

Membership in more than one local band is now usually prohibited by the separate Federal tribes, whereas in the past people could move from one place to another and through residence and multiple lines of descent. While such marriages among Indian settlements in the region may continue even into the present, the children of such mixed marriages are expected now to choose exclusively either their mother's or father's recognized tribe. This means that many people who may have primarily identified with Burt Lake based on their long term residence in that area and interaction with people identifying as from Burt Lake, must seek membership to a recognized tribe, not Burt Lake, in order to receive the rights and services of the Federal government which flows through recognized tribes. Because Burt Lake is one of the last Lower Peninsula tribes seeking recognition (some six neighboring tribes have been recognized in the last ten years), their kinship structure tends to look incomplete, as whole families select membership in a neighboring tribe. Thus, the recognition of Little Traverse and of Sault Ste. Marie, most notably, have siphoned off some of Burt Lake's most active members

and their families.

Sentiment also plays a role. A Shawa descendant and age cohort of Gary Shawa said that he and his brothers had made different choices in band membership. His "brother . . . went with Little Traverse, [but he and his other] brother Alan went with Burt Lake." To explain his choice he said, "The way we have it, we can't be dual enrolled. They can go either way, but can't be enrolled in two different tribes. I chose to go with Burt Lake because I can remember living in Burt Lake. I can remember my grandparents living in Burt Lake....and I can remember being at their house" (Kiogima/Reckord 7/21/2003). Thus, he had made his choice based on sentimental attachments he had to the Indian Road community. Not giving up the Burt Lake identity kept Gary Shawa in the band, according to two people who were interviewed and knew him well. They believe in the concept of the Burt Lake band being part of the Cheboygan band, a distinct entity from the Little Traverse Bay and other Ottawa communities in Emmett County. A coworker characterized his position: "Gary is pretty bull headed. He's strictly Burt Lake and doesn't have Little Traverse sympathies. He's a strong believer in the Cheboyganing Tribe...also took in Alpina and the council at Cheboygan. . . remained their own political deal" (Moses 7/14/2003). For some individuals who have not relinquished, sentimental feelings for the Indian Road community and intellectual positions about BLB's history trump receiving rights and services through LTBB.

In summary, the group of interacting individuals, which is still identified at "Burt Lake," does not overlap with the membership list of the Burt Lake petitioner. Not only are there many people who are not viewed as traditional Burt Lake people (the Vincents), but there are also large numbers of individuals who are believed to be traditional Burt Lake people, who have relinquished their membership. Even those people, such as Edith Teuthorn and Rita Shananaquet, who have joined with LTBB continue to identify themselves today as primarily from Burt Lake (Teuthorn 7/18/2003; Shananaquet 7/18/2003).

The Burt Lake petition and the people interviewed in the summer of 2003 place great emphasis on the social importance of the Ghost Suppers. Held on All Saint's Day at the end of October, these suppers are held in peoples' homes. Anyone may attend to receive dinner, talk, and remember the dead. In the past, people visited for a week or more in Indian homes where they were served traditional foods through the night hours. Indian women crafted colorful paper flowers and wreaths to decorate the graves in St. Mary's cemetery. No formal invitation was needed. Knowledge of locations traveled by word of mouth to participants. Priests often attended and drove people from one community to the next. But these suppers were not specifically viewed as a religious event. Until her death in 1992, Irene Massey and her family members held a ghost supper every year at her home near Indian Road. Her daughters have attempted to continue the tradition, but have given it up at this point. At times, Massey and her family performed this service with little help.

They kept the sign-in sheets between 1982 and 1994, which now provide a fairly accurate data set of attendance, although some individuals may not have signed the guest listing.

A total of 377 different children and adults attended these suppers over the 12-year period. Determining the identity of the women was particularly difficult because women's married names sometimes could not be linked to their maiden names or their married names as maintained by the petitioner. However, it soon became clear during the analysis that many people who attended were not in the genealogical database, on the membership list, or directly related to Burt Lake Band. The data showed that a core group of people living in the Brutus/Burt Lake region attended the Massey's ghost suppers and they were not necessarily members of the petitioner.

Residence rather than BL membership was a powerful predictor of attendance at these ghost suppers. While people living in Lansing and Grand Rapids claimed to attend ghost suppers, it appeared from the data that those who had migrated from Burt Lake rarely attended. Although most migrants were familiar with the event and had attended at some point in their lives, they did not attend every year. For example, it appears that Margaret Martell, living in Lansing, did not sign in at any of these ghost suppers. In fact, those people most involved in the petitioner's organization in Lansing were highly unlikely to attend. Only those such as Irene Howard, with homes near Burt Lake, attended the ghost suppers. People living in Burt Lake, Brutus, Harbor Springs, and other settlements near to the Indian Road residence of Irene Massey came year after year. Thus, the information did not demonstrate ties between people who had left and those who stayed near Burt Lake.

The sign-ins showed that people attended in family groupings, as couples, or alone. Of the 377 individuals who attended at least one supper, only 46 (12 percent) had ever signed in at a BLB meeting in the early 1980's or signed the 1978 resolution. This is not surprising because 233 (62 percent) of the individuals on the Ghost Supper sign-in sheets could not be identified in the genealogical database. Of the 144 (38 percent) who could be identified, 46 (32 percent) could be identified as having attended a BLB meeting or having signed the 1978 resolution. John Vincent descendants did not attend any of these ghost suppers and none of them indicated that they held their own such events on the Upper Peninsula. Even after Don Moore and a few others began to attend BLB meetings after 1984, no Vincents signed into the suppers. Because this analysis was made before the determination that large numbers of individuals on the 1994 membership are not currently members of the band, the percentage of current members who attended the Masseys' suppers may be even smaller.

Families with the same surnames as those found in the BLB membership signed-in at the ghost suppers, but they are not in the genealogical database. Such surnames include: Brown, Gibsons, Gascos, Honson, Hoag (Hoig?), Keshick, Kiogima, McLean, Massey, and Miller. It is likely that they are members of nearby local bands and have links to Burt Lake through ancestors who married into other nearby bands or through marriage. Thus, the attendance seems to reflect a regional marriage and social network rather than the membership of the BLB. Neither the petitioner nor its consultants distinguished between events aimed specifically at other band members and those that were directed and include any Indians in the region. Reciprocity was apparently practiced because

BLB members descending from the post-burnout community who were interviewed in 2003 said that they remembered attending ghost suppers in other communities if they had a ride.

References to ghost suppers held by people in other bands were mostly to events held a generation ago. The petitioner did not submit enough information about these suppers to determine if the band members were part of a social network larger than the petitioner but worked as a band to organize and host these activities until 1994 for the wider Indian society. The impression was, however, that the Massey family, not the band, organized their mother's ghost supper. Others who were mentioned as holding such suppers were generally referred to by their family name. The Naganashes and Masseys were most often mentioned.

Although the Shawwanonquet and other descendants of the post-burnout community appeared to be acting within an interband (intertribal) social network, they never involved the Vincent descendants, who now make up a majority of the petitioner, in these activities. The Martell descendants without BLB ancestry attend quite often and appear to be involved in the ghost suppers at high rates.

Unfortunately, the petitioner did not submit sign-in sheets for the years after 1994, so it is impossible to determine if Burt Lake people on the 1994 membership list continued to attend or prepare these dinners after that date and after relinquishing their memberships to join LTBB. Irene Massey's daughter told an OFA researcher that she had attempted to maintain the tradition after her mother's death but had found the cost and the exhausting work prohibitive in recent years and would probably stop offering the dinners, if she had not already done so.

The Indian Road area continues to be the center of the BLB not only in the view of BLB members, but also in the view of Indians in the region, despite the fact that very few Indian families continued to live there. The five families still resident on Indian Road include employees and members of the BLB, another family and others who continue to live there, but have joined the LTBB. People within a single household may belong to different organizations (Parkey 7/18/2003). All of these residents continued to help one another and socialize, whether they are part of the Burt Lake organization or a member of LTBB. For example, one woman who belongs to BLB does not drive, so she relies on other people who have joined LTBB to give her a ride to work and other places (Moses 7/14/2003).

An OFA researcher found that people had common knowledge not only about other Indian Road residents but about large numbers of other post-burnout descendants who were close and distant relatives, whether they were officially members of BLB or of LTBB. In fact, it appeared that almost everyone among the Burt Lake descendants knew who had maintained their memberships in BLB and who had left for LTBB. In addition, they could discuss at length the issues and particular aspects of the other people's lives and situation, including job prospects, health of family members, opinions about the

Vincents' involvement in BLB, *per capita* disbursements, personalities or intricate kinship relationships going back three and four generations, that underlay the decision to leave or stay. Interviews with individuals who had relinquished their Burt Lake memberships and joined LTBB indicated that they knew many specifics about the Burt Lake band and its activities or lack of activities. In fact, one person revealed that not only did LTBB members show up at BLB meetings for the socializing at the after-meeting potlucks, but BLB members often showed up at LTBB meetings and activities.

This behavior, however, included only the descendants of the burnout community who had been involved with BLB since 1978. The Vincents were not part of this network of people who shared knowledge, activities, and interactions. In fact, few Vincents come to any of the BLB activities, including informal social activities not sponsored by the band organization. People could not remember any Vincents, that they could recognize, attending a funeral, and, with one exception involving the BLB paid staff and a death in a leaders' family, the non-Vincents did not attend Vincent funerals. There was virtually no crossover between the Burt Lake descendants and the John Vincent descendants outside of the formal organization of the BLB.

Approximately 30 adults attended a board meeting and picnic in July 2003, attended by an OFA researcher. Almost everyone there either lived on Indian Road or was a close relative to a BLB staff member, including Gary Shawa, Loretta Parkey, and Melissa Moses. Perhaps ten of the people attending were Vincent descendants. The researcher was told later that some of the individuals at the meeting were actually members of LTBB and had relinquished their BLB memberships. One of the board members said that "the membership don't attend the meetings . . . We can go up there and have a meeting once a month and, basically, the tribal membership doesn't come. We just have the board there" (Kiogima, 7/21/2003). He believed that this July meeting had many more people than usual.

The day after this board meeting and picnic, Kenny and Loretta Parkey held a birthday party for their son. They do this every year, and, according to Bernard Parkey, some 100 people will attend including those who are no longer BLB members such as Sam and Nancy Shananaquet, Dorothy Boda, the Naganashes and some of the "other family members." According to Bernard Parkey and others, "Nobody's excluded. We all get together and [talk]" (Parkey, 7/18/2003). In fact, a large group of people, many of whom would have been on the 1994 membership list, but had relinquished, did attend the birthday party.

In the past, one of the most important events sponsored by the BLB had been the annual "August Feast." But a board member told the OFA researcher that it had not been held for two years and that they were "just restarting it this year." When asked to explain why the event had been dropped, he said "Simply, nobody showed up. We're going to try to do something to make the membership come out. We made a list. Figure out something to bring the tribal members and work as a community" (Kiogima 7/21/03). Thus, the BLB-sponsored events do not have the same tone and function as they did before 1994,

when families met, shared covered dishes, camped in Parkey's field or another person's yard, and generally enjoyed a social encounter in association with a band business meeting. Now the small, closely related board meets and may eat together. Out-of-towners may spend the night at the hotel near the Pellston airport or camp in a family member's back yard. The board meetings no longer have any social function for individuals from the general membership. When asked why, he said, "Who knows? They know the schedule. They just never show up. We plan on these things: August Feast, Christmas Party, April cemetery clean up. That [the last] brought out a few" (Kiogima 7/21/03).

The care of the cemetery tends to define the actual Indian Road settlement, not including the Vincents. One 1994 member, who has relinquished, grew up across the street from St. Mary's church, and is a board member at LTBB, said that she believed that the Burt Lake band was composed of all the people who would be buried at St. Mary's (Shananaquet 718/2002; Teuthorn 7/18/2002). No Vincents have ever been buried there. At the April clean up which Augustine Kiogima described as an event held by the petitioner, LTBB members participated, including Sam and Nancy Shananaquet. "We were all invited to their house across the street once we were done . . . to coffee" (Kiogima/Reckord, 7/21/2003). Thus, the way individuals define their Burt Lake social community, which may also have informal political activity and influence over its members, is separate from the Burt Lake petitioner at this point and probably has been since late 1994 or even earlier.

At the July 12, 2002, board meeting Doris Shawa Beaudin said the prayer in Ottawa, and crossed herself before and after she finished. Although she speaks some Ottawa, many other people only know this prayer, which is a Catholic prayer translated into Ottawa (Beaudin, 7/12/2003). Also at this board meeting a lengthy discussion on getting a grant to begin Ottawa language study was discussed. Melissa Moses has primarily been involved in writing the grant, although Gary Shawa had contacted a professor at Indiana University about a "language preservation program." No Vincents are known to speak Ottawa or any other Indian language.

Conclusion

The descendants of John B. Vincent, almost half of the current membership, were not part of a Burt Lake Indian entity, or any other Indian entity. The presence of the Vincent descendants, as well as the loss of many Burt Lake descendants to Little Traverse Bay Band, makes the petitioner a different entity than the one represented by the Cheboygan annuitants in 1870, the one centered at Indian Village on Burt Lake in 1900, and the one that evolved from Indian Village at Indian Road in the 20th century. Additionally, the petitioner did not submit evidence for an Indian community that includes Vincent descendants, which amalgamated with a Burt Lake entity historically.

After 1984, the date of the first evidence of participation by John B. Vincent's descendants, the petitioner did not demonstrate that his descendants socially interacted

with the descendants of Indian Village on Burt Lake as part of an Indian entity. They did not socialize, know one another, attend the same social functions, including funerals, potlucks after meetings, and parties, or socialize at informal social gatherings in representative numbers. Documents show only a small handful of Vincent's descendants as ever participating in a social event formally sponsored by the petitioner or informally held by Indian Village descendants without specific involvement of the petitioner's organization.

At the same time the descendants of a settlement on Indian Road have maintained contact and interact socially in significant ways. They have married primarily within a regional marriage system as recently as 1959, have socialized, maintained a small Roman Catholic mission church and cemetery, lived in an exclusively Indian geographical settlement until at least 1938, and a few families and elderly individuals have continued to live there until the present, maintaining an unbroken presence on Indian Road. They strongly identify with Burt Lake and recall events in their common history when forming an identity. The connection of Burt Lake descendants living in urban areas to the people living near Burt Lake or in regional centers, including Petoskey and Mt. Pleasant, is not well documented by the petitioner. The people involved in these social interactions appears to be a Burt Lake social grouping with a composition so different from the petitioner, it is not the petitioner. Undetermined portions of this social grouping belongs to LTBB and to BLB.

Criterion (b) as modified by § 83.8

If the petitioner were to be evaluated as a previously acknowledged tribe or band, the evaluation for criterion (b) would be limited to the period "at present" (§83.8(d)(2)). The regulations require that the petitioner demonstrate that "it comprises a distinct community at present. However, it need not provide evidence to demonstrate existence as a community historically" (§83.8(d)(2)).

Criterion (c)

Documentary Overview

The 19th Century

Various sources have described a historical Indian village as existing on the shore of Burt Lake at least from the Treaty of 1836 until the burnout of 1900. Non-Indian contemporaries noted the existence of this Indian village. Soon after the burnout, a Cheboygan newspaper referred to the "Indian Village" that had been located on Burt Lake (*Cheboygan Democrat* 10/20/1900, 12/22/1900; see also Brady 2/19/1917). Governor Pingree said that the Indians at the Burt Lake village had been "living together almost the same as if in tribal relations" and had been "living together practically as a tribe" (Pingree 1/9/1901, 272, 273). Former residents also referred to this village in later recollections. Enos Cabenaw in 1914 and 89-year-old Albert Shananquet in 1957 recalled details of the former "Indian Village" at Burt Lake in which they had lived (Cabenaw 4/24/1914; Shananquet 5/10/1957). The available evidence reveals the existence until 1900 of an exclusively Indian settlement at Burt Lake.

An example of political representation of this historical village at the end of the 19th century is the petition, dated December 17, 1899, sent to President McKinley by Samuel Ki-shi-go-way and others, which the Indian Office described as "protesting against claims of John W. McGinn to certain lands in Michigan" (Ki-shi-go-way *et al.* 12/17/1899; BIA 1/11/1900). The petition included a copy of McGinn's letter to village residents requiring them to deliver possession to him of the lands they occupied. Ki-shi-go-way was a resident of the Indian Village in 1899 (Shananquet, n.d.). His petition appears not to have described him as the village's leader. The Interior Department characterized the petition signers not as a band, but as the descendants of the Sheboygan Indians (Interior 3/10/1900).

Although almost half of the petitioner's members descend from John B. Vincent (1816-1903), the available documentation provides no evidence that Vincent or his descendants had been part of the historical Indian Village at Burt Lake prior to 1900, or participated in any political activities with any Burt Lake Indian group or any Burt Lake Indian descendants until 1984. According to the available evidence, the only group activities or leadership role attributed to John B. Vincent during his lifetime were his participation in settling the town of Cheboygan in 1846 (Ware 1876, 15, 17; *Cheboygan Democrat* 9/20/1902), assisting town residents during an outbreak of smallpox "in the old days" (*Cheboygan Democrat* 5/8/1897), becoming a charter member of the Cheboygan post of

the Grand Army of the Republic veterans' organization in 1884 (GAR 1884), and helping to form a Pioneer's Society in the town of Cheboygan in 1894 (*Cheboygan Democrat* 1/20/1894). Vincent's obituary attributed some leadership to him, but on behalf of a town rather than any Indian group, describing him as "a history maker for Cheboygan" (*Cheboygan Democrat* 2/14/1903b).

1900-1917

General references to collective leadership of a Burt Lake band were made by two sources in 1908 and 1909. The petitioner's researcher notes that Horace Durant, in his 1908 field notes, referred to the "chiefs of the Burt Lake Band of Traverse Indians" and the "Cheboygan chiefs" (Durant 1908, p.31, no.28, 32). In this context, Durant appears to have used the term "chiefs" as synonymous with "elders." He did not identify them. It is unclear whether Durant's reference to a band of the "Traverse Indians" meant that he considered such a band to be politically part of a Little Traverse confederation. In 1909, a Cheboygan newspaper referred to "the principal men of the Burt Lake Indians" (*Cheboygan Democrat* 5/21/1909). The newspaper reported on the circulation of a petition to divide the State lands on Mullett Lake, provided under the provisions of the 1903 Joint Resolution of the State legislature, presumably so that the lands could be held as individual plots rather than in common. A conflict between "the discontented half breeds in the tribe over there" [Mullett Lake], who had prepared the petition, and "the principal men of the Burt Lake Indians," who "refused to have any part in the deal," was implied by the newspaper.

In 1909, this Cheboygan newspaper also reported that it had learned, apparently from Albert Shananquet while visiting Cheboygan, that Shananquet and the Indians on the State lands at Mullett Lake had been "bothered" by a State trespass agent, who had cautioned them about cutting timber (*Cheboygan Democrat* 4/23/1909). While the newspaper reported their complaint, it did not describe Shananquet as having lodged that complaint with any government official, State agency, attorney, or anyone else, with the possible exception of the newspaper itself. The newspaper did not describe Shananquet and his companion as acting on behalf of a group, or of being concerned about anyone other than their own families at Mullett Lake. Thus, this newspaper's account did not portray Shananquet as a leader acting in a political role to represent an Indian group, whether a group of Mullett Lake residents or a Burt Lake band.

Enos Cabenaw, 64, described himself, in 1914, as "the Chief Counselor and Official of the Cheboygan Band of Indians living near Burt Lake" (Cabenaw 4/24/1914). He stated that he had "held the position of leading officer for about 4 years," or since about 1910. Cabenaw made these statements in an affidavit for use in the *McGinn* litigation. In 1911, a Cheboygan newspaper described nightly meetings at the house of Jonas Shenanquet at West Burt Lake. It also reported that Paul Wasson of West Burt Lake had visited the

Indians at Mullett Lake to get them "to accompany him back to the big meetings they are having over at his place" (*Cheboygan Democrat* 2/17/1911). The featured speaker at these meetings was a visiting Indian, J.W. Strongheart of St. Louis, who claimed to be a lawyer acting independently to inquire into Indian grievances. He implied that he was associated with a "Progressive Indian Rights Association" (Strongheart 1911). The chief topic of his talks was the Indians' claim to land at Burt Lake. The newspaper said that a result of these meetings was that the Indians "appointed a chief, president, secretary, treasurer and committee to go ahead and do things," but that "the whole thing dropped . . ." (*Cheboygan Democrat* 2/17/1911). No available evidence identifies any officers chosen in 1911. The accounts of these meetings described no political role of Enos Cabenaw.

No evidence in the available record describes or implies any role by any political leaders or members of a Burt Lake or Cheboygan band in persuading the U.S. Attorney to file a lawsuit against John W. McGinn to obtain the return of the State trust lands at Burt Lake. During the *McGinn* litigation, both Albert Shananquet and Enos Cabenaw wrote to Federal officials seeking information about the progress of the case. Some of Shananquet's letters were also signed or marked by other Burt Lake descendants, while all of Cabenaw's letters were signed only by himself.[1] Shananquet was the first to write such letters. When he wrote to the Attorney General in 1911, after the lawsuit had been filed, claiming that "[w]e are the Cheboygan band of Indians, located [at] Burt Lake," he used no title implying that he was a band leader (Shananquet 7/20/1911). When Shananquet wrote to the Secretary of the Interior in 1913, to inquire what had been done about the land "claims of the Cheboygan band of Indians," he used no title and made no claims of leadership of the band (Shananquet 11/24/1913). In December 1914, Shananquet and others wrote to the Office of Indian Affairs as "[d]ecendants of the old Indians" who had purchased the lands, not as band leaders (Shananquet *et al.* 12/26/1914).

Enos Cabenaw also wrote to the Attorney General in 1911, calling himself "Chief Counsler [*sic*]" (Cabenaw 9/26/1911). Without referring to the *McGinn* litigation, Cabenaw asked why the superintendent of the Bay Mills Indian School was seeking information about Cheboygan lands. When Cabenaw first wrote to the Office of Indian Affairs in January 1914 to request information about the *McGinn* case, he identified himself only as "a member of the Cheboygan Tribe of Indians" (Cabenaw 1/15/1914). The next month, he wrote to the Commissioner of Indian Affairs and identified himself as "acting Chief for our Tribe" (Cabenaw 2/4/1914). The following month he wrote to the U.S. Attorney as the "Chief Cheboygan Indians" (Cabenaw 3/2/1914). In March or

[1] Those signing or supporting Albert Shananquet's letters were: Antoine Shawawwanonquet (grandfather); Isaac Shawawwanonquet (father); Jonas Shawawwanonquet (brother); Moses Shananquet (cousin); Moses Nongueskwa; John Nongueskwa; Amos Shawa; Peter Shawanasige [Shenoskey]; and Paul Wasson.

April 1914, Cabenaw provided a BIA agent with the affidavit in which he identified himself as "the Chief Counselor" of the "Cheboygan Band" (Cabenaw 4/24/1914). At the end of the year, Cabenaw wrote to the Commissioner as "Chief Cheboygan Indians" (Cabenaw 12/23/1914). He wrote to the Attorney General in 1915 as "Chief Counsler [*sic*]" and in 1916 as "chief" (Cabenaw 2/3/1915, 8/29/1916). Thus, Cabenaw claimed to be the band's leader, while Shananquct did not.

In his letter to the Commissioner in December 1914, Cabenaw specifically complained about "Albert Shananquet in particular" when he stated that other Indians had written to the Commissioner who had "no authority to transact any business for the tribe . . ." (Cabenaw 12/23/1914). During the years from about 1907 to 1914, Shananquet resided at Mullett Lake, so it is possible that Shananquet and Cabenaw corresponded on behalf of different geographical settlements, and that conflict between the two areas existed. The 1909 petition to divide the Mullett Lake lands and this 1914 letter by Cabenaw, however, are the only items that hint at such political conflict. Also, most of the co-signers of Shananquet's letters appear not to have been Mullett Lake residents. In his 1914 letter, Cabenaw assured the Commissioner that he promptly informed "members of the tribe" of any information he received from the Indian Office or U.S. Attorney (Cabenaw 12/23/1914). Nonetheless, Shananquet and others sought information from those sources on their own. The available documentary evidence does not contain examples of any group activity leading to or supporting Cabenaw's activities.[2]

1917-1934

During the period from about 1918 to about 1924, Albert Shananquet traveled to Washington, D.C., to lobby Congress. Shananquet was in his early 50's at this time. The available evidence shows that he advocated for the payment to Ottawa and Chippewa Indians of Michigan of an alleged unpaid balance in the funds due them under a Court of Claims decision. That evidence also suggests that he did his lobbying on behalf of an Ottawa and Chippewa organization, not on behalf of a Burt Lake band. Shananquet indicated that his chief goal was to obtain the passage of a bill to secure an additional payment. In 1921, Senator Charles E. Townsend of Michigan introduced a Joint Resolution which specifically named Albert Shananquet and Paul Kijigobenesse and directed the Secretary of the Treasury to make a payment to them, as "delegates and attorneys in fact of the Ottawa and Chippewa Indians of Michigan," of $423 of the

[2] A note in material the petitioner describes as the "Shawandose Papers" recorded that "Joe Grant and Enos Cobenau pressed Indian claims up to 1920 including Burt Lake reservation" ("Shawandose Papers" ca. 1950's). No additional evidence submitted by the petitioner, other than Cabenaw's letters in 1914-1916 during the *McGinn* litigation, supports this observation. According to the available genealogical evidence, Joseph Grant died in 1913.

balance of the judgment fund remaining in the Treasury "because of an error in making up the rolls" of the living Ottawa and Chippewa descendants (U.S. Senate 1921).

Senator E.F. Ladd, head of the subcommittee which held a hearing on this bill, identified Shananquet "as attorney for the Ottawa and Chippewa Indians" (Ladd 3/9/1922). Acting as attorney, Shananquet called a "General Meeting of the Ottawa and Chippewa Indians" in 1922 to explain the status of this claims bill in Washington (Shananquet 9/12/1922). The meeting notice referred to the "Committeemen of Various bands," but the available evidence does not show who these committeemen were, whether any represented a Burt Lake band, or what political activities they may have undertaken. Also ambiguous was a letter Shananquet wrote, about the Senate hearing on his bill, that asked the recipient to "let the rest of the boys know of the hearing I had" (Shananquet [1922]). As late as January 1924, Shananquet continued to present himself and Paul Kijigobenesse to the Indian Office as "attorneys" for the "Ottawa and Chippewas of Michigan" (Shananquet 1/31/1924). This evidence shows that Shananquet was acting on behalf of an entity of descendants that was much larger than one band, and does not show that he was acting as a band leader in these lobbying efforts.

In 1923, Shananquet participated in the creation of the Michigan Indian Organization (MIO). He sent a copy of the constitution and by-laws of the new organization to the Commissioner of Indian Affairs (Shananquet 3/26/1923). The Indian Office reply informed Shananquet that it "must decline to recognize any authority in you to transact business for any tribe of Indians in Michigan," adding that the papers he had submitted "do not show what particular tribe you claim to represent . . ." (BIA 4/12/1923a). The Assistant Commissioner also described this organization as one "probably created by one man" (BIA 4/12/1923b). Shananquet continued his lobbying efforts for a bill on behalf of the Ottawa and Chippewa Indians through the MIO, apparently as its president (on his title, see "Shawandose Papers" 1/15/1924). The petitioner submitted several handwritten sheets that apparently record dues payments in the MIO. One page header indicated that the organization's headquarters was in Long Point, which was Shananquet's home during the 1920's. One page was entitled "Burt Lake Band Indians / Michigan Indian Organization," indicating the probable existence of a band organization (MIO 1923-1924). The available evidence, however, does not show what activities such a Burt Lake band of the MIO may have undertaken.

A letter Shananquet wrote in late 1923 indicates that, in addition to lobbying for payment of the balance of the judgment fund to Ottawa and Chippewa Indians, he also was pursuing a claim for the lost lands of Indian Village. Failing to have this claim included in his proposed bill, he wrote that "Indian Point on Burt Lake is also being taken up" separately (Shananquet 11/22/1923). A letter written to raise funds on his behalf said that he had three lawyers helping him (Anonymous 12/19/1923). In December 1923, attorney Webster Ballinger of Washington, D.C., wrote to the Department of the Interior and enclosed a memorandum on the issue of "the title of Sheboygan Band of Indians to

certain lands in the State of Michigan . . ." (Ballinger 12/21/1923). Ballinger and his client, presumably Shananquet, also had a personal meeting with the Assistant Secretary of the Interior (Interior 12/26/1923). Commissioner of Indian Affairs Charles H. Burke informed Ballinger, however, that, in view of the result of the *McGinn* litigation, "this Office is of the opinion that it would be useless to make any further attempt to regain possession of the lands on behalf . . . of the She-boy-gan Indians" (BIA 1/5/1924; see also Interior 3/26/1924).

Anonymous notes included in a collection which the petitioner describes as the papers of Jonas Shawandase reveal the existence of conflict over Albert Shananquet's lobbying efforts. These notes claim that, when Shananquet went to Washington in 1920, the Indian Office "showed him over 400 signatures opposing his" power of attorney and "many letters of protest against his representation on Indian claims" ("Shawandose Papers" ca. 1950's). The number of opponents, which exceeds the petitioner's estimate of the size of a Burt Lake band at this time,[3] indicates that this conflict was not an internal band conflict. The "Shawandose Papers" also state that the "Burt Lake claim was dropped" due to the "agitation of the Indians" and "the bickering and poison pen letters originating at Indian level . . ." ("Shawandose Papers" ca. 1950's). A newspaper profile of Shananquet, in 1958, said that he had to abandon his lobbying in Washington because "the Indians were disputing among themselves over individual properties" (*Straitsland Resorter* 1958). It is not clear what this conflict was about, nor whether it occurred within the Ottawa and Chippewa Indians organization, the Michigan Indians Organization, or a group of Burt Lake Indians. This probably occurred in early 1924.[4] The record contains no evidence of lobbying for claims or any activities by Shananquet or the MIO after 1924.

1934-1945

The Michigan Indian Defense Association (MIDA) was incorporated in Michigan in March 1934. Its articles of incorporation defined its purpose as to "bring together into a unified body all scattered bands of Indians located within the limits of the State of Michigan . . ." (MIDA 3/23/1934). Its headquarters was in Northport, on Grand Traverse Bay, and three of its four original incorporators and directors on its board were from Northport. Its government was organized into a state council and various local councils. To form a local council, whether a county, township, or city council, the "locality" had to

[3] See the petitioner's discussion of the 1920 census (Petitioner 2001, 14).

[4] The newspaper reported that Shananquet's lobbying in Washington occurred between the Wilson and Coolidge Administrations (although the newspaper had that chronologically backwards). Other evidence shows that Shananquet advocated a Burt Lake claim in late 1923 and wrote to the Indian Office as late as January 1924.

be able to furnish the required seven officers and was required to hold monthly meetings (MIDA n.d.; see also MIDA 3/21/1936, p.16). Later, MIDA headquarters was moved to Harbor Springs in 1942, and its officers were from Petoskey and Harbor Springs, towns on Little Traverse Bay (MIDA n.d.; 7/14/1942). In 1934, a local newspaper reported both that an Emmet County division of the MIDA had been formed, and that "counselors" had been elected in Harbor Springs, Cross Village, and Pellston (*Emmet County Graphic* 4/19/1934, 5/17/1934).

In March 1935, a Cheboygan newspaper referred to John Parkey as the "chief of the Indian village located in Burt township on the west shore of Burt Lake" (*Cheboygan Daily Tribune* 3/13/1935).[5] In May 1935, the newspaper referred to him as "Chief John Parkey of the Michigan Indian Defense Assn." (*Cheboygan Daily Tribune* 5/2/1935). This account clarified that Parkey was considered a "chief" as the leader of a local council of the MIDA, although it did not explicitly identify the MIDA council as a Burt Lake unit. Parkey's age was about 34 in 1935. According to the newspaper, a local elected official had held a meeting "in the Indian settlement at Burt Lake" to discuss having "an Indian village built in their settlement" for purposes of economic development, and had arranged the meeting through Parkey. In the same month, however, when the Cheboygan newspaper reported that the MIDA was sponsoring a series of meetings throughout the state, it stated that the "Indians from Emmet, Charlevoix, and Cheboygan counties" would meet in Petoskey, rather than announcing a meeting of a Burt Lake local council (*Cheboygan Daily Tribune* 5/7/1935). While it is not clear that Parkey's MIDA unit was a Burt Lake local council, he did act to arrange a meeting at the Burt Lake settlement.

The petitioner claims that a Burt Lake group petitioned in 1935 for organization under the Indian Reorganization Act (IRA) that was passed in 1934. A petition stating that its signers were "desirous of obtaining the benefits . . . of the new Indian Reorganization Act" was submitted to the Commissioner of Indian Affairs on May 13, 1935, by Fred Kishego and 40 other individuals (Kishego *et al.* 5/13/1935). The signers referred to themselves as "members of the Ottawa and Chippewa Tribes," but not as members of a specific band or residents of a specific locality. The signers gave their addresses as Cheboygan County, or Pellston or Petoskey in Emmet County. John Parkey, the "chief" of the local council of the MIDA, was not one of the signers. The specific language of this petition was identical to that in other petitions submitted to the Indian Office (*c.f.*, Shomin *et al.* 3/26/1935; Mastaw *et al.* 3/29/1935; Keway *et al.* 5/10/1935). It is not clear from the text of the petition whether these identical petitions were meant as a request to organize the separate petitioners as one group or as separate groups under the IRA. The identical language reveals that Kishego's petitioning group did not develop its

[5] The petitioner has mistakenly identified this exhibit as dated Mar. 13, 1936, rather than Mar. 13, 1935 (Petitioner 2001, 19-20).

own statement, and suggests that it was acting politically in cooperation with a larger group or entity.

The genealogist for the current acknowledgment petitioner claims to have linked 30 of the 41 IRA petition signers directly to individuals on the 1870 list of the Burt Lake band in Durant's field notes, and 39 of the 41 to that list either as the individual named or as a spouse or father-in-law of such an individual (Madison 2002, Ex. C, p.14; see also Petitioner 2001, 16). The OFA researchers accept that 32 of these 41 signers descended from the 1870 annuity recipients of the Burt Lake band. Thus, despite the failure of the IRA petitioners to identify themselves as a band or geographical group, the current acknowledgment petitioner has established a reason for considering the signers to have had a shared identity as descendants of a Burt Lake band. However, only 13 percent of the current petitioner's members descend from a petition signer in 1935. Eleven of the IRA petition signers can be identified as residents of the Indian Road settlement by using the 1930 census (see Table 6).[6] Two other signers, who were not on the census as residents on Indian Road, either owned land or had a spouse who owned land along Indian Road according to the 1938 housing survey. Thus, less than half of Indian Road adult residents in 1930 (11 of 25) signed the IRA petition, and Indian Road residents and landowners during the 1930's were less than one-third (13 of 41) of the IRA petition signers.

One month after this petition, Peter Shawanasige wrote to Commissioner of Indian Affairs John Collier, saying "I haven't heard anything about our Petition," mentioning a "Cheboygan Band of Indians," and concluding that "they want the news" (Shawanasige 6/17/1935). Shawanasige signed on behalf of an unnamed "committee" from Brutus, Michigan. Since this letter did not give a date of the petition, since the petition did not refer to a Cheboygan Band or to Brutus, and since Shawanasige was not the first signer of that petition, it is not surprising that the BIA did not match this inquiry with the previous petition of May 13, 1935. Commissioner Collier sought information from the superintendent of the Consolidated Chippewa Agency about "a group who call themselves [the] Cheboygan Band of Indians" (BIA 7/23/1935). This inquiry reveals that such a group was not known to the BIA central office. Superintendent M.L. Burns responded that he had "never met Peter Shawangasige of Brutus Michigan" (BIA 8/15/1935). Since John Parkey played no apparent role either in the IRA petition or the follow up letter to the BIA, it would appear that the "chief" of the local council of the MIDA and Peter Shawanasige and Fred Kishego of the IRA petitioning group were not

[6] Enos Cabenaw and Mary [Nongueskwa] Cabenaw, Jane Grant, Basil and Agnes Naganaska, George Naganaska, Ida Cabenaw Shananaquet and Sam Shananaquet, Peter and Christine Shawanasige [Shenoskey], and William Shenoskey. In addition, signer Steve Shawanasige [Shenoskey] owned land with a dwelling along Indian Road and signer Angeline Norton was the spouse of Indian Road landowner Joseph Norton.

acting in harmony for a common group, and did not recognize each other's claims to leadership.

The BIA made no attempt to organize the Indians who petitioned on May 13, 1935. There is evidence that the BIA considered using the provisions of the IRA to acquire land and establish an Indian "colony" centered on Cross Village (BIA ca. 4/27/1935; see also BIA 5/4/1935). A BIA map supporting that plan suggests that residents of the Indian Road settlement at Burt Lake would have been eligible for inclusion in the proposed Cross Village colony. That BIA plan was not a response to any petition for organization under the IRA, and was not developed for any specific petitioning group. The BIA ultimately decided that it lacked the resources to implement such plans (see BIA 1939, 5/29/1940). If the BIA had received adequate appropriations for land purchases and rehabilitation, however, it would not necessarily have organized groups on the basis of the petitions it had received. The available documentation contains no evidence that the BIA consulted with the petitioners of May 13, 1935, about organizing under the IRA. Thus, although Indians from Cheboygan and Emmet Counties petitioned to obtain the benefits of the IRA, the current acknowledgment petitioner has not demonstrated that the BIA had any plans to organize a Cheboygan band or Burt Lake band as a separate entity on a separate reservation.

The examples the petitioner submitted of political influence during the early 1940's concern the Michigan Indian Defense Association. The MIDA sponsored an "Indian princess" contest and an "Indian naming ceremony" in 1941, and did so in cooperation with the Petoskey and Harbor Springs Chambers of Commerce (*Petoskey Evening News* 6/25/1941; *Cheboygan Observer* 7/10/1941). In 1942, the MIDA filed a resolution with the State of Michigan changing its registered office from Northport to Harbor Springs, and changing its designated resident agent (MIDA 7/14/1942). The agent was not part of the historical Burt Lake settlement or associated with the current petitioning group. These examples provide no evidence of political influence being exercised within the petitioning group, being exercised by the petitioner's members or their ancestors, or influencing the petitioner's members or their ancestors.

1945-1977

The examples the petitioner submitted of political influence during the late 1940's concern a state-wide organization, the Northern Michigan Ottawa Association (NMOA), that was formed in June 1948. According to the president of NMOA, Robert Dominic of Petoskey, the first meeting of this organization was called to approve its employment of attorneys, as required by Federal law, presumably so that this organization could file a claim before the recently created Indian Claims Commission (Dominic 3/15/1956; see also McClurken 1991, 85). According to Dominic, over 4,000 Indians had become members of NMOA by 1956. The requirements for membership were to have been listed

on the 1910 Durant Roll, or to descend from someone on the roll, and to have at least one-quarter Indian ancestry. The organization consisted of regional units. The petitioner says that a member of the petitioning group, Francis Shawa of Lansing, was the chairman of Unit # 6 in the late 1940's (Petitioner 2001, 25; Madison 2002, 43). He was chairman of the Lansing unit in 1956 (Dominic 3/15/1956). A map of these units shows that Cheboygan County was within Unit # 1, which included the northern Lower Peninsula and the Little Traverse Bay area. The officers of Unit # 1 in 1956 were from Bay Shore, Harbor Springs, and Petoskey (Dominic 3/15/1956). Thus, NMOA did not contain a Burt Lake band unit.

In 1947, an attorney in Cheboygan wrote to the Governor of Michigan on behalf of Albert Shananquet to state a complaint that timber was being cut on land in Burt Township which, according to Shananquet, "belongs to the Cheboygan Band of Indians" and, according to old land patents, was held in trust for the band by the Governor (Cain 10/22/1947). The office of the State Attorney General then conducted an investigation. It learned that the timber cutting had been performed by a company that had acquired title to the former State trust lands (MacDonald 11/21/1947). The Attorney General reviewed the evidence of the patents, the tax sales, the Federal court litigation, and the 1903 Resolution of the State legislature. He concluded that the original patents stated no "terms of the trust," that the Cheboygan band no longer had any claim on the lands, and that the Governor had "no duties to perform as trustee for the Cheboygan Band of Indians" and "no power or authority to stop the timber cutting in question" (Black 5/18/1948). The available documentary evidence does not reveal that any group activity led Shananquet to consult this attorney, or that any group response was made to this legal opinion.

For the 1950's, the petitioner and its researchers assert that various individuals played leadership roles within a Burt Lake band, but they have not demonstrated such activities. The petitioner asserts that, after World War II, John Parkey "managed Burt Lake's Day to Day affairs," while "other elders, like Albert Shanaquet handled specific issues like the tribe's efforts to gain return of its lost lands" (Petitioner 2001, 24). The petitioner provides no examples of Parkey's management. Researcher George Cornell asserts that Albert Shananquet "continued to exert leadership" throughout the 1950's, but cites only the example that in 1957 he provided evidence about Indian Village as it existed prior to 1900 (Cornell 1994, 159; see Shananquet 5/10/1997). The petitioner asserts that, "[e]lder Enos Cabenaw . . . corresponded with the Justice Department on the land claim issues and testified on behalf of the Tribe in that litigation" (Petitioner 2001, 24). However, Cabenaw had died in 1942 (*Cheboygan Daily Tribune* 3/5/1942). The petitioner's statement about him refers to the 1910's rather than the 1950's.

The examples the petitioner presents for political influence in the 1950's are related to the activities of Jonas Shawanesse, whom the petitioner claims was the same person as Jonas

Shawandase.[7] Although the petitioner claims that Shawandase began "assisting Burt Lake leaders" after World War II (Petitioner 2001, 23-25; Madison 2002, 40-43), the only examples it presents are Shawanesse's role at a 1956 meeting with the Governor of Michigan and several letters he wrote after that meeting. The evidence indicates that Jonas Shawandasse or Shawandosa, of Northport, was one of the original directors of the MIDA in 1934 and the vice-president of NMOA in 1948 (MIDA 3/23/1934; Doherty 12/23/1981; see also Shawandosa 9/3/1954), but this evidence did not link Shawandase to a Burt Lake group. Shawanesse was described as being from Harbor Springs or Petoskey (Williams 3/12/1956; *Petoskey News-Review* 12/10/1967; Hillman 1981, 5). James McClurken, the researcher for the Little Traverse Bay Bands, states that Shawanesse and Shawandase were two different men (McClurken 2002, #51-52), which appears to be the most likely explanation of the available evidence.

In March 1956, Governor G. Mennen Williams of Michigan held a meeting in Lansing to discuss Indian problems in the state. About 25 people attended this meeting, at least half of whom were Indians (Williams 3/12/1956; Hillman 1981, 8). A list of the participants included an entry for "Jonas Shawanesse, Harbor Springs, Michigan (representing Burt Lake Band)" (Williams 3/12/1956). For this meeting, Shawanesse prepared a manuscript entitled the "Policy of the Government Towards the Indian," which focused on the burnout of 1900 at Burt Lake (Shawanesse 3/12/1956).[8] His discussion of Burt Lake was solely about a historical issue of the 19th century. Shawanesse did not claim to represent a contemporary Burt Lake band at the meeting, nor did he mention any existing Burt Lake Indian entity. The petitioner contends that Burt Lake band members attended this meeting, without identifying them, except that researcher George Cornell states that Albert Shananquet (or Shenonquet) accompanied Shawanesse "to the State Capitol" (White 1980, 95; Cornell 1994, 149, 156; Madison 2002, 44). Shananquet's name was not on the Governor's office's list of meeting attendees. That list included Margaret Cabinaw and Bernard Shawanesse from Pellston. Five individuals with the surname Kishigo attended, all from Harbor Springs (Williams 3/12/1956).

Several State officials referred to "the claims made by the Indians of the Northern Michigan Indian Club" at the meeting with the Governor (Adrian 4/25/1956; see also Gilmore 4/18/1956).
Several newspapers also characterized the delegation that met with the Governor as "members of the Northern Michigan Indian Club" of Harbor Springs, rather than

[7] The petitioner claims to have obtained personal papers of Jonas Shawandase from "a private collection" (Petitioner 2001, 24; Madison 2002, Ex. C, p.29, *in* Petitioner 2002, "Exercised Political Influence" binder).

[8] This manuscript is similar to an article entitled "The Sad Story of the Burt Lake Band" in the Mar. 5, 1956, issue of *The Totem Pole*, the bulletin of the Aboriginal Research Club (*Totem Pole* 1956; see also Cornell 1994, 150).

describing the delegation as one from a Burt Lake band (*Petoskey [News-Review]* 3/13/1956; *Emmet County Graphic* 3/15/1956). Some newspapers that reported on the meeting with the Governor referred to Jonas Shawanesse of Harbor Springs as the "spokesman for the Indian delegation" of "Michigan Indians" (*Cheboygan Daily Tribune* 3/13/1956; *Petoskey [News-Review]* 3/13/1956; see also *Emmet County Graphic* 3/15/1956). One newspaper account referred to Shawanesse as the "manager of the Burt Lake band of Ottawas" (*Grand Rapids Press* 3/14/1956). That newspaper also quoted him as saying, apparently to explain a lack of action prior to 1956, that since 1900 "the Indians have been scattered throughout Michigan and the nation, and we couldn't get together for a council" (*Grand Rapids Press* 3/14/1956). None of the accounts of this meeting, its preparation, and its aftermath mention any role by ancestors of the petitioning group.

The petitioner submitted evidence of Shawanesse's activism on the Burt Lake land claim issue after the meeting with the Governor, but not evidence of the activities of the petitioner's ancestors. Immediately after the meeting, Shawanesse wrote to a Lansing newspaper to complain about its coverage of the meeting (Shawanesse 3/15/1956). The next month he sent a lengthy letter resembling a legal brief to the Commissioner of the General Land Office, but he stated that, "[m]y interest is particularly directed to the Little Traverse Bay reservation" of the Treaty of 1836, not the Burt Lake land claim (Shawanesse 4/13/1956). In 1957, Shawanesse wrote to the chairman of the Governor's Indian affairs commission to inquire whether the committee had made any progress on the Burt Lake land claim, apparently referring to himself as having been "the Spokesman for the Burt Lake Band" at the 1956 meeting (Shawanesse 3/8/1957). He also sought to obtain meetings on the Burt Lake claim with elected members of the State legislature in 1957 (Shawanesse 4/2/1957). The petitioner's final example of Shawnesse's activism is a 1965 letter to the editor of a Cheboygan newspaper (Shawanesse 5/26/1965). The available evidence does not provide any examples of ancestors of the petitioning group asking Shawanesse to undertake these activities on behalf of a group, or of working with him in these efforts.

The examples of alleged group political activities by ancestors of the petitioning group between 1956 and 1977 submitted by the petitioner are anonymous notes on a "deposition" made in 1957 by Albert Shananquet, copies of testimony in an Indian Claims Commission case in 1957, and a statement written by John Parkey for an unknown purpose in 1969. Shananquet's "deposition" about pre-1900 Indian Village neither demonstrated that he was acting on behalf of a contemporary group nor described group political activities of the past (Shananquet 5/10/1957). The depositions for the claims case in 1957 were not made on behalf of any particular band, but on behalf of the "Ottawa and Chippewa Indians of Michigan." Four witnesses testified that they had been born in Burt Township, or that a parent or spouse had been, and that a particular family had resided in the Burt Lake area for at least several generations (Martell *et al.* 10/31/1957). Although Joe Kishigo testified that his father's father had been a "chief,"

these depositions provided no information about any political authority, activities, or leaders of any contemporary Burt Lake band. John Parkey's 1969 manuscript recounted legends about historical treaties and the burnout of 1900, events that had occurred prior to his birth (Parkey 1969). It provided no information about any band political influence or activities during his lifetime.

1977-

The formal organization of the current petitioning group, which occurred in 1980, had its origins in 1977 in informal organizing to pursue litigation related to the lost State trust lands at Burt Lake. In October 1977, Margaret (Nongueskwa) Martell, who was living in Lansing and was a descendant both of an 1870 annuity recipient and a 1930 resident of Indian Road, sent a letter to "Burt Lake Band Member[s] and Heirs" to inform them of "a forthcoming lawsuit involving the Burt Lake Band's lands located at Indian Point on Burt Lake, east of Brutus" (Martell 10/5/1977). Martell, who obviously had been discussing such a lawsuit with lawyers from the Native American Rights Fund (NARF), invited recipients to a meeting in Lansing that would be attended by a NARF attorney from Washington, D.C. The meeting's purpose was not to determine whether or not to file such a lawsuit, but to determine whether or not attendees would choose to be represented by NARF in the litigation.[9]

In January 1978, 27 individuals signed a petition requesting NARF to represent the "Cheboygan Band of Ottawa" in any case relating to the band's lost lands (Cheboygan Band 1/14/1978). Almost two-thirds of the signers of this petition were from the Lansing area or Grand Rapids. Only one signer was from Brutus and one from Pellston, so less than one-tenth of the signers were from the Burt Lake area. In November 1978, another petition requesting legal representation by NARF and Michigan Indian Legal Services (MILS) was prepared. This petition was signed by 34 individuals, about one-third of them from Brutus or Pellston (BLB 11/18/1978). At this time, a "Committee for [the] Burt Lake Band of Ottawa Indians" also appears to have been created, with nine committee members representing six geographical areas: Burt Lake, Grand Rapids, Petoskey, Cheboygan, Lansing, and Detroit (BLB ca. 1978). These districts had one representative, except that Burt Lake had two and Grand Rapids three.

A meeting in Pellston on April 26, 1980, was described by a local newspaper as a meeting to "formally organize the 'Burt Lake Band of Ottawa and Chippewa Indians'"

[9] A Michigan State University publication attributed a "reorganization" of the band, at this October 26, 1977, meeting, to George Cornell, an instructor at the University, claiming that Cornell had "decided to make an attempt to reassemble the Burt Lake Band," had contacted "descendants of the band," and had worked for a year to bring them together (*MSU News Bulletin* 2/22/1979). The publication claimed that, with the group's consent, Cornell had pursued legal representation for them by NARF.

(*Petoskey News-Review* 5/1/1980). Attendees approved a motion to have a board of directors of nine members (BLB 4/26/1980). They then approved a pair of motions to require that five of the nine board members be from the Burt Lake area (i.e., the northern Lower Peninsula), that one board member be from Lansing and one from Grand Rapids, and that two members be elected at large. Another motion was carried which provided that the board of directors elect the board's executive positions. A board of directors was elected at this meeting. Three of the nine members were from Petoskey, while the other members were from Brutus, Boyne City, Cheboygan, Lansing, Grand Rapids, and Wayland. Floyd Harrington of Petoskey was designated as chairman of the board. Margaret Martell was chosen vice-chairperson. Attendees also unanimously approved a motion that "the Burt Lake Band be Federally recognized as a Tribal band." A sign-in sheet showed that 40 people attended this meeting, although the newspaper account described the attendance as having consisted of 60 to 70 individuals. At this time, the group's NARF attorney claimed that the band had 350 to 400 members (Locklear 4/23/1980).

On July 16, 1980, the group 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." (BLB 7/16/1980). The board of directors designated in Article VI were the same nine individuals elected at the April 1980 organizational meeting. The incorporators who signed the Articles were the four executive members of the board, one other board members, and Louise Reznick of Pellston. Article II stated that the corporation was "organized exclusively for charitable purposes" and specifically to meet the needs of the "Burt Lake (a/k/a Cheboygan Band) Band . . . and its members. . . ." It set forth six main purposes of the corporation: to coordinate funding, disperse information, raise and manage funds, "regain a land base for the Burt Lake Band," "seek federal acknowledgment of the Burt Lake Band as an Indian entity," and promote the self-sufficiency and self-determination of the Burt Lake Band.

Political Processes

Contact-Traditional Political Organization of Northern Ottawa and Chippewa Bands

According to what Margaret Martell believed her father, John Nongueskwa, said about the Cheboygan band, its territory extended across the Straits of Mackinac and included Mackinac County. In this area, the Ottawa, whose central territory in the 1700's lay in the most northwest part of the lower peninsula, met Chippewa bands, whose territories

extended across the Upper Peninsula west to Minnesota and beyond. The Ottawa and Chippewa surnames of the Burt Lake people indicate that intermarriage between the Chippewa bands to the north and their neighboring Ottawa bands to the south was frequent. Martell claimed, that at treaty times, the bands on both sides of the straits were connected. Her mother "was from Mackinac county, toward Detour and back to Cheboygan under that chief they had at that time. . . not Kishego. . .Shabawaway" (Martell 7/23/2003). Shabawaway left no sons, according to Martell and the well-known chief at Burt Lake "Kishego just . . . acted as a chief. He wasn't the chief." According to Martell, "They had to be elders of the council. The women were never in the council. They were behind the men. They consulted the women to make up their minds on things. They were very important" (Martell 7/23/2003). Martell's description reflects anthropological findings that Ottawa and Chippewa informally organized at the band level, where authority was not coercive and decision-making was consensual.

Like other groups of people in the northern parts of North America, their political systems were composed of a number of small equivalent units, or bands. The composition of such bands were exceedingly flexible as families and individuals moved among them, gaining entré through multiple personal kin connections established through marriage. The tendency to allow people to leave one band to take up residence in another was not only a way to disperse the population on the land for efficient resource use but also tended to diffuse potentially volatile disagreements and let arguments settle down by literally putting distance between the parties. Usually, a seemingly informal council of male elders managed the affairs of each band as required. Only rarely did a single band leader emerge, and then he was often expected only to perform a specific task, such as signing a treaty or leading a war party. Only during wars or extraordinary events such as European contact did chiefs arise, and even then authority was consensual rather than coercive. Although leadership was sometimes but not always associated with a particular family, such *ad hoc* chiefs did not serve for life.

Requirement of Show Political Influence within the Political Community

Social and political organizations and processes of small communities, such as the one found on Indian Road after the burnout, often work together for political ends. Myriad pieces of evidence for individual and group interactions reveal the complete picture of these interrelated social and political structures and processes to demonstrate how a petitioner organized internally to accomplish goals, resolve conflict, make decisions, formulate strategy, argue and disagree, deal with general and specific issues of importance to the group, and other political activities. This petitioner, however, submitted almost no evidence for the internal political processes of their community, relying instead, on the documents purported leaders submitted to government agencies. The evidentiary

deficiency of this petition is that it contains little if any evidence showing that the activities of these purported Burt Lake leaders, discussed above, were influenced by the Burt Lake community, and, in most cases, did not reveal whether that community even knew about their activities. In some instances, it appears that a different Burt Lake entity centered in Harbor Springs, not Indian Road, was behind a leader, such as Jonas Shawanesse, or that a particular family backed a man, such as Peter Shewanasige (Shenoskey).

Sometimes, complex and relatively detailed records document the internal political activities of petitioners to show the flow of influence from leaders to followers and vice versa. In this case, however, the petitioner did not submit such documents. Perhaps the petitioner believed it would be evaluated under section 83.8 for previously acknowledged petitioners. Perhaps such documents are unavailable because the group did not undertake political activities as a group. Perhaps the group did not produce, preserve, or submit such documents, even though politically active. Nevertheless, all groups that meet the regulations must demonstrate, using documentary and other evidence that they have continuously undertaken these kinds of significant political activities, to meet criterion (c).

Clearly, neither John B. Vincent nor his descendants participated in any political activities with Burt Lake Indians before 1984.

The Indian Road Settlement in the 1930's

In the 1930's, the Indian Road residents worked together in some areas, despite a general lack of resources. On an everyday basis, they drove each other places, helped fix a home after a fire, cooked, or gathered wild resources, which were then shared. They did not single out an individual leader, who inherited, was elected or was selected through consensus or acclimation. Several researchers collected oral histories from individuals who were children in the 1930's, who referred to the men in the settlement on Indian Road meeting at each other's homes on an ongoing basis (Littlefield 2002c; Martell 7/23/2003; Kiogama 7/21/2003; Shawa, 1995). They claimed that adult men generally consulted with each other concerning political issues, including local elections (Parkey 7/18/2003) and land claims (Martell 7/23/2003; Shawa 1995). They also said that Harbor Springs resident Jonas Shawanesse, whose brother, Bernard, and in-laws lived in Pellston, Topinabee resident Albert Shananaquet, and others visited from near-by communities to discuss political issues (Shawa 1995). These claims were overly vague, and in some instances, seemed to be based on documents viewed by those interviewed, rather than eyewitness accounts. These interviews contained little information about the Indian Road community's possible influence on those men. No specific examples of such activities or meetings were found in the documents submitted by the petitioner and collected by OFA to indicate that a specific action resulted from informal meetings in individual homes.

A woman born in 1919 said that she remembered that the leaders were mostly "the elder people, like my grandmother [Elizabeth Shawwawnonquot 1862-1950] and all the older people. If they had problems they always used to find ways of settling it among themselves." However, this woman claimed that they did not maintain order, nor did they call the police on family quarrels" (Martell 7/23/2003). She said, "no one ever bothered anyone with a family squabble. That's the way we were raised. If you have problems you settle it yourselves" (Martell 7/23/2003). Like many other people interviewed, she said that as a child, she was exluded from these informal meetings.

The on-going cooperative endeavors of the Indian Road settlement's residents, according to descriptions by those people who were interviewed, appeared to have been guided by informal cultural expectations shared by members of the group. Funerals were performed in a certain way; holidays were celebrated year after year; certain individuals were midwives at a baby's birth, and so forth (Littlefield 2002c; Shawa 1995). Those who migrated in search of employment and some who had married and moved into nearby communities, such as Harbor Springs, or to the U.P. returned for special celebrations and funerals, but no one claimed that they returned to deal with a political controversy, dispute, or other emergency involving the Indian Road community's welfare (Kiogama 7/15/2003; Martell 7/23/2003).

Funerals involved drumming and a procession from the deceased's home, where the body was viewed, to St. Mary's Church for celebration of the Catholic Mass. People alive in the 1930's who were interviewed referred to these funerals. An unidentified speaker related in an interview that "when they died, they had those wakes at the house for three days and all of the Indian men would come over there and sing for three nights. Mostly all men sang . . ." (Shawa 1995). The interviews did not indicate that any named individual played a specific leadership role in these wakes, formally spoke or sang, or took specific actions because of his special influence. The interviews did not describe any other roles at funerals. A man born in 1953, stated that certain elements of these funeral customs, which included the burning of a fire between the death and the internment, continued as late as 1988, when Ida Cabinaw Shawa died (Kiogama 7/21/2003). Another man born about the same time, said that such funeral practices were no longer performed (Massey 7/14/2003).

Those interviewed described occasions when the community's residents shared subsistence foods or specially prepared foods. For example, a man who witnessed food sharing in the 1930's said that Charley Martell, who drove, went to various stores which donated "fish eggs and spines that were left" and then "give [them] to all the old ladies that didn't have anybody to hunt for them." When they returned to the settlement, "Grandma . . . cooked

fish head soup. So we all just, we helped for each other, that's all" (Shawa 7/5/1995).

Annual "ghost suppers" combined a harvest celebration with All Saint's Day. Residents of Indian Road and nearby settlements rotated serving supper of store-bought and subsistence food-stuffs to their neighbors at these suppers in the 1920's and 1930's. They walked from home to home on evenings during a week at the end of October and ate supper at each house. Guests sometimes came to Indian Road from Harbor Springs or Cross Village (Kiogama 7/21/2003). Hosts did not extend formal invitations. Guests learned the location of ghost suppers by hearing about them. Cooks presented their guests with suppers at each stop through the night in a "progressive dinner" format. No one was turned away. Priests from St. Mary's Church attended (Kiogama 7/15/2003). A family or a single guest crowded inside homes, where they lined the walls of the host's living and dining room until a place opened at the table. The host's served. When a guest found a coin in their food, the "lucky" finder was expected to give a reciprocal supper the next year. In the same week, women crafted colorful paper flower wreaths, which they hung over the white crosses marking relative's graves in St. Mary's cemetery. Descendants of Indian Village at Burt Lake generally agreed about ghost supper "rules" in the 1930's and 1940's and even later (Shawa 1995; Massey 7/14/2003; Kiogama 7/15/2003). Indian Road residents as a whole did not organize these suppers or coordinate participation. Instead, each household hosted and organized their own event, even if several houses competed for guests on a single night.

The petitioner did not demonstrate that St. Mary's Church in the 1930's provided an organizational structure utilized by Burt Lake people to undertake political action and activities which extended to all of the group's members, whether or not they attended that church. Two older women responded that during their childhoods the community leader had been the non-Indian priest, an opinion not widely accepted by others (Shawa 1995). Margaret Martell credited the priests with organizing events and said, "[t]hey had the missionary priests behind them with things . . . helping them with this, planning that. That's how they planned a lot of things, through them" (Martell 7/23/2003). Several women viewed the priest's maintenance as their responsibility. (Petitioner 8/26/1995), and they cooked for the missionaries, cleaned the sanctuary and religious paraphernalia, and maintained the structure, which had been built in 1908 by a crew of the Burt Lake men. People near to the church cut the grass. People may have been paid for these services. Group interviews revealed that opinion about the church and its priests differed among group members (Shawa 1995). However, criticism of priests appeared to have been quickly hushed in a 1995 group interview, apparently to avoid offending an elderly devout women present (Shawa 1995). Clearly, the descendants of John B. Vincent did not participate in St. Mary's or bury their dead there.

There is no direct indication in documents or oral histories that the residents used the church institution to deal with issues of importance to the group in general during the 1920's and 1930's. For example, people did not indicate the church building provided a meeting place to discuss or deal with political issues and problems. The extent to which priests exerted authority which trumped the political will of the church members or the wider population of Indian Road is unclear (Shawa 1995). A1931 letter written by the Franciscan priest, Father Aubert Keuter, reported that the "Indians at Burt Lake" held their own midnight Christmas service at St. Mary's, actions which the church authorities prohibited "They lit all the candles on the altar and all the lights at the crib, sang their songs (the Mass and Indian Christmas hymns) recited their prayers, and departed for their homes at about two o'clock" (Keuter 12/30/1931). Three years later he again wrote a letter to his superiors in Grand Rapids about his inability to stop the Indians from holding masses at the three missions he served without priests present, or at least wait for his arrival on Christmas Day: "Whether the priest is there or not they will have their midnight religious services, that is, where there is any religious fervor left. They have been accustomed to this for years and years. I feel stringent measures will drive them out of the Church" (Keuter 1934). Celebrating Christmas Eve services in this way, indicates that the Indians on Indian Road were capable of taking concerted action on their own in the mission church, without the approval of the church authorities, implying some degree of consensual political authority over the congregation. Father Aubert's fear that the Indians would abandon the church if he exerted pressure on them also implies a degree of independence for the congregation. The extent to which this authority extended beyond the congregation to the Burt Lake petitioner's ancestors community is not known.

Labor Migrations Effect's on Burt Lake

Oral histories discussed steps families took to deal with a worsening economic situation in the Burt Lake settlement (Shawa 1995; Martell 7/23/2003; Kiogama 7/15/2003). Labor migration was not new to the community in the 1920's but it took men further from their homes than in earlier periods and it slowly diminished the population on Indian Road over the years.

The evidence does not indicate that the community organized out-migration, as has been documented in other areas of North America. For example, John Nongueskwa left Burt Lake permanently in 1927 to live near his wife's family on the Upper Peninsula. One of John Nongueskwa's daughters described his decision to leave Burt Lake in response to the interviewer's question, "What were people doing during those [depression] years for work?"

> They went to the, like my dad, went clean up north to . . . to work in the

> woods all winter long. That's where he was when we pretty near starved to death, and he got back in the spring. He packed us up and took us up to Cedarville and that's where we lived. He went to work for the resort there in the summertime. My mother worked there then, too (Shawa 7/28/1995)

Even though the respondent placed her answer in a general framework and characterized her family's migration strategy to the UP as a general response, there is little evidence that others, except William Shenoskey, followed this family's lead or that members of the community migrated together. John Nongueskwa did not create a base camp from which his Shawwawnonquot cousins or associates in Burt Lake could launch job searches and temporarily locate their families during moves.

The government supplied some employment in the depression years which often required men to leave home on a temporary basis. A few men worked on Works Progress Administration (W.P.A.) projects, especially on water projects and recreational facilities around Lakes Michigan and Huron. Jonas Shawwawnonquot, who lived in the Indian Road community in 1930, was one of Antoine's sons. He worked for the CCC. John Nongueskwa worked on a W.P.A. project near St. Ignace. A government report in 1939 stated that a WPA project employed 9 out of 11 Indian households in Pellston.[1] John Parkey[2], who was sometimes identified in newspaper articles from 1935 - 1939 as the "Chief of Burt Lake Indians," was employed as an enumerator on an "unemployment census" (*Cheboygan Daily Tribune* 3/13/1936). No evidence indicates that these decisions to migrate or to work in government projects were organized by the Burt Lake community or crew bosses from that community. No evidence indicates that a band member played the role of "go-between" in arranging employment in the resorts, on lumber crews, or in agriculture. No evidence indicates that band members went together to find employment.

IRA Petitions

The Petition maintains that "within a year after passage of the Indian Reorganization Act, Brutus resident and Band member Peter Paul Shawanisigo [Shenoskey] petitioned the federal government for reorganization under the provisions of the IRA...40 band members

[1] No evidence names these nine households and so it is impossible to tell if they are related to the petitioner.

[2] Almost all of Parkey's living descendants are currently enrolled. He is the son of Antoine Shawwawnonquot's daughter Susan. The 1930 census showed him living in the Indian Road Indian settlement very near Jonas Shawwawnonqut.

signed the petition" (Petition 9/9/1994). Peter Paul Shenoskey was a resident of Indian Road in 1930, but the significance of this document, who signed it, whether they were "band members," and Shenoskey's role in submitting it must be evaluated in the context of other evidence.

First, this petition was one of several identical petitions submitted from the northwest region of Lower Michigan. Each petition was signed by individuals from a single place or two neighboring communities. People primarily from Petoskey, Harbor Springs, Good Hart, and combined Pellston and Cheboygan County submitted separate petitions to the Indian Office between March and May, 1935. The timing and similarity of the documents make it not only unlikely that Peter Paul Shenoskey was working alone on the Pellston/Cheboygan County petition, but also likely that he was working with persons in other communities.

A petition submitted by Robert Dominic from Cross Village in February, 1935, differed in wording from the four later petitions. It contained a request that was specific to the "Ottawa of Cross Village" rather than general to the "Ottawa and Chippewa Tribes," the entities referred to on the later petitions (Norton *et al.* 2/16/1935). Eighty-eight individuals purportedly from Cross village signed this first petition. Dominic signed the cover letter to it as "chosen representative." Some of the surnames were similar to names found in the Burt Lake genealogies, and the petitioner's genealogical database reveal kinship connections. The presence of these family names on the Cross Village petition reflect the prominent pattern of marriages among Ottawa and Chippewa bands in this region[3] and the process of transferring one's primary band association over one's lifetime following change of residence at marriage, labor migration or other events. These names should not be interpreted as showing that Ottawa without close associations to Cross Village and from any locale in Emmett and neighboring counties randomly signed this petition.

Two more IRA petitions were dated two months later than the first one. The language in them differed from the petition submitted by Dominic from Cross Village. The signers were described as "Members of the Ottawa and Chippewa Tribes." The content of these documents did not refer to specific settlements or bands. Two individuals signed notarizations verifying the signatures on the March 26 petition. The signers were primarily from Petoskey and nearby Bay View (3/26/1935). The 37 signatures on the

[3] A bachelor named Sam Parkey, also appeared on the listing. He was John Parkey's brother. Sam Parkey's obituary stated that although born in Burt Lake, he had lived in Cross Village his entire life. Others appeared to be collateral relatives of Burt Lake, that is, aunts and uncles named Shomin, Odeimin, and Shawanibin. Norton represented in-laws of people living in Burt Lake at this time.

March 29 petition represented people from Good Hart, Emmett County (5/10/1935). Six people from Harbor Springs signed a third petition received by the Commissioner on May 10, 1935. Finally, Peter Shenoskey notarized the accuracy of signatures on the forth petition. Its signers indicated that all but four were residents of Cheboygan County and Pellston, a community just over the Emmet County line in Cheboygan County, where Indian Road was located. The similarities of these four petitions, including the notarizations on two of them at the end of the list of signers, the identical language and typography in the body of the petitions, and their dates within a two month period, would indicate that they were done as part of a concerted effort.

However, before the people even signed most of these petitions, William Zimmerman of the Indian Office had written back to Robert Dominic that his petition would be placed in a file because "it is necessary first for the Indians to vote on the application of the legislation, and after this has been done the Indians must then organize under Section 16, and after that has been accomplished steps can be taken to request incorporation" (Zimmerman, 4/24/1935). This letter, however, did not stop the four later submissions, and they may not have known about it. On May 11, Collier authorized four Michigan Indian communities (three on the upper peninsula and one in Lower Michigan) to "hold a referendum vote on the Reorganization Act for four groups of Chippewa Indians" (Langdon 6/4/1935). The Indian Office did not mention the lower peninsula Ottawa petitioners.

On May 16, the Commissioner received the petition notarized by Shenoskey. The BLB petitioner's documentary evidence provided no cover letter for this petition which would lay out Shenoskey's and other signer's intentions, including a specific description of the "Ottawa and Chippewa Tribes" it represented. An identical petition notarized by Paul Daybird ("Kijigobinesse")[4] on May 8, 1935, and signed by individuals living in a neighboring area, included a cover letter, which said they wrote on behalf of "the Ottawa and Chippewa Indians of Emmet County, Mich., residents of Petoskey." That petition's focus appeared to be on behalf of Indian residents of Petoskey, rather than members of a specific historical band.

In letter to the Commissioner a month after the Emmett/Cheboygan petition was signed and submitted, Shenoskey indicated "I haven't heard anything about our Petition, reorganization Act Cheboygan Band of Indians, and so they want the news. For Benefit of the Indians. Please let us hear from you right away" [sic] (Shawanasige 6/17/1935).

[4] This is the same individual who had worked with Albert Shananquet in the 1920's on claims for "the Ottawa and Chippewas of Michigan."

He referred to "the Cheboygan Band of Indians" and "the Cheboygan Band of all Indians" in this note. (Shawanasige 6/17/1935). Under his name on this follow-up correspondence, he wrote "committee" and under that word, he wrote "Brutus, Mich." (Shawanasige 6/17/1935). Although, Shenoskey's communications were unclear and may be incomplete, it appears that he believed the petition was connected to a Cheboygan Band.

Even though the note referred to the "Cheboygan Band" twice, an analysis of the composition of the signers of the Emmett/Cheboygan petition indicates that signatures from only some of the people living along Indian Road and related Indians in Pellston appeared on it. Additionally, some of the signers have no known relationship to the historical Cheboygan band, even though they were residents of Cheboygan County. If the "they" mentioned in the follow-up letter referred only to the signers of the petitioner, it represents only a small portion of the ancestors of the current petitioner, even if the Vincent descendents are excluded.

Forty-one individuals signed the petition. The names of Shenoskey's own family, particularly this adult children and including their in-laws, dominate the petition, although many of his aunts, uncles and cousins and other relatives are not on the list.[5] At least 30, or 71 percent, of the 41 names are relatives of Peter Paul Shenoskey, his own in-laws or his relatives' in-laws. Some of the listed in-laws have no other apparent connection to the historical Cheboygan band other than through marriage and recent residence.[6] Only 11, or twenty-seven percent, were not linked to the Shenoskey's, according to the data at hand.[7] The composition of the list implies that Peter Paul Shenoskey was instrumental in shaping the list to include his own relatives and in-laws, whether the in-law relationship to him was established through his marriage to his wife, or through marriage to his kin. In addition, many of Shenoskey's other relatives appear on copies of identical petitions which were submitted separately from other areas. For example, his sister Anna Shenoskey Mastaw

[5] A close inspection of the petition reveals that some signers also signed for other people. Husbands and wives are most often in the same hand.

[6] The building of rolls and membership lists by starting with *ego*, or a single person or group of siblings, and then extending the kinship net to take in all of their actual, step and adopted relatives, and their in-laws may reflect an approach to calculating kinship that is common in the BLB. In recent times, similar approaches to composing the band's membership lists have brought in people who are in-laws and associates without clear ties to the historical BLB. This may also mean that individuals within the historical band may differently define the set of people who make up the "band" as they define it.

[7] Of these 11, seven, or 17 percent, are Wongezhicks (six Wongezhicks and one in-law to them). Two others are siblings to each other, but not linked to either the Shenoskeys or Wongezhicks. Only two people, who appear sequentially on the document as #'s 27 and 28, could not be identified.

appears on the petition submitted March 1, 1935, and signed primarily by individuals from Petoskey. His daughter Hattie married Edward Odeimen, and his relatives are found on the Cross Village petition. Simon Keway, related to Shenoskey's wife, and his son signed a petition primarily with names from Harbor Springs.

Important Burt Lake families, including Nongueskwas, Cabenaws, Shawwawnonquots, Parkeys, and Shawas, do not appear on any of the petitions. The 1930 Federal Census of Burt Township listed households on Indian Road which included adults born before 1910, including Edmund Parkey, Louise Cabinaw, John Julius Parkey, Mathew Amos Shawa, Elizabeth Shawwawnonquot, Harry Nongueskwa, and Charles H. Martell. Individuals identified by the petitioner as leaders before and after 1935, including Albert Shananaquot, living in Topinabee, and Jonas Shawanesse, did not sign any of the 1935 petitions. No descendants of John Vincent signed a petition.

What entity, if any, was represented by the petition is unclear. Because several signers were born in the 1850's, the petition organizers may have actively sought out elderly people descending from various annuitants to sign the petition, as if their personal connections to a historical Cheboygan band had special meaning. That Frederick Kishigo was the first name on the list notarized by Shenoskey further supports the idea that he may have been trying to assemble names of people he believed linked to the treaty signers or an identified historical chief of the Cheboygan band. Frederick Kishigo, at 25, was the oldest living male descendant of Chief Kee-she-go-way who had signed documents requesting that the Indian Point Village lands be taken into trust by the Governor in the 1850's.

The petition language never referred to a Cheboygan band or Burt Lake entity, even though the follow-up inquiry did. It described the signers only as "Members of the Ottawa and Chippewa Tribes" (note the plural of tribes), as if they are part of a larger consolidated entity representing several historical bands. After each person's name is written "Cheboygan County," "Cheboygan Mich," or "Pellston, Emmet Co." which may indicate that residence was important in determining who signed. It appears that several of the names are not actual signatures and that men signed their spouse's name or parent's signed for adult children, which implies this document may have originated from a significantly smaller group that the number of signatures. Elements of the petition point to conflicting definitions of the entity which may lie behind the document.

In addition, those who had migrated from the Indian Road settlement before 1935 were not included. A photograph from this time period showed two of Peter Paul Shenoskey's children who signed the IRA petition, a spouse who also signed, and John Nongueskwa

and his daughter Elizabeth standing together. The photo appears to show age peers from Burt Lake born between 1910 and 1916, their spouses and one parent. The Nongueskwas at this time have permanently moved to the U.P. However, the assemblage indicates that the Shenoskey family and the Nongueskwas maintained a relationship, based in part on kinship and in part on earlier associations established at Burt Lake before 1930. However, the Nongueskwas did not sign document.

Shenoskey's role in preparing, managing or directing the preparation of this document is only implied and no documentary evidence or oral history describes what his role actually was. He signed follow-up correspondence, and he had his own signature notarized to verify the truth of the other signatures. An analysis of the kin relationships of the signers provides evidence that his close relatives dominated the list of signers. When this petition is compared to the similar petitions from this time, it appears that the person who notarized the petition or signed last, such as Dominic, Kijigobinesse and Walker, and Shenoskey, was the person who wrote cover letters and follow-up correspondence. If Shenoskey managed this IRA activity, it is the only time he appears in the petition documents performing a leadership or managerial role in any endeavor.

Why many adults closely associated with the petitioner did not actually sign the document should be explained before the document may be used to demonstrate political activity by the petitioner in 1935.[8] The current petitioner's membership is not continuous with the signers of this document even though at least 45 of Shenoskey's descendants were in the 1994 group and 33 are members of the current petitioner. The problem is that the other signers were not part of the portion of the Cheboygan band which lived in Indian Village on Burt Lake in 1900, and then dispersed and re-formed on Indian Road, and which then formally organized in 1978 under the leadership of Margaret Martell. They appear to be individuals who descend from Cheboygan Band annuitants, but who moved to other

[8] Shenoskey was born in Burt Township in 1878. His father appeared on the 1870 Federal census of Burt township in the Indian community, and he took an allotment in Tuscarora Township in 1875. Peter Paul Shenoskey's mother was a daughter of Antoine Shawwawnonquot. Peter Paul and his brother James were named on the McGinn letter, and were also on the Albert Shawwawnonquot map of the 1899 pre-burnout village. After the burnout, part of his natal family appears in a picture from Mullet Lake with Antoine Shawwawnonquot (Petitioner n.d.). After his first wife Madeleine left him, (Cheboygan Co. 10/2/1919), he and his second family moved away from Burt Lake between 1907 and 1911, when one of his children was born in Monroe, south of Detroit, and a second was born on the Upper Peninsula. By 1914, however, he had returned to Burt township where he spent the remainder of his life. Writing years after the events, a non-Indian writer of local history named him as a family head in the 1910 community (Crump, u.d.). In 1941, court documents described him as a poor farmer in Burt township who was a common laborer employed in the "resort section." (Cheboygan County 4/5/1941). He died in 1959 in Nahma, while visiting his daughter, but he was buried in St. Mary's. (Anon. 9/10/1959).

locations away from Indian Road or married individuals who were part of other Chippewa and Ottawa bands. Their families, then, were in the process of actualizing their rights to live and primarily associate with entities other than the entity centered on Indian Road in 1930. These other entities are today part of the Little Traverse Bay Bands. Without more information, the political processes, leadership, and decision-making that may explain the creation of this listing is unclear.

In conclusion, the listing does not appear to represent an entity, which is the Indian Road settlement. However, information concerning regional events that were happening at the same time indicates that some Indians in the area disagreed publicly about the IRA and many refused to sign such petitions, because they believed the IRA would make them government wards. Without land held in common, however, they were never eligible to reorganize under the IRA. On July 23, 1935, Commissioner Collier forwarded the note that Shenoskey had sent him asking for an update on a petition's progress to the Consolidated Chippewa Agency in Minnesota, and the Superintendent replied to central office that because "they are not enrolled and do not live on any reservation," they did not "come under" the IRA (Burns 8/15/1935). He was of the opinion that they should seek economic aid "under the State Rehabilitation Program" (Burns 8/15/1935).

MIDA during the 1930's

Among the documents submitted from this period are various letters, articles, and other papers concerning an organization called the Michigan Indian Defense Association (MIDA). Missionary Priest Aubert described the proposed organization of MIDA in meeting minutes of March 21, 1936. He indicated that MIDA was organized "by counties, each county [with] its county chief, advisory chief, secretary and treasurer" Each Indian settlement in the county had a "local chief" (MIDA 3/21/1936). The plan was to eventually organized "a State board of officers" with a "State Chief" (MIDA 3/21/1936). The primary officers named in MIDA documents from this period belong to families, mostly from Emmet County, which have sometimes married the Burt Lake families. However, they do not appear to be individuals living at Indian Road.

The names of people associated with MIDA, such as Ben Shawanesse, the Secretary to the MIDA, and Jonas Shawanesse, are not signers of any IRA petition of the type notarized by Shenoskey. Ben Shawanesse objected to the IRA in a handwritten letter to John Collier which stated that when "news of this new deal for the Indians reached [MIDA] we were already organized and incorporated under the laws of Michigan. Therefore it is quite evident that we had no intentions of coming within the scope of the Act of June 18, 1934" (Ben Shawanese 3/22/1935). Ben Shawanesse's letter is in response to a letter he heard read. This letter, from the Commissioner to Mrs. Jim Walker

who signed an IRA petition, stated that MIDA was not of standing to petition under the IRA.[9] Shawanesse also asked the Commissioner if he had appointed Paul Daybird of Petoskey "to hold meetings and solicit names of those who accept the Reorganization Act?" (Ben Shawanesse 3/22/1935) The signatures of Paul Daybird, also known as Paul "Kijigobenesse," and Mrs. James Walker appeared at the end of the March 26, 1935 petition which was identical to Peter Paul Shenoskey's but contained signatures of individuals from Petoskey. The document points to a political split between those who were seeking to organize under the IRA, represented by those signing petitions, including Dominic, Shenoskey, Walker, Peshabe, and Daybird/Kijigobenessi[10] and those who did not want to take this action, represented by MIDA, including Jonas Shawanesse, Ben Shawanesse, Fred Ettawageshick, and John Parkey. John Parkey's involvement is critical to determining the petitioner's ancestors involvement in MIDA. He was elsewhere identified as the "Chief of Burt Lake."[11]

Other contextual information indicates that Indians in Emmett and neighboring counties were of two opinions on the IRA. Petition-signer Mrs. James Walker of Petoskey had requested copies of the Act and other information about its application in Michigan in February 1935 (Walker 2/6/1935). Her request described two sides on the IRA. It complained that "Rev. Fr. Aubert is organizing the Indians into an association call Michigan Indian Defense Association Both protestants and Catholics' And also giving a mis-understanding of the Wheeler-Howard Act" [sic] (Walker 2/6/1935). Father Aubert publicized his ardent opposition to the IRA in a 1936 newspaper article announcing several meetings on the IRA. He believed that "nothing but chaos and confusion resulted [on the IRA]. . . through the misinterpretation of correspondence sent unbeknown to the wrong individuals" (Keuter 3/17/1936). He did not name which individuals he was referring to, but the individuals associated with the IRA petition drive were known from their signatures, and included Peter Paul Shenoskey, Mrs. James Walker, and Robert Dominic, among others. Walker wrote the Commissioner a week after Father Aubert's article appeared "We are confronting a great deal of opposition by representatives of the Michigan Indian Defense Association and would appreciate it very much if you would

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[9] Mrs. James Walker had requested fifty copies of the "Wheeler-Howard Act by letter February 6, 1935."

[10] Another writer advised Commissioner Collier to send all information through MIDA, not to Mrs. Walker or Kijigobenesse. (Pailthorp, 4/1/1935).

[11] A newspaper article in 1936, identified "Chief John Parkey," of MIDA. Apparently, at the same time that Shenoskey was circulating the IRA petition, John Parkey was working with the County supervisor to develop a tourist project. It is unclear if Parkey, clearly part of a post burnout settlement at Burt Lake, was supposed to be a "county chief" of Indians living in a county or a "local chief" of an Indian settlement.

personally come here and speak in our behalf. It would not only benefit us but it would give you a clear idea of our situation. This opposing association keeps the Indians in a constant turmoil" (Walker 3/21/1935).

Around the same time, M. L. Burns of the Indian Field Service in Minneapolis held meetings in Petoskey, Sutton's Bay, Cross Village and Burgess in Charlevoix County [Grand Traverse area]. There is no indication that he came in response to the petitions, including the one notarized by Shenoskey. He located the "Chippewa and Ottawa Band of Indians" living "from the Straits of Mackinac to Traverse City" and estimated their number at 1,800. He said, "they are not an enrolled band, nor have they lived on a reservation for nearly a century" and cited their landless status making them ineligible under the IRA, "unless lands can be purchased for them and held in trust by the United States for their use under Section 5 of the Act, as "landless" Indians" (Burns April 6, 1936).

Burns' memo renders an observer's view of the "chaos" referred to by Fr. Aubert in his March newspaper article (Burns 4/6/1936; Keuter 3/17/1936). Burns said Michigan Indians became confused "as to what benefits were in store for them under the new legislation" because they did not understand that it covered only "those Indians who were directly under Federal jurisdiction, living within the confines of reservations and enrolled members of tribes" (Burns 4/6/1936).[12] Minutes from a March 21, 1936, meeting Burns held at Petoskey indicate Fr. Aubert dominated the floor. Questions showed that some believed they would loose citizenship rights that were important to them if the IRA were applied to them. Persons raising questions appeared to be MIDA members or their relatives and to be making political points (MIDA 3/21/1936). Ben Shawanesse[13] of Harbor Springs, Secretary of MIDA, wrote to John Collier after the meeting that "we do not hope to be helped by the Reorganization Act, as we fully understand that it was primarily intended for those Indians who are your direct responsibility." He stated that MIDA intended to unite all the Indians in Michigan under one association and that "amalgamation with the Whites. . . .is the most economical and the most practical" way for Indians to move forward (Shawanesse June 18, 1936).[14]

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[12] Father Aubert elsewhere referred to "a maze of confusion and misunderstanding. . .among the Indians here." He elaborated that "[t]he intelligent Indians and those with any ambition are not so much disturbed personally, but the antagonism caused by their uncouth, unlettered, and misguided brethren, brings about not a little embarrassment and disturbance of friendly relations."

[13] Ben Shawanesse is the brother of Jonas Shawanesse, whose activities in the 1950's, the BLB claims were done on their behalf.

[14] A month after Shawanesse sent this letter, Father Aubert was transferred to Illinois against his

Burns described Fr. Aubert as "instrumental in organizing the Michigan Indian Defense Association, an organization quite active at this time" (Burns 4/6/1936). He said that Father Aubert was "trying to dominate the situation in Michigan and since many of the Indians resent his trying to have anything to do with what they feel to be a business undertaking and not a religious venture, the organization will not be a success" (Burns 4/6/1936). Other documents indicated that Father Aubert had alienated groups of Indians or *vice versa*.[15] Oral history related that some older eyewitnesses from Indian Road named "the priest" as their leader during this time (Kiogama 7/21/2003; Martell 7/23/2003). Considering Fr. Aubert's activities, they may be referring to him and implying that Burt Lake was active in MIDA, but there is no evidence to determine if they had organized an Indian Road unit within MIDA with a "local chief." The relationship of the Indian Road residents to either MIDA or the IRA proponents allied with Mr. Walker is undocumented. There is no specific evidence about their possible participation in these events and organizations, as a group. The oral history concerning the political influence of priests should not be extrapolated to mean that the Indian Road residents who did not sign the IRA petition notarized by Peter Shenoskey followed Father Aubert's lead and took concerted action one way or the other on the issue of the IRA and were involved in factional bickering with Shenoskey. More information about the effect these movements and activities had on the political organization of Burt Lake in the 1930's is needed to determine the activities of the part of the petitioner descending for Indian Village during this period.

John Parkey's MIDA Activities

At the same time that the IRA activity was going on in Cheboygan County, the State continued to provide services to the Indian population there as it did to any other citizen. The probate records in Cheboygan county recounted social workers visiting the Indian Road settlement and sometimes forcing individuals to seek medical help (Cheboygan County 7/17/1933). The county took over payment of the medical costs of indigent people at the time medical care was given, but often required individual families to reimburse the county, sometimes with payments as low as "$1 a month as able." The social workers pleaded in one typical case that even $1 was too much to ask because the

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wishes. (*The Grand Rapids Press* 7/27/1936)

[15] In a document from six months earlier, Father Aubert clearly labeled some Indians "the good people," and others "renegades, who insult the priest whenever it suits their fancy." He also wrote that he was "run down about as low as a man can be," (Kreuter 10/24/1935) and referred to problems he had dealing with individuals who used alcohol. Apparently, he had refused to perform funeral masses for people who died drunk.

"parents of this child [are] in very poor financial condition . . . unable to pay at this time" (Cheboygan County 5/4/1940). In probate court, one judge ordered a teenager's parents and adult siblings to pay back the county for his medical expenses. Social workers did not discuss their client's Indian parentage in their reports, but their Ottawa names, appearances, and Indian Road addresses would have clearly indicated to long-time residents that they were dealing with Indians.

The county officials found that the welfare needs of the Indians strained the municipality's finances, and they became involved in improving the financial prospects of the people on Indian Road, perhaps also hoping to revive the flagging tourist industry. A letter from Oswald McGinn to his Congressman in April 26, 1935, requested that the Federal government look into creating some sort of "typical Indian Village" to attract more tourists and make the Burt Lake Indians self-supporting. Nothing in this letter, however, indicated that the Indians were involved in this request (McGinn 4/26/1935). It only named "Mr. Barnett," supervisor of Burt Township, who requested that McGinn write the letter. But only a week later, county supervisor Joseph Barnett held a meeting at the "Indian settlement at Burt Lake" and invited "the Indians. . . through Chief John Parkey of the Michigan Indian Defense Association" (Unidentified newspaper 5/2/1935). At this meeting, the supervisor expressed willingness "to cooperate with the Indians in present movement for their welfare," and proposed a plan "to have an Indian village built in their settlement where they could bring their baskets and sell them at a reasonable price
. . . to help them to a more comfortable living along the lines of self support" (Unidentified newspaper 5/2/1935). The article then stated, "Due to objections, this plan has been suspended. Plans are being made however to go ahead with a worthwhile project" (Unidentified newspaper 5/2/1935). The source of the objections is unknown.

The timing of Parkey's meeting coincided with Shenoskey's IRA activities because a week later, Shenoskey notarized the IRA petition signatures from Cheboygan without the names of John Parkey and individuals in the Indian Road settlement, associated communities like Topinabee, or the U.P. No evidence in the petition documents or collected elsewhere directly states who followed John Parkey, what were his motives,[16] whether there were competing BL political factions of pro-

[16] John Parkey's father Joe was one of six families who initially moved to Mullet Lake (Petitioner 9/9/1994, appendix 1, p.114). Some 56 descendants of Joe Parkey's sons are current members of BLB. His daughter Annie Parkey married John Boda in 1907. None of Annie's numerous descendants are current members of BLB. The Boda's are closely associated with Pellston.

MIDA and pro-IRA persons, and whether the activities attributed to John Parkey in the press were a reaction to Shenoskey's activities, or unrelated.

After 1935, John Parkey entertained tourists. This occupation was in line with his and the local supervisor's plan to attract tourists to Burt Lake. No one else was named supporting his efforts at any time before or after 1935, and it is unclear if the local press' inclination to call him "Chief" was based on the *persona* he created for tourists, his influence on his peers in the Burt Lake community,[17] or an actual appointed or elected position in MIDA.

Placed in the social context of the Indian Road settlement, Parkey and Shenoskey most likely knew of each other's activities. John Parkey held at least one public meeting. That a person knows about neighbors' or relatives' activities does not mean that he or she supports them. In this case, the apparent conflict between the views of IRA proponents and of MIDA proponents, makes it impossible to assume that Indian Road residents supported either man, both of them, or neither of them, without actual evidence of support. Only the people named on Shenoskey's petition may be assumed to support the IRA. There is also no evidence that the Vincents participated in the above events or supported the pursuits behind the documented actions of either John Parkey or Shenoskey.

After the mid 1930's, BIA personnel believed that on the U.P. and at Mt. Pleasant, where Chippewa tribes received benefits of the IRA, the State dropped its responsibilities to neighboring unenrolled Indians. Agent Frank Christy advised his supervisors that Federal agencies should not disrupt the State's relationship with non-reservation Indians because "the State and local municipalities regard them in the same light as other citizens and extend to them without discrimination . . . direct relief, employment relief and health facilities" (Christy 6/16/1937). A 1939 report by John Holtz, supervisor in the Indian Field Service, named five lower peninsula "leaders," none from Indian Road.[18] The main

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[17] John Parkey's obituary in 1976 indicates that he had a long interest in appealing to the tourist trade, and he had moved to Indian River in the 1950's. He appeared to be a well known character in the tourism field: "Prior to 1970, he had appeared at Shorter's gift Store, in Indian River, dressed in tribal feathers and greeted tourists. His Indian name was Chief Grey Wolf."

[18] Holst's quote on this topic is: "They recognize no native leadership because they recognize no common interests. Usually, whoever claims to be a leader thereby sets himself up as a target for the missiles of those who refuse allegiance. . . . . In some cases a would-be leader, like Mrs. Matteson of Pontiac, raises a false issue which soon dies away. There are many who assume the title of Chief without political significance: Joe Shomin, at Mackinac City, Pete Wesaw at Dowagiac, Black Cloud at Pontiac, Whitney Alberts at Mikado, under Matteson influence" (Holst 1939, 6). He mentions no one from the Odawa and Chippewa communities. Other government workers questioned the tone and accuracy of Holtz's report, principally Peru Farver,

gist of his report was that the Indians in Lower Michigan should remain citizens of Michigan and that the State should meet their welfare needs. The Commissioner directed the agencies not to serve the unenrolled Indians as a "separate group of citizens" in May 1940 (Collier 5/29/1940).

It is not known if MIDA's opposition to the IRA extended to other New Deal programs, including the WPA. Even though Peru Farmer believed that WPA projects were not as freely open to Indians as to other citizens because of discrimination (Farver 7/30/1938), Holtz reported that eight of nine Indian families in Pellston were on a W.P.A. "Indian crafts project." According to Holst, the "original intention of the project was to promote a revival in native crafts and to develop a means of self-help for families" (Holst 1939), a goal similar to the "Indian village" proposal, attributed four years earlier to "Chief John Parkey" (*Cheboygan Daily Tribute* 5/2/1935). It is not known whether the WPA project was related to John Parkey's on-going efforts to popularize Indian craftwork for economic purposes.[19] Relatives of Indian Road residents lived in Pellston at this time, and oral history indicates that there was on-going contact and interaction between the locations. However, whether these were the Indians involved in the WPA project is unknown. Holst described the individuals in the project as "a very mixed blood group and do not constitute a community in the sense that they recognize common interests" (Holst 10/3/1939). Women had made money by doing craft work even before the resort trade brought seasonal service jobs to Burt and Mullet Lakes. Albert Shannanaquet's wife worked in resorts, according to her obituary in 1926. Other women made baskets and quill work to sell to tourists (*Cheboygan Daily Tribune* 1/11/1939; 3/1/1939). A few men turned to this line of work also, as did white spouses taught by their in-laws (Parkey 7/18/2003). That many of the Pellston residents were involved in the WPA project, may indicate that John Parkey was working on behalf of an unseen constituency. Without more documentation, such an assumption is speculative and too general to be useful in evaluating and describing political processes.

Superintendent at Tomah Agency. In late 1939, he sent a memo to the Commissioner of Indian Affairs, attention Fred H. Daiker, criticizing the survey: "The general trend of this report indicates that the economic status of these people is above the average that could be expected among low income groups throughout the country. This idea is evidently based upon what was found among the near-white living in towns, cities, and villages. It would seem that more definite information could have been furnished had a distinct line of demarcation been made between the near-white and those more definitely Indian" (Farver 12/1/1939).

[19] A 1938 newspaper article reported on Parkey's activities: "Framed craftwork "pictures," with bits of bark, moss, wood, and stones take the place of paint, are a new form of Indian art exemplified by Chief John Parkey of the Burt Lake Indian Settlement. He brought to Cheboygan yesterday two samples of his work. . ." (Unidentified newspaper, probably Cheboygan Tribune, 5/4/1938)

Summary of the 1930's

Oral histories imply that in dealing with everyday events, annual celebrations, funerals and activities of the Indian Road settlement, the Indian Road residents and their associates in Pellston, Topinabee, and other places operated informally through consensus and application of cultural traditions. Holding Christmas Eve church services without a priest was perhaps the boldest action documented in the record. The oral histories contain no examples of overt political decision-making, arguments, concerted political actions or conflict resolution under the influence of an identified leader or even an informal council. References to political activities were overly general. For example, Margaret Martell stated that Shenoskey "had Albert [Shenanaquet] and all of them talking things through. They did a lot of disagreeing. The older ones would get together. And they would disagree with this and disagree with that" (Martell 7/23/2003). People were more willing to discuss with interviewers parties, music-making, and other social events during their childhoods than to name leaders, discuss problem solving or political action. As children, they also may not have been privy to political discussions or activities. The only issue that was raised was the group's desire to see justice for the loss of Indian Village on Burt Lake in 1900. Some reference to a split between people seeking land verses people seeking monetary remunerations (Shawa 7/18/2003), but those being interviewed generally did not elaborate on any internal differences in opinion within the membership or admit that such differences existed. The petitioner did not discuss permanent rifts, competing leaders, or the content of discussions within the group which shaped the Indian Road resident's participation or lack of participation in MIDA, on IRA petitions, or as a follower of John Parkey or Peter Shenoskey. Oral histories did not mention the Vincents, who were never associated with Burt Lake, as part of any informal or formal political activity involving the Indian Road core group and the associated communities.

One area of evidence for joint action may be the continuing use of the cemetery, although its association with St. Mary's Catholic Church on Indian Road obscures whether the cemetery was actually maintained by the Indian Road residents or the circuit priests who served the church from outside the area. Virtually everyone buried there is Indian, usually from Burt Lake, although spouses and a few neighbors are also listed. When the BIA anthropologist in 2003 asked older people to name leaders during this period, several answered that the priest serving St. Mary's was the person who dealt with problems and was the leader (Shawa 7/15/1995). The cemetery was used continuously through the 1940's, and World War II era burials are documented there, including Indian soldiers who died during combat (McKinnon *et al.* 1982). No Vincents are buried in this cemetery.

1940

By 1938, the generation of children, born just after the burnout, were graduating from high school and looking for employment. Burt Lake was practically economically unviable. The lumber industry and agriculture had moved north and west. Fishing was competitive and modernizing and the old summer resort system, supported by the railroads, declined during the Depression. As the 1940's began, lack of work in rural areas pushed, and WWII pulled these young, educated Indians into Detroit, Grand Rapids and Lansing to work in wartime industries and escape the poverty that had plagued the Burt Lake community for decades. The social welfare of the Indian Road people who did not migrate remained a critical issue during 1940's as the probate records demonstrate and oral histories clearly indicate. Poverty was an issue for most of the families. Indian Road families received State support for health care and for their general welfare. An illness or accident requiring hospitalization often ended with the family being called before a Cheboygan county probate judge to determine if the county or the family would take on the debts of the "afflicted." No records indicate that the Bureau of Indian Affairs or Indian Health Service became involved or that they were informed. The parents of an Indian Road child owed a downState hospital $142. A social worker described the father's income as "none" and the family's net Average Annual wage for the previous year as $400. The social worker described the situation, "father is not working and only earns a small amount in summer months, they receive welfare aid, I feel that it will be impossible for parents to make any payments" (Probate 1/5/1945).

Passage of social security and entrance into World War II precipitated numerous delayed birth reports which named individuals testifying to the birth dates of children and younger siblings (McGinn 5/42). A typical document would be a 1942 delayed report of birth for Robert William Shananaquat[20], found in Cheboygan County probate files. The man's sister and father appeared before a probate judge to vouch for his birth date. None of these records, however, named witnesses who were not close kin. None of the probates and other court records showed involvement by anyone other than a non-Indian county social worker, a doctor or a close family member. These documents contained no evidence that a particular individual witnessed repeatedly on behalf of other's welfare. These documents did not reveal a particular person, category of person, such as a midwife or chief, other than close kin, vouched for Indian Road residents to local government. During the 1940's, MIDA sponsored large pageants in Harbor Springs to entertain tourists (Petoskey Evening News 7/26/1947). Many of the principals involved during the MIDA sponsored anti-IRA activities in 1935 and 1936 were also involved in these

[20] In genealogical database as Robert, b. 1904.

pageants, performing various dances, crowning an Indian beauty queen and adopting well-known non-Indian celebrities in front of hundreds of non-Indian on-lookers, who paid to attend. Although the tone of these activities falls in line with the activities John Parkey envisioned and undertook after 1940, according to his obituary, he is not documented as being involved in these pageants which took place primarily in Petoskey.

Albert Shananaquet's Activities in 1947-1948

In their second session, the Seventy-ninth Congress (1945-46) considered a bill "to create an Indian Claims commission" in June and July 1946. The bill was passed and President Truman signed it into law as the "Indian Claims Commission Act" on August 13, 1946. Within a year, Albert Shananquet instigated new activities concerning the old village, although no actual evidence indicates that the Act's passage was related to Shananquet's activity after 20 years of silence in the record. In late 1947, Albert Shananquat, who continued to live in Topinabee near Mullet Lake, about five miles due east of the Indian Road Community, contacted John A. Cain, a Cheboygan attorney (Cain 10/22/1947). According to the petitioner's researcher, Albert Shenanquat had worked on earlier claims in the 1910's and 20's (Petitioner 9/9/1994, p. 141). Cain states in a 1947 letter to the Governor that "Sometime ago Mr. Albert Shenanaquet, a resident of Cheboygan county, Michigan, and a member of the Cheboygan Band of Indians called at my office relative to certain lands located in what is now the Township of Burt, County of Cheboygan, and State of Michigan" (Cain 10/22/1947). Cain said that Shenanquet complained that "timber is being cut from this land," which "belongs to the Cheboygan Band of Indians." Shananquet did not bring Cain the abstract of title so the attorney "had no way of determining what claims, if any, the Cheboygan Band of Indians have to the lands in question," and asked for help from the State (Cain 10/22/1947).

This letter would set in motion a year-long inquiry by the office of the Michigan Attorney General into the historical facts of the case to determine the responsibilities of the State for any Cheboygan Band. Three weeks after the letter was received, James MacDonald of the Michigan State Police investigated Shenanaquet's complaint (MacDonald 11/19/1947). He responded to a request from the "Commissioner's Office and the Attorney General's office to make a check in the Brutus area to see what authority timber cutters have to cut timber on" the lands which Cain had referred to in his earlier letter.[21] State Troopers went

[21] NW ½ of the NE fractional ½ and Lot 2, Section 29, East ½ of the NE 1/4 Section 29, Lot 4, Section 28 N ½ of the SW 1/4 of Section 28, also Lot 3 Section 38 are described in MacDonald's report. These lands are part of the original Indian Point lands deeded to the Cheboygan Band under Kishego, and had been subject to litigation ending in 1917, which upheld the tax-sales which had alienated these lands from the Indians.

to the "Indian settlement near Brutus," presumably Indian Road, and "there contacted Sam Shenanaquet, nephew of Albert Shenanaquet"[22] (MacDonald 11/19/1947). Trooper MacDonald made no reference to any other Indians in his report. Sam Shenanaquet told the troopers that "the timber cutting was supposed to have been cut by the Michigan Maple Block Company of Petoskey, Michigan. He stated that they have ceased cutting now, but have been making a few roads through the property in question" (MacDonald 11/19/1947). After learning who was responsible for the cutting, the troopers visited the Michigan Maple Block Company to learn that "the land in question has changed hands about five times since the Indians have left it" (MacDonald 11/19/1947). The troopers also checked the registrar of deeds in Cheboygan County to find that "the property had only recently been purchased on September 6, 1947" by the owners of the Maple Block company during an estate sale (Macdonald 11/19/1947).

Michigan also contacted the BIA seeking information. The Superintendent of the Great Lakes Agency in Ashland, Wisconsin, wrote a letter to the Commissioner of Indian Affairs (COIA) in the Central Office in Washington in December 1947 (Cavil 12/15/1947). He did not say that he wrote to the COIA because he had been contacted by Albert Shenananquet or any other Burt Lake Indian. Rather, he stated that he was responding to the inquiry of the Attorney General: "A search of our files revealed no pertinent information. Consequently we should appreciate greatly your answering the Attorney General's letter, and sending us a copy of your reply" (Cavil 12/15/1947). In mid-January of the following year, Attorney General Black requested from the U.S. District Court in Bay City, a copy of the opinion of District Judge C.W. Sessions in the 1917 case which found the tax sales of the Indian lands to McGinn to be legal and that the Cheboygan Indians did not have a trust relationship with the State (Black 1/16/1948). Even if the lands in question were no longer Indian lands, someone in the Michigan AG's office would not let the issue rest. On a scrap of paper in the State's Executive Branch files on Native Americans for this period was an unattributed, handwritten note dated "1/19/1948" concerning a telephone call in which a man named Struhsaker of the Michigan Department of Conservation discussed the Burt Lake Indians. These notes read:

> Struhsaker - Indians given 160 acres under Reb. 20 of 1903
> on Mullet lake -----these Indians have abandoned land
> Comm of St Ld Ofc [Commissioner of the State Land
> Office] does not disclose whether the Indians got their 400

[22] Sam Shananaquet is the son of Albert's brother Jonas, and he lived on Indian Road near St. Mary's Church, probably in the first home the officers came to after leaving the main highway from Brutus to Burt Lake.

acres (Anon. [Michigan AG office] 1/19/1948).

These notes, of course, refer to the 1903 State resolution lands. Finally, on May 13, 1948, Michigan's Attorney General Eugene Black wrote Gov. Sigler that he had "no duties to perform as trustee for the Cheboygan Band of Indians" (Black 5/13/1948). This legal opinion relied on the 1917 Sessions' decision and followed its basic logic. The Cheboygan attorney responded after receiving a copy of this opinion, "Your letter summarizes much valuable information regarding the history of the land claimed by the Cheboygan band of Indians in Michigan which will be helpful to us" (Proviese 6/2/1948).

The Claims Act of 1946 may have provided a medium to grow new hope among Burt Lake people that they would receive payment for or even return of their lands, particularly those lost in the burnout. However, there is no contemporary evidence in the submissions, or in other documents to indicate whether Albert Shenanaquet, in approaching an attorney who would write a letter which received so much study and attention from the Governor's office, was working with any group and if he believed the documents would be helpful in anticipated claims-related activity. This attorney's letters clearly referred to a "Cheboygan band of Indians," so he must have believed that he was representing an entity by that name and that Albert Shananaquet came to him on behalf of that group. Evidence for the internal activities of the group to show Albert Shenanquet was acting at the direction of others or had consulted other people before going to attorneys is not documented. The thank-you indicating that the State's response contained "much valuable information regarding the history of the land claimed by the Cheboygan band. . . which will be helpful to us," leaves open the question of future intentions to utilize the informative response, which included copies of various historical documents. In fact, the record contains no later documents which clearly relate to these events.

Albert Sheranquet was born and raised in Burt township on his father's homestead very near to Indian Village on Burt Lake and had close kin, including his brother, still living there. Two years after he instigated the timber cutting investigation, Albert's twenty-year-old grandson George Finner, the son of his only daughter, was buried in the Indian cemetery at St. Mary's on October 14, 1949. Albert, himself, was buried next to his grandson in 1959 (McKinnon *et al.* 1976). The petitioner's researcher, who did not refer to the above documents concerning the Maple Block company incident, believed that "Albert Shenonquet remained an active force in the politics of the Burt Lake Band until his death in June of 1959" (Petitioner 9/9/1994). However, there is no documentary evidence that he played any political role, between the 1920's and 1948, or after 1948. A 1976 bicentennial local compilation of reminiscences referred to Albert Shenanaquot, saying that the writer "only wish[ed] that Albert Sha-Nan-Quet had been able to get the money from the government which the Indian is sure it owes them." This sentence does not

indicate on whose behalf Albert Shenanquet worked, nor make clear if the writer is referring primarily to the 1920's or later.

Activities of Jonas Shawanesse and a Meeting with the Governor in 1956

A delegation traveled to Lansing to meet with Governor G. Mennen "Soapy" Williams on March 12, 1956, concerning the burnout, the same subject documented in the enclosures to the State Attorney's correspondence to Albert Shananaquet's in 1948 (Governor 3/12/1956). By 1956, Albert Shananaquot was 86, and Peter Shenoskey was 78. Both men died within three years. John Parkey was 56. None of these men were present at the meeting. Leading the delegation was Jonas Shawanesse of Harbor Springs. Written on the attendance sheet, after Shawanesse's name, is "representing Burt Lake Band." Newspaper coverage at the time indicated that the governor was asked "to honor a trust imposed upon all Michigan governors until eternity" (*Detroit Sunday Times* 3/11/1956). Shawanesse handed the Governor a "dissertation," a 24-page, rhetorical piece, entitled *Policy of the Government Towards the Indian*.[23] The basic argument he made was that the Burt Lake lands were still owned by Indians because they had never ceded them, as they were the village lands where they lived, and the United States sold them illegally. He did not refer to any of the documents sent to the attorney working with Albert Shananaquot in 1948, facts laid out in those documents, or the 1917 court decision.

[23] Although the document is identified as a speech given to the Governor at this meeting, it would appear much too long for the situation at the meeting and elsewhere Shawanesse, himself says the "dissertation" was "given to the Governor by the Spokesman," the latter being himself.

The Governor made some attempt to steer the Indians to a meeting with Lewis Beeson to discuss raising the quality of Indian craft work and discouraging the importation of cheap curios. The Indians refused to go to a meeting with Beeson after their meeting with the Governor, because "the Souvenir Question is not a Hot One, it is done by the white people everyday, everywhere and upon everyone." Shawanesse stated, "The land question was the paramount issue to be brought before the governor and we had resolved not to cloud that issue with matters such as one desired by Dr. Beeson"[24] (Shawanesse 3/15/1956). Shawanesse's actions met derision from some in the press. One reporter wrote a description of the events, ignoring the land issue, and discussing items Indians sold along roadsides. He quoted Lewis Beeson, head of the State historical commission and meeting participant. Jonas Shawanesse responded with a letter, laying out his belief that "the land purchased by the Indians in the Burt Lake area are lands within the reservation set aside for the Indians of the Cheboigan Band. These lands were not given to the Indians but they withheld them when they granted to the United States 13 million acres in this State" (Shawanesse 3/15/1956). On March 14, Shawanesse and "Chief Mose Gibson of Harbor Springs" visited the Cheboygan newspaper offices to "explain their case" (*Cheboygan Times* 3/15/1956).

Before this meeting with the Governor, Robert Dominic sent the Governor a letter, in which he claimed that "Mr. Shawanesse has intruded at different times into the activities of Indians here with schemes of securing land for them through court and law procedures based on old Indian treaties" (Dominic 3/8/1956). Robert Dominic is the same man who had sent in an IRA petition from Cross Village in 1935, and the head of the Northern Michigan Ottawa Association (NMOA), a claims organization. He described Shawanesse unfavorably and noted that he did not work with an attorney, perhaps to highlight what he believed was the improper nature of Shawanesse's activities, which were not sanctioned by the US claims process which required federally approved attorney contracts (Dominic 3/8/1956). Dominic said that NMOA focused exclusively on tribal claims before the Federal Claims Commission. Such claims "are solely monetary, and no land recovery is asserted" (Dominic 3/8/1956). He did not describe a group behind Shawanesse.

On March 13, 1956, the Governor's office sent Dominic a letter discussing setting up a study commission, which Dominic supports in a letter dated March 19 (Dominic 3/19/1956) The Governor established this commission of 18 members in May 1956. Four people in attendance at the March meeting on Burt Lake were also on the commission: Moses Gibson, Joseph Kishego, Lewis Beeson, and R.G. Mulcahey. Fred Ettawageshick's wife, anthropologist Jane Willets, was also on the commission. The

[24] On March 15, 1956, Shawanesse's house in Harbor Springs burned to the ground.

Ettawageshick's had been extremely active in the pageant business in Petoskey and Harbor Springs since 1940 (Hillman 1984). Jonas Shawanesse was not on the commission.[25] The study commission was apparently established with Chief Mose Gibson of Harbor Springs as the Chairman (McKnight 8/6/1956). He died before the first meeting. Although, Robert Dominic was in contention for his replacement, he was passed over because the Governor's assistant reported that Dominic was "a member of one of the factions within the Indian community," and the winning candidate was "politically neutral, not active in any of the "factional bickering' in the Indian community" (Hillman 1984).

A sub-committee on land issues was set up made up of Joe Kishego, Lewis Beeson, and two others. A year after the initial meeting with the Governor, Jonas Shawanesse wrote to Kishigo and forwarded copies to the committee members and the governor inquiring about the committee's progress (Shawanesse 3/8/1957). He asked "if any other progress has been done by the committee in reference to the Burt Lake Indian Claims" (Shawanesse 3/8/1957). On April 2, 1957, Shawanesse turned to the State legislature. He wrote to Representative Kilborn to inform him that on April 4, 1957, he will arrive at Kilborn's office to arrange a meeting of representatives "to hear my preliminary report in reference to the Burt Lake Indian claims" (Shawanesse 4/2/1957).

On April 10, 1957, Dean Neff of the Wayne State University Law School contacted the Governor's office about the proposed study of "Indian problems," which he had discussed with Shawanesse. Neff wrote, "I gather from Mr. Shawanesse that the Commission's activities have not been fruitful. Does this mean that the Commission members, in effect, decided that there was nothing that the State ought to be doing in this matter?" The Governor's assistant replied to Dean Neff that he suspected that Jonas Shawanesse was attempting to pressure the committee, and that in fact "the Governor is rather interested in [these claims against the State of Michigan] and thinks that they should be examined on their merits." He then transferred the materials to Neff, "to see if you could come to any conclusion" (Adrian 4/16/1957).

Because Jonas Shawanesse's representations in 1956 and 1957concerned the "Burt Lake burnout," it is particularly significant that the people he surrounded himself with at this meeting may not have actually experienced the burnout, and that their ancestors were probably also not victims of it. The reason for Jonas Shawanesse's involvement in seeking the return of land to a "Burt Lake Band" was a topic raised by BLB Executive Director

[25] According to Dominic, Shawanesse had been arrested a few years earlier, and this fact discouraged the Governor from placing him on the commission even though Mose Gibson supported his appointment when Gibson's own health prohibited his continuing on the commission.

Gary Shawa in three group oral history meetings conducted in 1995 and submitted in transcript form in the petitioner's response: Shawa believes that "Jonas does a lot of work on behalf of Burt Lake but he's really not a Burt Lake band member, at least as I understand it" (Shawa 7/15/1995). The only kin connection Jonas Shawanesse had to Burt Lake was through his brother, Bernard Shawanesse, who married a Martell in-law to people at Indian Road. This connection was cited in a 1995 group interview as a possible reason for Jona's involvement, "Ben Shanessy [sic] was Charlotte Scharlessy's [sic] husband and Charlotte was a Boda . . . used to be a Boda, yeah. Married Charlotte Boda" (Shawa 7/15/1995). Shawa says that Shawanesse " is talking about Burt Lake quite a bit . . . in the speech he makes to the [governor]. . . He, . . . [is] old enough where the memory of the Burt Lake [burnout]..people were still talking about it . . . they never . . . mention it after that, I mean, . . . so I think when Jonas was growing up, there was still a lot of talk on it so . . . got him interested. I don't know what his real motive" [sic] (Shawa 7/15/1995). Executive Director of BLB Gary Shawa asked about Shawanesse's role and was told "he was around there and his brother Ben lived in Pellston. They were always at Burt lake. Oh, yes, they knew about it" (Shawa 7/15/1995). People in a different group interview were less sure about Shawanesse's relationship with Burt Lake, "I don't know, I really don't think he was [Burt Lake] (7/15/1995).
Other people in Jonas Shawanesse's family had taken an earlier interest in political matters.

The petitioner inaccurately represents that Shawanesse took "25 Band members" to the Governor's meeting" (Petition 9/9/1994, 149). The names of 25 people appeared on the listing, but they are clearly not all Burt Lake band members. Four were State employees: K.E. Tiedke (MSU), Paul Miller (MSU extension service), R.G Mulchahey (Coldwater Home & Training School), and Lewis Beeson, (State Historical Commission). Four others, also not connected to the petitioner, had descriptions of their role in parentheses: Jonas Shawanesse (representing Burt Lake Band), John L. Gusca (Northern Michigan Indian Club), James L. Smith (Vice-Pres. Representing Northern Michigan Ottawa Association), and Joseph E. Kishego (Pres. Northern Michigan Indian Club). Only the last named individual had any known link with Burt Lake. He was probably a child in a burnout family, as his mother was named on the McGinn letter. Fred Ettawageshick and Mose Gibson were also listed among attendees at the 1956 meeting. These men, who were often associated Emmett County Ottawa communities, were not associated with Burt Lake. Thus, at least nine of the people listed were not "band members" by any definition. The remaining 16 people may have some connection to the historical Cheboygan band as descendants or in-laws to descendants, but not to the Indian Road residents or the petitioner.

While Shawanesse clearly presented himself as "representing the Burt Lake Band," in this meeting, exactly who authorized this representation, or even knew about it before news of

it was published in newspapers, is not known beyond the individuals who accompanied him to the Governor's meeting. Margaret Martell remembers Jonas Shawanesse coming and talking "things over with" her father John Nongueskwa. But, because she had already left home in 1940, she could not recall details of those discussions other than they were "mostly about trying to get the land back." She did not know how he was related "to the burnout." Of the people who attended, only two individuals, Albert's brother Bernard and Bernard's sister-in-law Margaret Boda Cabinaw,[26] can be linked to Pellston where they resided in Burt township in 1956. Although ten of the people on the attendees' list are shown to trace to Cheboygan Band annuitants in 1870 (Joseph Way-Bway-Dun #1, Antoine Shawwawnonquot # 12, Mrs. William Flynn #22, and Nikolas Ignatus Ke-zhe-go-we/Gijijowi #12), they do not show any connection to individuals living in the post burnout settlement community on Indian Road from 1920-1960, nor do their descendants, with the exception of Margaret Boda Cabinaw's, appear on the current membership list of the BLB. Only Margaret Boda Cabinaw was listed on the 1900 Indian Schedule on the Federal census of Burt township. In a press statement made a week after the meeting, Mose Gibson, identified as "Chief" of Harbor Springs, said that Indians from the burnout "moved to the Harbor Springs vicinity" in Emmet County, which inexplicitly ignored the significant presence of burnout victims living in Cheboygan County at the time (Gibson 3/15/1956).

The attendees list identified James L. Smith as Vice President of the Northern Michigan Ottawa Association. His presence seems in conflict with NMOA's president's actions on March 8, 1956, Robert Dominic, who wrote a letter to Governor Williams claiming that the attendees at the Governor's meeting represented a different organization from NMOA, called the Northern Michigan Indian Club, which dealt with "Indian lore." According to Dominic "This group of Indians have formed a social club for entertainment, and putting on Indian dances and other things pertaining to native folk lore. . . . comprised of about 100 or less members" (Dominic 3/8/1956).

The oral history implies that Jonas Shawanesse was a consultant who may have taken up the cause on his own, much like claims attorneys who have historically sought contracts to represent tribal claims on contingency or for payments from the Federal government. He was not at this time a part of a wider effort of the Northern Ottawa Indian Association which was the claims organization active at the time (Dominic 3/8/1956). In an earlier, undated letter to the editor during the Truman administration, Jonas Shawanesse had

[26] Margaret Cabinaw is known to have had nine children. Only descendants through one daughter are in the BLB in 1994 and at present. The daughter is Elsie, who died in 1929, but who was married to John Parkey, active in 1935.

signed a letter to the editor as, "Titular Head of the Odawa Tribe of Michigan" (Shawanesse post 1950). By the mid 1950's, he was not using this title, not a member of NMOA or the Northern Ottawa Indian Club. "[O]n the contrary," Dominic writes, "he has worked more independently than with Indians, and sometimes he has worked against the Indians. Then again, we did use him as a witness in one of our claims. So, I find him quite changeable" (Dominic 3/8/1994).

In retrospect people interviewed were skeptical about activities undertaken on their behalf by Shawanesse and others. When asked what they remembered about his activities, a person responded, "Not really that much. I didn't, 'cause we were never around him that much, only once in a while when we'd see him and he'd come and talk to us and all that." A second person said, "We had so many people come around . . . they'd collect a little money so they could go to Washington. Go to Washington, what for? They didn't get any. . . (Shawa 7/15/1995). In Gary Shawa's group interviews, people suggested that money raising was a motive for political action, as the following animated discussion reveals:

> You know, Jonas. This is the first time I had heard this that Ben was saying, [that] . . . Jonas [Shawanesse] thought he was going to get paid for that work he was doing.
>
> Well, that's why he collected the money, didn't he? Every time he went any place . . .
>
> I don't know, to me, it never bothered me that much because actually if they're doing work like that, they had to get some money some place . . .
>
> Sure, I know they did . . .
>
> Yea, but the Indians didn't know all that, didn't really figure on that. They were supposed to go over there and they was supposed to do everything (Shawa 7/28/1995).

Shawanesse's name does not appear in any petition documents after April, 1957, and what happened with the Governor's interest in this case is not known. Since it is unknown if Shawanesse actually was taking direction from the BLB members rather than merely consulting with them and then acting on his own, it is not surprising that the band members alive in the late 1950's have trouble naming his successor when Gary Shawa asks them to identify "four or five or six or seven or how many other people . . . during this period of time, who are some of the people that you might say, that we can get some

agreement on, that took some responsibility in maybe providing some leadership at points in time on behalf of the BLB or BL Indians (Shawa 7/15/1995). The response was that people became disillusioned with the claims work and with the NMOA. In another group interview, the respondents were in clear agreement about the disheartened feelings people had in the late 1950's or early 1960's.[27]

> Not to put words in your mouth, but are you saying in a way that the Northern Michigan Ottawa Association kind of soured people a bit?
>
> They sure did.
>
> They did.
>
> They sure did, as far as I know, they did.
>
> To me they did, I know. If they hadn't come around and [promise to].....do this and this and never did anything.....
>
> We did for a while but, you know, you get to the point where you think, you're not gonna get it anyway. So what is the purpose really (Shawa 7/15/1995)

[27] It is problematical that the date of disillusionment is not pinned down between about 1950 and about 1972. The point at which BL individuals had a falling out with Dominic, if they actually did in any number, needs clarification.

The interest died out after Jonas: "There was never anybody really that went after it at that time, although it's never forgotten or anything like that. It just they kind a slacked off. Nobody really wanted to take over doing that. . ." (Shawa 7/15/1995). The reason for this lack of interest was explained, "[t]hey didn't care about the idea of spending money, handing money to somebody never did anything. That's what they said" (Shawa 7/15/1995). However, Margaret Martell specifically stated in a 2003 interview with the OFA anthropologist that the disillusionment of political action and pushing claims involved Robert Dominic and his wife Waunita. She did not raise this issue in association with Jonas Shawanesse. As claims progressed under NMOA,[28] Jonas Shawanesse raised the burnout issue again. In a 1965 letter to a newspaper, he repeated his previous arguments about the Indian village at Burt Lake (Shawanesse 5/26/1995). However, whether Shawanesse represented a Burt Lake group cannot be determined.[29] The letter contains no indication that a group or individual asked Jonas Shawanesse to write this letter.

The Northern Michigan Ottawa Association

Between 1947 and 1965, Ottawa and Chippewa claims drew the attention of Michigan Indians. Robert Dominic had worked on Ottawa and Chippewa claims under Federal statutes since 1948, when he established the Northern Michigan Ottawa Association (NMOA) (Dominic and McClellan 2/27/1948; NMOA 3/15/1956). Membership was open to individuals on the 1910 Durant Ottawa and Chippewa Roll and their descendants of at least one-quarter blood (NMOA 3/15/1956), which would include the Cheboygan descendants living on Indian Road and their relatives in urban areas. By 1956, the organization enrolled more than 4,000 Ottawa and Chippewa claimants (NMOA 3/15/1956). The petitioner submitted few documents about NMOA, and since Ottawa claims were not managed on a local band level, it may not be directly relevant. However, regional claims activities sometimes reflect politics of smaller entities, such as when Robert Dominic wrote to the Michigan Governor in 1956 trying to cancel Shawanesse's meeting with the governor. He may have viewed Shawanesse as a rival, troublemaker, or

[28] We assume they were progressing, but we have no evidence for it, do we?

[29] But it does seem unlikely because Margaret Martell's description of the break links it to the early 1970's when people are signing up for claims.

unworthy for some other reason. The association held an annual meeting, where officers were elected, and it sponsored social and cultural activities, primarily on the unit level (NMOA, 3/15/1956). In 1956, Dominic foresaw that after a claims settlement, NMOA would work with the government to cure social problems (NMOA 3/15/1956).

NMOA contained seven "units," which were defined geographically, "[s]ince the Indians are scattered and domiciled in various parts of the State" (NMOA 3/15/1956). Each unit had officers who "assisted in tribal matters," that in this context, applied to the claims work by NMOA. A map of the seven units show Cheboygan and Emmet counties, where Burt Lake is located, in unit #1, which also covered neighboring counties and the Upper Peninsula.[30]

The Burt Lake migrants in Lansing were active in NMOA at first. Margaret Martell's brother-in-law, Charles "Chick" Dashner, was an officer of unit #6 circa 1952. In a group interview with older individuals in Lansing, a woman ambiguously referred to an undefined collective as "we." She stated, "We got involved and we had a chapter down in Lansing . . . 43 years ago . . . .We thought the Northern Michigan Ottawa Association was going to represent us, and we thought that by having these little chartered places . . . we would be servicing our people" (Shawa 7/15/1995). She said that "we" later withdrew, not wanting to raise money for expenditures, which "we" believed the Dominics used for personal profit:

> What happened was, Bob Dominick was the head of it, Chick . . . was on the board and we saved up $800. . . We had cake, desserts, other things, square dances, and they took the money up home, up to the Petoskey meeting . . . He was our representative and [when] they got up there, Bob Dominic took all of it I think, and he had bought himself a car so he could make trips to Washington. So then after that, then we just back out . . . (Shawa 7/15/1995)

Members of the petitioner interviewed in recent years expressed old suspicions about Robert Dominic and his wife Waunetta, who was a NMOA officer, as they did about other individuals who vied to become Ottawa leaders after World War II. One person interviewed in 1995 said about Dominic and others who visited Burt Lake, "They all wanted to be leaders. Oh, what does [Dominic] know about that . . . the only thing that

[30] Other units included #2 around Grand Traverse Bay, #3 to include an area south of Grand Rapids, #4 to include Grand Rapids, #5 near Muskegon, #6 around Lansing and Ann Arbor, and #7 for Detroit. Isabelle County, where Mt. Pleasant was located, was split between units #1 and # 6. In the 1950's following significant labor migration, Burt Lake descendants would have lived in all of these units, but predominantly in #1, #3 and #6.

he kept after us about is the signing over of Burt Lake so that they could get the money" (Shawa 7/28/1995). The Burt Lake people knew Dominic, a college graduate, (Hillman 1984) was well employed in private industry, and yet asked poorer Indians to pay dues and raise money, which they thought he used for his own purposes, such as buying a car (Martell 7/23/2003; Otto 7/10/2003). The interviews reveal that Burt Lake people left NMOA because they disliked paying dues to the Dominics. They also feared NMOA jeopardized or ignored their goal of the return of the lands lost at the burnout. Within the Burt Lake settlement, there may have been divided opinion about whether to seek return of their land, rather than to accept claims. Some wanted land, others were "just interested in getting . . . the results of the settlement . . . around $7 million at the time" (Shawa 7/15/1995).

The petitioner submitted some evidence showing that its members descending from Indian village on Burt Lake and their in-laws participated in three NMOA units between 1952 and 1977. A NMOA report, given to the Governor during the 1956 meeting, listed unit and association officers in that year (NMOA 3/15/1956). No descendants of the Indian Road settlement were officers of unit #1, where Burt Lake was located, but Joseph Kishego, Jr., who attended the 1956 meeting with the Governor was Vice-chairman, and Joseph Kishego, Sr. was Treasurer of unit #6 and of the business or executive committee of NMOA. The Kishegos are Cheboygan annuitants who descend from individuals who left Burt Lake before 1900. This family never participated in the petitioner's activities. Francis Shawa, son of Matthew Amos Shawa who resided on Indian Road in 1956, was Chairman of Unit #6. In addition, Anthony Chingman[31], was the "interpreter" on the Business or Executive Committee. Although not from Burt Lake, he had descendants in the 1994 membership of BLB because some of his children married into Burt Lake families. In 1971, at least one BLB member, Anna Levandowski,[32] was named among "satellite leaders" for NMOA. As late as 1977, some ancestors of the 1994 membership, including Anthony Chingman and Jay Harrington, both of Harbor Springs and not personally from Indian Road, were still involved and serving on the "Tribal Council" of NMOA.

Several people described Charles H., "Charley," Martell (1897-1982), Margaret Martell's

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[31] Anthony Chingman, Sr., because he is the "interpreter." At this time, his son is only 23.

[32] Anna Irene Massey Lavandowski has a daughter named Christine Ann Lavandowski, who would probably have been too young to serve as a satellite leader in 1971, so this is probably Anna Lavandowski. She was active beginning in 1980 in BLB and signed the letter to NARF requesting that they represent the band in 1978. She never attended a ghost supper. She is Garland Martell's first cousin and Margaret Martell's second cousin.

father-in-law, as visiting other residents on Indian Road to discuss NMOA and Dominic. Photographs from the 1950's or 1960's show that urban migrants such as Margaret Martell and others visited him in his Indian Road home. Irene Massey's son, raised near Indian Road, recounted that Charley Martell visited his mother, and they talked about "money...burnouts when a lot of Indians lost their property because they didn't pay their taxes" (Massey 7/14/2003). Charley Martell drove Indian Road residents to NMOA meetings and the U.P. where he visited Shenoskeys (William 1911-1966) and Nongueskwas. This visiting enhanced communications among Indian Road residents and descendants, but specific details are undocumented (Massey 7/14/2003).

In 1971, Victor Kishigo, descendant of Cheboygan annuitants who left Burt Lake, sought and received State funding for a Petoskey based crafts co-op and "Indian village," reminiscent of plans discussed in a 1935 meeting at Burt Lake, arranged through John Parkey of MIDA. A newspaper article described the project:

> About three years ago, the idea of an Indian village was conceived by . . . Ottawa tribesman, Victor Kishigo of Harbor Springs, who received moderate support from the Indian community for an Ottawa Indian arts and crafts co-op, which he established near Petoskey . . . However, since then Kishigo has launched a successful drive to acquire the 20-acre site for a five-unit Indian complex. The parcel was transferred to the Indians on a perpetual lease basis last year by the Michigan Department of natural resources on the understanding that it would be developed as an Indian tourist attraction (Anon. 1971).

His father, Mitchell Kishego, Sr., his wife, his father's brother Joseph Kishego, identified as President Northern Michigan Indian Club, and his sister Doris Adams attended the Governor's meeting with Jonas Shawanesse in 1956. This family was involved in the 1940's in cultural and political activities in Harbor Springs, where the family apparently moved before 1900. A "Joseph Keshegowe" had been one of the chiefs in the Pageant movement in the 1940's, and Victor's sister had run for pageant princess. None of the descendants of their Cheboygan annuitants, Nikolas Ke-zhe-go-we and Susan Winding, became involved in the petitioner's organization after 1977.

Two Burt Lake Indians publicly criticized Kishigo's proposal. A news article, headlined "Indians Refuse Sideshow Status," quoted current member Helen (Shawa) Kiogama, a daughter of Matthew Amos Shawa, Indian Road resident until his death in 1963, as saying, "even if a tourist attraction is built, Indians will refuse to staff it. 'We've worked too long and hard to want to revert to spending our days doing beadwork.' She said Indian children do beadwork and basketry only as a hobby and to preserve their ancient

culture. 'But we would not encourage them to try to make a living at these tasks. There would be no opportunity for advancement'" (Anon. 1971).
Jay Harrington, Margaret Martell's nephew, claimed that about 90 percent of the adult Indian population of the Little Traverse Bay area had already signed a petition opposing the co-op. The paper asserted, "[s]everal hundred Chippewa and Ottawa Indians are on the warpath because they don't want to dress up in feathers and buckskins as tourist attractions" (Anon. 1971). Margaret Martell recently criticized Kishigo in 2003 (Martell 7/23/2003).

In 1969, a newspaper described ""Victor Kishigo," as "a descendant of Chief Kie-She-Go-Way, who led the famous band of Cheboys on Burt Lake more than 150 years ago," and his plans to "organize the last remaining northern Michigan Indians in the native arts and crafts with a cooperative plan" (*The Detroit News* 7/27/69). A DNR background paper on Indian leaders portrayed Kishigo in 1971, as conducting "Indian business under authority of State-chartered co-op store," and as a "rabble-rouser. At odds with tribal chairmen of the four recognized bands in Michigan, as well as with Dominic. He is Indian responsible for deluding Legislature into donating State land for Indian Cultural Center at Petoskey. Do not believe we should recognize any cards issued by Kishigo's outfit" (Anon. 5/12/1971). It elaborated that Kishigo[33] "represents 70 unorganized Indians," but did not describe them. His family's connections to Shawanesse and the 1956 meeting raise the possibility that "Kishigo's outfit" may have represented a group of Cheboygan annuitants with interests in Burt Lake lands, who are not the petitioner. Some long-standing conflict may divide the petitioner and the Kishigo family, which may reveal political activity in the petitioner from 1940 to 1970 (Martell 7/23/2003) Evidence for such conflict is circumstantial, mainly that when the Kishigos are documented in an activity, including the Governor's meeting in 1956, the pageants in 1940, the NMOA Unit #1, and this co-op, the individuals commonly associated with the petitioner are absent, even though Kishigos claim Cheboygan ancestry.

Through the 1970's, NMOA dealt with claims and social issues. In April, 1970, Dominic attended a Green Bay meeting on selection of the superintendent of the Great Lakes Agency as "one of 15 tribal chairmen from the two States," representing NMOA "of which he is president, and the Ottawa-Chippewa Tribal council" (*Petoskey News Review* 4/23/1970). This is the first identification of the Ottawa-Chippewa Tribal council. Dominic represented his own attendance as a kind of "recognition," and explained that

[33] In 1986 the BLB minutes of meeting of June 29, 1986 included in newsletter that Kishigo had been invited to a ceremony at the old Indian Point cemetery "because his grandfather was the last chief for the band." His grandfather would have been the son of Alexander Ke-zhe-go-we, b. 1863, married to Susan Winding.

NMOA and the "Ottawa-Chippewa Tribal Council of Michigan were recognized representing urban Indians" (*Petoskey News Review* 4/23/1970). The sudden reference to this "Tribal council," and the article's headline, "Dominic to Tell Indians Monday of "Recognition"" indicates as claims activities drew to a close, the issue of tribal recognition emerged in Michigan (*Petoskey News Review* 4/23/1970).[34]

Federal recognition became important to unrecognized groups in Michigan because treaty-fishing litigation resulted in Federal tribes managing treaty fisheries. In the 1970's, non-tribal Indian fishermen would have to ask a recognized tribe, which managed a fishery, to host them. In 1977, a Cross Village Ottawa won the right to be considered for BIA employment under Indian preference rules in a case argued by Michigan Indian Legal Services (MILS). MILS interpreted their win to mean, "the BIA has agreed to recognize the Ottawas as an Indian tribe. . . [and t]his settlement is the first step toward BIA recognition of the Ottawas." MILS said they needed "four years to contact all Ottawa Indians so they could reorganize, elect a tribal government and decide who was and was not an Ottawa" (*Petoskey News Review* 5/20/1977). Treaty fishing and other issues drove recognition in Michigan.

After these statements predicting recognition, 500 people attended NMOA's 1977 annual meeting, where the topic came up. Robert Dominic died in 1975, and his wife Waunita was elected the "Chairman of the Tribal Council and president of the association" (*Petoskey News Review* 9/19/1977). At this meeting NMOA held "a lengthy discussion dealing with federal recognition of this tribe and reaffirmed its intention to seek official recognition" (*Petoskey News Review* 9/19/1977). There is little evidence that the Indians still living at Indian Road and their descendants participated in NMOA in 1977. Margaret Martell and her associates said in oral histories that they left NMOA when Robert Dominic was still alive (Martell 7/23/2003). The Acting Director of the Native American Rights Fund (NARF) had already written a letter to the BIA, requesting that it amend a contract to provide tribes with "expert consultant services" to add five unrecocognized Indian groups, including the "Burt Lake Chippewas of Michigan" (Echohawk 7/29/1977).

1977-1980: Margaret Martell works with NARF and MILS and forms the BLB, Inc.

[34] Sault Ste. Marie Band broke from NMOA before its recognition in 1972.

The impetus for formally organizing the petitioner came from urban migrants who met attorneys with the Native American Rights Fund (NARF) at an Indian Center in Lansing. In October 1977, Margaret Martell,[35] who lived in Lansing, wrote to "Burt Lake Band Member[s] and Heirs" to inform them of "a forthcoming lawsuit involving the lands located at Indian Point on Burt Lake, east of Brutus" (Martell 10/5/1977). She invited NARF attorneys to this meeting. The meeting's stated purpose was not for the group to determine whether to sue, but whether to have NARF represent them in litigation.[36] Martell and NARF representatives planned the meeting "so that band members [could] be brought up to date on what is currently happening in regard to the case." This phrasing implies that Martell was already working with NARF and viewed the organization as a "band" (Martell 10/5/1977).

Margaret Martell, herself, credited her contacts at the Lansing Indian Center, where she worked, as her catalyst for forming BLB.[37] She said, "We always had Indian meetings . . ." [T]hese meetings were not exclusive to Burt Lake, although they were "the ones that would be interested" (Martell 7/23/2003). Her invitation urged recipients to "feel free to contact any Burt Lake band members about the meeting so that as many members as possible can be notified" (Martell 10/5/1977), and she suggested that families send "representatives to the meeting instead of all . . . attending" (Martell 10/5/1977). One eyewitness heard about the first meeting through "the proverbial moccasin telegraph" from "some immediate family member," probably his aunt who "usually keeps her hand on the

[35] BLB's researcher George Cornell, who Margaret Martell met at the Lansing Indian Center in the 1970's, stated that the "initial meeting between NARF and Burt Lake Indians was persistently called for by Margaret Martell, a Burt Lake band member who was living in Lansing," and "in 1977, NARF agreed to have two staff attorneys visit Burt Lake Band members to examine the historical background and merits of the case" (Petitioner/Cornell, 9/9/1994, appendix 1, p. 163). Although Cornell believes that Margaret Martell started organizing the group before1977, only in 1977 is there any documentation of her activities (Petitioner/Cornell 9/9/1994, appendix 1, p. 163)

[36] A Michigan State University publication attributed a "reorganization" of the band, at this October 26, 1977, meeting, to George Cornell, an instructor at the University, claiming that Cornell had "decided to make an attempt to reassemble the Burt Lake Band," had contacted "descendants of the band," and had worked for a year to bring them together (*MSU News Bulletin* 2/22/1979). The publication claimed that, with the group's consent, Cornell had pursued legal representation for them by NARF.

[37] In the mid 1970's, the Michigan Commission on Indian Affairs had sponsored urban Indian centers in Michigan's larger cities. Margaret Martell became active in the Lansing Indian Center, a place where Indians from Michigan and beyond met and took control of Federal and State programs according to relatively new policies advocating Indian self-determination (Hillman 1984, 162)

pulse of what's happening in Indian country here" (Shawa 7/14/2004).[38] He agreed that he "would be willing to go," indicating his aunt may have selected him to represent his family. He drove from Grand Rapids to the meeting, which was held at the Pellston Quonset Hall at "ghost supper time, so it was a chance to see everybody" (Shawa 7/14/2003). In 1977, Martell and her associates had knowledge of the location of many descendants of Burt Lake and they knew how to contact them. They did not attempt to find all Cheboygan descendants by running advertisements. Rather, they recruited individuals known to them. This fact suggests that they formalized an existing Burt Lake entity.

In January 1978, 27 individuals signed a litigation request to NARF for the "Cheboygan Band of Ottawa" in a case relating to the group's lands (Cheboygan Band 1/14/1978).[39] Almost two-thirds of the petition signers, like Martell, were from Lansing or Grand Rapids. Only two signers indicated they were from communities near Burt Lake, one each from Brutus and Pellston. In November 1978, 34 individuals, about one-third from Brutus or Pellston, signed a second petition requesting legal representation by NARF and Michigan Indian Legal Services (MILS) (BLB 11/18/1978). Around the same time, documents mentioned a "Committee for [the] Burt Lake Band of Ottawa Indians." In an obvious attempt to model their organization after NMOA, nine committee members represented six geographical areas: Burt Lake, with two representatives, Grand Rapids, with three representatives, and Petoskey, Cheboygan, Lansing, and Detroit, with one representative each (BLB ca. 1978).

To organize the petitioner between 1977 and 1980, Margaret Martell drew on personal contacts. At least half of the 27 signers of the 1978 litigation request were close relatives of Martell and her husband, including their own siblings, and their sibling's children or grandchildren. Also present were some of their relative's in-laws. Persons involved in the petitioner's activities in earlier and later periods attended. At least ten of the 18 individuals who would become most active between 1978 and 1983 attended this meeting. Gary Shawa, who would become executive director in the 1990's, and several of his relatives attended. Ida (Cabenaw) Shananaquet signed. In 1935, she had signed the Cheboygan County petition requesting benefits under the IRA. The son of MIDA member John Parkey attended. Peter Shewanasige's (Shenoskey) descendants, including Loretta (Massey) Parkey, who would eventually become very active, were not present.

[38] Because the interview was in Brutus, "Here" in this context most likely referred to the Brutus area and not Lansing.

[39] There is some confusion about this list of signatures. An identical list, including smudges and cross-outs, is attached to another document from a different date. The petitioner should clarify the record on this list.

NARF attorneys laid out two possible litigation strategies at the first meeting, one based on Federal law to eject the present occupiers of the land, and the second based on State law to force the Governor to fulfill his obligations as a trustee of Indian land. NARF reported it would complete legal research, make a written recommendation, and only then discuss whether to represent the group (Locklear 10/26/1977). Between January and July 1978, Michigan Indian Legal Services (MILS) and NARF prepared the case, while a historian researched BLB's history (Ashenbrenner 2/24/1978; Locklear 4/1978; White 7/1978). Eventually, "the band decided to pursue the possibility of a suit against the Governor of Michigan for breach of trustee responsibility," which NARF decided was a "realistic possibility" (Locklear 6/1/1978). According to MILS attorney James Bransky, NARF and MILS worked for five years on this case (Bransky 9/9/1994; Cornell 9/9/1994). The record only shows that in November 1978, Margaret Martell and 31others signed an agreement, or "resolution," with NARF and MILS to pursue a legislative resolution from the State (Petitioner 11/18/1978; Locklear 7/18/1979).[40]

At least 11 names on this November 1978, resolution are also among the 27 names on the earlier litigation request, but the composition of the resolution signers is more diverse. Margaret Martell's relatives remain well represented, but added are descendants of 1935 IRA signer, Peter Shewanasige (Shenoskey). They lived in Brutus and Grand Rapids. A core group of 11 persons appears on both lists. They rarely, if ever, attended Irene Massey's ghost suppers (1982-1994), although Massey and her daughter signed the resolution.[41] In July 2003, Gary Shawa, the youngest signer on these lists, characterized the group as "the major families who had been always involved in these activities along the line. . . just Burt Lake people" (Shawa 7/21/2003). The only exceptions to Shawa's characterization were two women from the Kishigo family, who attended the Governor's conference with Jonas Shawanesse in 1956. However, neither woman attended subsequent meetings or joined BLB. The other signers descended from Indian Road residents between 1910 and 1960. No descendants of John B. Vincent appeared on any list.

The petitioner submitted an undated document probably from the same period. Typed at

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[40] This request was written on Commission on Indian Affairs stationery, with Governor Milliken's name at the top There are early references to the group using the commissions' offices at the invitation of Louise Reznik, a commission staffer and BLB member.

[41] This points out one characteristic of the petitioner that needs noting. Many of the most active BLB members never attended a Ghost Supper, and some of the most faithful attenders of Ghost Suppers at Irene Masseys never attended a BLB meeting, even though they are descendants of the Indian Road settlement.

the top was "Committee for Burt Lake Band of Ottawa Indians Cheboygan County" (Petitioner n.d.) and listed "by area" below were nine names, two from Burt Lake, three Grand Rapids, and one each from Petoskey, Cheboygan, Lansing and Detroit. All signers appeared also on the November 1978 resolution. These area representatives were primarily Martell's kin and in-laws. They included a woman who stopped participating at once, others who rarely participated, and a person who became active in the organization, but had no genealogical link to a Cheboygan ancestor who lived in Indian Village at Burt Lake. Gary Shawa represented Grand Rapids. He felt he "was young and could pick up and go" (Shawa 7/14/2003).

Current members and past members who now belong to LTBB recognize not only that Martell's work formalized the group's organization, but also that her initial goal was to rectify the loss of their lands in the burnout. The petitioner's current executive director believes that before 1978, the Burt Lake group was a "real non organized entity" (Shawa 7/14/2003). The group "knew who we were and what we were," but there had never "been a concerted effort to go after inequalities and injustices and get retribution for those events" (Shawa 7/14/2003). The record supports Shawa's contention that the group's earlier attempts on the issue of the burnout "never seemed to be making any progress" (Shawa 7/14/2003). Margaret Martell's actions focused the group's efforts and established a BLB organization.

The Composition of Participants in Petitioner's Activities 1978 – 1983

Because the petitioner submitted no membership lists for this time, reconstructing of known participants in the petitioner's activities by extracting their names from documents is the only way to define the group in the early 1980's.[42] OFA compiled a list of individuals involved in the meetings or appearing on documents. Some 160 different names appear on the sign-in sheets for eleven meetings between January 1980, and March 1983, and on the November 1978, resolution. Unfortunately, about a third of the names were illegible, not in the petitioner's genealogy database, or on their later membership lists, even though many of the unidentified surnames were similar to identified surnames. These data indicate that a core group representing some 10 percent of the names (17 of 160) attended more than five meetings, 34 percent (55 of 160) attended 2 to 4 meetings, but a 54 percent majority (87 of 160) attended only one meeting. In many instances, an apparent family group attended a single meeting, and never returned.

[42] Only two applications for membership before 1992 are in the record, both for LeClair children. A record of applications would also indicate the group's composition and size.

The core group of high attenders included seventeen people: Margaret Martell, her brothers Harry and Thomas Nongueskwa, and her sisters' daughters Roseanna (Dashner) DeLand, Irene (Mandosking) Howard, and Darlene Rowland. Also in this category are Anna Massey, her son James Lavendowski and sister Margaret Massey Swartout. Margaret Martell's husband's father Charley Martell, and his neice Carol Shananaquet, and her husband Lawrence Shananaquet attended numerous meetings, as did Irene Shenoskey Massey, her daughter Loretta Parkey, and granddaughter Renae Parkey. Finally, Helen Brown Menefee, who is not identified by the petitioner in the genealogical database and Gary Shawa attended more meetings than most people did from 1978 to 1983.

The composition of the group which was most active appears to have been based at least in part on kinship. Almost 60 percent of the people who were most active were also close kin or in-laws of Margaret Martell, or their spouses.[43] Within that group, 7, or 41 percent, of these high attenders were Margaret Martell's brothers and sisters and a handful of their descendants, all descendants of John Nongueskwa. Three high attenders, 18 percent, were two of Margaret Martell's husband's relatives, who descended from Charley Martell, and one in-law. Five, or 29 percent, were Charles Massey's descendants, including Loretta Parkey, the long-time enrollment officer of the BLB. Gary Shawa, the executive director of BLB since 1991, and Helen Menefee, whose relationship to the group is unknown, made up the remainder of the high attenders. These people, with a few exceptions, remained active with the BLB until after the Federal recognition of LTBB, when eight enrolled there. One who relinquished and joined LTBB has since died, as have five other high attenders, leaving 11 possible members of BLB. Only five remain members of BLB, and seven have enrolled in LTBB (one person is enrolled in both entities). The four BLB members who have not enrolled in LTBB are Margaret Martell, and the paid employees of the petitioner, which leaves the impression that some of the most committed members of the petitioner have relinquished their memberships.

These high attenders primarily descended from people whom the Federal Censuses showed living near to one another in 1910 (Households 17, 18, 19, and 20 on Burt Township Indian Schedule), in 1920 (Households 31, 32, 33 and 36 in Burt Township) and in 1930 (Households 38, 42, 43, and 44 in Burt Township). Margaret Martell (née Nongueskwa) lived up in one of these households as a child, but her family moved to the U.P. by 1927. Photo captions, marriages and other evidence indicate that the families of Charley Martell and John Nongueskwa maintained contact with one another after the

[43] Because so many members descend from Antoine Shawwawnonquqot and Louis Nongueskwa, the members are generally related to one another. However, in this situation, Margaret Martell's relatives referred to here are relatively close and include brothers, sisters, their children, and her spouse's sister, father, etc.

Nongueskwas moved to the U.P. and their children married. It appears that when, in 1978, Margaret Martell asked people to work for the BLB and attend meetings, the people who grew up in these neighboring households or who were in these families were the people she recruited and the people most likely to attend. It follows that, considering that the base community for recruiting the petitioner's membership was the Indian Road settlement, the stated purpose of the group's first meetings in 1978 dealt with righting the wrong of the tax sales. Also attending at this time and acting as mainstays until recently were several women who had lived in Cedarville on the U.P., including Irene Howard, Melvina Vertz, Katy Beech and Margaret Martell. This breakdown indicates that the descendants of Cheboygan annuitants who did not move to the Indian Road settlement were not active in the group organized in 1978 by Margaret Martell. This is not to imply that everyone who moved to Indian Road was immediately listed as attending BLB meetings in 1978 to 1983. Many of the households present on Indian Road in the first thirty years of the century were not present or active at these meetings and had no descendants present.

Martell also appears to have recruited from people who were still living in the Indian Road settlement or had until very recently lived there. Thus, some of the people who attended the early BLB meetings had ties to the oldest remaining residents of the Indian Road settlement, including Peter Paul Shenoskey's daughter Irene Massey (and her daughter and granddaughter). Margaret Martell and her husband visited Indian Road at least through the 1950's and probably later, because her father-in-law Charley Martell, who died in 1982, still lived there. Irene Massey hosted the annual Ghost Suppers at her home on Indian Road for twenty years until her death, although no evidence indicates that Margaret Martell attended them. Also represented were Sam Shananaquet's son and his wife, Martell's sister-in-law. Some of Sam Shananaquet's descendants still live on Indian Road at present. Also, Gary Shawa's grandparents had raised him there, although he spent significant time at a boarding school in Harbor Springs. Gary Shawa and Loretta Parkey live there now, and Irene Massey lived there until her 1992 death.

No descendants of John B. Vincent attended these meetings.

Meetings of BLB 1980 - 1983

The location of the meetings was only shown on three of the sign-in sheets, but cross-referencing the meeting minutes with other documents shows that they met in Pellston near Burt Lake, in Lansing, and in Grand Rapids, apparently rotating around a circuit. The urban character of the petitioner evident in 1977 and 1978, when Martell began working with NARF, had shifted by April 16, 1980, when a group met in Pellston to "formally organize the 'Burt Lake Band of Ottawa and Chippewa Indian's" (*Petoskey*

News-Review 5/1/1980). Attendees approved a motion to have a board of directors of nine members, thus replicating the form of the 1978 committee (BLB 4/26/1980). They then approved a pair of motions to require that five of the nine board members be from the Burt Lake area (i.e., the northern lower peninsula), that one board member be from Lansing and one from Grand Rapids, and that two members be elected at large. The voters elected a board of directors at this meeting. Three of the nine members were from Petoskey, while the other members were from Brutus, Boyne City, Cheboygan, Lansing, Grand Rapids, and Wayland. Some 40 people signed in, but a newspaper account placed the attendance at 60 to 70 individuals. The group's NARF attorney claimed elsewhere that the band had 350 to 400 members (Locklear 4/24/1980).

A local newspaper noted the meeting in Pellston and election of officers:

> Descendants of a small band of Ottawa and Chippewa Indians who inhabited the shadowy woodlands of the Burt Lake area more than a century ago have decided there is strength in unity . . . On Saturday they met at the Quonset Hut in Pellston to formally organize the Burt Lake Band of Ottawa and Chippewa Indians. (Not identified, 5/1/1980)

The article named Floyd Harrington of Petosky, who was elected chairman of the "newly organized band at the organizational meeting," and Margaret Martell of Lansing, who was elected Vice Chairman. Brutus resident Donald Naganashe was elected treasurer; and Loretta Parkey, also of Brutus, was elected secretary. The board members were "Jim Naganashe, Petoskey; Bob Swartout, Wayland; Gary Shawa, Grand Rapids; Julia Borowicz, Brutus; [and] Anna Willis, Petoskey." All of these people or a sibling signed one of the two 1978 documents during the early negotiations with NARF.

Incorporation of July 16, 1980

When, on July 16, 1980, the group, with the same nine directors, filed Articles of Incorporation with the State of Michigan as a non-profit corporation called the "Burt Lake Band of Ottawa and Chippewa Indians, Inc.," it extended its goals to coordinate funding, disperse information, raise and manage funds, "regain a land base for the Burt Lake Band," "seek federal acknowledgment of the Burt Lake Band as an Indian entity," and promote the self-sufficiency and self-determination of the Burt Lake Band (BLB 7/16/1980).purpose beyond the land issue. BLB was organized specifically to meet the needs of the "the Burt Lake (a/k/a Cheboygan Band) Band . . . and its members" (BLB 7/16/1980). Between 1977 and 1980, the group evolved from a one-issue committee, coalesced around a specific land claim, to a multi-purpose "Burt Lake Band." A news article stated that this "band hopes to convince Indians who have left the area to return

home; seek Federal Recognition of the Ottawas as a tribal band; trace blood line; and improve relations with the white community" (Not identified 5/1/1980). The group that Margaret Martell had spearheaded since 1977 emphasized the land issue. The group now turned toward recognition and band formation. The BIA set up the acknowledgment process in 1979. This petitioner was not one of the first 40 petitioners who sent in a letter of intent to the BIA, after the Federal Acknowledgement Project's (FAP) locator project contacted them. Grand Traverse Bay Band petitioned, but this petitioner did not submit a letter of intent until 1985.

The petitioner claimed that all of the incorporators, except Margaret Martell, were from the upstate communities, which conflicts with residence information on sign-in sheets. Louise Reznick signed in from DeWitt (near Lansing), and Floyd Harrington from Grand Rapids. In addition, the purported upstate majority does not reflect the make up of the group as defined by those who signed-in at meetings in general. The record of sign-ins demonstrates that 61 percent of participants lived in Lansing, Grand Rapids and other locations in southern Michigan. Specifically, 6 percent of participants came from Petoskey according to sign-in sheets, and 16 percent came from Lansing. Grand Rapids, with no incorporators, was home to 26 percent of the people who signed-in. The petitioner's emphasis on upstate communities seems misleading.

The First Board of Directors

All of the incorporators except Louise Reznick are also on the first Board of Directors with an additional four other people: Gary Shawa and Robert Swartout from the Grand Rapids area, and Julia Borowicz and Anna Willis from Upstate locations. Two people on the board do not descend from the Burt Lake band allottees or annuitants, but are from the part of the Martell family that moved to Burt Lake beginning in 1903 but did not marry into the community. The Martells, whether or not they can demonstrate ancestry from Cheboygan annuitants, have been active in the petition. Their presence, as in-laws of Margaret Martell, reinforces the impression that Martell recruited most successfully from her own and her husband's close relatives.

The descendants of Joseph Martell's son Abraham become involved in the BLB in 1977, and many are members of the current petitioner. According to the petitioner's genealogical database, the founding ancestor, Joseph Martell was born in 1825 in Canada, but by 1845, his children were born in Bapt. St. Ignace, Mackinac County Michigan on the Upper Peninsula, before his younger children were born in Ontario, indicating that he moved between the U.S. and Canada. Some of his children, including Abraham Martell, permanently settled in the U.S. Abraham Martell, whose daughter described him as "mixed blood" on the 1930 Federal census, married an Indian woman, whose daughter said

was "Ottawa," on the 1930 census. She was from Hessel, Mackinac Co. Some of their children settled in Pellston, Emmett County and married Burt Lake descendants of Cheboygan annuitants Louis Nongueskwa and Antoine Shawwawnonquot, both residents of Burt Township in the 19th century.

Characteristics of the Group's participants and modes of leadership 1980-1983

The nature and composition of the leadership during the organization's first five years (before any of the descendents of John Vincent participated) show that the council members and others who attended at high rates were often older women living in "down-State" cities. A composite listing of individuals who signed in at meetings between 1978 and 1983 identified some 164 individuals who attended at least one meeting or signed the 1978 resolution to hire NARF to represent their interests. Most signers were adults.[44] The age of people who attended meetings five or more times was generally more than 45 year old in 1980. They grew up in the settlement located on or near Indian Road.

The middle-aged character of most of the individuals who attended meetings at the highest

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[44]The 17 people who attended more than 5 meetings:

Dashner, Roseanna Nongueskwa
Deland, Rose*
Howard, Irene Massey*
Lavandoski, Anna I Massey
Lavandoski, James M
Martell, Charles
Martell, Margaret*
Menefee, Helen (not in genealogical database)
Nongueskwa, Harry N.
Nongueskwa, Thomas J.
Parkey, Loretta*
Parkey, Renae*
Rowland, Darlene*
Shananaquet, Carol*
Shananaquet, Lawrence*
Shawa, Gary*
Swartout, Margaret

*Among the leadership (see chart above)

rates and their closeness to parents who lived in Indian Village at Burt Lake reflects their focus on regaining the lands lost in tax sales. When Margaret Martell first organized the BLB in 1978, the correspondence with NARF indicated that loss of Indian Village at Burt Lake was the primary issue motivating the group. These people cared greatly about the loss of Indian Village because their own parents had experienced that loss and they felt the loss personally, and they believed that an injustice had occurred which should be righted. However, they, themselves, did not experience the loss personally during their own lifetimes.

Only three individuals under age 35 participated on committees or the board, and their grandparents lived in Indian Village at Burt Lake in 1900. The lack of continuous participation by other young people points to their being less closely tied to other members than older people, and implies that the linkages between members are weakening as generations are raised away from Burt Lake. Gary Shawa believed that Martell encouraged him because "they saw there was an older population and their intent was to involve at least one young person." As he remembers, his explicit role was to make links to young people: "I was to get the word out among young people. . . in Grand Rapids, at powwows" (Shawa 7/14/2003).

When signing into meetings, individuals gave their addresses, providing a rough indication of their geographic distribution. Virtually everyone lived in Michigan with the exception of one man who lived in Chicago and another man who lived in Indiana. However, a large percentage of the individuals attending lived in urban areas, including 42 percent who lived in either Grand Rapids or Lansing. A lower percentage, 31 percent, still lived in the area near Burt Lake, even though only a handful of families still lived on Indian Road in 1978, and there was no longer a geographical settlement where the BLB members lived exclusively (See Appendix C-1). Only 22 people signed in from "Brutus," a cross-roads community less than five miles from Indian Road and the location of the post office serving Indian Road residents. Oral history indicated that Kenny and Loretta Parkey, Irene and Doris Massey, Roy Parkey, and Sam and Nancy Shananaquet still lived on or very near Indian Road, and some of these households included other relatives (Parkey 7/18/2003; Shawa 1995). Thirty-one percent of the people who signed-in to meetings lived within thirty miles of Indian Village at Burt Lake.

Three descendants of Abraham Martell, who attended meetings at a high rate and served on the board during this period, did not descend from Indian Village on Burt Lake in 1900 or from any Cheboygan annuitant. They were sisters and first cousins of Margaret Nongueskwa Martell's husband, Garland Martell, and therefore in-laws to descendants of

residents of Indian Village at Burt Lake in 1900.[45] However, they did live near Indian Road in the 1920's, 1930's and later, and were viewed as part of that settlement by individuals interviewed in 1995 (Shawa 1995).

There is no documented instance of a descendant of John B. Vincent attending a meeting during this period.

The evidence that the petitioner submitted allows little analysis of the modes of decision-making for the group at any time. Mapping the leaders' associations with one another demonstrates that a relatively small, closely related grouping of middle-age women dominated the group's leadership from 1978 to 1983, before Donald Moore became chairman. This group included Margaret Martell and Irene Howard primarily. Periodically, other women such as Helen Menefee, Eleanor Barber or Carol (Martell) Shananaquet also participated at board meetings where issues were presented and discussed. Whether the board actually voted on what to do or merely accepted the presentations is unclear. The impression is that if Margaret Martell wanted something to happen, it generally did happen. Irene Howard acted as her deputy, vigorously writing and signing letters about obtaining a land base, Federal recognition, or small orders of beads for the crafts project. Gary Shawa highlighted the role of women as important in the 1980's:

> The women seemed to keep it alive. There always seemed to be Indian women, matriarchs. . . in addition to Margaret Martell, Roseanna Martell, Roseanna Shawa. There were others like Louise Reznik, who was very strong . . . Women seemed to figure most prominently in it. . . in many instances they kept the issue alive. . . .(Shawa 7/14/2003).

Also during this period, the petitioner may have been reacting at times to some events happening outside of their organization, such as the recognition of Grand Traverse Bay Band and political activities at urban Indian centers. Thus, they organized as a non-profit, they began a recognition petition, and they wrote development grants. Evidence

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[45] Their background should be kept in mind, as they later come to control the enrollment committee during a period when the definition of who is a Burt Laker becomes a major issue. Like Margaret Martell, they had substantial connection to Indians living in Mackinac, the Upper Peninsula, or with French Canadian ancestry. These characteristics may have colored their views of the rights to membership. At any rate, their presence and their close relationship to Margaret Martell, the recognized founder of the incorporated BLB, set the stage for the inclusion of the Vincents beginning with Don Moore in 1985 and with the remainder through the 1990's.

demonstrated a slow increase in the group's activities during the five years before 1984. They held social activities, such as group picnics, campouts, fundraisers, and dinners in Brutus, Lansing and Grand Rapids. The older members had grown up together in or near Indian Road before World War II, and in 1978, most adults had many and diverse previous interactions with other Burt Lake families, even after migrating away from Indian Road. They did not deal with treaty fishing or refer to the Northern Michigan Ottawa Association (NMOA), even though their members had previously been part of the latter organization, the claims were still outstanding, and the demands of treaty fishing litigation monopolized the attention of authorities and other Michigan Indians.

U.S. v Michigan

U.S. v Michigan directly effected descendants of John B. Vincent who were commercial fishermen, but not descendants of Indian Village on Burt Lake. The latter had not gone into commercial fishing. The Vincent family had fished the Great Lakes for "five generations," and as one man said, it was "no hobby" (Moore 7/22/1903). "They always fished on and off" in an occupation passed from father to son, according to another descendant of John Vincent, Carl Frazier, who described ice fishing with his father from shacks 20 miles out on Lake Michigan. He first watched his father spear lake trout, selling for 5 cents a pound, when he was a child in 1947. "Everybody did it" (Frazier 7/17/2003). As adults, Carl Frasier and his brother "bought the boat . . . and the State license from" their father, and gill-netted until the early 1980's, when the State closed parts of the fishery. The Frasiers and their Vincent relatives then began "trap netting" and finally, became "caught up in the fishing issue, the consent order and eventually put out of business in 1985" (Frazier 7/17/2003). From Vincent descendant Donald Moore's perspective, the State was "trying to get rid of fishing completely in . . . Michigan" (Moore 7/22/2003). In fact, the State took the side of the commercial fishing and fought treaty fishing for almost ten years.

As this court battle was waged in the late 1970's and early 1980's, evidence shows that the Vincent fishermen tried different approaches to protect or extend their participation in commercial fishing with no success, and to become eligible for treaty fishing with little success. They participated in a non-treaty commercial fisherman's association and in an organization of non-tribal Indians. They also fished with Federal Tribes, as official guests or as tribal members, before possibly being removed from the tribe's roll when a discrepancy surfaced over their ancestry. They attempted to become members of Federal tribes, which were managing treaty fishing for members, and of at least two different acknowledgment petitioners, who stood to gain the right to manage treaty fishing in the future. As close relatives, they may have worked together on these different attempts to

maintain their position or reenter commercial fishing.

As the BLB formalized its organization, a fishing stand-off between the Indian fishermen who were not members of recognized tribes and the State progressed in the courts. Members of NMOA had continued to fish until 1983, when the *U.S. v. Michigan* court decided that only recognized tribes could continue commercial fishing during the duration of the trial and ordered NMOA to revoke its licenses. NMOA began to explore applying for fishing rights for "individual bands" along the lines of recognized tribes (Opalka 5/6/1983). NMOA reasoned that it "is the business committee, or council, which component parts are those bands of Ottawa Indians refusing to petition the Bureau of Indian Affairs for "acknowledged" status which would enable them to receive certain statutory and regulatory benefits on the one hand and enforce a socialistic government upon them on the other" (Justian 10/17/1983). This statement implies that some parts of the Northern Ottawa objected to filing recognition petitions, a controversy not reflected in the Burt Lake submissions. The recognized tribes of Bay Mills, Sault Ste. Marie, and Grand Traverse, the latter acknowledged in 1980 under 25 CFR 83, exerted "extreme pressure" to have the Ottawas removed from the Great Lakes (Opalka 5/6/1983).

As summer closed, a second order removed any ambiguity of the original order, "Any other[s than members of Federal tribes] fishing in the areas closed by this Order shall cease such activities immediately upon notice of this Order" (Enslen 10/5/1983). This Order removed John B. Vincent's descendants from many areas of the commercial fishery, especially the southern shore of the U.P. Ron Paquin, who earlier met with State officials and claimed to represent some 2,500 off-reservation members wrote, "We have 16 fisherman, with wives, and children a total of 62 people affected by this order just in St. Ignace area, and we are all pleading with you to help us, and the other fisherman and their families (Paquin 10/18/1983). Attached to this letter is a petition with 16 signatures, including Vincent descendant William Frazier. His name is on the petitioner's 1994 membership list, and he is the current chairman's cousin (Petitioner's genealogical database).[46] In November, the State began to seize the equipment of fishermen who were not Federal tribal members.

Sixty-six non-treaty commercial fishermen attempted to intervene in *U.S. v Michigan*. In November 1983, they filed in U.S. District Court to become interveners in *U.S. v Michigan* (RG 92-427 Executive Lansing). Among these 66 petitioners were two future

[46] There are two William Fraziers in the genealogical database. One has no descendants in the petitioner and a second is himself a member and has three children who are currently members.

BLB chairmen, a councilman and their brothers.[47] A descendent of John Vincent who was part of the suit said, "Most of the license holders were Native Americans to begin with" (Frazier 7/17/2003), apparently meaning that some of the fishermen who signed on to the suite were unenrolled Indian descendants like his own family. The petitioners did not support the position of the tribes, State, or Federal government in *U.S. v Michigan.* They described themselves as "non-treaty users exercising rights and privileges conferred, protected and regulated under the laws, rules and regulations of the State of Michigan." They described the investments they had made in "land, buildings, vessels, nets and other equipment and gear necessary to the conduct of their enterprises," and attempted to position themselves to receive compensation when commercial fishing ended.

The *US v. Michigan* litigation was settled in 1985. In April 1985, the State began sending out "quota letters" to companies owned by Carl Frazier, the current chairman and cousin to Donald Moore. Their letter said that the parties in the case had settled treaty related issues about Great Lakes commercial fishing and that on April 10, 1985, District Court Judge Enslen had incorporated their agreement into a Court Order (United States of American, et. al. vs. State of Michigan, et al. United States District Court, Western District of Michigan, Northern Division, File No. M2673CA). The letter told the Fraziers and others along the southern coast of the upper peninsula that they had to "cease taking fish, and . . . immediately remove all fishing gear from the water" (Skoog, 5/7/1985).

Petitioner's Activies 1983-1984

During these months in 1983, when fishing was a central and contentious point for so many Michigan Ottawa and the Vincents, BLB meetings, activities, and discussions never mentioned the topic of fishing. Meetings focused on the petitioner's grant from the Michigan Council for the Arts for a pilot crafts program to run from September 1, 1983, through August 1984. The project would pay four to eight "artisans" $5.00 per hour, rent, travel and supplies. A project request, perhaps for a different grant, described 26 "culture classes," but it is unclear if the group held these classes. Margaret Martell placed a notice in the February 1984 newsletter asking people to place orders with her for needed supplies

[47] They included: "Isaac Frazier and Jim and Jerry Moore, Cedarville Fish, Co. . . . Frazier Fish Corp." Gerald Moore became active in the petitioner beginning in 1987. He and Jim Moore were future BLB chairman Donald Moore's brothers. The Frazier Fish Corporation was owned by the current BLB chairman, Carl Frazier, who first showed up in BLB records in 1986. Also listed was a company called "John Cross, Jr. & Jerry Ranville." Ranville is common surname among the petitioner's members, but no "Jerry Ranville" appears in the petitioner's genealogical database, so his relationship to the petitioner is not known. "Jerry" may be a nickname.

for "marketable" crafts (Petitioner 6/1/1983; 11/10/1983; 2/11/1984). George Cornell, who helped Martell and Irene Howard submit a Michigan Council for the Arts proposal, (Petitioner 11/10/1983) observed in a report to that funding agency that the "impact of the project thus far has been upon the Burt Lake Band," which he believed "organized around" it. He also stated, "members are interested and involved in the implementation of this grant," but that "a number of circumstances . . . prevented a more rapid implementation of the project" (Cornell 4/19/1984). There is other evidence confirming that the petitioner held various events, such as spaghetti dinners, dessert auctions, and picnics. The organized powwow booths in various places, a float for the Pioneer Days parade in Petoskey, a team in the annual Mackinac Bridge walk, a logo contest, and numerous drawings for Pendleton blankets and Indian dolls (Petitioner 1983-1985).

However, there is little evidence about levels of participation of the general membership. The petitioner did not submit attendance lists for meetings between January 1983 and December 1984, but the newsletters named office holders, committeemen, and volunteers. Analysis of their participation showed that Margaret Martell and a small group of similarly minded individuals influenced activities, group and council composition, and significant decisions made by the council. Direction came from her and her close cohorts in Lansing. She often acted with her sister's daughter Irene Howard, who then dealt with Margaret Martell's sister-in-law, with Roseanna Martell, and with relative newcomers Helen Menefee, and Eleanor Barber, and with other participants. Participation of the general membership was not documented. The newsletter indicated that turnout at the December 1984 meeting was "poor" (Petitioner 12/1984).

The Descendants of John B. Vincent Join BLB

In April, 1994, BLB Secretary Irene Howard wrote a memorandum to Donald, or "Don," Moore, brother of a Vincent fishermen involved in the suit to intervene, for the "Burt Lake Band of Ottawa and Chippewa Indians, Inc." (Howard 4/5/1984). She stated the petitioner had "to replace some . . . board members," and asked if he "would be interested in being nominated" (Howard 4/5/1984). This memo was the earliest document in the record to show a Vincent descendant associating with the petitioner. Oral history and documents about events leading to the Vincent family's joining the petitioner reveal that both the Vincents and the petitioner had motives supporting the Vincent's membership, despite no prior relationship. The Vincents were trying to join an Indian entity to fish under treaties. The petitioner had leadership and organizational needs, especially regarding its relationship to local, State and Federal agencies, which the board felt were not being met. Board members, particularly Margaret Martell, believed that Vincent descendant Don Moore could fill these needs.

Donald Moore said that after serving in the Marines, he returned to Michigan in 1979 and fished with his brother (Moore 7/22/2003) and live on the U.P. He also fished with non-Indian Dick Johnson, who introduced him to BLB member Roy Parkey, who lived on Indian Road. Through Roy Parkey, he learned that "Margaret and them were doing their meetings" (Moore 7/22/2003) and met Indian Road residents Kenny Parkey and Sam Shananaquet. In early 1984, he "wrote a letter to Margaret Martell and told them who [he] was . . . about [his] grandmother and . . . [asked] would they object to [his] attending a meeting (Moore 7/22/2003). Don Moore said he trod carefully: "I was on my own agenda, and I didn't want to step on any toes" (Moore 7/22/2003). In 2003, Margaret Martell and Donald Moore recalled their first meeting. Margaret Martell said that "he came down [to Lansing] one time to introduce himself and he was showing me his papers. When I saw his papers, I knew a lot of the ones that he was talking about. So that's how I knew him" (Martell 7/23/2003). Moore showed Margaret Martell allotment documents concerning his ancestor John Vincent (Moore 7/22/2003). He apparently became a member of the group following this meeting.

Simultaneously, another Vincent descendant was seeking membership in newly recognized Grand Traverse Bay Band (GTBB) and may have been consulting with his relatives. Don Frazier, the current chairman's brother and second cousin to Moore, applied to GTBB. The BIA wrote in May 1984, to that tribe's enrollment officer that in "reviewing Mr. Frazier's file, it has been determined that John Vincent, his great-grandfather, is listed on the Cheboigan Band land allotment schedule of November 9, 1900 . . . The allotment schedule does not have the information available to determine blood degree. However, the documentation does ascertain Donald Frazier is a descendant of the Cheboigan Band of Chippewa Indians" (BIA 5/18/1984), which was apparently inaccurate. Considering the time it would take for the BIA to research this issue and respond to GTBB, it appears that Donald Frazier[48] had approached GTBB about the same time that Don Moore met with Margaret Martell.

Margaret Martell's approval of Donald Moore not only opened membership to other John Vincent descendants but also transformed how the group determined its membership from personal knowledge to documentation. Previously, they had depended on shared knowledge of members, especially of older people, who remembered individuals associated with Indian Road before 1950. As Melissa Moses said, "I believe in the past

[48] Donald Frazier and his children are on the current BLB membership list and enrolled with Sault Ste. Marie.

we hadn't used the allotment schedules. It was just who we knew" (Moses 7/14/2003). This method had already brought in members of a Martell family with no direct genealogical link to Indian Village on Burt Lake. In contrast, Don Moore joined, based on documentation alone, even though the petitioner's members did not recognize him, his parents, grandparents, or other relatives, and he did not even argue that they had lived at Indian Village on Burt Lake in 1900. Oral histories taken in 2003 contain many statements by persons in the pre 1984 membership, that they had no memory of Donald Moore's family, other living Vincent descendants or their ancestors. Fewer people worried that if the descendants of other U.P. people allotted Cheboygan land near John Vincent presented their papers, BLB would have to enroll them too (Moses 7/14/2003; Shawa 7/14/2003; Shananaquet 7/18/2003; Teuthorn 7/18/2003).

The Petitioner claimed that the Vincents were known to the group, because "[i]n a telephone conversation with Margaret Martell in 2000, Margaret told. . . researcher, Barbara Madison, that [Margaret's] father John Nongueskwa knew the Vincent family was a part of the Burt Lake Band" (Littlefield 2002c). John Nongueskwa died twenty years before Moore met Martell, so any discussion between Martell and her father would have occurred before 1964. John Nongueskwa, born in 1879, may have known John Vincent, himself, or his children. Vincents lived in St. Ignace and other lakeshore and U.P. locales, sparsely populated regions well known to John Nongueskwa. Documentary evidence does not show that he viewed them as "part of the Burt Lake band."

The Petitioner described Moore's "ties to other Burt Lake families," as "trips to Burt Lake with a non-Indian friend and Burt Lake supporter, Rich Johnson, to fish with tribal member Roy Parkey" in Lake Huron on Hammond Bay, Cheboygan County (Littlefield 2002c), evidence not used my Margaret Martell when she approved Moore's membership (Martell 7/23/2003). Interaction between two men, in this case Indian Road resident Roy Parkey and Moore, does not show that Moore had a relationship with an entity of descendants of Indian Village on Burt Lake. Their relationship was not based on numerous and regular interactions as part of a larger Indian entity. Merely knowing someone, even an active BLB member,[49] does not reveal the kind of on-going significant relationships, which characterize members of Indian tribes, and does not demonstrate "ties to other Burt Lake families."

[49] Roy Parkey was involved with the BLB's formal organization throughout the 1980's and often took on jobs to fix and maintain property. For example, he was described in 1986 as the sexton of the Indian cemetery. Recently, he has lived on Indian Road.

Shortly after meeting Don Moore sometime before April 1984, but after evaluating his membership qualifications, Martell decided that the board should ask him to run for a council position because he was young and "could handle himself" (Martell 7/23/2003). In 2003, the board nominated him and 32 voters elected him to the council. He said in 2003, "[b]eing from Cheboygan band I was eligible to be a part of the band. I felt Indian and I was related to the 'Soo' tribe[50], and I was elected over other Indians" (Moore 7/22/2003). He decided to take the job. Nothing in either Margaret Martell's or Donald Moore's accounts indicate that they had known each other previously. Neither person said that Moore had long-term relationships with BLB or with Margaret Martell's family and friends from Indian Road.

Why the BLB council nominated and 32 members voted for a person they did not know, rested on Moore's personality, communication talents, and political skills, according to Gary Shawa and Martell. Shawa, who was not active in the petitioner at this time, believed that Moore was "young, aggressive, and told the council what they wanted to hear . . . to make things happen. And they put their stock in him" (Shawa 7/14/2003). Margaret Martell said that she found Moore "very smart" and believed that "he knew what he was saying and . . . [she] knew that he was right." She had a "great deal of trust with Don [Moore]" (Martell 7/23/2003). When Irene Howard asked Moore[51] if he wanted to run for office, she also wrote a memo to Indian Road resident Loretta Parkey about an "emergency meeting" on April 10 in Lansing to replace three board members. She asked Loretta either to run, herself, or to find someone else to run. Asking a previously uninvolved stranger to run for the board, and, after 1981, abandoning the geographical representation envisioned during the first two elections indicates that the group was having difficulty finding and keeping reliable, working board members. This problem

[50] It is unclear what Don Moore means by this statement. He is currently enrolled in Sault St. Marie, but when recounting his life history in 2003, he emphasized his poor upbringing and his interactions with Bay Mills and Sault Ste. Marie individuals, including his "Aunt Margaret" who lived with members of that tribe after the death of her husband. She also fished there. Through her, Don Moore says he became acquainted with various influential Indians such as Abe LaBlanc one of the leaders in the treaty fishing rights movement in Michigan (Moore 7/22/2003).

[51] Loretta Parkey wrote about Donald Moore's election in June, 1991 and his Vincent relatives who would become active after him: "Matter of fact, I have never heard of these people until 1984-1985 which lists the dates on their family tree charts (applications). They enrolled after our former Chairman (Don Moore) was accepted in the tribe at a meeting held in Lansing. I wasn't present at this meeting. (His Grandparents are of the Cheboygan Band was the reasoning) . . . I will have some explaining to do, regarding their enrollments" (Parkey, June 4, 1991).

would characterize the petitioner's political organization in most years,[52] and in 1984, they turned to an outsider to deal with it.

Don Moore attended the April 10, 1984, board meeting (Petitioner 4/30/1084). Others who attended included primarily the high attenders from earlier years, including Martell's siblings, other relatives and in-laws and Helen Menefee. The minutes identified all of them as an officer or as "band member," even though two attendees were non-Indian spouses. The minutes also identified MSU researcher George Cornell and MILS Attorney Michael Petoskey. Only Don Moore was not labeled or identified (Petitioner 4/30/1984).

The newsletter announced the May 12 "all-band" member meeting at St. Mary's Church on Indian Road to hold a special replacement election for board members (Petitioner 4/30/1984). The three nominations coming from the council, apparently for three positions, were Donald Moore, who received 32 votes, Loretta Parkey, who also received 32 votes, and Katy Beech, who received 20 votes (Petitioner 4/30/1984). The vote tally sheet showed that a woman identified only as "Doris" received 19 votes, Sam Shananaquet and Henry Shenoskey both received 1 vote each. Donald Moore was surprised that at the meeting, "[r]ight out of the blue they asked me if I was interested in being chairman," in front of 70 or 80 people (Moore 7/22/2003). The board appointed council members to offices. Between the April and May meetings, Moore believed, "They'd all discussed [his nomination] among themselves . . . for a thirty day period . . . Margaret [Martell], Sam Shananaquet, Louise Reznick, Nongueskwas, Parkeys had their own private deal and met . . . in between and discussed it thirty days before I was elected chairman" (Moore 7/22/2003). Don Moore believed that his participation bothered Indian Road resident Sam Shananaquet and others: "Some of the other members of the board were not as open," and he "got the feeling that there was dissension among the group just from Sam's [Shananaquet] actions . . . didn't like the color of my skin or something" (Moore 7/22/2003). Henry Shenoskey may have agreed with Shananquet, because he, like Shananquet, ran against Moore.

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[52] At this time, the council members may have believed it was particularly important for the group to have leaders in place. Officials from the governor's office were planning to attend an April 10 meeting about a land transfer but cancelled. However, when the officials were unable to attend the **"first** meeting" because of illness, they requested that the minutes and the BLB development plan be sent to them in the Governor's office (Howard 4/10/1984). As a follow-up to this meeting, Irene Howard sent a copy of the minutes and the BLB development plan to George Navarette, who was now their contact in the Governor's Office, and copied George Cornell and Arlinda Locklear at NARF (Howard 4/19/1984)

The three new officers would become very active.[53] The board appointed Donald Moore as chairperson and Margaret Martell to her traditional position as vice chairman. Irene Howard was secretary, Rosemarie DeLand treasurer, Loretta Parkey, tribal registrar, Katy Beech sergeant-at-arms and Roseanna Martell, trustee. The board consisted of Martell's cohorts and relatives, all involved since the late 1970's, with the exception of Moore.

These events demonstrated Martell's influence on group members. She inspected Moore's records, approved his membership, and then apparently encouraged Irene Howard and other board members to nominate him, and, when he won, to offer him the chairmanship. Irene Howard often played the role of making things happen for the petitioner during this period. Whether she took the initiative or responded to other's direction is unclear, although it appears that she often undertook actions at Martell's direction. It seems clear that in 1984, a group of women ran the organization from Lansing, a situation that Moore would attempt to change.

Donald Moore deals with Alledged Embezzlement

The petitioner had discovered 10 months before Moore's election that an officer allegedly stole as much as $2,000. When Moore met the board, they were dealing with these events, which may have caused, in part, the three empty positions on the board. The accused embezzler was from Pellston, near Burt Lake, and a close relative of Martell's husband.[54] After her election to the board in June 1983, she wrote grants, raised money, made links to other organizations, and elevated the petitioner's public profile from her positions on the public relations and fund-raising committees. She applied new administrative practices to the petitioner's non-profit operations. The June 1983 newsletter reported that she was "updating [the MCIA] directory for Michigan Indians" and would send each board member a copy. She was researching how to hold BLB functions in the tri-county Indian Center in Petoskey. She also provided camping to members on her own property, thereby supporting the petitioner's new emphasis on powwows and social activities.

The apparent theft was first detected when discrepancies appeared in the group's bank balance in the summer of 1983. At the September 4, 1983, meeting, the council learned

[53] Donald Moore would give up his leadership after about two years. He remains on the membership list, but has also enrolled in a recognized tribe. Enrollment Clerk Loretta Parkey has remained very active to the present. She is an employee of the BLB. Katy Beech remained somewhat active until 2001, when she relinquished her membership to enroll in a recognized tribe.

[54] Of this woman's siblings and their descendants, only two are represented in the current group.

that the accused had already written a letter. In it, she apologized primarily to BLB chairman Carol (Martell) Shananaquet, the embezzler's first cousin, and the chairman's husband, board member Larry Shananaquet. She asked for a chance to pay back the money. At an emergency meeting called in September, the board turned down her request for leniency and "passed a resolution to bring charges against [the woman] for embezzlement of . . . funds" (Howard 7/20/1984). By October, an undefined "we" had "appointed a temporary treasurer replacing [the accused] who has resigned" (Petitioner 10/1983). In February 1984, letters were sent to the prosecuting attorney in Cheboygan County. The newsletter reported that the group may have to hire an attorney to press civil charges in the case, indicating that public prosecutors were not eager to bring the case to court (Petitioner 2/1984).

The council dealt with the embezzlement problem for more than a year. In August 1984, a few months after Donald Moore became chairman, a report on the affair in the BLB newsletter stated, "letters have been sent to the Prosecutor of Cheboygan," who told them to contact the Police in Petoskey, the jurisdiction where the offense occurred. A Petosksey detective looked into pressing charges but never acted. Irene Howard also wrote a letter to the Michigan State Police on September 7, 1984, indicating that she had telephoned them in August about the "breach of duty" and that at the "Burt Lake Band all band members meeting of September" the accused had been "blacklisted from our band until restitution has been made" (Howard 9/7/1984). Two months after writing to the Michigan State Police, Irene Howard wrote a letter to the woman, saying that since the band did "not have record of any bills or copies of the checks that you wrote, we cannot prove whether you're guilty or innocent" (Howard 11/15/1984). She ended in a conciliatory manner, "We all enjoyed working with you and are sorry the breach of Duty [*sic*] had to happen" (Howard 11/15/1984).

The petitioner's attorney cited this incident as "a modern example of the band's use of banishment and restitution to direct or control behavior," and states that "although the Band first considered pressing charges, it ultimately decided to handle the matter in a traditional manner." Documentation did not support this interpretation of events. It showed that the board first attempted to press charges, soon after discovering the embezzlement. It also showed that only after the prosecutors refused to indict, did they "blacklist" her. According to Margaret Martell's recollection, the woman paid back some money, but not a significant portion (Martell 7/23/2003). The documentation did not reveal whether people disagreed on how to handle the situation, whether some believed that going outside the group to the police was wrong, and whether the woman's relatives and close associates applied any pressure to drop the charges and, when failing, left the group, as has been the case for other petitioners in similar straits.

Finally, no reference in the documents or oral histories indicates that banishment was invoked because it was "traditional." If materials could show that parts of the membership took opposing sides or became dissatisfied with the way the situation was handled, and actually discussed their views so as to influence decision-making, analysis of this incident could provide significant insight into the petitioner's political processes, whether "traditional" or not.

Land Transfer

Four days after Moore's election, a letter to the Governor concerning a meeting scheduled for May 17, 1984, with the governor's aide George Navarette struck a tone more strident than previous communications from the group. Although signed by Irene Howard, the letter's change in approach coincided with Don Moore's election and raised "fishing rights," a topic of special interest to the new chairman:

> At Mr. Navarett's meetings with the Attorney General's office and legal advisors they have mentioned problems with this land transfer, such as Mullet Lake in 1904-1906, if land is given back to our band, what are [we] going to give up, such as "Fishing Rights", and a prerequisite that the Burt Lake Band has to be Federally recognized before this land can be returned to us. . . .
>
> This all sounds like (pardon the expression) Hogwash! If this was land formerly owned by Governor Rockafellow [*sic*], believe me there would not be stipulations, such as "What are you planning on doing with this land if we return this land to you," or "You must give up a right before we can even consider this transfer" [*sic*] (Howard 5/16/1984).

This land initiative was part of on-going negotiations, which Margaret Martell began in 1978 with NARF's advice. In 1984, the group had applied for "State recognition," a State imposed precondition to land negotiations (Howard 6/4/1984 7/12/1984). George had already cancelled a meeting on June 9th because BLB was not State recognized (Howard 6/4/1984). The State then wanted the group to obtain a "Federal exemption," from the IRS, which Irene Howard obtained. In November 1984, Donald Moore, as the "Chairman" of the "Burt Lake Band of Odawa and Chippewa Indians" signed a contract with the Federal Administration for Native Americans (ANA) for a $20,000 grant, but Irene Howard continued to sign correspondence.

Howard played a pivotal administrative role, even before Donald Moore's chairmanship.

She attended every meeting, sat on numerous committees, published the newsletter, sent out notices, and kept meeting minutes. She continued in that role after Donald Moore became chairman. Don Moore relayed that his "first step as chairman was to directly work with Margaret and Irene . . . with the board." He "found out that some of the stuff was not being done and . . . [he] went to Irene Howard. Loretta had papers at her house . . . went to George Cornell's office . . . George had a file cabinet. Phil Alexis had a file cabinet" (Moore 7/22/2003). He wanted to set up a central office in Burt Lake, not Lansing, and bring together "what people were hording" (Moore 7/22/2003). Don Moore said that he shook up the *status quo* and "everybody was in an uproar [asking] who is this Don Moore?" Don Moore believed that "Sam and Rita Shananaquet" were behind this "uproar" (Moore 7/22/2003).

Donald Moore, Margaret Martell, Irene Howard and George Cornell met with representatives from the governor and his attorney general's office on August 15, 1984, even though BLB was not recognized by the State. They discussed three options for land acquisition, including 1.) draft legislation in cooperation with the Governor's office to transfer part of section 29, all of section 30 and 31 (not the original lands lost in tax sales) to the BLB; 2.) draft their own legislation; and 3.) "sit with our lawyers and appeal and fight over the return of our original land (Indian Point) thru Indian Claims Act" (Petitioner 8/1984). The governor's office supported the first option but believed that "if this land is held in trust by the Federal government, there should not be any problems, such as, land filling and whatever other land development plans that will be needed in order for our Band to do anything with this property" (Petitioner 8/1984). However, BLB did not immediately petition for Federal acknowledgment, and Federal trust status for the land was a long way off at best.

The tribal council had already made a decision to support the first option, but the newsletter reported "we are awaiting word from [the governor's office] concerning our next meeting. [They guarantee] this will not be another Cache [*sic*] 22" (Petitioner 8/1984). No indication that any of the group's members opposed this decision to pick the first option is in the record. The governor's aide had suggested that BLB update their tribal history and genealogy to include the 20th century. Committees prepared this and other materials to lobby, acquire a Land Base, and seek Federal Recognition. On November 12, 1984, council members met with a Michigan State legislator (Howard 7/12/1994). These negotiations led the group to believe that the State would soon transfer lands to them. BLB Trustee Katy Beech sent a memo to Gov. Blanchard attaching a "brief condensed version ethno-historical report" and indicating that they "have scheduled another meeting [with Governor Blanchard's administration] to draft a legislative bill to return land back to the Burt Lake Band" (Beech 11/26/1984). The

report directed readers wanting "More Details Concerning this Burt Lake Band Ripoff [to] Contact: George Cornell, Donald Moore, Margaret Martell, Irene Howard, and Katy Beech" (Beech 11/26/1984). Similar document sets were sent to Indian organizations, band members and others, as the council attempted to rally interest and exert political pressure outside the organization to garner support for legislation. There is little in the record to show that anyone other than the board was involved in discussions about the land options.

On November 17, 1984, the BLB held an "All Band Member Meeting" in Pellston to discuss, among other things, the "Land Transfer Resolution." However, other than asking members to contact Indian agencies and distribute the lobbying materials, the Petitioner documented no vote or open discussion either on the land transfer or on dropping earlier claims that NARF worked on. The minutes stated only that on November 21, 1984, the governor's aide, the local State representative and the tribal council planned to meet. On December 18, 1984, Donald Moore gave up all claims to the Indian Point land in a signed letter, which stated, "The Burt Lake Band of Ottawa & Chippewa Indians, Inc. agree [*sic*] to release claims to the following sections of land within the State of Michigan." It referred to the 611.02 acres described in the Governor's 1901 address to the State legislature (Moore 12/18/1994). The chief of the State lands division acknowledged receiving this letter (Harmes 12/18/1984). He noted that at a November 29, 1984, meeting of State officials, he did not have BLB's December 18 letter, but related that Moore's letter was in the decision maker's hands (Director Skoog), and "a course of action" was planned for January 1985. The record contains no evidence to suggest that anyone opposed dropping previous claims to the old village site, which may reflect changes in the membership to make it younger or to include people without former associations with Indian Village on Burt Lake, such as the descendants of John Vincent. Younger people and Vincent descendants probably were not as invested in retribution for the loss of Indian Village at Burt Lake as older Burt Lake descendants.

Although Margaret Martell, at 66, attended BLB meetings and met with the Governor's office, her role diminished in public importance, as Donald Moore and Irene Howard stepped forward. Many people who had grown up on Indian Road were more than 60 years old. The petitioner's evidence focuses almost entirely on the activities of a small group on the council and on Donald Moore and Irene Howard, and virtually ignores the role of the larger membership and its possible influence on BLB's leadership. More oral history and documentation of the membership's changing composition and their political activities and attitudes is necessary to describe the membership's political role and to determine if they participated in significant ways.

Changes in Membership after Moore becomes Chairman 1984-1985

The group's expanding membership is undocumented, and thus, the composition of the group in 1985 is not known. At the same time as the membership expanded, the newsletter began to carry articles about the group's history, indicating that some of the new members may not have had personal familiarity with BLB's past (Petitioner 1/1985). Six months after Moore became chairman, a notice announced an "all band meeting" for November and advertised for the first time for members:

> ARE YOU A DIRECT DESCENDENT OF THE BURT LAKE BAND OF OTTAWA & CHIPPEWA INDIANS BURN OUT OF 1900? OUR ORGANIZATION IS SEARCHING FOR DESCENDANTS OF THIS UNFORTUNATE HISTORICAL EVENT. WE ARE NOW STATE RECOGNIZED AND OUR NEXT GOAL IS TO BE FEDERALLY RECOGNIZED. YOU MAY BE ELIGIBLE FOR MEMBERSHIP TO OUR TRIBAL BAND (BLB 11/12/1984).

The contact was Margaret Martell in Lansing. Despite the new chairman's lack of connection to Indian Village at Burt Lake in 1900, band members continued to look to that settlement in defining membership, rather than to an allotment list, which Moore had used to gain membership.

In late 1984, the newsletter also referred for the first time to a $5.00 annual membership fee (Petitioner 12/1984). Considering the prevalent Burt Lake attitude to such fees demanded by other Indian organizations, asking for dues may also signal a policy change (Martell 7/23/2003; Shawa/1995). However, the record documents no dissent on this issue. Membership cards were distributed only after individuals paid their $5.00 dues, and these cards were used to attend fish fries, to vote, and to run for office. That such identification was needed, implies that the membership had grown beyond its 1978 base membership of people who had a long history together (Petitioner 3/21/1985). The petitioner submitted none of these records of payment, which would be useful for tracking the group's composition and participation.

By August, 1985 the petitioner reported: "Please note, our membership roll is steadily increasing . . . We have had some problems in getting your membership cards returned to you, due to tremendous response all at once" (Petitioner 8/1985). The petitioner submitted no records about membership cards. Other evidence indicates that demands of processing membership applications was exhausting the volunteers who work on them. A plea went out for "band member participation. It is next to impossible for only a few

dedicated members to keep our band members [*sic*] needs fulfilled. Our membership is growing in leaps and bounds, which means a lot of additional work involvement. Most of our present tribal council members also have our own job responsibilities and family involvements . . . it all boils down to the fact that we need more community involvement in order to keep this organization going!!!" (Petitioner 11/1985).

Several events, effecting enrollment, may have converged. First, publicity surrounding the impending land transfer may have galvanized a certain number of members who had stood on the sidelines. Second, Federal recognition work, a project begun by the group in 1983, involved writing a constitution and compiling a membership list. Third, a newly arrived group of John Vincent descendants may have applied for membership. Finally, the BIA was preparing a payment roll on "Docket 58 and 18E," a topic raised at the November 17, 1984, meeting. The group distributed an undated questionnaire concerning whether to request *per capita* or tribal disbursement (Petitioner 11/1984), the first indication in the record of the group dealing with the claims. Larger groups would receive larger disbursements (Petitioner 1985; Petitioner 12/1984).

Moore Increases Administrative oversight during first year in office

Moore said that during his first year, BLB had "become State Recognized and formulated into a cohesive and coherent Indian Tribal Organization whose membership has grown and has progressively obtain[ed] the goals outlined in [the] Tribal Program Narrative" (Moore 2/15/1985). The strident tone of his first letters moderated to businesslike. He believed that the land "negotiations [were proceeding] well" (Moore 2/15/1985). For the first time, the newsletter referred to the 1836 and 1855 treaties and to the treaty chief of the Cheboygans "Big Sail" (Petitioner 3/1985), and Donald Moore alluded to the 1903 legislation for a reservation on Mullet Lake, rather than the "burnout" (Moore 2/15/1985). In this way, he extended the identity of the group back to the treaty and emphasized a previous State relationship, rather than the burnout. The petitioner's newsletter, "Turtle Talks," recognized the chairman's contribution and thanked "Don Moore for all his efforts and interest in the welfare of his people. Since he was elected to our Tribal Council, we have been moving forward in a steadfast and determined manner, just as our logo 'The Tortoise' represents" (Petitioner 3/1985).

The newsletter shows that the group has formalized many procedures, but no indication that these changes resulted from concerns from the membership. The council planned to appoint a new "election board." The minutes reviewed the constitution's election procedures, and pointed out that candidates running for office must be current with their dues (Petitioner 2/19/1985). The council imposed a system of numbered resolutions and

required that council members actually vote on all decisions, rather than depending on consensus. This initiative may be in response to seeing the tribal resolutions supporting their acknowledgment, which Sault Ste. Marie and Keeweenaw Bay Tribes sent to them two months earlier.[55] Donald Moore referred to other tribes to justify some of the administrative changes he imposed on BLB, "I know a little about what the other tribes are doing" (Moore 7/22/2003). The first resolution voted on by the council was to submit a petition for acknowledgment under 25 C.F.R. 83 (Petitioner 3/21/1985). There is a sense that the group observed other organizations, such as Indian tribes, other petitioners, community action groups, etc., and initiated similar practices they observed in other Indian organizations, which sponsored powwows, meetings, political lobbying activities, and so forth. Donald Moore related in 2003, that "everybody in every tribe was trying to use each other . . . intertribal meetings . . . so much stuff going on" (Moore 7/22/2003).

During the spring of 1985, Moore signed numerous letters to State officials concerning the land transfer. Irene Howard no longer signed these types of letters as she had a year earlier. Moore became convinced that MILS attorneys and other consultants moved too slowly, and that BLB was not "staying up with the other tribes going through the [acknowledgment] process" (Moore 7/22/2003). He felt the group relied too much "on [MILS Attorney Mike] Petoskey and these lawyers and [consultant] Bill Church." He was convinced that the "Chairman had to represent the tribe . . . couldn't be sending a lawyer, a paid representative," because politicians wanted to hear directly from a "member of Burt Lake" (Moore 7/22/2003). In sum, Don Moore encouraged the council to take control: "I'm going through it with Margaret and them, and I says, we can do this ourselves" (Moore 7/22/2003).

Land Transfer Fails

As BLB council made efforts to formalize administrative, electoral, membership and other procedures, a new issue concerning their possible land transfer arose. An environmental organization, the Little Traverse Conservancy, targeted an old growth stand of rare Red Oaks near the land under discussion, as a worthy conservation goal. (*Cheboygan Daily Tribune* 2/6/1985; *Grand Rapids Press* 2/7/1985). When environmentalists tried to clear title and buy the former site of Indian Village at Burt Lake from a lumberman who owned

[55] Sault Ste. Marie Tribe sent a tribal resolution supporting Federal recognition 1/19/1985, but did not refer to the land transfer (Sault Ste. Marie Tribe 1/19/1985). Keeweenaw Bay Tribe also sent a tribal resolution supporting Federal recognition of Burt Lake (Keeweenaw Bay Indian Community 1/12/1985). These documents indicate that simultaneous activities may be moving Federal acknowledgment forward.

it, they discovered the claims of the Burt Lake people, and the negotiations between the BLB and the governor. The publicity that followed began unraveling BLB's hopes for a State land transfer at Maple Bay.

At the end of February, the *Straitsland Resorter* reported, "for the past year, without a great amount of publicity, the band has been able to gain apparent support from the office of Governor James Blanchard" (*Straitsland Resorter*, 2/28/1985). To find a sponsor for their legislation, they contacted Democrat Pat Gagliardi, State representative from the 107th district. He contacted Republican John Pridnia of the neighboring 106th district who then brought the BLB's efforts to the attention of Burt township officials and local press (*Straitsland Resorter* 2/28/1985). Rep. Pridnia said he was "shocked at the progress the Indians had made without the matter becoming public" (*Straitsland Resorter* 2/28/1985). This newspaper revealed that the State's AG disagreed with the Governor about his authority to deal with Indians, and argued that the U.S. Constitution granted "exclusive power and responsibility to the federal government in matters pertaining to Indian Tribes" (*Straitsland Resorter* 2/28/1985). Sportsmen feared that BLB secretly planned to build a casino (*Straitsland Resorter*, 2/28/1985). Trout Unlimited became concerned that Maple River, a world class trout stream, would lose State protection (Douglas, 3/28/1985). Environmentalists pointed out that section 30 contained sensitive wetland habitat.

The next day, the BLB rushed a copy of their public affairs package to Rep. Pridnia, expressing apologies for not contacting him. Moore wrote, it had "recently been brought to our attention that the land we are currently negotiating lies within your district" (Moore, 3/1/1985). The same day, Moore signed a garbled letter,[56] unlike most of the petitioner's correspondence, to the Governor and praised his efforts which had brought the BLB to the "epitome" of "optimistic objectives" ever reached "since the history of our peoples plight [*sic*]" (Moore, 3/1/1985). Nevertheless, within a week, political pressure to end the land deal seemed to succeed because a Governor's aide backed away from earlier promises and claimed that no final agreement had been reached. BLB consultant George Cornell again raised the possibility of a lawsuit (*Petoskey News-Review*, 3/8/1985). The Assistant State's Attorney undermined the Governor's earlier position saying: "We're not dealing here with individual title to land . . . You're talking about sovereignty. This just isn't Grandpa's back 40" (*Cheboygan Daily Tribune*, March 11, 1985).

The BLB council tried to force the anti-land transfer forces into retreat. The previously

[56] Because of its grammatical, spelling and typing mistakes, this letter does not appear to have been written by the person who normally wrote letters on the BLB stationery, presumably Irene Howard.

scheduled March 21st board meeting, with an all band fish fry,[57] fell at the same time the chairman met with Rep. Pridnia. The newsletter reported that the chairman would come directly from that meeting to the fish fry, indicating that members were following events closely. The fish fry notice stated: "See attached news releases, Don has called Pridnia's office and has written to him before the news release. Don wasn't aware of any problems at that time. Hopefully the meeting of the 21st with Pridnia will be satisfactory" (Petitioner 3/21/1985). It is not known whether this denial of Don Moore's culpability in leaving Rep. Pridnia out of the loop is a response to criticism from board members or the general membership. Moore reported at the meeting that Rep. Pridnia was "receptive," and that he would consider bipartisan sponsorship if the Governor asked him.

By May, the newsletter reported that negotiations had stalled, even though "we seem to have sincere efforts by the Governor's office and we have had a lot of trips and meetings with everyone that we were required to meet with" (Petitioner 5/1985). They felt that they were "getting a lot of lip service and no action" (Petitioner 5/1985). The council set a deadline of June 1 for the State to act before going to court (Petitioner 5/1985), but there is no indication that they followed up on this deadline. The Burt Lake Township Association July powwow hosted various environmental leaders and Rep. Pridnia to discuss the State's proposal to transfer land on Maple Bay to the BLB (*Cheboygan Daily Tribune* 7/19/85). These plans were reportedly on "hold while State and local officials discuss alternatives" (*Straits Resorter* 7/3/1985).

Donald Moore and others from the board had met with Rep. Pridnia, Burt Township Supervisor Babcock and the Governor's aide on May 31. According to Margaret Martell, Don Moore had introduced her to the issue of fishing rights, and he raised them at this meeting. A State employee told the group that BLB was "not eligible for the fishing rights [because] the ones that were, had to be surrounded by water" (Martell 7/23/2003). Even though Margaret Martell thought that the BLB people "were not fishermen" she responded "well we were surrounded by water" (Martell 7/23/2003). She further told the State that BLB was not only on Burt Lake but had lived on Mullet Lake, the Cheboygan River and used Lake Huron and crossed the Straits of Macinac, generally arguing for an expansive definition of the petitioner's historical lands (Martell 7/23/2003). She described the meeting in this way: "We had this argument in Gaylord with representatives . . . We were arguing with them. That's when Don Moore was with me. And I told them, he's right about that. Don's right. He knows everything" (Martell 7/23/2003). That Margaret Martell took this strong position on fishing, even though she did not personally identify with the issue, illustrates the influence that Donald Moore had over the old guard on the

[57] Don Moore supplied the fish.

council and the support they gave him.

A month later, the local newspaper stated that "the issue of fishing rights in Burt Lake" loomed in the background (*Straits Resorter* 7/3/1985). Also, some feared that the Indians would begin gill netting in the lake. But Representative Pridnia believed lake fishing was not their goal because the "Indians have governed themselves to not exercise inland netting" (*Cheboygan Daily Tribune* 7/22/1985). Township Supervisor Donald Babcock said that "few Indians live here now" and "[t]he claim, on behalf of the few still here, is being pushed by a UP Indian group which is anxious to exact campaign promises made to Indians by the governor"[58] (*Straits Resorter* 7/3/1985). The view that "a UP Indian group" influence local Indians may refer to the new leadership of Donald Moore and other Vincent descendants.[59] According to Donald Moore, this is exactly what local people believed: "We're meeting with Pridnia, Pat Gigliardi, so then we got Don Babcock at wits end. . . 'Who's this Don Moore coming down and stirring all these Indians up?'" (Moore 7/22/2003). A birders' newsletter came out against the land transfer "to a dozen or few dozen" Indians in an August editorial (*North Woods Call* 8/14/1985).

Reports on the Township meeting indicated that the Governor's office had changed its offer. It lowered the total acreage, removed township 30 with sensitive wetlands habitat and Maple River, and offered instead the public campground site without the boat ramp, to the east of the original offer. Township residents believed that Federal recognition would be expedited if BLB owned land, and eventually remove the lands from local jurisdiction (*Cheboygan Daily Tribune* 7/22/1985).[60] After a July meeting with an assistant AG, Moore wrote that rather than dealing with a problem with a 40-acre in-holding in private ownership, which was blocking the land transfer, the State should substitute 40 available acres, which he specifically described (Levine 8/1/1986). It is not known whether Moore consulted with the council.

The BLB was considering filing suit, and the County supervisors believed a legal fight could become "costly" (*Cheboygan Daily Tribune* 7/22/1985). The BLB council prepared to put before the membership the litigation question at the August all-band

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[58] The BLB did sign a letter supporting Gov Blanchard's platform during the campaign.

[59] Conceivably it may also refer to Margaret Martell, but that is unlikely

[60] Supervisor Babcock said that before "the township board would approve any transfer, it want[ed] to know if the Indians' land will have reservation status, or will they abide by local zoning ordinances, answer to local sheriff's and State police departments, and follow other local governing regulations" (*Cheboygan Daily Tribune* 7/22/1985).

meeting and fish fry on Indian Road. Maps of the land under discussion would be available. Throughout this period, there are obvious attempts to enlist membership participation and to keep the membership informed of events. The newsletter announced meetings, step-by-step developments of the negotiations, and contained council meeting minutes. The newsletter and local newspapers announced "all band" meetings and council meetings. However, the response rate to the claims questionnaire was "poor" (Petitioner 5/1985). While the membership was reportedly increasing, there was no listing in the record, such as sign-in sheets, attendance tabulations, dues payment accounts, mailing lists, or enrollment information to indicate exactly who attended "all-band" meetings. This deficiency causes problems for evaluating how representative the leadership was, the group's basic composition, and levels and patterns of participation.

Moore's description of events implies that he routinely sought direction from the board and perhaps others. He says he worked with the local Indian Road residents such as Roy and Kenny Parkey. He said, "we went all over [the State] property, got the zoning in . . . I told Margaret we have to have access to the lake. Roy [Parkey], Kenny [Parkey], all of them were involved in this. We all walked this area and agreed on which selection of land . . . Went to the other side of Maple River and addressed the trout stream issue. According to Moore, "MILS refused to act as the group directed them to do" (Moore 7/22/2003). MILS attorneys were reluctant to follow through with the land transfer in Township 36, because they believed it would endanger land claims disbursement. Moore became angry and told them that he had attended "umpteen meetings" and was "tired" of foot dragging.

At a May 15, 1985, meeting, the band and council voted in favor of Federal acknowledgment and a resolution signed only by Don Moore and Irene Howard stated that 7 council members and "150 Band members . . . were present at a meeting" and "by an affirmative vote of 157 members for, and 0 against, 0 abstaining" passed a resolution to petition for acknowledgment. It is implausible that exactly 150 band members voted for the resolution, and difficult to accept that number attended the fish-fry and "all band" meeting about the land deal. Meeting attendance, which is documented, rarely passed 40. An outsider observed that 50 individuals attended the August 1985, annual "all band" meeting on Indian Road (*Straitsland Resorter* 9/5/1985). Why this documentary discrepancy and implausible vote count appears in the record is troublesome, and the petitioner should attempt to collect more independent oral histories or documents to determine what happened at this meeting and how the decision to petition for acknowledgment came about.[61]

[61] Other resolutions in the record give the exact same vote count and cast further doubt on the credibility of this document as a gauge for determining the rate of participation of members of "all band"

The October minutes noted that the membership was growing "in leaps and bounds, which means a lot of additional work involvement . . . it all boils down to we need more community involvement to keep this organization going" (Petitioner 10/16/1985). Although the October council minutes also indicated that the vote was unanimous to receive the claims in a tribal disbursement with no *per capita* payments, but the number of questionnaires received is not indicated. Moore conflicted with NMOA about claims. He felt that the NMOA head, "Joseph Genia[62] didn't like [him]. He wanted the money from the Sault [Ste. Marie Agency] to be distributed to the people on the blood quantum. [Moore] said, 'you aren't talking for the people from Burt Lake . . . [Y]ou don't represent anybody from Burt Lake . . . The Northern Ottawa weren't representing the Burt Lake.'" BLB wrote a letter to its members that they would represent them on the Docket, not NMOA. Moore indicated that BLB "had sent out feelers to the tribe. So everybody felt good about that. We were finally doing something for ourselves. Everybody was happy about that" (Moore 7/22/2003).

On October 10, 1985, the *Straitsland Resorter* reported that the Little Traverse Conservancy's research to clear title to the Red Oak stand on "Indian Point" (*Straitsland Resorter* 10/10/1985) had uncovered the 1917 court decision and cleared title to the property. This land, which was not the property involved in the land transfer, was the land involved in the burnout. Publicity about this court case questioned why the Governor still felt motivated to transfer land, since the 1917 court had found no wrong-doing on the State's part. The township supervisor used this discovery to criticize the State AG's competency and doubted if they had "really researched the law" (*Straitsland Resorter*10/10/1985). The record was silent as to whether the BLB members became alarmed or responded to this event, but participation at meetings dropped off. The board did not reach a quorum for two consecutive meetings at the end of 1985, and they had to replace the treasurer. The newsletter related:

> We tried to have a meeting on November 8, 1985, and also on December 23, 1985 and was unsuccessful due to not having a quorum. Members present at the November 8, 1985 meeting was: Irene Howard, Roseanna

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meetings.

[62] Currently of the Grand River Ottawa, a petitioner for Federal acknowledgment.

> Martell and Katy Beech and Guests, Robert Swartout . . . and Anna Levandowski. Members present at the December 23, 1985 Meeting was: Irene Howard, Margaret Martell and Katy Beech. Some of the matters discussed was appointing Robert Swartout as Temporary Treasurer. Bob submitted his resume at the meeting of Nov. 8, 1985. (Petitioner 3/14/1986)

At the February 1986, board meeting in Lansing, however, it was reported that DNR had requested that the AG's office issue a "second opinion. . . regarding the 1917 court case, and whether the Burt Lake Band still had a case." The Governor's aide told Don Moore and Irene Howard at a meeting that very day, that the Governor has not "back[ed] out on this issue" (Petitioner 2/7/1986).

When the land transfer fell through, Moore was frustrated. He believed that the group and its MILS attorneys only dealt with limited issues, at that time, the claims dockets. He posed the question to the group, "Why don't we put five or six candles in the wind? Treaty, fishing, hunting, State DNR land . . . All these people are with Margaret, Irene and myself" (Moore 7/22/2003). The group also dealt with some administrative changes that appeared to be attempts at recruiting more workers to the board's inner circle. The board explored enlarging the council to 13 members, which would have the effect of allowing the long-term councilmen to remain in their positions while opening up opportunities to others and enlisting more people to do the work. However, no reason for expanding the council was given. When two current council member's terms ran out in April, 1986, they were reappointed, reinforcing the appearance that a small group of long-term members, most peers of Margaret Martell, monopolized the council or were the only people willing to put forth an effort. When the treasurer stepped down for personal reasons, the board appointed Robert Swartout, a cousin of Margaret Martell's husband. Through the fall of 1985 and early winter of 1986, the group continued to seek money for its various projects including the crafts co-op and Federal recognition. They also worked on various administrative matters such as obtaining a bulk mailing application, Michigan tuition waivers, commodities food, adoptions, revising the constitution, and enrollment, but not land acquisition (Petitioner 3/1986).

At the same time, individual Vincent descendants who would become leaders after 1986 but were uninvolved in the operations of BLB before 1986, directed their attention to the final negotiations for a settlement for displaced commercial fishermen. On February 19, 1986, DNR, "various State reps, etc., commercial fishing licensees Carl Frazier and Gary Lamb, and licensee representative William Scarbrough" attended a meeting in the House Appropriations Committee room (Brown 6/30/1987). Carl Frazier, a John Vincent

descendent, is the current chairman of the BLB. The State worked with the officers of the Michigan Fish Producers (Bill Scarbrough, Carl Frazier, and Leonard Dutcher) to perfect a "mutually acceptable final compensation (adjustment) package" (Borgeson, 3/5/1986). In March, the compensation packages were announced, and several people who would become members of the BLB received commercial fishing compensation, including three Frazier brothers, Carl, Donald and Allen; Jerry Ranville who may or may not be a member, Gerald Moore, and perhaps others such as the LeClairs. The payments to these licensed commercial fishermen did not extend to the "helpers" and some distributors and buyers who dealt primarily with them, who also lost their livelihoods. The June 1986, final package awarded Frazier Fish Corporation almost $1.2 million. In spite of on-going differences, in June 1986, the State partially paid licensees various amounts totaling $1,214,320. The remainder of the money would be distributed later. No descendants of Indian Village on Burt Lake were involved in the fishing compensation package.

During Moore's chairmanship, he focused new attention on Indian Road. For example, he took credit or insisting that the petitioner establish headquarters in Brutus, near Burt Lake, rather than Lansing. In addition to board members, he often named the Parkeys, Masseys, Shananaquets and others still resident on Indian Road and Brutus in interviews, and he socially interacted with them and knew their personal concerns. When asked if he was expected to intercede in any personal problems of social welfare of individuals, Moore recounted that a member living in a house on land belonging to St. Mary's and the Diocese asked him to approach the priest because he was attempting to evict the man. The priest believed his activities, viewed by congregants out the church window, disrupted Mass. Moore interceded with the priest and Sam Shananaquet, who lived across Indian Road from the church, also became involved (Moore 7/22/2003). The man was not evicted. Moore turned to this "local group," and the board, who he believed at the time was his primary constituency, for support when he decided to go against the advice of the groups MILS attorney and "go after" fishing rights.

The Burt Lake Fishing Committee

In March 14, 1986, Donald Moore placed the issue of fishing rights, on the council's agenda. At the meeting, Margaret Martell seconded his resolution "to discuss with Michigan Indian Legal Services regarding treaty fishing, hunting, mineral rights. The Burt Lake Band May Exist under 1836 Treaty. What our tribal rights are." Although this quote does not seem to be in the form of a resolution, it is described as such and the newsletter reported that the "motion passed" (Petitioner 3/1986). In this way, Martell and Moore received permission to talk with MILS and attend a meeting about treaty fishing and hunting rights.

A few weeks after Donald Moore introduced fishing rights and a month after commercial fishermen had worked out the fishing compensation package, one of the negotiating fishermen and future BLB chairman Carl Frazier, paid $5.00 to enroll in BLB (Frazier 4/9/1986) This is the first evidence that Carl Frazier had joined the organization (Frazier 4/9/1986) The June 29 council minutes related that he donated $100 to the band and that his nephew Doug Frazier of D & D Fish Corps., located in Naubinway, donated $35 worth of fish for a fish fry (Petitioner 6/29/1986), the first documentation that named descendants of John Vincent other than Donald Moore were BLB members or associates [63] Donald Moore's activities to establish treaty fishing for the petitioner may have attracted them, or they may have encouraged Donald Moore's initiative. The relationship between the leaders and the membership may be revealed by further analysis and documentation of events at this time. Sometime between the March council meeting and the April all-band meeting, Moore and Martell met with MILS about treaty hunting and fishing rights. At this meeting MILS attorney Michael Petoskey indicated that MILS would be willing to help the petitioner "develop a treaty-fishing rights test case," but only after Federal recognition (Petoskey June 13, 1986). However, after this meeting, Don Moore reported to the BLB board that MILS agreed to represent the band in a "test case providing the Band could assist and put together a monitoring system and set up rules and regulation to control it's tribal members prior to such a test case." He then established established a committee to manage a fishery.

The first meeting of the "Burt Lake Fishing committee Meeting" was held May 4, 1986, at Roy Parkey's[64] house near Indian Road to determine if "local membership" was as eager to proceed with a test case as "the other Band membership" was. The "local membership" voted to go ahead. Donald Moore, who chaired the meeting, the remaining residents of Indian Road, and "some 20 other [unnamed] Burt Lake Band members" attended this event (Petitioner 5/4/1986). Carl Frazier attended a meeting of the fishing committee at Roy Parkey's house because Don Moore "told about putting it together" (Frazier 7/17/2003). Six "members" volunteered to serve on a committee to establish such a board including five Indians who lived on Indian Road or had parents or siblings there: Bernard, Roy, and Kenneth Parkey, David J.[65] and William Massey, and non-Indian "friend

[63] At least 76 people from five generations of Fraziers, descending from Emanuel Frazier (1876-1959) belong to BLB at present.

[64] Don Moore's old fishing partner and first contact at Burt Lake.

[65] Don Moore and David Massey had fished under Sault Ste. Marie's sponsorship in 1979 and appeared on that tribe's list submitted to the BIA.

of BLB" Richard V. Johnson, the man who introduced Don Moore to Burt Lake member Roy Parkey. The presence of a number of "local" members may be significant because it implies that they may take distinct political positions or have special influence within the petitioner. This new committee met and each of them took an office. Most unusual, perhaps, was the appointment of non-BLB member Richard Johnson as Chairman. Donald Moore would act as trustee and vote only to break ties.

According to Carl Frazier, the committee's entire purpose was "to get Indian fishing . . . in Lake Huron, Lake Michigan, wherever they fished in the "36 treaty." He said, "The committee was basically for dealing with 1836 treaty rights" (Frazier 7/17/2003). This group met May 18 to write hunting and fishing regulations and by-laws for the fishing board of directors. The men ignored hunting, but discussed fishing reports, catch report forms, fishing board of directors, waters ceded under the treaty, and fishing membership acknowledgment forms. During the next two months, the fishing committee met to draw up rules and by-laws. The committee held their last meeting June 8, 1986, when the group accepted these documents. The minutes stated the warning: "Do not use fishing cards to fish until after test case is solved. Next meeting may be called at any time pending test case, if M.I.L.S. decides not to intervene in behalf of the Band. Then it may be necessary for the Board to act on its own" (Petitioner 6/8/1986). Carl Frazier explained the "philosophy. . .They had drafted up cards . . . stuff, and they were going to set a gill net and then notify DNR and get taken to court . . . It was not about [fishing in] Burt Lake because the controversy would basically turn people against them in Burt Lake" (Frazier 7/17/2003). An unsigned "certification" was attached to the new by-laws, but it does not appear that this initiative went forward, as the group submitted no subsequent documentation about its activities.

Apparently, BLB had gone ahead of where MILS thought they were going. After receiving the documents written and passed by the fishing committee, MILS attorney Michael Petoskey wrote that MILS only agreed to help formulate fishing rules and bylaws if they "were notified of meetings and activities" to "maximize legal services" to the group. He enclosed copies of the *U.S. v Washington* decision concerning intervener tribes which were not federally recognized and pointed out that the Federal government did not recognize the BLB as a successor in interest to treaty fishing and consequently "did not have confirmed treaty fishing rights" (Petoskey 6/13/1986). He also stated:

> As I explained to you over the telephone on June 13, 1986, the Burt Lake Band is not ready to take treaty-fishing rights test case into the courts. The time to do so would be when the federal government has acknowledged the Band's status as an Indian tribe. Short of that, such recognition ought to

be imminent. Therefore, MILS strongly suggests that the Band direct tribal resources to its Federal Acknowledgment Project (Petoskey June 13, 1936).

In 2003, Carl Frazier attended "several meetings" with MILS. He related that at "one of the meetings I went to at [MILS Attorney] Petoskey's," the lawyer told the members, "If they pursued the fishing as a test, he would not work with us any more." He interpreted the District Court order regarding intervener tribes to concern "other Ottawa groups that had fished and had intervened and . . . [the judge] would allow them to come in but they were already in the process of becoming recognized. Burt Lake was not" (Frazier 7/17/2003).

The BLB council had already come to the realization that Federal recognition would greatly facilitate achieving other goals. Soon after the earlier meeting with MILS, Don Moore contacted George Cornell about ANA funding, even before the council declared recognition the group's "number one priority" in May, 1986 (Petitioner 5/12/1986). Therefore, it appears that they had understood the MILS position at the earlier meeting, but had gone forward with the fishing committee anyway (Petitioner 5/12/1986). Moore eventually accepted Petoskey's conditions and in the June council meeting, he told the members that treaty fishing, trust, and other such issues would have to wait until after Federal recognition (Petitioner 6/29/1986). The Burt Lake fishing committee did not meet again, and Donald Moore dropped his association with BLB shortly afterward.

In 2003, Moore expressed antipathy toward MILS and alleged that the interests of the MILS attorney in his own band at Little Traverse interfered with his allegiance to Burt Lake. Although not discussed in the group's petition, Moore says that an argument arose between Joseph Genia of the Northern Michigan Ottawa Association and BLB when both group's became State recognized: "The Northern Ottawa got State recognized same we did. Burt Lake said, "Hell No! We're not part of Northern Ottwa, No. No. Never! I says, that's Little Traverse. The Federal Government's never going to recognize you as Northern Ottawa" (Moore 7/22/2003).

Donald Moore's Exit

By the middle of summer, 1986, land ownership continued to elude the group and they decided to reopen discussions with the State by making an offer. An MILS lawyer wrote to the Assistant AG, to tell him that the group wanted to go ahead without receiving the 40-acre inholding within the property proposed for transfer. They offered to accept some other 40 acres and suggested parcels which they would accept if the State agreed.

At this point Irene Howard resigned and retired (Petitioner 6/29/1986) Her resignation had lasting impact on the BLB. After July, 1986, it also appears that Donald Moore completely dropped out, without announcing his intentions, communicating with other board members, or returning materials. Associated with his leaving is a drastic drop in activity, perhaps exaggerated by the absence of Irene Howard, who, it would soon become clear, had produced the newsletter, agendas, meeting minutes, and correspondence which traced the group's dealings. Moore claimed he left because he realized they would not be going to court over fishing rights. He said, "Margaret [Martell] and them came up to rescue me. . . My heart was in it but I wasn't fulfilling the job. I wanted to go to court" (Moore 7/22/2003), a reference to the fishing committee's preparations for a "fish-in." Margaret Martell attributed his leaving to difficulties he had getting "the help he wanted" (Martell 7/23/2003). She said that he "didn't have the people behind him to help him . . . I know I went through the same thing. I don't know what it is" (Martell 7/23/2003).

Don Moore expressed dismay at his own actions. Of all the people interviewed, only Moore discussed the group's internal disagreements. He may have alienated some people with his aggressive tactics, certain political positions he took, and his lack of personal history with other members, but there is little indication that these factors contributed to his leaving. Moore pointed to a current resident of Indian Road, for "back stabbing." Moore said, "I like [him] but I found out later about the back-stabbing. There's friction among the group. I found out going on my second year as chairman" (Moore 7/22/2003). When asked to explain what he meant, he said, "Some of them feel, not all of them: "This is our little group. . ." He named Indian Road residents Sam Shananaquet, Roy Parkey, and Loretta Parkey "at first." He continued, "I do feel that they were comfortable in the little pocket" meaning Indian Road. He characterized the Indian Road members' position as, "We just want to do arts and crafts." Don Moore felt that Indian Road residents were inhibited by a lack of education (Moore 7/22/2003). He referred only to the Indian Road and Cheboygan and Emmett County residents. He did not include Margaret Martell and Irene Howard and their peers and he did not include people living in the cities or his own relatives who are also Vincent descendents. In 2003, Margaret Martell still supported Donald Moore because she believed, "It doesn't matter to me who's the chairman, if they can run it the way it should be run for the favor of the BLB" (Martell 7/22/2003).

When Donald Moore withdrew, Carl Frazier began participating. According to Frazier, his dealings with BLB to this time were "through Donny Moore," his second cousin.[66]

[66] Their grandmothers were sisters.

Moore denied he purposefully passed off his responsibilities to Frazier, but he realized that if he left, others would pick up his duties. He said, "Carl [Frazier] and them were attending meetings also. I knew someone could step in" (Moore 7/22/2003). Carl Frazier said that during Moore's chairmanship, he first "went to one of the meetings. I went to a few. Not too many, "but" really got involved in the late 80's" (Frazier 7/17/2003).

Carl Frazier claimed that he first realized in the early 1970's that his ancestor John Vincent was allotted land in Tuscarora township in an area set aside for the Cheboygan band (Littlefield 2000). However, he did not contact the petitioner until a month after he accepted the compensation package giving up commercial fishing. The appearance is that he and other descendants of John Vincent may have been trying to return to commercial fishing by joining a Federal tribe.[67] Failing that, he could join a petitioner, like BLB, for Federal recognition. If recognized, BLB and its chairman would be in a position to manage a valuable commercial fishery under the treaties. Carl Frazier described how Indian fishermen continued to fish commercially after the agreement barred non-treaty fishermen: "[T]he 'Soo Tribe' and Bay Mills, even though those folks lost their State license, they continued to fish under their Indian license" (Frazier 7/17/2003).

Both Donald Moore and Carl Frazier admitted in 2003 that treaty fishing was one motive for joining BLB.[68] But Frazier realized that some people believed the descendants of John Vincent "got involved in the Burt tribe . . . for the fishing issue." He admitted that his motive at first was fishing, but that after he "got involved there were other things and are still things I think are important" (Frazier 7/17/2003).[69] Another John Vincent descendant told the OFA anthropologist in July 2003 that he hoped that if the petitioner becomes recognized, he would be able to return to commercial fishing as part of a tribally managed fishery. He added that because politically powerful members and their kin already own the licenses available to enrolled members of Sault Ste. Marie Tribe, it is unlikely that he will ever obtain a tribal license there even though he is a member of that

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[67] Another piece of evidence to be considered is Donald Moore's seeking membership in GTBB in 1984.

[68] Don Moore's last documented activity with BLB was to attend a dedication of the historical St. Mary's cemetery in July 1986. The first record of Carl Frazier's involvement in BLB was his payment of dues in April and his $100 donation in July (Petitioner, July 1986). Don Moore dropped his BLB membership and Carl Frazier joined when commercial fishing ended in Michigan and BLB dealt with fishing as a topic of interest for the first time. Donald Moore introduced a BLB fishing committee as new business on March 14, 1986. A week later, Carl Frazier met with the State Department of Natural Resources (DNR) and received a proposed compensation package for commercial licensees on March 5.

[69] Both men were born in Newberry, Luce County on the Upper Peninsula. Although Don Moore is ten years younger than Carl Frazier, they knew each in childhood.

tribe. So hid goal is not simply a fishing card, it is control of a tribally managed treaty fishery.

The record contained little evidence about BLB activities in the winter of 1986-87. A typed "sign in sheet for April 18, 1987" listed the names and addresses of 27 people who attended an "all band" member meeting. The petitioner submitted no lists to estimate the group's membership at this time, however, 27 is a small fraction of the possible adult population of the group, based on the petitioner's genealogical database and the 1994 membership. It is also less than half of the reported attendance during the mid-1980's. Because this list was typed, it was not an actual "sign in" sheet. Several descendants of John Vincent were listed, but Don Moore was not among them, even though the minutes indicated that he opened the meeting. Oral history suggested that he had already dropped out of the group. These minutes seemed to use earlier minutes as a model. Board nominations from the floor put up for election three John Vincent descendants: Christine Vincent, Gerald Moore, and Carl Frazier. To this point, only one Vincent descendent, Don Moore, had served on the council or even appeared in the record. Mary Shawa and a descendant of John Nongueskwa, like Margaret Martell, were also nominated.

Before retiring in 1986 around the time Don Moore dropped his participation in BLB, Secretary Irene Howard produced many documents submitted by the petitioner. Irene Howard's leaving left a void in the group's administrative capacities. However, evidence indicated that the scarcity of documents in the winter of 1986-87 resulted from a lack of activity, not merely a lack of documentation of activities that actually occurred. For example, in July 1987, Carl Frazier's wife wrote that she no longer received the newsletter, that she had not received membership cards for her children, and that a check written the year before was only cashed recently. She wanted to know the date of the next meeting (Frazier, July 1987). Enrollment Clerk Loretta Parkey acknowledged Mrs. Frazier's payment on July 29, 1987, and responded that "since our Secretary Irene retired, there has been no one to publish newsletter" (Parkey 7/29/1987), and informed her that the next meeting would be August 1, 1987.

Another disturbing element about Irene Howard's leaving is that it reveals how thin the layer of leadership and participators is for this group. No one stepped up and took over her many activities. The group was unable to produce a newsletter, meeting minutes, agenda, notices, letters, and many other documents.

Documentation had lapsed for a year when a meeting notice identical to those sent out

before Irene Howard left announced a September 1987 council meeting.[70] The topics discussed before the summer of 1986 such as Federal recognition, land "restitution," and enrollment were listed on the short agenda. The minutes said BLB was moving forward on the land package agreed to at the April "all-band" meeting. However, without notes from that meeting or the document itself, contents of the agreement are undocumented (Petitioner 1987).

In 2003, Vincent descendant Carl Frazier noted a pattern of leadership succession, which he believed hampered BLB's progress. His said that "in the past -- the 40's and 50's -- the majority of people in the band were very poor people . . . somebody would carry the ball a number of years and then get mentally, physically, financially exhausted and then somebody would step in" (Frazier 7/17/2003). He became a board member in that way. Gary Shawa gave the perspective of descendants from Indian Village at Burt Lake: "As an observation, the . . . Vincent family appears to be more outspoken, have businesses, [and to] be more acclimated to the white society. Those [who are] more Indian looking tend to be less apt to have their own businesses . . . less education . . . That has hindered their development . . . It appears they may have more obstacles in their way" (Shawa 7/14/2003).

The handwritten, illegible meeting minutes of October 1987 leave the impression that the group was inactive. The usual list of attendees was not attached. A BLB listing of council members identified relative new-comer Carl Frazier as the delegate to the Confederated Historical Tribes (CHT), an organization of "State recognized" groups seeking Federal recognition (MCIA1988). However, a listing of the representatives to the "Confederation of Four Historic Tribes"[71] put out by CHT in March 1988 named Robert Swartout, Karl Frazier [*sic*] (Vice Chairman), Margaret Martell (Alternate), and Ann Fisher (Alternate) (CHT 3/20/88). By CHT's next meeting on April 20, 1988, Moore has been absent from BLB functions for at least one year and probably longer. Margaret Martell signed into that meeting as "co-chairperson," rather than "vice chairperson," her position according to the group's newsletter, which indicates that she has stepped into Moore's position.

In June, Christine Vincent wrote to Don Moore "concerning [his] status as the Chairman of our Board," and told him that he had "done a great deal to get the Burt Lake Band going in the direction of an organized unit, and that the work you have accomplished

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[70] Apparently, the new secretary, Christine Vincent had copies of the old minutes and newsletters. She began using them as models.

[71] Includes Little Traverse Bay Band, Burt Lake, Huron Band of Pottawatomi, and Lac Vieux Desert.

and/or had a hand in starting is not forgotten" (Vincent 6/20/1988). The letter offered him the position of "trustee" if he wanted to resign. It ended, "Please get in touch with us and let us know where you stand" (Vincent, 6/20/1988). At the July "all band" meeting, members learned that Don Moore would be unable to "take on the full responsibilities of the chairman of the board," and Margaret Martell and Katy Beech were named as the "vice-chairperson" (Petitioner 7/9/1989). The transition process from Donald Moore to Margaret Martell and Katy Beech is unclear. After Donald Moore dropped out, Martell and Beech shared the chairman's position, but only after months of apparent inactivity and without evidence of board action.

By 1988, the lack of record keeping makes it difficult to evaluate BLB's political activities, if they continued during this period. They were also blocked from receiving Federal grants because of poor accounting practices and bad record keeping. Irene Howard, spending the summer in the Burt Lake area, turned over to the petitioner a number of documents, which would be submitted to Federal authorities (Petitioner 6/11/1988). The board learned that "before any other grants are approved for us the Federal Government needs the record describing how some specific money had been spent. Don [Moore] was contacted with no reply, however Don had explained that many of his records both Band and personal records were destroyed in the Chicago flood" (Petitioner 6/11/1988). The government sought information from part of Don Moore's term of office, specifically October 1, 1984, through September 30, 1985 (Petitioner 6/11/1988).[72] When CHT was contracted to manage the BLB's recognition efforts with an Administration for Native Americans (ANA) grant proposal for $25,000, one stated attraction of utilizing CHT was that they would manage the grant and financial questions would not be raised.

In August 1989, Carl Frazier and Mary Shawa were appointed to the board of directors, apparently by the existing board (Petitioner 8/12/1989). From the fall of 1988 through August 1989, the record was sporadic, and it is now unclear if this was because of poor record-keeping or lack of activities. At the end of 1989, Carl Frazier was emerging as a leader. For example, in August, he and CHT Consultant Phil Alexis signed the "Summary of Work Progress Review" on the $60,000 grant to CHT from the Michigan Department of Labor. The November 11, 1989, meeting minutes showed that only five council members attended Carl Frazier among them. Phil Alexis and MILS Attorney James Bransky also attended as guests. The small group discussed the need for the newsletter to

[72] Although financial irregularities only came to light after Don Moore left the leadership, he was the only person interviewed by the OFA anthropologist in 2003 who raised the issue, when he denied taking money from the group.

come out at least four times a year. It became apparent that Christine Vincent was no longer involved (Petitioner 11/11/1989). Trustee Carl Frazier had managed to retrieve various materials from her, including the group's typewriter and stationery. Board meetings would now be held regularly on the first Saturday of the month. The group tabled the issue of "Helpers Licenses," cards for the members to carry when helping commercial fishermen (Petitioner 11/11/1989). Some time in 1989, the group had unsuccessfully attempted to buy land from the Catholic diocese which Charles Martell had once occupied. It lay next to St. Mary's Church (Petitioner 2/3/1990).

Margaret Martell was still chairperson of the BLB in 1990 (Petitioner 1/3/1990). The notice for the January meeting referred to "many issues to discuss that are important to . . . remaining a historical band" (Petitioner 1/3/1990). At the meeting, Consultant George Cornell went over the history of the BLB's attempts to acquire land (Petitioner 2/3/1990). He described the efforts of the late 1970's with NARF. He called the work with Governor Blanchard a "second" attempt, which was "messed up again due to lack of Board members at meetings" (Petitioner 2/3/1990). He said that the group had now decided to begin a "third" attempt to get land, although the decision-making process is undocumented in the record. Cornell's presentation reveals that there have been fluctuations in the level of formal activity by the board and the group in general since 1977 (Petitioner 2/3/1990). "Special guest" Phil Alexis, of CHT, told the board to become more active: "The Board needs to become very active Organize, it will require a lot of time. We will need Lobbyist, people for phone calls, and meetings. . . .We need someone to push and keep the Board going" [*sic*] (Petitioner 2/3/1990).

By the end of 1990, the group reclaimed the same issues they had in 1986, including a land transfer, Federal recognition, and powwows and crafts, and two new issues of an ANA grant and membership cards (Petitioner 11/3/1990). The minutes stated that a land transfer took priority over Federal recognition: "We have to set our priorities, Land Base-Land Transfer - Resources - and when we are organizationally ready go for Federal Recognition." "We" is undefined and seems to apply to the BLB in general. This restatement of priorities came at the same meeting where George Cornell and Alexis spoke, making it appear that CHT may have had a hand in setting the priorities. Nothing in the record indicates that they attended the meeting in response to a grass-roots or council instigated effort to raise enthusiasm for a land transfer and Federal recognition. Alexis also advanced the idea that the solution was political, encouraging the group to act in concert: "All Board members need to give the same information concerning the Burt Lake Band. We need to have gifts to give to all supportive help" (Petitioner 2/3/1990).

The tone and content of the meeting, as described in the notice and minutes for the

February meeting, indicate that an effort was underway to invigorate BLB's board and membership after an apparent four or five year lull in interest and activity. What is not clear is the source of this effort. CHT was involved and Carl Frazier was the contact man linking BLB with CHT. However, Carl Frazier denied he had instigated CHT's involvement in 2003 (Frazier 2003). CHT may have initiated this meeting as part of their general purpose of encouraging community development.

At the April meeting, the board members took on various house-keeping tasks to reorganize the group, and similar steps continued for the next year. Two months later, an "all-member" meeting was held at St. Mary's Church on Indian Road (April 28, 1990). The agenda for a board meeting on August 10 indicated that the board would discuss the "validity of the bylaws" and the constitution and hear a report from George Cornell. New business included "Dedication of the Building" and "Contract with Arlinda Locklear" (Petitioner 8/10/1990). These references indicate that somebody was studying the constitution and bylaws and hired an attorney. The building dedication was not explained. They discussed an election to be held in April 1991, and referred to a board meeting in the following month. Although they may have met regularly, it does not appear that regular minutes and records were maintained through this period, and there is little if any evidence in the record about council activities and the process underlying the various activities, such as studying the validity of bylaws.

October Board meeting minutes indicated that Don Moore had turned over at least two boxes of records to Carl Frazier, who returned them to Mary Shawa, the secretary (Petitioner 10/1990). Carl Frazier earlier volunteered to contact John Vincent descendent Christine Vincent "to see about materials that are still missing. Old Minutes plus Land Survey Description, and missing money"(Petitioner 2/3/1990). He had earlier retrieved the group's typewriter and stationery from Christine Vincent, after she gave up her position as Secretary. It appears that Carl Frazier played a role in dealing with the descendents of John Vincent. Clearly, he was associated with them. He may have retrieved materials from his close and distant relatives out of convenience because he, like them, lived on the Upper Peninsula. They may have acted together as a subgroup, with him as their leader. The descendants of John Vincent may have depended on him to keep them informed of BLB activities. Almost none of the descendants of John Vincent attended any activities of the petitioner and no evidence was submitted describing how they were linked to the BLB organization, if at all.

Although the petitioner submitted significant evidence about the social organization and interaction of descendants of Indian Village at Burt Lake for most periods, no similar evidence about the interactions, behavior and relationships of the descendents of John

Vincent were submitted. The people living near Indian Road, their relatives, and their associates who grew up in the Indian Road settlement knew each other well. They talked often, interacted socially, and discussed at length issues of importance to the petitioner. The extensive, long-term social interactions of this subgroup of the petitioner's current membership support their involvement in political activities of the BLB. Many of them were politically involved with the formal BLB organization, even if they did not attend every meeting. However, the evidence available does not describe the social connections of the descendants of John Vincent. The petitioner submitted virtually no evidence that described social interactions of that group and how they shared information about the political activities of the BLB. The descendants of John Vincent did not attend ghost suppers, live near Indian Road, go to funerals and bury their dead at St. Mary's Church and cemetery, grow up with the descendants of Indian Village at Burt Lake in the Indian Road settlement between 1910 and 1960, attend or maintain St. Mary's Chruch, share a common identity as Burt Lake Indians before 1984, or seek land to cure a perceived injustice their own grandparents experienced. No sign-in sheets or other evidence indicates that more than a tiny fraction, sporadically named in documents, ever attended BLB meetings. No information about their political connections to the BLB organization other than their applications, most from 1994, existed in the record. No evidence concerning their social interactions described a social context, which involved them in BLB's political activities. No evidence showed that they influenced events through informal social pressures outside of the meetings, or that the issues of significance to the board and other band members were significant to them. The minutes for the next meetings in Lansing in November and December clearly indicated that the council had regained some energy it lost when Don Moore and Irene Howard stopped participating in 1986. The inertia of the organization's political will between 1986 and 1990 indicated to some extent that the leadership and commitment of members of the BLB organization did not run very deep. The minutes stated that "we need to get organized and follow through with what we start," apparently the sense of the board members at this time (Petitioner 11/3/1990).

In late1990, documents showed Gary Shawa involved for the first time since the late 1970's. The board voted at meetings to pay Gary Shawa $500 for unspecified work he performed, and $140 for interviews he conducted, presumably for the acknowledgment petition (Petitioner 10/7/1990). In earlier years, there was little indication that members were paid, even though board members received reimbursement for food and travel costs. Documents dating to 1990 revealed that members were contracted or paid for providing services, which volunteers previously performed. This change may reflect the influence of CHT or of successful businessman Carl Frazier, a veteran organizer (Frazier 7/17/2003). Frazier referred to "business" when he described his response to a member's request for

help in a domestic issue, "She said that someone threatened to take her kids away. I said we don't do business that way. We have a structure" (Frazier 7/17/2003). Grant money, which in earlier periods had paid outside consultants and lawyers, would be redirected to BLB employees and consultants through CHT.

By February, 1991, at another meeting in Lansing, the council's efforts to stimulate group members to action were becoming evident. Their ANA grant included money for an executive director, and they wanted to hire staff by March 1, 1991. Gary Shawa, who attended the meeting and was listed with Phil Alexis and George Cornell as a "Special Guest" was already looking for office space in the Burt Lake area. The board planned an "all band" meeting at Pellston in April. Phil Alexis attended almost every meeting through 1990 and 1991. MILS attorney James Bransky was working on the BLB constitution. The tendency to hold meetings at MSU in Lansing where the consultants worked, meant that individuals on the board who lived upstate were not always present at meetings (Petitioner 2/2/1991)

On April 6, 1991, the board met to discuss upcoming elections, to set rules about absentee ballots, and to appoint an election committee made up of Margaret Martell, Christine Vincent, Alice Honson, Doris Massey, and Darlene Rowland. All except Christine Vincent were long-time members from the organizers present in 1978-1980 (Petitioner 4/6/1991). On April 27, the group elected Carl Frazier chairman. Katy Beech became vice chairman, and her daughter Ann Reed became treasurer. Mary Shawa remained secretary, Mary Hoar was trustee and Loretta Parkey continued as registrar. Margaret Martell left the board. Also elected as trustees were three John Vincent descendants in addition to Carl Frazier.[73] The total number of Vincent family members grew to four out of nine board members. At this time, the composition of the board changed permanently and significantly. Counting Mary Hoar[74] and the four Vincent descendants, for the first time, a majority of board members did not descend from Indian Village on Burt Lake and a Cheboygan Band annuitant.

The ANA awarded the petitioner a grant for petition research (Petitioner 2/2/1991). The money paid for new positions working for the BLB. After his election, Carl Frazier took steps to move the grant forward. Within three weeks the new board met to hire an executive director. They planned to interview members Robin Menefee and Gary Shawa

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[73] Gerald Moore, Martha Ranville Darrow and Micheal Vincent

[74] Mary Griswold Hoar descended from the Martells but had no ancestor related to the pre-burnout community.

for the position[75] (Petitioner 4/27/1991). Reportedly, Menefee failed to come for the interview, and Shawa did (Petitioner 5/5/1991). The board hired Shawa (Petitioner 5/5/1991) Within days, Loretta Parkey visited BIA offices in Sault Ste. Marie, where she left files for review by the staff. In a letter a month later, she raises the issue of the blood quanta of four descendants of John Vincent and states that "we had requested the B.I.A. to please pursue this matter." "This matter" may refer to the taking of files or the Vincent's ancestry, but events surrounding the writing of this letter indicate the latter. Finally, she requested a written statement, "as Mr. James Levandoski [an ex-board member] will support us in this matter." This statement implies that Loretta Parkey and others began seeking support from influential members of the BLB to question the presence of descendants of John Vincent around the time the executive director was hired.

At the June 1, 1991, board meeting, the new chairman removed a number of Loretta Parkey's volunteer tasks from her and transferred them to a "professional genealogist" at CHT (Petitioner 6/1/1991). Whether he took this step because he already knew that Loretta Parkey visited the BIA agency office, objected to the Vincent family's qualifications, or sought support from other members is not known. Carl Frazier also announced that Loretta Parkey would still be the "registrar issuing the cards," but "she would no longer research" applicant's backgrounds (Petitioner 6/1/1991). This indicates that Carl Frazier had arranged to transfer the enrollment records, which Loretta Parkey collected over many years, to CHT before the June board meeting. At the July meeting held on "Parkey's Field," the board learned that only eight files were "complete" (Petitioner 7/13/91).

The removal of the files disturbed BLB member Alice Honson, elsewhere identified as Loretta Parkey's helper, who wrote the BIA at Sault Ste. Marie on BLB letterhead: "On June 1, 1991, Phil Alexis and Christine Vincent confiscated all files of the BLB. As of today we have not heard or [*sic*] when they will return these documents" (Honson 6/18/1991). She then referred to the four Vincent board member's qualifications. "We had requested the B.I.A. to please pursue this matter" (Honson, 6/18/1991). She directed correspondence to Loretta Parkey at Indian Road. On June 26, Loretta Parkey wrote the Agency, "Our files were picked up on June 1, 1991, (to be copied and extras made of these). I have been doing some checking into this matter further and everyone that I have spoken to has repeated that this should never have happened. They are supposed to be held as confidential records and not open to public review" (Parkey 6/26/1991). Clearly, Loretta Parkey and Alice Honson worked together on the issue of the Vincent family's

[75] Robin Menefee is the half-brother of Russell Menefee, who grew up on Indian Road. Gary Shawa also had childhood associations with Indian Road through his grandparents.

qualifications.

Sometime between the election and the July 13 board meeting, an attempt began to remove John Vincent's descendants from the board and perhaps the petitioner.[76] An undated list of signatures appeared on a "Petition for Recall" submitted with the petition. The petitioner and persons interviewed during the summer of 2003 pointed to rejected job applicant Robin Menefee's mother, Helen Menefee, as the recall's leader. The petitioner states that Helen Menefee circulated the petition after the board did not hire her son. But persons interviewed in 2003 were vague about her motives. Some individuals, who signed the recall, denied knowledge of the event when first asked about it (Massey 7/14/2003; Parkey 7/18/2003).

BLB Registrar Loretta Parkey signed the recall. During the time of the recall, she researched Vincent family's genealogy at the BIA area office. Only three days after the change in her job description, she wrote to the Michigan Agency asking if the four Vincent board members met "the criteria on the proposed Constitution for the Burt Lake Band enrollment" and stated she had "questions on their blood degree" (Parkey 6/4/1991). She said that according to her records, "they are not original descendants of the Burt Lake Band or hav[e] any relatives listed . . . I have never heard of these people until 1984-85" (Parkey 6/4/1991). In late June, some 45 days after the election, the Agency sent Parkey a photocopy of a Federal Census Sheet from 1870 showing John Vincent and his family. The BIA sent Loretta Parkey this information because she requested it in her letter of June 4, 1991 (Bolton 6/25/1991). The cover letter, dated June 25, 1991, stated, "[T]he 1870 payment schedule is the basis for the Horace B. Durant Roll of 1910. The descendants of John B. Vincent have not been documented as the direct lineal descendants of any individual whose name is listed on any historic roll pertaining to the Chippewa or Ottawa Indians of Michigan (Bolton 6/25/1991).

The somewhat garbled recall petition also referred to the Durant Roll, the subject of the Bolton letter. The recall objected specifically to unnamed people on the board who were not BLB descendants.[77] It read:

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[76] It should be noted that a grievance committee had been set in motion at the July 13 meeting. This may indicate that the recall had already begun.

[77] Trying to date the recall document is difficult. The complaint is similar, although more refined, to one voiced by Helen Menefee and Alice Honson in a December 1991 letter to the Administration for Native Americans (ANA):

> On behalf of the membership of the Burt Lake Band of Ottawa & Chippewa Indians we are informing your program that the majority of the board of directors are non-natives and are not

*****FOR BURT LAKE COUNCIL BOARD MEMBERS WHO ARE NOT 1/4/ INDIAN BLOOD AND DIRECT DESCENDENT OF THE HISTORICAL BURT LAKE BAND [something appears to be erased with "white-out" here] WHO LINEAL ANCESTORS NAME(S) APPEAR ON THE DURANT ROLL OF 1910 [words erased with "white-out" here] CENESUS, OR RECORD MADE FOR THE BURT LAKE BAND BY OFFICIALS, OR AGENTS OF THE DEPARTMENT OF INTERIOR OR BUREAU OF INDIAN AFFAIRS [as written] (Petition, undated).

In 2003, Bernard Parkey said that Alice Honson and Helen Menefee came to his house to ask him about the ancestry of Don Moore, Carl Frazier, and their relatives, basically "who the Vincents were and where the Fraziers came from" (Parkey/Reckord 7/18/2003). Alice Honson "wanted [the membership] to be the thirteen families that were burned out [of Indian Village at Burt Lake in 1900] and the direct descendants from them" (Parkey/Reckord 7/18/2003). Bernard Parkey's recollections, therefore, indicate that Helen Menefee worked with Alice Honson, Loretta Parkey's associate, and that the recall extended beyond a hiring dispute led by a disgruntled mother to the definition of the group's membership and historical tribe.

The 38 signers of the petition represented a specific portion of the band membership, primarily the Shenoskeys, Parkeys, and Masseys and others who primarily came from three-generation families living on Indian Road or nearby. The population of the total number of people in these families, including children, may have represented as many as 100 individuals.[78] Today, these same families are also well represented in the current membership. The Masseys and Shenoskeys, related to Loretta Parkey, appear to form the core of the signers. Fully 45 percent are descendants of Peter Shenoskey[79] and Christine

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descendants of Burt Lake Band. Our current chairperson Carl Frazier and his relatives . . . are going under John B. Vincent family tree.....The BIA has stated that John B. Vincent is non-native. Under the current by-laws, membership criteria requires that your family be shown on the 1910 Durant roll or live on the traditional lands from 1880-1910 (12/10/1991).

[78] This approximation was made by counting individuals who are closely related to the signers as parents, siblings, and children. The count does not include nieces, nephews, aunts and uncles. Not all 100 live in or near Burt Lake, Pellston and Brutus; however, many do.

[79] This is the same Peter Paul Shenoskey who submitted an IRA petition in 1935.

Mixceney,[80] including people with surnames Honson, Massey, Odeimin and Shenoskey. Five individuals were Loretta Parkey's husband, Kenny Parkey, and his four living siblings, meaning that 58 percent are close relatives (siblings, cousins, nieces and nephews) of Loretta Parkey and her husband. A large proportion of the signers were born between 1945 and 1965, Loretta Parkey's age peers. Many of the others have a relationship to the people in the Parkey's kin group. For example, Josephine Naganashe is the grandmother of several of the Shenoskey's who signed, and she may have been living in their home or *vice versa*.[81] One of Josephine Naganashe's daughters also signed. James Levandoski, who Alice Honson had tried to influence, did not sign. A relatively large proportion of the signers, 53 percent, (20 signers) lived either on Indian Road, or in Brutus and Pellston. Only seven (18 percent) lived in cities, including Lansing and Grand Rapids. Every Indian person named in association with the Burt Lake Fishing Committee in 1986 signed the recall including Bernard, Roy, and Kenneth Parkey; and David and William Massey. Donald Moore referred to them as the "local" membership, when he set up the fishing committee in 1986.

While the Shenoskey/Parkey/Massey group signed the recall in numbers, not a single John Nongueskwa descendant signed (Margaret Martell's family), or Amos Shawa (Gary Shawa's family) descendant signed. A single descendant of Abraham Martell (Margaret Martell's in-laws) signed, and she was a Massey descendant. No Vincent descendants signed it. In explaining why he did not sign the recall, Gary Shawa said that in 1990, when he returned to Burt Lake from Grand Rapids to find the people named Moore, Frazier, Vincent and Ranville [descendants of John Vincent] involved in the BLB, he "started to become more aware of major families" (Shawa 7/14/2003). He was reluctant to say that they had not been involved in the early 1980's, "I can't say with certainty that those names didn't come out" in 1980 (Shawa 7/14/2003).

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 who others view as the "local" Burt

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[80] Helen and Robin Menefee also descend from Mixceneys; however, her genealogy was scrubbed from the genealogical database and the exact relationship of her Mixceney ancestors and Christine Mixceney, can not be determined, if such a relationship existed. Helen Menefee is a descendant of the Mixceneys. Christine Mixceney was Peter Paul Shenoskey's wife. Thus, Loretta Parkey and Helen Menefee may be distantly related, and the appearance of Christine Mixceney's descendants, including Loretta Parkey, on the recall petition may indicate that Helen Menefee and Loretta Parkey were working together based on personal issues which were both served by questioning the Vincent family's descent.

[81] The reason for "may" here indicating lack of sureness is that Mrs. Naganashe and her son use the same address on the petition, but it is a rural Rt. 1 address in Brutus, rather than a specific street number.

Lake, may explain political processes that go on outside of public view, which are not documented by the materials the petitioner submitted. Don Moore seemed to identify them as an important group whose backing he sought when he established a "fishing committee" in 1986. Alice Honson and Helen Menefee obtained their signatures when they attempted to oust the Vincent family from the board or from the group. Many of these "local" members have maintained their memberships to the present and appear on the current petitioner.

In 2003, Gary Shawa identified "a certain faction [which] only wanted [membership] exclusive to those who had been burned out [of Indian Village at Burt Lake in 1900]. . . but others . . . were people who had been part of this community and they should be entitled to representation" (Shawa 7/14/2003). People were very reluctant to discuss these differing perspectives that some believed characterized sub-groupings in the membership. Don Moore referred to "the little Pocket" (Moore 2003), the newsletter identified "local members," who held a special meeting about fishing in 1986, and Margaret Martell implied that a group opposed the presence of descendants of John Vincent (Martell 7/23/2003). Melissa Moses mentioned "hard core Burt Lake," meaning "just the people at Indian Road" (Moses 7/14/2003). Rita Shananaquet, who relinquished her membership after 1994, described the membership as "disorganized factions," by which she meant "the different families . . . the Fraziers, Vincents, and the old time Burt Lake people. Old Indians from Burt Lake and the so-called newcomers, and they won't tell us where they came from" (Shananaquet 7/18/2003; Teuthorn 7/18/2003).

More information about internal groupings and competitions would strengthen and explain the internal political processes of the BLB. These alliances could help explain political processes in the petitioner, not only between the descendants of John B. Vincent and of Indian Village at Burt Lake, but also the possible existence of factions within the latter group. The recall attempt appeared to be a public actualization and revelation of a split in the membership that had simmered since 1985 when Don Moore became chairman. Specific analysis of it may help to explain why it became difficult to recruit and maintain board members before 1994, why the activity levels of the group dropped for at least four years between 1986 and 1999, and why a significant number of members on the 1994 membership list relinquished after LTBB became recognized. It does not appear that the recall argument was a temporary dispute involving a hiring decision as the petitioner's researcher claims, although that incident may have sparked it. The Vincent's membership and influence in the group continues to be very controversial at present. Informally at a fish-fry and more formally in interviews, current members of BLB who descended from Indian Village on Burt Lake made a point of telling an OFA researcher that they had never met any of the descendants of John Vincent before they began to join the petitioner in the

late1980's.

In fact, oral histories indicated that discontent with membership requirements predated the recall attempt. Gary Shawa said that he remembered that members discussed membership criteria in the late 1970's. Donald Moore implied that the issue of blood quantum was raised by a man living on Indian Road at his election in 1985. Shawa said that after an absence of about eight years, he returned in the 1990's, and found that membership criteria "had been a point of contention in the community for quite some time." According to Gary Shawa, "there were segments of the community who felt very strongly about who a member was and who wasn't . . . and felt strongly about being a quarter blood" (Shawa 7/14/2003). Both he and Margaret Martell independently described a "very volatile" meeting about blood quantum requirements in the Pellston Quonsot Hut about the recall. The petitioner did not submit documentation about this meeting, and its date is not known, but if Shawa attended, it was most likely after 1990 (Shawa 7/14/2003; Martell 7/23/2003).

Gary Shawa believed that the people supporting the recall "may not have attended all of the meetings where we discussed our grandchildren and worried about the unborn of the future and protect them . . . They intentionally made choices and decisions that would safeguard those offspring" (Shawa 7/14/2003). Gary Shawa said that when they "opened up the door" for future low blood offspring, they unintentionally let in people they did not know (Shawa 7/17/2003).

Shawa, Martell, and others who did not sign the recall recast the argument as an issue of blood quanta and discarded the question of descent from the Durant Roll referred to in the recall petition, itself. The blood quantum issue dovetailed with the exclusion of the descendants of John Vincent, because they are the great-great-grandchildren of John Vincent and their intermediary ancestors married non-Indians. Few, if any, would meet a quarter blood minimum. If one accepts the 1875 allotment record as proof of Burt Lake ancestry, then a quarter blood requirement becomes the real issue (Shawa 7/14/2003).

Carl Frazier's use of ANA grant money to pay for several positions laid bare conflicts within the group. The sequence of events tracked in the submissions indicates that Carl Frazier's June action to transfer a large portion of Loretta Parkey's job to a paid employee of CHT and the board's decision not to hire Robin Menefee as the paid executive director came at the same time as the recall. At the same time, the composition of the board changed to a majority who did not descend from Indian Village on Burt Lake. Several events followed and appear connected: first came the election of John Vincent descendants Carl Frazier and three others from his family. Almost immediately, the board

hired Gary Shawa over Robin Menefee, Phil Alexis removed the enrollment records, Carl Frazier announced changes in Loretta Parkey's duties as registrar, Loretta and Alice Honson wrote to a BIA Agency concerning John Vincent's absence from the Durant and other Federal rolls compiled during his lifetime, and finally, Helen Menefee and Alice Honson took a recall petition citing the membership qualifications of the BLB to residents of Indian Road, who signed it.

The petitioner's researcher labels the racall, "the Menefee Incident" (Littlefield 2000) and links it to the service of various John Vincent descendants on the Board of Directors between 1984 and 1991. She states that it began "a finger pointing campaign against the Vincent family, whom some members charged were not true descendants of Burt Lake." She stated that the charges were not true and "the Vincents, had in fact stayed in contact with a number of Burt Lake families."[82] [83] Whether John Vincent's descendants are "true descendants of Burt Lake" and whether they "stayed in contact with . . . Burt Lake families" are different issues,[84] the first relating to genealogical descent and the second

[82] "A number of Burt Lake families," seems only to refer to Melvina Vertz Nongueskwa, Margaret Martell's sister in the 1940's and 1960's (she had children in Cedarville in 1941, in Chippewa Co in 1942, in Sault Ste. Marie in 1947). This connection does not appear to be related to joint membership in the BLB, but rather was an employment issue, because Melvina Vertz's non-Indian husband hired Indians and others in his lumber camp. Another example was that Don Moore's non-Indian grandmother Edna Mae Olmstead O'Donnell's (whose birth date is unknown but had a child in 1922) father (in the 1880's it would appear) was a commercial fisherman in Cedarville where the Louis Nongueskwa family reportedly had connections. This relationship is so remote, amorphous and unproven, it can not provide evidence that the Vincents and Nongueskwa's were part of the same Indian entity. Finally, the relationship of Don Moore to Roy Parkey in the late 1970's is also mentioned, so it is particularly important to note that Roy Parkey signed the Petition for Recall. That Roy Parkey and most of his family signed the petition would indicate that he suspected that the Vincents and perhaps others were not Burt Lake descendants and that he had no personal knowledge that they were associated with Burt Lake.

[83] However, she referred specifically to the non-Indian husband of Margaret Martell's sister Melvina Vertz. He hired Vincents in his UP lumbering enterprise in mid-century. She also cited Donald Moore, who fished with Roy Parkey in Lake Huron in the late 1970's. Neither of these examples were relationships based on membership in the BLB. Roy Parkey signed the recall petition. She also cited a white ancestor of Donald Moore who lived in the same town in the 1880s as some Nongueskwas.

[84] On the one hand, it is theoretically possible to descend from a historical tribe, but not be socially or politically part of the modern tribe, and undoubtedly there are many people in the general population who may fit that description. Alice Littlefield argued that the Vincents were "true descendants" from the Burt Lake allotment lists and therefore this issue does not apply to them. On the other hand, there may be others, both Indians and non-Indians, who for several generations have interacted socially and politically as members of a tribe who do not descend from ancestors who lived in the historical tribe. Littlefield argued that "the Vincents, had in fact stayed in contact with a number of Burt Lake families," and therefore were part of the BLB.

relating to social and political association and interaction. The genealogy questions are dealt with under criterion (e). That the group argued, that its members split into sides based on kinship and residence, that some members felt so strongly about events they left the group permanently or temporarily, and that the governing body attempted to heal the rift by taking steps in response to specific criticism are issues related to the group's politics. The reluctance of current members to discuss these events, indicates that the issues remain significant to members and unresolved.

The argument did not resolve itself immediately, if ever, and some members interviewed in 2003 continued to question the Vincent connection to BLB. In 1992, according to Littlefield, "Words became heated and tempers flew when Helen and Robin Menefee continued to argue that Carl Frazier and the other members of the Vincent family were not actual members of the Tribe, and when she implied that other members of the Council were operating outside of their jurisdiction" (Littlefield 2000). The reaction and actions of the board of directors,[85] if they did react, appear rarely in the submitted documents, and the exact content of Helen Menefee's criticisms, of Loretta Parkey's and Alice Honson's actions, were found only in letters to the BIA. The petitioner submitted their response to her grievances. Although the recall petition focused on the issue of descent, Helen Menefee also raised the issue of governance. In December 1991, she, identifying herself as "Representative of the Membership" and Alice Shenoskey Honson,[86] identifying herself as "Facilitator," wrote at least two letters to Federal agencies that were doing business with the BLB. They objected to the "absolute power" of the BLB board of directors, and claimed "the membership have tried in the past and continue to try to give more equal representative power to the membership" (Menefee and Honson 12/10/1991).

The petitioner submitted an unsigned letter to Helen Menefee in response to her "grievance letter" (Anon. 12/12/1991). Dated December 12, 1991, the letter responded to the Menefee and Honson letter of December 10. It stated that John Vincent received an allotment with the Cheboygan band. It suggested that in order for her concerns to be met,

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[85] Littlefield says "Ms. Menefee's statements infuriated Roseanna Martell, Mary Shawa and Mary Hoar who had all served on the Tribal board for some time and who saw Ms. Menefee's accusations as a challenge to their own integrity." (Littlefield 2002c). These women are three of the members of the enrollment committee. They are also related to Gary Shawa who was hired as the BLB Executive Director. Gary Shawa says that the argument was primarily between Roseanna Martell (Garland Martell's sister and therefore Margaret Martell's sister-in-law) and Helen Menefee.

[86] Alice Shenoskey Honson signed the recall petition. She had also served on the election committee for the 1991 election.

she needed to enlist the support of a board member. The letter did not answer directly her points that the membership needed a way to recall board members and staggered terms would change the board's composition and make it more responsive. They referred her to the constitution and bylaws.[87] Helen Menefee and her son Robin were not on the 1994 membership list.[88] Helen Menefee's letter to ANA did not result in stopping the flow of money, as she had requested, as the group received another grant in 1992.

For several months, the board entertained and passed motions, which may have been reactions to Helen Menefee's criticisms concerning governance. For example, in the July 1991 meeting, Ann Reed motioned "that a Grievance Committee be formed consisting of 1 Board Member and 3 Band Members" (Petitioner 7/1991). Mary Hoar, a relative of Margaret Martell, seconded this motion and it carried. By the August all-band meeting, a grievance committee had been formed and its members included board member Martha Darrow of the Vincent family and group members Robin Menefee, Helen Menefee's son, and Isabel Scollon, a member of the Martell family with no Cheboygan ancestry[89] (Petitioner 8/10/1991). At the same meeting, James Bransky was "on hand to answer any questions about our present By-laws and constitution." (Petitioner 8/10/1991). At the September board meeting, the board passed a motion that no member's personal information would be distributed without their written permission (Petitioner 9/7/1991). Meeting minutes were available only every three or four months during this period, so it is difficult to reconstruct the course of the board's reaction to the recall in detail.

Gary Shawa recalled that his response to the recall dispute was to seek guidance from the governing documents of the BLB:

> When I became aware of it, I guess I felt I needed to look at the tribe's governing document and I had to contact MILS and find out the current

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[87] They wrote:

> One point of concern on our part Mrs. Menefee, and that is we are unable to locate a file on either you or your son Robin. Please be advised that we need to establish a file on both you and your son in order for you both to be eligible for membership in the Burt Lake Band. As you were at one time, chairperson, you can appreciate the need to follow the rules that are established for the good of all. That you for you anticipated cooperation." (BLB, 12/12/1991)

[88] The petitioner scrubbed the genealogical database only one other time, for the woman who embezzled funds. She and her descendants have a notation reading "after March 1, 1991" in "death date."

[89] Only Robin Menefee has BL ancestry.

> document and the one we were using. It was the same as the one MILS had. I felt as the attorneys of the tribe, they would know . . . I looked at the allegations. They didn't hold up. It had some merits but it had been dealt with by previous councils. And to go back and change things would require extremely serious deliberations . . . We have to look at the impact it would have seven generations from now on our people . . . need to take . . . time and be serious about changes you contemplate. The council that had to deal with this particular issue...family members directly affected. When these kinds of instances occur, it is not just some isolated part of the community. It affects everybody. The council has made very serious attempts to deal with these issues (Shawa 7/14/2003).

Even in April, 1992, the board of directors seemed to be dealing with the aftermath of the recall. Loretta Parkey wrote the board a letter, which is not in the submissions. In April 18, 1992, the minutes related:

> Letter from Loretta Parkey - After much discussion it was decided that Loretta was not to blame for the condition of the Band's files. Due to lack of training that was not made available to her to do her job correctly. It was then decided that money be transferred in the New ANA Grant to cover hiring a part-time Membership Clerk who will be trained. Gary [Shawa] was asked to write a letter of apology from the Board to Loretta, for the way she has been treated concerning the files. Also that she be given first choice for said position of Membership Clerk, and to help if it is her desire to, to apply for position with her resume (Petitioner 4/18/1992).

That the board moved to apologize to Loretta Parkey a year after the files had been removed from her care, and Carl Frazier announced the change in her volunteer job description would indicate that Loretta Parkey had supporters. Gary Shawa ardently objected to this characterization that Loretta "was offered a job to appease a segment of the population." He believes that the job situation, including his obtaining the executive director position over Robin Menefee, was not the basis of the recall dispute. "This particular faction," he said looking at the signatures on a copy of the recall document, "were following the lead of some of the more ardent believers." (Shawa 7/14/2003). Pressed, he said that they were objecting to the descendents of John Vincent, but "they were objecting to anyone who did not meet the criteria. They were people who listened to the pitch that was made and were won over . . . They didn't come to me . . . They went to their immediate family members" (Shawa 7/14/2003).

Other circumstances also point to the Vincent family's background and enrollment as an issue which may have been connected to the recall dispute. At the May 2, 1992, meeting it was revealed that Carl Frazier had made a contract with Christine Vincent "to do work on the membership files." No one else on the board of directors was aware of this contract until Christine Vincent "submitted several bills along with a copy of her contract." The board decided that the checks would be withheld until the contract and work were reviewed to see if Christine Vincent had fulfilled the agreement. The board eventually voted 7 for and 2 abstentions to pay Christine Vincent $5,000 for this work. With no other information on this contract, there is an appearance that Frazier worked around the existing BLB structure on an issue of membership and employed a Vincent family member to do it.

In 2003, Gary Shawa discussed the problems the group had in defining their membership. "A certain faction only wanted it exclusive to [descendants of] those who had been burned out [of Indian Village at Burt Lake in 1900] . . . but others there were people who had been part of this [BL] community, and they should be entitled to representation." He said that as they tried to "say who was a member and who was not [from] the original families from Colonial Point." They had run "into some problems because some of the families didn't trace back to those families" (Shawa 7/14/2003). To deal with these issues, "the people making policy were trying to be a little more inclusive" (Shawa 7/14/2003).

In July 1992, the argument escalated. Helen Menefee telephoned the group's secretary, Mary Shawa, in mid month:

> Mary received a phone call from Helen Menefee on July 16, 1992. At 10 pm that lasted until 10:30 pm that nite. During this time Helen tried to obtain information regarding Bank Account number, A.N.A. Grant Account Numbers, DC Account Numbers, and copies of past minutes. She had also discussed having certain Board Members removed from the Board. Also the possibility of a Lawsuit against the Band. Mary informed Helen that she did not have this information available at this time . . . After much discussion on how we should handle requests of Account Numbers and Minutes, including all records of the Band's it was decided that we should have Jim Bransky draw up a Resolution to handle this problem" [as written] (Petitioner July 25, 1992).

On July 20, 1992, the board invited Helen Menefee to a meeting in Grayling on July 25, 1992. She did not attend. But five days later "some members . . . went into the Hillsdale County National Band and withdrew funds from our General Account and our ANA

Account totaling $5,523.53. . . . Richard Shenoskey and Helen Menefee were the ones who withdrew the money and were issued a Cashiers Check . . . in the band's name. . ." (Petitioner August 15, 1992). By October, Helen Menefee returned the money.

The BLB pursued legal action against Helen Menefee, Robin Menefee, Alice Honson, Richard Shenoskey, and eight other people, mostly Peter Paul Shenoskey descendants. In March 1995, the judge in the case enjoined them from "engaging in any activity which purports to be the operation of Burt Lake Band of Ottawa and Chippewa Indians, Inc., a Michigan corporation." They could not "hold meetings [and. . .] represent themselves to be -- claim to be -- authorized members of the governing board [and] implement....decisions or actions which are to be made" by the BLB (Johnson, 3/22/1995). A group of disgruntled members had apparently been meeting and acting as the BLB. Melissa Moses said that Helen Menefee "just assumed her chairmanship," she said she was the tribe, and she used the recall petition document to draw the money from the bank (MMoses 7/14/2003).

At least 17 of the original 38 recall signers and three of the 12 people who were named in the injunction are current members of the BLB. According to Melissa Moses, Robin Menefee has applied for membership, but "The board hasn't ever really figured out what to do with them" (MMoses 7/14/2003). Some of the people who signed the recall, including Loretta Parkey, her sister Doris Massey and Bernard Parkey, are currently among the most active in the group. The OFA anthropologist interviewed several of the recall signers in the summer of 2003. She also talked to at least one person whom the group sued, Russell Menefee, who attended the July council meeting at Parkey's field. One signer of the recall said that he believed the recall was "about the Vincents," because that was what other people had told him (Massey, 7/22/2003). They were very reluctant to discuss the incident, which implied that the issue may have been buried rather than resolved and continues to threaten the group's cohesion.

Since the petitioner's own lawyers and consultants described Helen Menefee as an important leader in the 1980's, more about this schism, her leadership of it, and who was involved with her, would be useful in analyzing non-official or unsanctioned modes and channels of communication, minority opinions, subgroup formations, relationship between formal board members and the larger membership and other political factors. The analysis and discussion of resolving this disagreement appears to have been avoided by the petition researchers and group members, even though it has the potential of explaining and demonstrating informal political processes of the group.

The level of participation in 1992 is unknown. The petitioner submitted no comprehensive

mailing lists even though they produced a newsletter, no enrollment lists from before 1994 even though they sent out membership cards as early as 1982, and very few attendance lists from the early 1990s with few names on them. A band meeting of June 6, 1992, had a typed list of "members present" with only 15 members attending. Most of the members of the board of directors were absent, including all the Vincent descendants. Apparently, the meeting was in Burt Lake and most of the people attending were from the immediate area. The "on-going purchase of land near St. Mary's church in Brutus" was announced.

In August, 1992, a newsletter was published for the first time since Irene Howard left the group. The staff described their jobs (Petitioner 8/1992). The newsletter announced the "all band" meeting for mid-August. Some 49 people (some non-BLB spouses) signed in on sheets provided. Two were not identified. Of 47 attendees who could be identified, 47 percent (21) had BLB ancestry from Antoine Shawwawnonquot and others, seven, or 15 percent, descended from John Vincent, and five, or 11 percent, descended from the Paul Moses and were not descendants of the historical band.[90] Fourteen others were not members of the group and were probably spouses or friends. It does not appear that children signed into the meeting, so a larger group may have attended. The relatively sparse attendance at the annual summer "all band" meeting indicated that participation had dropped from the mid 1980's. The extremely low attendance of Vincents, who make up 48 percent of the current petitioner, indicates low levels of participation of that part of the petitioner.

Only two people who signed the 1991 recall petition signed in at the "all band" meeting. They were BLB part-time employee and enrollment clerk Loretta Massey Parkey and her sister Doris Massey. Other evidence indicated that members were dissatisfied and avoiding participation. Edith Teuthorn, who relinquished her membership after 1994,

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[90] Only 17 names were of people clearly enrolled at present. Of those, eight are Vincent descendants and nine
are not Vincents. They are:

1. A sibling group: Ben Shawa, James Shawa and Helen Shawa Kiogima.

2. Descendents of Abraham Martell's wife's parents, but not necessarily of Abraham Martell: Isabel Scott Scollon, Jill Swartout and Melissa Moses. Melissa descends from Margaret Moses' brother Simon; Jill descends from Abraham Martell and Margaret Moses; Isabel descends from Elizabeth Martell, daughter of Margaret and Abraham. Only Jill has BLB ancestry from a latter marriage with a Nongueskwa descendant.

3. Two sisters: Doris Massey and Loretta Massey Parkey. Their mother Irene Shenosky Massey was a daughter of Peter Paul Shenoskey who organized the IRA petition. Their mother hosts the Ghost Suppers. They have continued to live on Indian Road to the present.

4. Katy Beech's daughter Ann Reed. Her mother was very active for years, but she has now relinquished.

described her attempts to organize an election between 1992 and 1994: "I remember . . . making phone calls. A lot [of people] had already been discouraged and they weren't even interested in running for office, and I made a number of calls, and I didn't get anywhere. Trying to get people to vote to take back control of the tribe" (Shananaquet 7/18/2003; Teuthorn 7/18/2003).

In the December 7, 1991, board meeting it was announced that the Catholic Church had agreed to donate land to the BLB. This agreement came in the middle of the recall dispute, a week before Helen Menefee wrote the "grievance letter" to ANA and another Federal agency. The BLB had to pay for the survey and donate $100 to the diocese. In the first week of October, 1992, the Roman Catholic Diocese "returned" the 20 acres to the BLB ("Bishop Cooney Returns Land to Native Americans" n.d.). This land abutted St. Mary's Church on Indian Road. Carl Frazier accepted the deed on behalf of the BLB in a Mass celebrated in Gaylord, Michigan. (Hughes, n.d.). Irene Shenoskey Massey, the woman who maintained the cemetery and held the ghost suppers, apparently died the same or previous day, and she was honored at the end of the Mass. Also present were Joseph Kishigo who carried an eagle staff and "elder Louis Koon of Peshabeetown."[91] (Hughes, n.d.). Neither of these men had ever been listed on the modern BLB rolls or been a participant in the petitioner's activities. They did not descend from Indian Village on Burt Lake. From Harbor Springs, Kishigo served on the Governor's Commission in 1956 and had attended the meeting with the Governor in 1956 concerning the Burt Lake land.

At a board meeting in November, the board discussed going forward with land transfer negotiations with the State again. But they also wanted to look into buying outright the old village site on modern-day Colonial point (Petitioner 11/16/1992). At the December board meeting Dorothy Boda replaced Loretta Parkey, "due to a conflict of interest, her working for the band as membership clerk." Mary Griswold Hoar, who had no pre-1900 Burt Lake ancestors, stepped down because of a family crisis and she was replaced by Isabel Scollon, who has the same genealogy and was Hoar's sister's daughter. This would indicate that their genealogical background was not at issue (Petitioner 12/5/1992).

Also throughout 1992, the board was discussing the band's constitution. Gary Shawa's oral history clearly related this drive to the Menefee affair and questions about the Vincent family's qualifications for membership. When the issues were first raised after he had just taken the new job, he searched for a copy of the constitution and by-laws. He found several versions, and was forced to ask MILS for their opinion of which version was the latest official constitution and by-laws. The newsletter stated that "there are at least three

[91] Peshabeetown is part of Grand Traverse Band, a recognized tribe.

versions of the band's constitution that have been worked on in the past." (Petitioner 12/5/1992) The board was simultaneously also reading and working on the by-laws (Petitioner 12/5/1992).

The band's proposed 1993 budget was $108,000. Sixty percent was for salaries or benefits. "Twenty percent was professional services" for accounting and working on the petition for acknowledgment. Approximately 10 percent was spent on travel, and the remainder on rent and supplies. Staff has replaced volunteers. Carl Frazier was now running the organization almost as a small business. Rather than exhorting members to volunteer as Don Moore and Margaret Martell did in the 1980's, the board bought the services they needed: an executive director, secretary, genealogical researcher and research manager through CHT, etc. In 1993, the trend to buy services continued. The group hired an accountant (Petitioner 3/6/1993), and the treasurer's volunteer position was delegated to him. The treasurer asked at the November 1993 meeting, "Treasurer's Position - What is treasurer going to do? Ann [Reed] has stated that she will complete her term of office. Position is now more of a monitoring position" (Petitioner November 6, 1993). At the same time Melissa Moses transferred from her current job into the "organizer facilitator" of the CHD (Community Health) grant (Petitioner 11/6/1993).

The group changed character under Carl Frazier to a community action program with a paid staff. The amorphous, somewhat disorganized group of volunteers, dependent on donated space, raffles and the idiosyncrasies of its leaders of the past had changed. There was an inherent difference in the paid organization compared to the volunteer one. The more employees, the fewer volunteers were needed to do the work and fewer people invested through volunteering in the organization. The record between 1990 and 1994 does not show the same number of opportunities for communication among and meeting of members as it did in the 1980's when a monthly newsletter was published with details of board meetings and monthly invitations to campouts, potlucks, bridge walks, raffles, craft sales, etc. The board continued to discuss some of the issues raised first by Helen Menefee including eligibility for membership, establishing a grievance committee, instituting an appeals process with MILS attorney Bransky's help, setting up a system of staggered terms for trustees. (Petitioner 3/6/1993, 4/3/1993, 5/1/1993). However, it was just as likely that the board was acting on suggestions for good government from CHT consultants as responding to issues raised from the membership.

The diminished interest of members in the group's activities was reflected in low attendance at a series of meetings sponsored by the CHD grant. Melissa Moses set up meetings with members to "understand your responsibilities as citizens of an independent tribal government," to "decide what powers to give that government and what powers to

reserve for yourselves" and to "lay out a development plan for the tribe's government to follow." (Petitioner 11/15/1993) Yet the minutes from one of these meetings did not reflect the agenda. It discussed telephone trees and ride-sharing, and seemed more intent on explaining the current grants and organizations dealing with BLB, such as MILS, CHT and BIA, and fund-raising than sounding out the membership on what kind of government they wanted in the future (Petitioner, 12/2/1993). No sign-in sheets or minutes or other materials indicated what actually happened at these community meetings. However, in the next month's meeting, the group at Mackinac agreed to run an all-you-can eat fish fry in a church basement (Petitioner 2/3/1994). They began collecting register tapes from grocery stores to receive a set percentage for the BLB and held numerous raffles of Indian jewelry and other items were held at every meeting (Petitioner 2/18/1994). The group claimed at this point 600 members but who these members were is unclear from the record. The March Newsletter did give a breakdown of attendance at these meetings as shown on a chart in appendix B-1.

BLB Organizer-Facilitator Melissa Moses in 2003 expressed great frustration about lack of participation in these meetings. She described her view that the "people in Lansing will cry and say we won't have meetings down there. I say, 'we'll find a meeting spot'. . .So we started the picnic area and the people failed to show up. . .Then we went to the historical museum in Grand Rapids. . Just to meet and get together in their area. We tried churches, museums, [the Indian] Center to get all these people together" (Moses 7/14/2003). Lack of participation of members from Lansing was notable, especially since before 1984, Lansing was probably the most active location. Now the hub of activity appeared to be Mackinac City.[92] Although the minutes from the Lansing meeting in February, 1994, and other meetings indicated that sign-in sheets were circulated, no sign-in sheets were submitted with the petition (Petitioner 2/16/1994). The petitioner submitted photographs of some events, but without identifications of individuals in them, they are also not useful for determining who was participating in the group's activities and meetings. Without sign-in sheets, there was no way of knowing who was participating in any of the meetings or in the BLB's activities in general. The age of individuals at these meetings was "close to 40 or older." (Petitioner 4/7/1994). At the April 30, 1994, "all band" meeting, two Albert Shananaquot descendants and a woman who was raised on Indian Road were added to the board with Doris Massey (Loretta Parkey's sister), long term member Gerald Moore, and Carl Frazier, Dorothy Boda, Isabel Scollon and Mary Shawa. Virtually none of Margaret Martell's relatives were in this group. No one from the original core group of high attenders was on this board. The Mackinac City meeting

[92] Mackinac City is at the south end of the Mackinac Bridge over the Straits of Mackinac. It connects the Upper and Lower Peninsulas of Michigan.

had managed to raise $697.00 for the general fund at their March fish fry, serving 60 adults, 77 seniors and 17 children, which the board directed at travel expenses (Petitioner 11/15/1993).

These CHD meetings may have encouraged some new interest from people who had not previously participated in the petitioner's activities. In spring 1994, individuals who had not been previously documented taking part in group activities ran for office, including 35-year-old Mary Powell who grew up on Indian Road, and a few of Albert Shananaquot's descendants, who were also in their 30's. However, because no sign-in sheets were submitted to indicate who attended these meetings, it is impossible to evaluate participation. Carl Frazier asked to be re-nominated for chairman (Frazier, 2/7/1994). He said that Federal recognition was his goal. Most significant about this data is that these poorly attended meetings were held before neighboring Little Traverse Bay Band (LTBB) was federally recognized, which indicates that members were not participating in activities in significant numbers even before the option to join LTBB was offered to them.

In September, 1994, Congress recognized LTBB headquartered only 20 miles southwest of Burt Lake in Petoskey. A number of BLB members have joined LTBB since 1994. In the summer of 2003, the OFA anthropologist talked to at least four people who had changed memberships since 1994, and to others who have not joined that tribe. Those joining LTBB generally said that on the one hand, they were attracted to LTBB by the availability of jobs and services in Petoskey, and on the other hand, they were disaffected with BLB, in part because of recognition's slow pace. Those people who remained in BLB said that they felt a personal and familial attachment to it.

Ancestors of the Burt Lake people on the Durant Roll were also qualifying ancestors in LTBB which meant that descendants of the historical Cheboygan band were also eligible to join LTBB. This includes all of the descendants of Indian Village at Burt Lake and none of the descendants of John B. Vincent. LTBB also requires members to show a one-quarter blood quantum from any of several inter-marrying historical bands. Thus, having a one-quarter blood degree made it possible for an individual who descends from Indian Village on Burt Lake in 1900 to join LTBB. Blood degree generally predicted who of the Indian Village at Burt Lake descendants would leave BLB for LTBB. Those with one-quarter blood degree or more joined LTBB, and those without it, remained with BLB. BLB did not have a quarter-blood requirement, which had been one of the issues underlying the dispute and recall led by Helen Menefee (Shawa 7/14/2003). However, high blood degree did not always predict which 1994 members made the decision to join LTBB, because other considerations colored decisions of some families. Individuals made their decisions in close consultation with their three-generation families composed of

grandparent, children and grandchildren. The data clearly shows that these small family segments, with shared blood degree, often acted together. Second, geographical and social proximity to the on-going Indian Road residents provided an incentive to keep some people from leaving BLB even if they could demonstrate a one-quarter or higher blood degree. Third, the presence in one's family of individuals falling below one-quarter blood in the most recent generations appeared to be an incentive for higher blood individuals to stay in BLB, even though they, themselves, met the LTBB membership requirements. Fourth, relatively few people living out of Michigan in places like California, Louisiana or Texas appeared informed about the choices open to them because they acted on their own and often in a way that differed from their close relatives. Finally, the families of the few employees of the BLB were more likely to remain with BLB even though they had blood quanta higher than one-quarter. Some of these variables were related. For example, BLB employees tended to live on Indian Road, or people living outside Michigan may also have lower blood degrees or children with lower blood degrees.

For example, one family had lived on Mullet Lake since leaving Indian Village on Burt Lake in 1900. They had maintained an association with the Burt Lake residents. They buried their dead at St. Mary's, they represented the band on land and resource issues, and the wider community recognized them not only as Burt Lake Indians, but also as leaders. Thirty individuals represented the family on the 1994 BLB list. They included a woman, her ten children and their children. Documents showed that the oldest woman, the grandmother, had become involved in BLB events in 1993, although she had known the descendants of Indian Village on Burt Lake since childhood. None of this family appeared on the current BLB roll. Those showing one-quarter blood or more enrolled in LTBB. The family head said that she worried that her grandchildren would not have a tribe in the future (Shananaquet 7/18/2003; Teuthorn 7/18/2003), and was very pleased to learn that LTBB had considered lowering their blood quantum requirement recently.

A second Burt Lake family, unrelated to John Vincent, was made up of a woman, her three children, ten grandchildren and two great grandchildren. The grandchildren and great grandchildren's blood degrees fell below quarter-blood. In this family, those with a quarter blood or higher switched their memberships to LTBB, but the younger members maintained their memberships in BLB. In a third family, two sisters, their brother, eleven children and five great grandchildren appeared on the 1994 listing of BLB members. By 2003, the grandparents and parents were dually enrolled in both LTBB and BLB; the grandchildren were not enrolled in either. As a family group, the adults have reserved their memberships for themselves in BLB, even though three family members were sued by the Burt Lake Band, along with Helen Menefee after the recall petition and the withdrawal of Burt Lake funds from a bank in 1993. In 1995, they were enjoined by the court from

"engaging in any activity which purports to be the operation of Burt Lake Band of Ottawa and Chippewa Indians, Inc." (Judgment of Injunction, 3/22/1995). The reason for remaining officially a member of the BLB may be to hold a place in the group so that they may return if the group is recognized. Another family was able to move everyone to LTBB because the lowest blood degree for any individual in their family was approximately half blood.

The choices made by all of these families differed based on options available to individual family members because of their blood degrees. In these families, most that could joined the LTBB. But whether the remaining family members joined BLB or gave up their memberships, and whether the high blood individuals dually enrolled, varied and may have been influenced by the intensity of their earlier associations with the BLB and their associations with others who have joined LTBB.
Even within families, which have stayed in BLB, some have married into Cross Village or Harbor Springs. Their off-spring display some variability within their families. A member of the Shawa family married a man from Harbor Springs, one of the other component bands of LTBB and raised a family in that village. Her children primarily joined LTBB, but one son, because of his close ties of friendship and family to his Shawa cousins at Burt Lake and a sentimental attachment to that community has maintained his membership in BLB, thus choosing his mother's band over his father's. However, he said that he would probably enroll in LTBB if he needed a job in Petoskey or if his son decided to go to college locally. Others have maintained membership in BLB, but quietly taken on membership in LTBB to gain employment in its industries, apparently unwilling to give up the BLB connection or to admit what they have done to peers and family.

Because the Vincent descendants apparently did not have the option to join LTBB, almost all who were members in 1994, are still members today. At least 22 descendants of John Vincent, are enrolled in Sault Ste. Marie Tribe (SSMT) on the U.P., but only nine of these 22 are currently enrolled with the BLB, including three men who have served on the board of directors of BLB, two as chairman of the petitioner. Six are close relatives of current chairman Carl Frazier, including his brother Donald, Donald's two sons, and their sister's son and daughter. Three are close relatives of past chairman Donald Moore, including his uncle BLB trustee Gerald Moore and his nephew Bernard Moore. The nine include eight men and one woman. Their average age is 47. They have given addresses on the Upper Peninsula. Documents show that these families were very caught up in the treaty fishing dispute in the 1970's and 1980's. Carl Frazier lives in Naubenway, Michigan and is a member of Sault Ste. Marie Tribe. On a visit around the small town, Frazier, the current chairman, pointed out to an OFA researcher the many SSMT members' homes there and the newly built community center, a building paid for by the Sault Ste. Marie Tribe.

Frazier referred to this building as "ours."

In 2003, Margaret Martell said, "This group is mostly Shawwawnonquots. . .Antoine Shawwawnonquot's descendants . . . That's what it is." Until the Vincent descendants came onto the scene in 1984, almost everyone could trace to Antoine Shawwawnonquot in addition to other Cheboygan band ancestors. However, even though Margaret Martell made this characterization in 2003, it was no longer accurate, since significant numbers of Shawwawnonquot descendants have relinquished and joined the LTBB after it was recognized, leaving a majority of the group descending from either John Vincent or the Moses family through the Martells, individuals who could not join LTBB.

In the summer of 2003, an OFA researcher talked with two people who relinquished their memberships in BLB after 1994 to join LTBB. One of these women, Rita Shananaquet, currently serves on the LTBB board of directors.[93] She believes that an important element of her role is to represent the interests of the descendants of Indian Village on Burt Lake within the LTBB tribe (Shananaquet 7/18/2003; Teuthorn 7/18/2003). This role definition does not necessarily mean that she opposes BLB's Federal recognition. In March, 2001, she signed LTBB council Resolution #03079904 requesting interested party status in the petitioner's evaluation under 25 CFR 83. Although the resolution took the position that BLB had misrepresented the history and made claims that overlap with LTBB, it supported BLB's recognition, with a *proviso*:

> Whereas, the Little Traverse Bay Bands of Odawa Indians supports federal recognition of the modern day political successor of the Cheboygan Band, it must participate in the process of seeking that recognition in order to insure that the territorial, historical, cultural and political claims of the Little Traverse Bay Bands of Odawa Indians are not encroached upon in that process (LTBB, 3/2001).

In the interview, Rita Shannanaquet said LTBB had discussed reorganizing to insure board representation to the subordinate bands, perhaps by dedicating board positions to them (Shananaquet 7/18/2003; Teuthorn 7/18/2003). The subordinate bands include the Indian communities with which Burt Lake people traditionally married, including Harbor Springs, Cross Village, Middle Village, and Petoskey. (It does not include descendants from Indian communities and historical Upper Peninsula bands located across the Straits of Mackinac). However, in the summer of 2003, this possible reorganization depended on

[93] Rita Shananaquet does not appear in documents concerning the BL band before 1993. In that year she attended a meeting on November 5. The first time she signed in at a Massey ghost supper was 1994.

further board action. However, a second LTBB enrolled member who was enrolled in BLB before 1994 and served on BLB committees as late as April, 1993 (BLB Petitioner 4/3/93), supported changing to a descendancy standard, as she worried that future generations would be blocked from LTBB tribal membership. Both women believed that they primarily identified with the Burt Lake Band, a distinct entity, whose members in the last ten years have politically joined with the larger LTBB, an organization of several separate but related entities.

Two other variables were somewhat predictive of whether post burnout descendants appeared in the current BLB membership. First, they tended to have a close relationship to a family that remained on Indian Road through the 1950's and even latter (Parkeys, Shawas, Masseys). Second, they tended to demonstrate a close relationship to a family member who works in the BLB or who has been an important leader in it (Parkeys, Shawas, Martells). These variables of living on Indian Road and BLB employment are related because the employees of BLB tend to live on Indian Road. One man from the area said that although he "kind of" wanted to join LTBB to get a job, he wanted to "keep with" his relative who works for the BLB" (Massey 7/14/2003). When asked if he had discussed the issue of relinquishing with his relative, he stated that he had not and "I guess, maybe its because everybody's been waiting so long," and then listed various individuals he apparently believed were leaders beginning with Robert Dominic, NMOA head in the 1960's, Indian Road resident Charlie Martell, ghost-supper hostess Irene Massey, and the current BLB organization (Massey 7/14/2003).

The BLB after 1994

There is a wide-spread belief that St. Mary's cemetery defines who the Burt Lake Band is even today (Shananaquet 7/18/2003; Teuthorn 7/18/2003). Rita Shananaquet, for example, said that she knew who a Burt Lake person was because they wanted to be buried at St. Mary's. Most, if not all, of the portion of the petitioner descending from Indian Village on Burt Lake have relatives and ancestors buried there, but fewer people at present are choosing this cemetery. Although burial in St. Mary's may have defined community descending from Indian Village on Burt Lake before 1950, few if any families of migrants, including Margaret Martell's family, have buried their dead there. Since 1983, the thirteen people who could be identified as having been buried there and had some sort of connection to the petitioning group represent only a small fraction of people who were connected to the petitioner at the time of their deaths and died during the last twenty years. Primarily, those buried at St. Mary's cemetery were individuals who

continued to live on or near Indian Road and their immediate kin.[94] Generally, these individuals were closely associated with Indian Road until their deaths and maintained a personal connection to St. Mary's Church. The church was probably their primary place of worship, not a symbolic connection to their Indian ancestors who were interred there a generation ago. BLB Executive Director Gary Shawa and his family, and Membership Clerk Loretta Parkey, her husband Kenny and their families, are close relatives of the people who were buried in the St. Mary's cemetery in recent years.

Until 1992, BLB members descending from Indian Village at Burt Lake, which centered on Indian Road after 1910, identified themselves as a single entity, separate and distinct from those, including relatives such as the Kishigo and Adams families, who lived in Harbor Springs, Grand Traverse, Middle Village, Cross Village, Petoskey, and other places in 1900. From their perspectives, they had survived the crucible of the "burnout" and kept up their connections, even though the settlement was poor, and its residents were sick, sometimes hungry, and without work. After migrating to urban areas, they continued to visit Indian Road. BLB members consistently invoked this ideology of the "burnout" at certain times in their history to explain why they deserved land to replace the property they lost in tax sales and why they were distinct from other Indians in the region who organized as a larger grouping, most specifically the NMOA. However, even within this group of burnout descendants, there are people who were discontented not only with the presence of the descendants of John Vincent but also with the way the petitioner operates. When Edith (Fenner) Teuthorn said to Rita Shananaquet in 2003, "I don't think we spoke out enough," Shananaquet replied, "You couldn't. We went to some meetings and you weren't included. They didn't speak to you, didn't acknowledge you. You sat there like a bump on a log. They just had their little group that talked" (Shananaquet 7/18/2003; Teuthorn 7/18/2003). Teuthorn agreed and made a reference, which she did not explain, to how another Shananaquet family member had been "treated."

The membership lists may denote formal membership connections of individuals to one entity or another. However, many descendants of Indian Village on Burt Lake whom Margaret Martell called upon when she formally organized the petitioner in the early 1980's interact socially, despite what entity they are enrolled in. They knew each other

[94] Since 1983, three Shenoskey siblings of Irene Massey were buried there. Irene Massey hosted BL Ghost Suppers for many years until her death in 1992. Also there is Ida Shawa, née Cabinaw, wife of the Matthew Amos Shawa who continued living on Indian Road until at least the mid 1960's. Also buried there are several of Edmund Parkey's children, who still live on Indian Road. They hosted picnics, graduation parties, snow snake tournaments (anonymous, 2/21/1987), and BLB meetings at "Parkey's Field." Also buried during this time were two Charles Hyacinth Martell grandchildren, who were siblings; their mother was also buried there.

very well, and they keep informed and gossip about each other (Shananaquet 7/18/2003; Teuthorn 7/18/2003). They closely follow events at both BLB and LTBB. In fact, people sometimes attend meetings, picnics and activities of Indian entities in which are not enrolled, out of "curiosity" (Parkey 7/18/2003). Some LTBB members even attend the petitioner's August Feast[95] (Littlefield 2002c) and board meetings.

The people who have maintained their BLB memberships watch with equal interest what is going on with their close and distant relatives at LTBB. They know who has a job there and who has received financial help. When an OFA researcher asked individuals who have enrolled at LTBB about their band identity, they responded that they continued to identify themselves as Burt Lake Indians. Some, but not all, of them maintained that if BLB were recognized, they would immediately return there, as Burt Lake defined their primary identification. Persons who had a parent in another Ottawa band sometimes voiced a dual allegiance to Burt Lake and a second band, such as Harbor Springs or Middle Village, said they probably would remain in LTBB.

Persons who were interviewed who had not relinquished, believed the only reason most who had relinquished their memberships in BLB since 1994 did so was that they needed a job, their children needed educations, or their parents or children needed medical help (Parkey 7/18/2003; Kiogama 7/21/2003; Massey 7/14/2003). However, people not only justified leaving BLB because services attracted them to LTBB, but they also claimed that discontent had pushed them away from BLB. The presence of the Vincent descendants who did not share the "burnout" experience irked Sam Shananaquet and his sister Rita Shananaquet (Shananaquet 7/18/2003; Teuthorn 7/18/2003; Moore 7/18/2003). These siblings curtailed their association with the petitioner before 1994 and relinquished their memberships after 1994 (Shananaquet 7/18/2003; Teuthorn 7/18/2003). Rita Shananaquet also criticized the petitioner's governing body as unresponsive.

One man who remained with BLB viewed people who went to LTBB as "turn coat[s] . . . because they've got federally funded and benefits" (Parkey 7/18/2003). Planning for Federal acknowledgment at the July 2003 board meeting, current members in attendance

[95] The OFA staff anthroplogist met several people at a BLB sponsored event at Parkey's field who are now known to be enrolled in LTBB. One was introduced as a LTBB member. Documentation also indicates others attended events, such as Mary Hoar at the August Feast in 1996 (2042), but the documentary evidence submitted by the petitioner for the period after 1994, names increasingly fewer LTBB enrollees and before 1994. Whether this is because they have chosen to remove evidence which includes non-BL enrolled members, or that these ex-members no longer socialize and interact with the BLB since 1995 is not documented. It is wrong to assume that the people enrolled in LTBB after 1994 not longer interact with the BL current enrollees.

but not board members publicly expressed different opinions on this subject. One young woman said that people should not be allowed to re-enroll in BLB after recognition. Others supported their return because they believed they had left only for jobs, scholarships, housing, and health care, which came with membership in LTBB. They often referred anecdotally to friends and relatives who belonged to LTBB in justifying their position. The board appointed a committee to write amendments to the petitioner's constitution concerning the rejoining of those who had relinquished. An elderly appointee, who prefaced his remarks by saying that his own half brother and daughter had joined LTBB for health reasons, supported their rejoining "under certain conditions," such as disallowing their running for office or receiving benefits for five years. He volunteered for the committee because "there's going to be a lot of them that want to come back" (Parkey 7/18/2003).

After 1994, the board of directors also lost members who were descendants of Indian Village on Burt Lake. Left in the BLB board as of early 2002 were members of the Vincent family, the Martell/Griswold family, close relatives of BLB employees Gary Shawa and Loretta Parkey, and Roseanna Martell who is related to the Martell/Griswold family but also has BL ancestry. As members leave BLB, the remaining membership descending from Indian Village becomes less diverse. As a result, the board also becomes less diverse. At the same time, the numbers of Vincent descendants enrolled remains stable. They may not join LTBB (Shawa 7/14/2003). They have not joined Sault Ste. Marie Tribe in large numbers. It is not known if such trends have continued since the last genealogical and membership data were received or collected by the BIA in 2003. However, based on anecdotal evidence collected by an OFA researcher in interviews in the summer of 2003 (Kiogama 7/21/2003, David Massey. 7/14/2003), there is good reason to believe that the trend of BLB members to relinquish has continued. Thus, the proportion of the petitioner representing the descendants of Indian Village on Burt Lake may be shrinking, and the part representing the descendants of John B. Vincent may be growing proportionally greater as a result. The possibility exists that the magnitude of these membership changes are now so great, the petitioner no longer represents the same entity that originally petitioned in 1985 and identified itself as the "Cheboygan" Band (Tribal Resolution 5-15-85, 8/23/1985).

Criterion (c) as modified by § 83.8

Identification of Leaders by Knowledgeable Outsiders

If the petitioner were to be evaluated as a previously acknowledged tribe or band, the evaluation under the regulations would ask whether or not there had been "substantially continuous historical identification, by authoritative, knowledgeable external sources, of leaders and/or a governing body" for the petitioning group (§83.8(d)(3)).[1] There are only a few examples of an identification of a named leader of a Burt Lake Indian group by an external observer in the available evidence. In 1935, a Cheboygan newspaper referred to 34-year-old John Parkey as the "chief of the Indian village located in Burt township" and as chief of the local council of the Michigan Indian Defense Association (*Cheboygan Daily Tribune* 3/13/1935, 5/2/1935). In 1993 and 1997, newspapers identified the current chairman and executive director of the petitioning group (Anonymous 9/21/1993, 7/20/1997). By acknowledgment precedent, the authors of single newspaper articles or items are not considered to be authoritative and knowledgeable sources.

There also are only a few examples of references to unnamed collective leadership of a Burt Lake Indian group by an external observer in the available evidence. Horace Durant referred to the "chiefs of the Burt Lake Band of Traverse Indians" and the "Cheboygan chiefs" in his 1908 field notes (Durant 1908, p.31, no.28, 32). A Cheboygan newspaper referred to "the principal men of the Burt Lake Indians" in 1909 (*Cheboygan Democrat* 5/21/1909). In addition, there are a few items that imply band leadership. A newspaper article in 1985 reported that the Governor's office was involved in negotiations to transfer land to a contemporary Burt Lake band organization, but without identifying any leaders or negotiators (*Cheboygan Daily Tribune* 7/19/1985). The Michigan Commission on Indian Affairs in 1986 "formally recognized" a "Burt Lake Band of Ottawa/Chippewa Indians," implying that it had a form of tribal governance (MCIA 8/25/1986). It is not clear that these sources were authoritative or that they identified leaders or governing bodies, but it is apparent that these few examples have been isolated rather than substantially continuous.

Enos Cabenaw's claims to be the "Chief Counselor," "acting Chief," or "Chief" of a Cheboygan Band at Burt Lake during the 1910's were forms of self-identification not made by an external observer (Cabenaw 2/4/1914, 3/2/1914, 4/24/1914, 12/23/1914, 2/3/1915, 8/29/1916). Letters to Cabenaw from Federal officials at that time declined to

[1] The regulations also provide that the petitioner "may demonstrate alternatively that it meets the requirements of the criteria in § 83.7 . . . (c) from last Federal acknowledgment until the present" (§83.8(d)(5)).

identify him as a tribal leader (BIA 2/10/1912, 1/30/1914a, 2/20/1914; U.S. Attorney 3/10/1914, 3/14/1914; Justice 2/10/1915, 3/2/1915, 9/6/1916). Albert Shananquet appears to have presented himself as an attorney for the "the Ottawa and Chippewa Indians of Michigan" and as president of the Michigan Indian Organization while lobbying in the 1920's, and as a member of a Burt Lake band in correspondence in the 1910's and 1940's, but not as the leader of such a band. Neither Federal officials in the 1910's and 1920's nor State officials in the 1940's described him as a band leader (BIA 11/21/1911, 1/30/1914b, 4/12/1923a; Black 5/18/1948). Peter Shawanasige's letter to the Commissioner of Indian Affairs about a petition from a "Cheboygan Band of Indians" in 1935 also was a form of self-identification to the extent that it implied any governance by a "committee" for such a band (Shawanasige 6/17/1935). Federal officials failed to identify either Shawanasige or any committee as leaders of such a band (BIA 7/23/1935, 8/15/1935).

If the petitioner were to be evaluated as a previously acknowledged tribe or band, the petitioner would still be required by the regulations to demonstrate that it "meets the requirements of the criterion in § 83.7(c) . . . at present" (§83.8(d)(3)). The reduced evidentiary burden for a previously acknowledged petitioner only applies to the period "from the point of last Federal acknowledgment to the present" (§83.8(d)(3)).

Criterion (d)

Previous Governing Documents

The petitioner's Articles of Incorporation were filed with the Michigan Department of Commerce on July 16, 1980 (Petitioner 2002 - Exhibits 1980–06). The names and addresses of six incorporators and of nine directors or trustees were listed. Five incorporator names appear to match five director/trustee names.[1] This document was signed by all six incorporators on May 17, 1980.

Of the nine directors or trustees named in the 1980 articles of incorporation, four are current members of the petitioning group. Of the six incorporators, only two are current members.

No copy of the by-laws as discussed at the May 17, 1980, meeting was found in the petitioner's documentation. However, the minutes of that meeting record the board members' agreement that

> full membership be open to all persons who are at least 1/4 (one-quarter) degree, who can trace their ancestry on the Durant Roll. Also those who were on the Traverce [*sic*] Band and (or) Cheboygan Band and Mackinaw Bands. (Petitioner 2002, Exhibits 1980–04)

The membership by-law as amended and accepted two years later expanded the requirements:

> (a) All persons descended from the Historical Burt Lake Band whose lineal ancestors name(s) appear on the Durant Roll of 1908 or on any other payment roll, census, or record made for the Burt Lake Band by officials, or agents of the Department of Interior or Bureau of Indian Affairs, or
>
> (b) All persons and the lineal ancestors who were descended from the occupants or resided upon the

[1] James Naganashe (incorporator) versus Janes E. Naganashe (director or trustee) constituted the only questionable match.

> "TRADITIONAL" land held by the Burt Lake Band from 1880–1910 shall be eligible for membership, or,
>
> (c) All persons of one-quarter (1/4) Indian blood quantum who are legally adopted by a member of the Burt Lake Band. (Article II, Section I, Membership *in* Petition 2002, Exhibits 1982–07)[2]

The "Bylaws of the Burt Lake Band of Ottawa and Chippewa Indians, Inc.," adopted on May 20, 1989, reflect further refinement of the first two requirements, and elimination of the third membership option for adoptees:

> Membership in the Burt Lake Band of Ottawa and Chippewa Indians consists of all persons who are:
>
> (a) descended from the historic Burt Lake Band and have at least one lineal ancestor whose name appears on the Durant Roll of 1908 or any other payment roll, census, or record made for the Burt Lake Band by officials or agents of the federal government, or,
>
> (b) all persons having at least one lineal ancestor who resided upon the traditional land held by the Burt Lake Band from 1880–1910. (Petitioner 2002, Exhibits 1980–06)

That phraseology remained in the by-laws as adopted on March 6, 1993 (Petitioner 2002, Exhibits 1993–03). Minutes of the February 3, 1996, meeting document the adoption of additional changes, although a contemporary version of the by-laws as amended was not found.[3] An undated submission entitled "Article IV, Membership" may or may not be the changed by-law adopted at the 1996 meeting.

> Section 1. All members of the Cheboygan, a.k.a., Burt Lake Band of Ottawa and Chippewa Indians are members of the Corporation. The membership of the Burt Lake

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[2] Although approved at the meeting held on August 14, 1982, minutes of the October 30, 1982, meeting show the tabling of the adoption of the constitution and by-laws until the election of new officers in 1983 (Petitioner 2002, Exhibits 1982–07 and –10). Minutes of the March 12, 1983, meeting show that the final revisions to the constitution and by-laws were accepted (Petitioner 2002, Exhibits 1983–02).

[3] "Membership By-Law change - More exacting language to clarify who the BLB membership consists of was added to current by-laws" (Petitioner 2002, Exhibits 1996–04).

> Band of Ottawa and Chippewa Indians shall consist of all persons who are descended from the Cheboygan, a.k.a., Burt Lake Band and have at least one direct lineal ancestor of Indian blood whose name appears on:
>
> A. The Joseph Way-Bway-Dum Band on page 31 of the Durant Field Notes (1908–1910) or from the Band's land allotments and homesteads made pursuant to the 1855 Treaty of Detroit.
>
> Section 2. The Tribal Council shall have power to enact ordinances governing the adoption of members for the Burt Lake Band of Ottawa and Chippewa Indians.
>
> Section 3. The Tribal Council shall have power to enact ordinances governing voluntary relinquishment of membership, reinstatement to membership and disenrollment from membership due to fraud, mistake or dural [*sic*] enrollment in another Indian tribe.
>
> Section 4. The Tribal Council shall have power to enact ordinances closing enrollment to all new members for a specified period of time or indefinitely. However, such closing shall not act to exclude from future membership any child born to a member of the Band. (Petitioner 2002, file: Blackwell n.d.)

Additional amendments to the Article IV Membership by-law occurred at the March 4, 2000, meeting:

> Section 1. All members of the Cheboiganing/Burt Lake Band are members of the Corporation. The membership of the Cheboiganing/Burt Lake Band of Ottawa and Chippewa Indians shall consist of all persons who are descended from the Cheboiganing/Burt Lake Band and have at least one direct lineal ancestor of Indian Blood whose name appears on:
>
> a. The Joseph Way Bwaydum Band of the Durant Field Notes of 1908–1909, page 31 of the Ottawa Chippewa Annuity of 1870's; or

b. The Cheboiganing/Burt Lake Band's land allotments and homesteads pursuant to the 1855 Treaty of Detroit.

Section 2. Additionally, every child born to any member of the Cheboiganing/Burt Lake Band shall be eligible for membership.

Section 3. The Tribal Council shall have power to enact ordinances governing the adoption of members for the Burt Lake Band of Ottawa and Chippewa Indians.

Section 4. The Tribal Council shall have power to enact ordinances governing voluntary relinquishment of membership, reinstatement to membership and disenrollment from the membership due to fraud, mistake or dual enrollment in another Indian tribe.

Section 5. The Tribal Council shall have power to enact ordinances, closing enrollment to all new members for a specified period of time or indefinitely. However, such closing shall not act to exclude from future membership any child born to a member of the Band.

Section 6. The Tribal Council shall have the power to establish ordinances governing membership procedures and processing, Enrollment Committee procedures and policy, maintenance procedures or the rolls and appeal processes. (Petitioner 2002, Minutes)

Current Governing Document

As its petition entered active consideration, the petitioner furnished OFA a copy of its Resolution #2002–14, passed without opposition at the meeting on December 14, 2002, by six of the eight members of the governing body then present:[4]

[4] One of the nine positions on the "Board of Directors" was vacant at that time. The eight-member governing body consisted of three John Vincent descendants, three Antoine Shawwawnonquot descendants, and two Martell/Griswold descendants. Although 166 of 490 current members (34 percent) have more than one 1870 annuitant ancestor or more than one 1875 allottee or 1872 Indian homestead ancestor, none of the eight sitting governing body members has more than one ancestor of either type.

> ...Therefore be it resolved: That the Tribal Council of the Burt Lake Band of Ottawa and Chippewa Indians hereby amends Article-IV of said By-Laws to delete all prior language and insert in lieu thereof the following:
>
> Article - IV
> Membership
>
> A person is eligible for membership in the Burt Lake Band of Ottawa and Chippewa Indians if that individual provides documentation, through birth certificate(s) or other legal record(s) that he/she is:
>
> (a) a direct descendant of at least one person of Indian Blood whose name appears on:
>
> The Joseph Way Bwaydum Band[5] of the Durant Field Notes of 1908–1909, page 31 of the Ottawa Chippewa Annuity of 1870 or
>
> The Cheboiganing/Burt Lake Band's land allotments or homesteads pursuant to the 1855 Treaty of Detroit, or
>
> The 1910 Federal Enumeration of Indian Population Census, Burt Township, Cheboygan County, or
>
> (b) is the biological son or daughter of a person who was accepted as a member of the Burt Lake Band or Ottawa and Chippewa Indians under Criteria (a) above. (Petitioner 2002, env.: Governing Document)

The 2002 resolution goes on to certify that an attached copy of by-laws, along with this amendment, serves its official governing document as of December 14, 2002. The By-Laws appended to this resolution are those certified on March 6, 1993, which do not reflect any of the six sections adopted on March 4, 2000. The 2002 resolution deletes "all prior language" in any event, yet does not address, here or elsewhere in the 1993 by-

[5] It should be noted that the membership requirements of the legislatively recognized Little Traverse Bay Bands includes the Joseph Way-bway-dum band among the 12 Traverse bands specified for ancestry (LTBB 8/27/1995, 2; 8/18/2002, 2). This situation is also addressed under criterion (f).

laws, the issues of adoption, relinquishment, and disenrollment, among others, that the 2000 by-laws addressed.

This 2002 resolution also adds a category of qualifying ancestors not delineated in previous versions of the membership requirements: individuals appearing on the Indian Population schedule of the 1910 Federal Census of Burt Township, Cheboygan County.[6] Earlier versions of these by-laws defined qualifying ancestors as those appearing in any "census" of the Burt Lake Band made by Federal officials or agents, but without specifying a particular census.[7] Adding this 1910 Burt Township Indian Population schedule option provided qualifying ancestry for 20 current members whose Indian Martell forebear from the upper peninsula or whose Boda ancestor did not marry into historical Burt Lake families.[8]

[6] This new category does not include the extant Indian Population schedule of the 1910 Federal Census of Tuscarora Township, Cheboygan County, even though its territory in 1910 included half of the allotment area set aside for the Cheboygan Band (Township 35 North, Range 3 West, Michigan Meridian). The 1910 Indian Population schedule of Tuscarora Township enumerated the spouse of Theresa Bourassa (who was 1870 annuitant #11 and an 1875 allottee of land in Tuscarora Township), and the adult children of Louis Pewabecoonse (1870 annuitant #6 and 1875 allottee of land in Tuscarora Township). No current members claim these two as ancestors.

[7] No Federal Census "of the Burt Lake Band" is known to exist. The Indian Population schedules of the 1900 and 1910 Federal Census enumerated households "composed mainly of Indians," without ascertaining tribal status (Commerce 1979, 39 and 49).

[8] That is, 15 current members who descend from Elizabeth/Isabelle Martell (1890–1968) who married Harvey Griswold, and 5 current members who descend from Charlotte Boda (1887–1981) whose 3 Indian husbands did not include historical Burt Lake individuals.

Criterion (e)

In order to meet the requirements of criterion (e), a petitioner's governing body must separately certify a list of all of its known members, and document that those members descend from a historical Indian tribe or from historical Indian tribes that combined and functioned as a single autonomous political entity.

1. Current Members

The petitioner submitted three types of membership evidence: membership lists,[1] an electronic genealogical database, and photocopies of its membership folders. However, the three sources did not agree upon the identification of current members.

Membership List of September 9, 1994
Several pages of this list appear in the original petition submission but two missing pages were supplied later (Petitioner 1994, v.3, app.13). The complete list of 637 entries identified a total of 634 members; however, 43 (of 634 or 7 percent) had no birth dates listed, and 125 (of 634, or 20 percent) had no residential address listed. All but 3 of these 634 members in 1994 also appeared on the petitioner's December 23, 2002, membership list (861 entries), even though other petition materials show that 106 had relinquished their membership, 170 were enrolled in federally acknowledged North American Indian tribes, and 27 had died. Also, 149 persons identified on the petitioner's most current membership list were alive on September 9, 1994, but were not members then.

Undated Membership List received December 16, 2002
The undated membership list provided by the petitioner on December 16, 2002, identified 858 members. However, insofar as the list did not include a single birth date or residential address, OFA advised the petitioner that this could not be considered its official membership list, and requested that it submit a membership list that comported with the requirements of 25 CFR 83.7(e)(2).

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[1] The regulations require petitioners to submit all former lists of members, as well as statements describing the circumstances surrounding their preparation, yet the September 9, 1994, list is the only "former list of members" submitted. The petitioner's newsletter, *The Turtle Talks*, of August 1985 indicates that membership records were kept before 1994 ("[O]ur membership roll is steadily increasing;" p. 3), and that membership changes were significant at that time ("We have had some problems in getting your membership cards returned to you, due to tremendous response all at once;" p. 3). The petitioner has the opportunity during the comment period to locate and furnish all former lists of members, with accompanying descriptions of their preparation.

Current Membership List certified as complete through December 23, 2002
On January 21, 2003, OFA received a membership list that the petitioner separately certified as being complete through December 23, 2002. This membership list includes column headings for
the recording of membership number, member's first, middle, last, maiden, and last names, gender, birth date, mother's name, father's name, address, and death date.

A total of 861 entries appear on this list. However, 3 numbered entries consist of the word "error," 38 members appear as "deceased," and 1 member is listed twice (#662 and #832).[2] Removing these 42 entries leaves a total of 819 presumably living members on the petitioner's membership list. A total of 68 (of 819, or 8 percent) have no birth dates listed, 185 (of 819, or 23 percent) have no residential address listed, and 59 (of 819, or 7 percent) give post office mailing addresses rather than residential addresses. The regulations do not require that a petitioner's membership list identify the parent(s) through whom a member traces his or her Indian ancestry, but, in view of the fact that the petitioner included column headings for the recording of such information, it is noted that 122 (of 819, or 15 percent) had neither parent listed.

Membership Folders
When active consideration began on this petition, it was not clear whether a site visit to the petitioner would be possible. Therefore, at OFA's request, the petitioner submitted membership folders or, in lieu of folders, place holders with members' names, indicating that the folders were missing at the time of photocopying. These 830 folders contain photocopies of the genealogical documentation the petitioner retains for each member.

A typical folder includes a signed application, an ancestry chart with handwritten entries (perhaps completed by the applicant), a typed version of the ancestry chart (perhaps finalized by the membership secretary), and photocopies of evidence documenting the applicant's ancestry back to a qualifying ancestor, or, to curtail large-scale repetition of the documents photocopied for OFA, to another member whose folder contains documentation for the ultimate connection to a qualifying ancestor. The typed ancestry charts typically include person-and-page or roll number annotations for those ancestors who appeared on (1) any Ottawa and Chippewa 1870 annuity list and (2) the 1910 Durant roll, respectively, regardless of band affiliation. Twenty-five living individuals on the membership list did not have membership folders, and 35 deceased members did have membership folders.

[2] One additional member was confirmed to be deceased from information in his membership folder, although not listed as deceased on the membership list.

Genealogical Database
The petitioner submitted a compact disc containing its genealogical data as maintained in a genealogical software program known as Brother's Keeper ("BK"). OFA imported the Brother's Keeper data files into the Family Tree Maker for Windows ("FTW") genealogical software program in order to add data fields as necessary to evaluate the petitioner's membership. The petitioner's genealogical data encompassed about 7,000 historical and contemporary individuals, the vast majority of whom are not current members or their ancestors. Some of the individuals in the electronic files had been annotated with membership numbers, but not all. Some 59 individuals on the certified membership list were not in the genealogical database.

Membership total for purposes of the Proposed Finding: 490
The membership lists, folders, and genealogical database did not present a clear and consistent identification of those whom the petitioner considers its current members. It would not be possible to analyze members for whom no ancestry information had been submitted, nor would it be meaningful to include 38 deceased members in the analysis of current members.

In view of the variety of membership totals, the incompleteness of the membership lists, and the inclusion of deceased members in the official membership list, OFA first reviewed the membership folders to determine a reliable figure of actual members. For the purposes of the proposed finding, a current member is defined as someone who (1) is alive, (2) has a signed application in his or her membership folder, and (3) does not have a signed relinquishment letter or form in his or her membership folder. The individuals whose membership folder documentation meets those 3 definitions number 490.

Thus the membership for the proposed finding analysis is 490 members. This is not to say that documentation in the membership folders satisfactorily documented the Burt Lake ancestry of all 490 current members, as that was the focus of a second review of the membership folders, as described later in this report. The petitioner has the opportunity during the comment period following the proposed finding to submit a corrected membership list, to submit additional membership folders, and to supplement the membership folders already submitted with any heretofore missing documents which may result in a different membership to be analyzed for the final determination.

Of the 490 current members, 382 (or 78 percent) appeared on the previously described 1994 membership list. Of the 108 current members who were not members in 1994, 16 had been born in the interim, and all but one of them had a parent who was a member in

1994. That leaves 92 current members who were not members in 1994 and whose birth dates are either prior to September 1994 or unknown.[3]

More than two-thirds of the 490 current members reside in Michigan (n=332), but residence information is lacking for another 11 percent of the members. Six percent reside in California, and the remaining 77 members reside in 20 states except for one resident of Canada and another with an Army APO address. None of those 20 states has a concentration of members as high as 3 percent of the total membership.

2. Historical Tribe or Tribes that Combined

Name Variations

In order to meet criterion (e) under 83.7 or 83.8, this petitioner must document its descent from a historical tribe or tribes that combined and functioned as a single autonomous political entity. Before reviewing the types of extant evidence considered in this process, it is helpful to note that the petitioner claims that its group appears under various names at different times. The 1855 Treaty with the Ottawa and Chippewa (at Article I, No. 7) defined land set aside for the "Cheboygan band" in Townships 35 and 36 North, Range 3 West, of the Michigan Meridian.

Land allotment certificates prepared in 1857 and 1864 identify 45 allottees of the "Sheboygan" band, at least 15 of whom match the names appearing on an 1865 annuity list which did not identify the band by name but only by its chief, Joseph Way-bway-dum (LTBB Ex. 22). By 1908, Durant's field notes reference the individuals from Chief Joseph Way-bway-dum's 1870 annuity list as belonging to "Burt Lake." Thus, the same core group of individuals may be referred to as the Cheboygan, Sheboygan, Joseph Way-bway-dum, or Burt Lake Band.

3. Evidence of Descent

The regulations at 83.7(e)(1) outline the types of acceptable evidence that can be used to demonstrate that a petitioner's members descend from a historical Indian tribe or tribes that combined and functioned as a single autonomous political entity.

83.7(e)(1)(i) Rolls prepared by the Secretary on a descendancy basis for purposes of distributing claims money, providing allotments, or other purposes.

[3] Of those 92 new members, 59 (or 64 percent) have no 1870 annuitant ancestor (48 have Vincent ancestry, and 11 have only a 1910 Federal Census ancestor), and 33 (or 36 percent) have ancestors who appear in all three categories (1870 annuitant, 1875 allotment, and 1910 Federal Census).

The records submitted by the petitioner meeting the definition of Secretarial rolls include Horace B. Durant's "Census Roll of all persons and their descendants who were on the roll of the Ottawa and Chippewa Tribe of Michigan in 1870, and living on March 4, 1907," with a 1908 supplement, approved in 1910 (Durant 1910). The petitioner provided paper and electronic (JPEG) copies of Durant's 1908 Field Notes as well as electronic (PDF) copies of the 1910 Rolls. However, not everyone on the 1910 Roll descended from the Cheboygan band.

In his field notes, Durant set up a separate page for each family that appeared in the 1870 Annuity List of the Ottawa and Chippewa Indians of Michigan. The head of household — the only individual named for each family in 1870 — appears at the top of each Durant field note page, and Durant added the names of all known spouses, children, grandchildren, or other descendants. Whenever Durant found descendants' spouses or offspring appearing in field notes for other bands, he annotated those entries with the 1870 annuity family-and-page numeral cross-references to those appearances. For example, Albert "Shawwawnonquot's" wife Eliza and daughter Cora are annotated as "8–24" and "7–24," respectively. These annotations reference Eliza and Cora's appearances in families 7 and 8 on page 24 of the 1870 annuity list.[4]

Durant referred to the Joseph Way-bway-dum band on page 31 of the 1870 annuity list as the "Burt Lake" band. Cheboygan or Burt Lake band descendants appear in the 1910 Roll annotated with hyphenated numerals that reflect first the order of appearance (1 through 33) and then the page (31) of their ancestor's family in the 1870 annuity list (see Tables 1 and 5, and appendix C).

(ii) State, Federal, or other official records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.

Annuity Lists

Records submitted by the petitioner matching the definition of official records include annuity lists, which identified the heads of every family considered to be part of the band in those years in which annuities were paid. OFA tracked individuals ancestral to current members of the petitioner in annuity lists of 1865, 1868, and 1870, although the petitioner supplied copies of earlier annuity lists. The 1870 annuity list plays the predominant role, as it formed the basis of Durant's efforts to identify descendants of the Ottawa and Chippewa Indians of Michigan involved in the Treaty of 1836. The Joseph

[4] Those pages pertain to the Bay Shore band, and show Eliza as the daughter of Simon O-taw-gaw-me-ke (page 8) and Mary Ann Maw-twance (page 7).

Way-bway-dum band appeared on page 31 of the 1870 annuity list, so the field notes for the "Burt Lake" band, as Durant termed it, included those 33 families (see Table 1).

The 1865 annuity list of the Joseph Way-bway-dum band identifies 31 families, 24 of which are also on the 1870 annuity list (McClurken 2002, Ex. 22). The 1868 annuity list identifies 32 families, 26 of which also appear on the 1870 annuity list (Lantz 1993, 89).

Among the petitioner's current 490 members, 224 can trace their ancestry to a total of 10 of these 33 families on the 1870 annuity list of the Joseph Way-bway-dum band. Some families are more represented than others on the 1870 annuity list, such as Antoine Shawwawnonquot (3–31),[5] his son Isaac Shawwawnonquot (29–31), and son-in-law Awbetawgezhego (8–31) [George Shenoskey].[6] Ignatus Kawbenaw (33–31), or Enos Cabenaw, appears separately from both his father William Mickseninne (18–31) and his future father-in-law Non-quaish-caw-waw (2–31), or Louis Nongueskwa. Pawseque (22–31) and son-in-law [Joseph] Shaw-waw-ne-quoum (10–31) both appear.[7] A total of

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[5] Some evidence in the record suggests non-Cheboygan origins for Shawwawnonquot: two depositions sworn in 1922 both claim Shawwawnonquot had been brought to the Burt Lake area from "the foot of Lake Michigan" (Waukazoo 3/17/1922; Petoskey 3/17/1922), and a 1958 newspaper article claims Shawwawnonquot was born in Scotland to a Mary Taylor who later married a Shananquet at Beaver Island (*Straitsland Resorter* 1958, photograph caption). "Michigan" is listed as his place of birth in all five Federal Census enumerations in which he appears (U.S. Census 1860b, 1870b, 1880c, 1900b, 1910b), and "Michigan" is listed as his parents' birthplace in the three which requested that type of information (1880, 1900, and 1910). More to the point of the historical band, Antoine Shawwawnonquot was identified in BIA records as "Sheboygan" at least as early as 1857 when he made his first selection of an allotment (BIA 1857, #446), and he was listed on the 1870 annuity roll of the band.

[6] Durant's field notes for "Aw be taw zhe go way" do not include an English name for him. However, the names (James, Peter, and Sarah) and ages of the children Durant attributed to "Aw be taw zhe go way" match those found as the children of "George Shanasaga," "George Shawanosseka," and "George Shawanasigay" in the 1870 Federal Census, the 1880 Federal Census, and the 1881 Manuscript Census, respectively. Thus, the English name for "Aw be taw zhe go way" appears as "George Shenoskey" in this proposed finding.

[7] Durant noted these relationships in his 1908 field notes, apparently in consultation with leaders of the band and descendants themselves, according to his notes. See field notes for 1–31, 28–31, and 32–31 for evidence of consultation. However, some peculiarities are noted. For "Mokechewawnoquay" (11–31), or Theresa Catherine Bourassa, Durant lists as one of her children Francis Bourassa as age 58 in 1908 with a P.O. address of Sutton's Bay, with a cross-reference to his appearance as 7–31. But the "Mawcopaw," or Francis Louis Bourassa, who is #7 on page 31, is listed as 66 years old in 1908, with a P.O. address of Elk Rapids. Conversely, Durant lists Mrs. Harriet Davenport (26–31) as an informant providing information on Mrs. Wm. O'Flynn (20–31), but independent research shows Mrs. Davenport (later Mrs. Hurst) was also Mrs. O'Flynn's daughter (U.S. Census 1850, no. twp. given, 562/582, and U.S. Census 1880, Inverness Twp., p. 128D). Neither did Durant attribute a daughter Maria to Mrs. O'Flynn, although a child of this name also appears in Mrs. O'Flynn's 1850 household (U.S. Census 1850, 562/582). The petitioner's genealogical database shows this "Mariah Flynn" married Joseph Kosequot (thus making Mrs. Wm. O'Flynn an additional 1870 annuitant ancestor for 18 current members) but

11 of the 33 annuitant families of 1870 had no descendants identified, by Durant's field notes, by name and as living by 1908, and, therefore, could not be considered ancestral to the petitioner's members.[8]

Allotments

The allotment records relied upon by the petitioner consisted of a schedule, or list, and Indian Reservation Tract Book entries for 45 allottees receiving patents in 1875 for land in the Cheboygan band reserve: Townships 35 and 36 North, Range 3 West, Michigan Meridian. In 1875, this two-township reserve set aside for the Cheboygan band was all considered Burt Township, although in 1877, Tuscarora Township was formed from the southern half (T35N, R3W) (see Table 3).

OFA's analysis of this list of 45 patentees found that only 5 have descendants in the current membership: Joseph Way-bway-dum, Antoine Shawwawnonquot, Louis Shaw-bwaw-sung, Theresa Way-win-ding, and John B. Vincent. John B. Vincent is the only one of those 5 who did not also appear as the head of a family on the 1870 annuity list of the Joseph Way-bway-dum band, or of any other band. Historical affiliation is not listed for John Vincent, who sold his allotment before it was patented, and there is no evidence that he ever lived on it. Acceptable evidence of John Vincent's tribal affiliation has not been located to date.

The allottee "Naw o quiash cum," who patented land in Section 26 of what is now Tuscarora Township, seemed to be a plausible variant spelling for Louis Nongueskwa, who headed the second family on the 1870 Joseph Way-bway-dum band annuity list as "Non-quish-caw-wow." However, research of the 1857 and 1864 allotment records showed that allottee "Naw o quiash cum" was, in fact, a Thunder Bay Indian. Louis Nongueskwa, as Louis "Nah-quaish-cah-wah," selected an allotment as a Cheboygan, or "Sheboygan," band Indian, but his selection was patented in Emmet County, not in the Cheboygan treaty reserve.[9] Appendix A summarizes the research into all of the

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without citing evidence for that conclusion.

[8] Durant's field notes listed no descendants living in 1908 for 1870 annuitant families he described as numbers 5-31, 14-31, 17-31, 19-31, 21-31, 24-31, 25-31, 27-31, 28-31, 30-31, and 31-31. However, 24-31 represented a female "Ne-gause" for whom Durant noted "heirs on roll by themselves," without indicating the identities of those heirs. Without identification of her heirs, OFA cannot calculate if and how "Ne-gause" may be ancestral to current members. Annuitant 28-31, Elizabeth Harris, may have had heirs, but she was a Canadian Indian who returned to Canada 30 years previously, so her heirs were not sought by Durant.

[9] 80 acres, S1/2, SW1/4, Section 34, T36N, R6W, now Friendship Township, patented on January 13, 1872 (Michigan n.d., Emmet Co.).

Cheboygan band allottees and all of the allotments ultimately patented in the Cheboygan band reserve.

The allottee "Shaw waw naw se gay," who patented land in Section 21 of what is now Tuscarora Township, seemed a plausible variant spelling for George Shenoskey, who headed the eighth family on the 1870 Joseph Way-bway-dum band annuity list, but as "Aw be taw zhe go way," not "Shaw waw no se gay." No allotment selection or patent nor Indian homestead is found for "Aw ge taw zhe go way," but further research showed the allottee "Shaw waw naw se gay" was not identical to George Shenoskey.[10]

Of the 490 current members, 233 descend from John Vincent, 211 descend from Joseph Way-bway-dum, Antoine Shawwawnonquot, Louis Shaw-bwaw-sung, or Theresa Waywinding, and 33 have no ancestors among the allottees. The remaining 13 members have, as their only allottee ancestor, Cheboygan annuitant and allottee Louis Nongueskwa who selected land in Emmet County, and 4 of those 13 also descend from Cheboygan annuitant Enos Cabenaw who obtained an Indian homestead (see following).

Act of June 10, 1872, Indian Homestead Records

The petitioner did not submit records of Indian homesteads patented in the Cheboygan reserve, even though the language in its membership requirements — allowing members

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[10] Circumstantial evidence suggests that "Shaw waw naw se gay" was the father of "Aw be taw zhe go way," a.k.a. George Shenoskey. The 1857 and 1864 allotment records showed "Shaw-waw-naw-se-gay" chose an allotment in what is now Tuscarora Township's Section 21 in 1857, 1864, and 1875, and the 1846 Cheboigan River Band annuity list includes him ("Show won ai se gay") with a household including 1 man, 1 woman, and 5 children, at which time George Shenoskey (born circa 1830–1836) was a minor. Both "Shaw-waw-naw-se-gay" and "Aw-be-taw-ge-zhe-go" appear as heads of families in the annuity lists of 1865 and 1868. The number of men, women, and children in each annuitant household in the lists of 1865 and 1868 reflect the growing family of "Aw-be-taw-ge-zhe-go," whereas "Shaw-waw-naw-se-gay" appeared a one by then.

"Shaw-waw-naw-se-gay" did not appear in the 1870 annuity list, and may have died between 1868 and 1870. The fact that a patent for his allotment was issued in 1875 does not prove he was alive in 1875, in view of the allotment patented in 1875 in the name of chief Joseph Kezhegowe who died in 1862. Bolstering the possibility that "Shaw-waw-naw-se-gay" was the father of "Aw-be-taw-ge-zhe-go" a.k.a. George Shenoskey is the sequence in which George's 1880 Federal Census entry appears. The enumerator of Tuscarora Township recorded the family of George "Shawanosseka" (dwelling 46/ family 49) between those of Charles and Theresa Bourassa (45/48) and Louis Pewabikoose (47/50). The allotments of Theresa Bourassa, Louis Pewabeboonse, and "Shaw-waw-naw-se-gay" all fall in Section 21. This gives the impression that George Shenoskey then resided on "Shaw-waw-naw-se-gay's" land, and being a surviving son would provide a logical reason therefor.

The Cheboygan County deed book "J" records two grantor deeds in which the land allotted to "Shaw-waw-naw-se-gay" was sold on May 20, 1881. The latter deed of sale lists the grantors as "George Shaw-wau-naw-se-gay and Mary his wife, and Win-te-go-quay Shaw-waw-naw-se-gay, and Mary Ann Mac-co-paw his sisters" (Shaw-wau-naw-se-gay *et al.* 1881). The inference is that these are the surviving heirs of "Shaw-waw-naw-se-gay."

to trace to someone appearing on the "Cheboiganing/Burt Lake Band's land allotments or homesteads pursuant to 1855 Treaty" — encompasses Indian Homesteads obtained under the Act of 1872.

In order to analyze the Cheboygan allotments and homesteads, OFA researchers obtained photocopies of surveyor's records, plat maps, and tract book entries for Townships 35 and 36 North, Range 3 West, Michigan Meridian, from the Bureau of Land Management. OFA reviewed Cheboygan County deed books and indexes on microfilm from the Family History Library in Salt Lake City, Utah.

Nine Indian homesteads within the Cheboygan reserve were identified by reading the tract book photocopies of Townships 35 and 36 North, Range 3 West, for entries marked as "H[omestead] Act June 10/72," with final certificate numbers (see figure 5). Nine such land entry case files were located and copied at the National Archives (GLO ca. 1872).[11] All of the nine patentees have a parent, or are themselves, on the 1870 annuity list for the Joseph Way-bway-dum band, and none later received an allotment under the provisions of the Treaty of 1855.

The homestead process did not require the applicants to identify their band affiliations. The Indian homestead applicant under the Act of June 10, 1872, signed a pre-printed affidavit
certifying that he or she was a member of the tribe of Indians known as the Ottawas and Chippewas of Michigan, of full age, had never made a selection or purchase of land under the Treaty of July 31, 1855, and was choosing land unoccupied by "any other party whose settlement thereon existed prior to" January 1, 1872 (GLO ca. 1872).

The case files contain completed questionnaires that reveal, among other data, the applicant's age, family composition, date when actual settlement on the land occurred, and corroborating testimony from two witnesses. Four of these nine homesteaders are represented in the current membership: Enos Cabenaw (1870 annuitant #33), Moses Nongueskwa, and Paul Nongueskwa (sons of Louis Nongueskwa, 1870 annuitant #2), and Isaac Shawwawnonquot (1870 annuitant #29).

Therefore, the homestead records furnished evidence of the applicants' descent from the Ottawa and Chippewa Indians of Michigan, but not from the historical Cheboygan band. The petitioner's members who descend from these homesteaders also descend from an 1870 treaty annuitant. The latter was accomplished by using these records in concert with other records. The homestead records did furnish genealogical evidence which

[11] Isaac Shaw-naw-nun-naw-anot, Final Certificate #3459, Josette Shaw-naw-ne-quom FC#3471, Ignus Kaw-be-naw FC#3770, Francis Waw-naw-naw-quot FC#3771, Louis Pewabicoons FC#4031, Joseph Nauggaskaw FC#4032, Moses Nag-ga-skaw FC#4033, Anthony Kaw-no-te-mus-kung FC#4404, and Paul Nongueskwa FC#5461.

assisted in documenting the identities of individuals in the line of descent from the historical Cheboygan band.

Federal Census Records

OFA consulted Federal Population and Non-Population Census records from 1850 through 1930. Information found in each entry was added to the genealogical database file for each person so located.

1850 Census

None of the individuals identified in the 1870 annuity list of Joseph Way-bway-dum's band was found in the 1850 population schedules of Michilimackinac County (U.S. Census 1850), from which Cheboygan County would be formed in 1853 (Mid-Michigan Genealogical Society 1972, 9). "Boatbuilder" John Vincent and family, with $60 worth of real estate, appear on a schedule for Michilimackinac County that does not specify the town or township. John B. Vincent's obituary claims he arrived in Cheboygan in 1846 (Anonymous 1903), and a published county history for Cheboygan County identifies Vincent and others[12] on his same 1850 census schedule page as residents as early as 1846 of what would become the city of Cheboygan[13] (Ware 1876, 15). Thus, based upon the 1850 population schedule, John Vincent was not then living among any of the persons identified on the later 1870 annuity list of the Joseph Way-bway-dum band.

1860 Census

By this census year, the county of Cheboygan and its three townships of Burt, Duncan, and Inverness existed under those names (Mid-Michigan Genealogical Society 1972, 9–10). The enumerator recorded 70 Indian individuals in 17 households in Burt Township (U.S. Census 1860b, Burt Twp.). Eight of these individuals also appeared on the agricultural schedules: Joseph Windegowish,[14] Antoine Shawanonoquot, Elizabeth

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[12] The dwelling/family numbers and names of those appearing on page 482 of this 1850 Federal Census schedule, also identified by Ware as arriving in Cheboygan circa 1846, are #554/573 Horatio N. Pease, #557/576 John Vincent, #557/577 Alexander McLeod, and #559/579 Lorenzo Backus.

[13] Ware identified John Vincent as Cheboygan's first ship carpenter, and states that Vincent "came here on or about October 20th, 1846" (p. 17).

[14] "Windegowish" is an infrequently used alternative name for Way-bway-dum or Webwetum. Joseph's daughter Jane appears with a variation of that surname (transcribed as "Windegonish") in the 1878 Emmet County record of her marriage to John Grant, per an Internet index <www.rootsweb.com/~miemmet/Marriages/marriages2.htm>. The 1922 affidavit of Moses Waukazoo in the petition documentation also refers to the Win-de-gowish family (Waukazoo 3/17/1922).

Wawandir g, Louis Nangoshkawa, Louis Shavobwason, Antoine Mesenenee, Joseph Kigegoway, and Joseph Ossegun (U.S. Census 1860a).[15]

"Ship carpenter" John Vincent and family resided in Inverness Township, Cheboygan County, in 1860 (dwelling 615). Vincent was credited with $300 worth of real estate. The "color" column recorded "Ind./m." for John's entry, and "/m" for the rest of the members of his family. While instructions to enumerators advise to use "m" in the color column to denote "mulatto," the enumerator here may have intended "mixed," insofar as the tally in the bottom margin of the sheet reflects the Vincents' inclusion in the numerical total for "Indians mixed."

1870 Census

The 1870 annuity list for the Joseph Way-bway-dum band included 108 individuals in 33 families, whereas the 1870 population schedule of Burt Township identified 65 Indians in 12 households (U.S. Census 1870b, Burt Twp.). The decrease in the 1870 Census totals from the 1860 Census totals, and as compared to the 1870 annuity totals, may be due to the pre-1870 migration of some Cheboygan allottees out of the county to reside on allotment selections they made in Emmet County.[16] The Federal Census confirms that other 1870 annuitants resided outside of Burt Township but still in Cheboygan County.[17] The agricultural schedule for 1870 listed only one person for the entire township:

> J. W. Webwetum, 85 improved acres, 5 woodland acres worth $2000, 2 horses, $500 livestock, $947 total value.[18]

"Ship carpenter" John Vincent and family continued to reside in Inverness Township in 1870 (U.S. Census 1870b, Inverness Twp., dwelling/family 199/199). Vincent's real estate holdings are valued here at $2,000. The enumerator recorded John's "color" as "Indian" ("I") and that of his wife and children as "white" ("W").

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[15] "For the year ending 1 June 1860, the [agriculture] schedules show the name of the owner, agent, or tenant of farms with an annual produce worth $100 or more. The enumerators also recorded information about the kind and value of acreage, machinery, livestock, and produce" (NARS 1983, 24).

[16] Michael Kaygwaitch (14–31), who selected his allotment in Section 4, T35N, R6W (Little Traverse Township, Emmet County) resided in Little Traverse Township, Emmet County, in 1870 (dwelling/family 48/48).

[17] Mrs. Harriet O'Flynn (20–31) and Mrs. Harriet Davenport (26–31) resided in Inverness Township (dwellings 171 and 172 respectively).

[18] "For the year ending 1 June 1870, the [agriculture] schedules show the name of the owner, agent, or tenant of farms of three acres or more or with an annual produce worth $500. The enumerators also recorded information about the kind and value of acreage, machinery, livestock, and produce" (NARS, 24).

1880 Census

By the time of the 1880 Federal Census, the Cheboygan reserve allotments and most Indian homesteads had been patented, and half of that reserve formerly in Burt Township had been taken to form Tuscarora Township. A cluster of 13 Indian households appears in schedules of Burt Township, with 2 additional Indian households recorded separately in other areas of the township (U.S. Census 1880c, Burt Twp.). These 15 total households comprised 79 individuals recorded racially as "Indian."

Schedules for Tuscarora Township to the south enumerated 3 clusters of 8 Indian households, for a total of 28 individuals recorded racially as "Indian" (U.S. Census 1880c, Tuscarora Twp.).

John B. Vincent, still enumerated as a ship carpenter, resided with his family in Beaugrand Township (U.S. Census 1880c, Beaugrand Twp.), which had been formed from Inverness Township in 1871 (Mid-Michigan Genealogical Society 1972, 10). Vincent's previous census appearances of 1850 and 1860 recorded his "color" as Indian or mixed Indian, but in 1880 he was recorded as "white." Birth information listed here shows he was born in Michigan, his father was born in Vermont, and his mother in Canada.

The agricultural schedule for Burt Township recorded nine farmers total, among whom was

> Joseph W. Webuetum, owner, 25 acres tilled, 15 acres woodland, worth $600, livestock worth $300, 5 horses, and 1879 farm produce worth $200 (U.S. Census 1880a, Burt Township, ED 33).[19]

Agricultural schedules for Tuscarora Township included 38 farmers total, among whom were

> Edward Kis-sh-non-o-quot, owner, 6 acres tilled, 74 acres woodland, worth $600, livestock worth $100, 1 horse, and 1879 farm produce worth $150; and
> Louis Pewabicouse, owner, 10 acres tilled, 60 acres woodland, worth $600, livestock worth $125, 3 horses, and 1879 farm produce worth $280 (U.S. Census 1880a, Tuscarora Twp., ED 36).

[19] "The [agriculture] schedules pertain to the year ending 1 June 1880 and show the name of the owner, agent, or tenant of farms of three acres or more or with an annual produce worth $500. The enumerators also recorded information about the quantity and value of acreage, machinery, livestock, and produce" (NARS 1983, 25).

In Beaugrand Township, an entry appears for John Vincent:

> John Vincent, owner, 14 acres tilled, 8 acres meadow, 94 acres woodland, worth $1200, livestock worth $40, 1 horse, and 1879 farm produce worth $200 (U.S. Census 1880a, Beaugrand Township, ED 31).

1890 Veterans Schedule
Most of the population schedules of the 1890 Federal Census do not survive, but the 1890 "Schedules Enumerating Union Veterans and Widows of Union Veterans of the Civil War" survive for many states, including Michigan. The schedule for Beaugrand Township, Cheboygan County, lists John Vincent as a veteran who served in the 3rd Michigan Cavalry, Company F, from October 1, 1861, to August 5, 1862, for a total service period of 11 months and 25 days (U.S. Census 1890).

1900 Census
The Indian Population schedule of the 1900 Federal Census of Burt Township lists 77 individuals, all of whom are identified as Indian (U.S. Census 1900b, Burt Twp.). The recorded tribal affiliations total as 65 "Chippewa," 9 "Ottawa," and 3 indecipherable. A total of 58 of these individuals appear in the petitioner's genealogical database, and 28 have descendants in the current membership.

Sixty-six of these Indians in 1900 are known to have survived until 1910, and 47 of them appeared in the Indian Population schedule of the 1910 Federal Census of Burt Township.

The Indian Population schedule of the 1900 Federal Census of Tuscarora Township lists three households with a total of seven individuals, all of whom are identified as "Indian," with the tribal affiliation of "Chippewa" (U.S. Census 1900b, Tuscarora Twp.). The first household comprised Charles Bourassa and wife to whom he had been married for 52 years. She was recorded here as "Grace," but Durant identified her as Theresa (also known as Catherine) Bourassa (11–31 on the 1870 annuity list of the Joseph Way-bway-dum band). The next two households contained the three adult children (and two grandchildren) of Louis Pewabecoonse (6–31 on the 1870 annuity list of the Joseph Way-bway-dum band).

Although Theresa Bourassa and Louis Pewabecoonse were considered part of the Joseph Way-bway-dum band in 1870, both of them identified their band affiliation as "Anse" in 1857 and 1864 when they selected their allotments in what, in 1877, became the Tuscarora Township section of the Cheboygan reserve. Both patented their allotments in 1875 in Section 21 of Tuscarora Township, although their tracts did not adjoin. No current members of the petitioner claim descent from either of them.

John B. Vincent survived until 1903, but his entry in the 1900 Federal Census remains unlocated, if it exists.[20] 1900 Federal Census entries were found for all of his surviving children except his son Alexander, and John B. Vincent was not recorded as residing in those households. Current members descend from either John B. Vincent's son John Vincent (1848–1900) or his daughter Catherine (Vincent) Sailler (1863–1954). In 1900, John Vincent (b. 1848) and his nine children resided on Beaver Island in Lake Michigan (U.S. Census 1900a, ED 20, p. 3), and Catherine (Vincent) Sailler and her nine children in Beaugrand Township, Cheboygan County (U.S. Census 1900b, Beaugrand Twp., ED 66, p. 11).

1910 Census (see appendix D)
One of the three possibilities listed in the petitioner's current membership requirements is that a potential member's ancestor appear on the Indian Population schedule of the 1910 Federal Census of Burt Township (U.S. Census 1910b, Burt Twp.). Of the 122 "Indians" in the 29 households enumerated on this schedule, 8 are recorded as "Chippewa" and 114 as "Ottawa."[21] This reverses most of the tribal affiliations recorded on the 1900 Indian Population schedule. Of the 23 families found on both schedules, 19 that were recorded as Chippewa in 1900 appear as Ottawa in 1910, and the remaining four families maintained Ottawa as their tribal affiliation in both. The enumerator recorded 82 as "full-bloods," and 8 who spoke "Indian" instead of "English."[22]

Of the 77 total individuals in Burt Township in 1900, and the 128 total individuals in Burt Township in 1910, 47 are in both schedules, and 11 appear to have died before 1910.[23] Of the 128 total individuals in Burt Township in 1910, 35 were born after 1900, 47 were in Burt Township's Indian Population schedule in 1900 (of whom 27 have descendants in the petitioner's current membership), and 46 were not in Burt Township's

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[20] The membership folder of the petitioner's chairman, Carl Frazier, contained a photocopy of a 1900 Federal Census entry for a John Vincent family in Cheboygan city (Petitioner 1995, folder), but this is a different John Vincent, born in 1837, with a wife Mary, son Allen (as well as two nephews and a niece), all of whom appear in the 1880 Federal Census of Richland, Montcalm County, Michigan, on page 172B (Intellectual Reserve, Inc., 2001).

[21] The six individuals categorized as "white" living in Indian families were John E. Boda, Joseph Brady, John Dashner, James G. Galloway, Harvey H. Griswold, and his brother Levi Griswold.

[22] "Indian" speakers included James Shenoskey's mother-in-law Elizabeth Kitchebaptist (Durant 33–20); Mrs. Sarah (Nongueskwa) Massey, Angeline Trombley (Durant 11–52), Thomas (Durant 54–33) & Susan Norton, and their adopted daughter Mary Norton, Stephen Shenoskey, and Sophia (Sengoby?) Shawwawnonquot.

[23] Those individuals, and their dwelling/family numbers in the 1900 Census, include 1/1 Moses Hamlin, 1/1Teresa Way-win-ding, 3/3 Rosa and Julia Grant, [?Peter Moses,] 4/4 Lucy (Way-bway-dum) Kewekum, 5/5 Susan (Winding) Gijogowe, 12/12 Louis Shebastun, 13/13 James Hamlin?, 14/14 Wm Hamlin, 16/16 Christine Miksinini, 19/19 Wm Nongueskwa.

Indian Population schedule in 1900 (of whom 22 have descendants in the petitioner's current membership).[24]

The Indian Population schedule of the 1910 Federal Census of Tuscarora Township lists three households with a total of six individuals, all of whom are identified as "Indian," with the tribal affiliation of "Chippewa," to which Ottawa appears to be added in some cases (U.S. Census 1910b, Tuscarora Twp.). Two households consist of one adult each, and these are two of the same children of Louis Pewabecoonse (6–31 on the 1870 annuity list of the Joseph Way-bway-dum band) who resided here in 1900. The third and final household is headed by Madeline Neff, and includes her three sons. Madeline is a married adult daughter of the Theresa Catherine Bourassa (11–31 on the 1870 annuity list of the Joseph Way-bway-dum band) who resided here in 1900.[25] No current members of the petitioner claim descent from any of these six.

Among the petitioner's current 490 members, 244 (or 50 percent) have at least one ancestor on the Indian Schedule of the 1910 Federal Census of Burt Township, and 246 (or 50 percent) do not (of whom 233 are Vincent descendants, and 13 have no qualifying ancestry). At this time, the widow and children of John Vincent (b. 1848) continued to reside on Beaver Island (U.S. Census 1910a, St. James Twp., ED 25, p. 5B), and Catherine (Vincent) Sailler's family resided in Hebron Township, Cheboygan County (U.S. Census 1910b, Hebron Twp., ED 68, p. 7A).

A total of 20 members (or 4 percent) descend from an ancestor on the 1910 Indian Schedule of Burt Township without having ancestors who were annuitants of the Joseph Way-bway-dum band or Cheboygan band allottees or Indian homesteaders. These 20 members descend from either Elizabeth (Martell) Griswold or Charlotte Boda (1887--1981).

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[24] This is a generous determination of 1900 to 1910 carry-over, insofar as some are not good matches. For example, the only Thomas Norton in each census aged 17 years instead of ten in the decade between censuses. His wife, who should be Susan in 1900 to whom he was then married for 5 years, instead appears as Josephine to whom he had been married for 12 years. However, this Susan did appear as "Josette" in the 1881 manuscript census and in 1872 Indian homestead records (GLO ca. 1872, Josette Shawwawnequom FC#3471). By 1910, Thomas's wife is "Susan," who has aged 28 years in one decade, but has been married to Thomas for 15 years. Also, Joseph Parkey's wife should be Susan Shawwawnonquot and instead is listed as "Mary." The census shows an "Albert Shanaqua," born May 1870, married for 5 years to "Agness," whereas Albert Shawwawnonquot, born 1868, married Eliza Otawgawmawke in 1896. Frank "Shanaqua," listed as born 1850 and married to "Margaret" for 20 years, appears in the petitioner's genealogical database as born in 1847, and married for 4 months in June 1900 to Katherine Motwas. Most of these questionable entries occur toward the end of the Indian Population schedule, and, if the enumerator had not been able to talk to them directly, he may have relied upon faulty information from their neighbors.

[25] Theresa Catherine Bourassa's 1910 Federal Census entry, if it exists, has not been located.

1920 Census

In 1916, the last subdivision of Burt Township occurred with the formation of Mullett Township.

The creation of a separate Indian Population schedule in the Federal decennial census did not continue past 1910. The racial designation of "Indian" continued to be used, and in Burt Township there were 59 individuals so designated, found in 8 all-Indian households and in 4 mixed households (U.S. Census 1920a, Burt Twp.).[26] The schedules for Tuscarora Township recorded only two as "Indian," a brother and sister living in one household (U.S. Census 1920a, Tuscarora Twp.).[27] The schedules for Mullett Township recorded six people designated racially as "Indian," residing in two all-Indian households (U.S. Census 1920a, Mullett Twp.).[28] The Vincent descendants did not reside in Burt, Tuscarora, or Mullett Townships.[29]

1930 Census

In 1930, the census enumerator recorded 45 dwellings in Burt Township, and 46 families (U.S. Census 1930a, Burt Twp.). The 1930 Federal Census endeavored to capture some information unique to the Indian population on both its general population schedule and on a "Supplemental Schedule for Indian Population," the latter of which does not survive and was not microfilmed.[30] The pre-printed 1930 general population schedule form includes columns for places of birth of the person being enumerated, as well as for the father and mother of that individual. Instructions to the enumerators directed that, "[f]or persons reported as American Indian in column 12 (color or race), columns 19 and 20 were to be used to indicate the degree of Indian blood and the tribe, instead of the birthplace of father and mother" (Commerce 1979, 52).

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[26] Nine of the 59 "Indians" are children of a "white" father and "Indian" mother, and are noted in the margin of the schedule as being half-bloods (U.S. Census 1920a, Burt Twp., families #29 and #41).

[27] Louis Pewabecouse and Mrs. Kate King (U.S. Census 1920a, Tuscarora Twp., family #67). Two households away were Madaline Neff and sons, described racially as "white" although they appeared as "Indian" in 1910 (U.S. Census 1920a, Tuscarora Twp., family #69). No current members descend from these individuals.

[28] Families of Eugene and Hattie Hamlin (family #55) and Albert and Eliza "Shananaquet" (family #71) from whom eight current members descend (U.S. Census 1920a, Mullett Twp.).

[29] The widow and adult children of John Vincent (b. 1848) resided in Garfield Township (U.S. Census 1920b, Garfield Twp., ED 204, p. 1A–2A) and Hudson Township (U.S. Census 1920b, Hudson Twp., ED 206, p. 4B), Mackinac County, and the family of Catherine (Vincent) Sailler continued to reside in Hebron Township, Cheboygan County (U.S. Census 1920a, Hebron Twp., ED 119, p. 5B).

[30] The only categories of information unique to the Supplemental schedules are "post-office address," and "agency where enrolled." The other categories of information on the Supplemental schedules were transcribed from the population schedules (Commerce 1979, 55).

The Burt Township enumerator obtained this type of information about the 56 individuals recorded as "Indian" in column 12 who appeared in 9 all-Indian households and the 2 mixed-Indian households. All 56 are designated tribally as "Ottawa," with 40 recorded as "mixed blood," and 16 as "full blood." In comparison, Mullett Township to the east had nine "mixed blood" Ottawas, and Tuscarora Township to the south had seven "mixed blood" Chippewas (U.S. Census 1930a, Mullett Twp.). None of those recorded in Burt, Mullett, or Tuscarora Townships were designated as speaking "Indian" instead of English (U.S. Census 1930a, Tuscarora Twp.). The Vincent descendants were not enumerated in Burt, Tuscarora, or Mullett Townships.[31]

A total of 41 of the 56 Indians in the 1930 Federal Census of Burt Township (73 percent) were themselves, or had lineal ancestors who were, on the 1870 annuity list of the Joseph Way-bway-dum band. A total of 38 of the 56 (68 percent) have descendants among the current members. In 1930, 27 of the 56 had reached age 16, and, therefore, would have been at least 21 in 1935, when 13 of those 27 (48 percent) appear among the 41 signers of a petition for IRA benefits. Finally, 28 of the 56 (50 percent) had both 1870 annuity list ancestry and descendants in the current membership.

83.7(e)(1)(v) Other records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.

The following records do not contain identifications of ancestors of present members as being descendants of a historical tribe or band, but instead provide evidence such as names, residences, and ages, which helped in the process of documenting the direct descendants of claimed ancestors.

Civil War Service and Pension Records

Membership folders for some of John B. Vincent's descendants included photocopies of documents found in the military service and pension files resulting from his Civil War service in Co. F, Third Michigan Cavalry. OFA retrieved and photocopied the service record and pension file of John B. Vincent, as well as selected documents from the pension files of Francis Bourasaw (1870 annuitant #7) and Moses Hamlin (whose wife Theresa Way-win-ding was 1870 annuitant #16). Francis Bourasaw's pension file included his 1915 identification of his wife, marriage date and place, and all of his children, plus the pension office's report of his date of death (V.A. 1879). Moses Hamlin's pension file contained his information about both of his marriages, and

[31] Descendants of John Vincent (b. 1848) were noted in the schedules of Garfield Township, Mackinac County (U.S. Census 1930b, Garfield Twp., ED 49–4, p. 4A–5B). Sailler individuals were not sought in this unindexed census.

identification of his two children surviving in 1898, as well as the pension agent's report of Moses' death (V.A. 1890).

John B. Vincent's pension file included at least three of his own references to his birthplace on Lake Superior ("Kayana Bay," L'Anse, and Marquette), and one reference to a full date of birth that matches the birth date given in his obituary (May 14, 1816) (V.A. 1880). Neither John Vincent nor his company were described as "Indian."

1881 Manuscript Census

Ten of eleven handwritten pages from the "Jonas Shawandose collection," provided by the petitioner without further description of provenance, contain a type of census of 25 families (Shawandose Papers ca. 1880's). Each family is numbered, with all individuals identified by name, age, and relationship where known. The unidentified enumerator also recorded each family's type of dwelling, acres owned (sometimes including legal description and whether it was a homestead or allotment) and acres under cultivation, crops under cultivation, type and number of livestock, and the family head's occupation. This census provides variant spellings and even Indian names for some individuals. The legal land descriptions furnished in this census pertain to Burt and Tuscarora Townships.

The final and eleventh photocopied page of this submission begins, "Brutus, March 6th 188[in margin], For U.S. Service – Received of A. J. Blackbird for board himself and horse one dollar & seventy five [in margin], Witness – E. Dunbar." None of the four families enumerated thereafter appears with a legal land description, although one family's dwelling notation lists a frame house followed by "Village Cross," a possible reference to Cross Village. None of the four families enumerated on that page appear on the 1870 annuity list for the Joseph Way-bway-dum band, nor on the 1880 Federal Census of Burt or Tuscarora Townships. However, this page provides some additional evidence of when the enumeration on the previous pages was made. By comparing the ages of the individuals identified in the first 10 pages of this manuscript census to those listed in the 1880 Federal Census of Burt and Tuscarora Township, it seems probable that the manuscript census was created in 1881 or early 1882.

1894 Michigan Census

Population schedules of the Michigan State Census of 1894 for Cheboygan County do not survive. However, an 1896 three-volume compilation presents information from the now-lost schedules, including an identification of Civil War veterans by county and township. John B. Vincent appears as a veteran residing in 1894 in Beaugrand Township, and veteran Moses Hamlin, who married Theresa Way-win-ding of the 1870 annuity list, resided in Burt Township (Michigan 1896, 69).

Grand Army of the Republic

John B. Vincent's obituary noted that his funeral services were conducted under the auspices of the Ruddock Post G.A.R. (Grand Army of the Republic), of which Vincent was a member. The surviving records of that post, on file at the Michigan State Archives, include post-level records (chiefly quarterly reports) sent by the post to the state level. Copies of those records obtained by OFA showed John B. Vincent among 45 members of G.A.R. Ruddock Post #224 appearing on a muster roll without date but part of the Report of Adjutant for 1884–1895. Members John Vincent (age 62), Benjamin Vincent (age 40, and John's son),[32] and Jacob Wilson (age 45) are listed as all having served in Co. F, Third Michigan Cavalry.[33] A muster roll for that post dated February 8, 1884, includes John Vincent among 26 "charter members" (GAR 1884). A later list of members in good standing, which includes an annotation of a member's death as late as June 1905, includes John Vincent's name but without reference to his February 1903 death (GAR 1908). Vincent's son-in-law John Briggs appeared on this later list, marked "susp. Dec. 1907."

1897 McGinn Letter

The petition narrative cites a letter sent by John W. McGinn to the 22 individuals who, on December 5, 1897, owned homes on the Burt Lake Village land that McGinn had purchased. This letter is not found in the petition documentation, although a transcription of it appears in McGinn's county court petition for a writ of restitution, located by OFA (McGinn 1/18/1898). Fifteen of these 22 homeowners, or their survivors, also appear among the 24 homeowners identified in the Indian Population schedule of the 1900 Federal Census of Burt Township, Cheboygan County. Thirteen of these 22 homeowners are ancestral to some of the petitioner's current members. John B. Vincent does not appear in McGinn's letter, and current members who descend from him do not have any ancestors identified in McGinn's letter.

1899 Shananquet "Map"

The petition narrative also furnishes a replication of a "map" purportedly drafted by Albert Shananquet in the 1950's, naming the owners and illustrating the relative positions of houses and buildings in Burt Lake Village in 1899 (Shananquet n.d., List of Indian Village residents). Twenty-three homeowners' names plus one church and one schoolhouse appear in two columns on this "map." Twenty of these 23 homeowners in 1899 also appear in McGinn's description of 22 homeowners in 1897. Sixteen

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[32] The most contemporary record of a living Benjamin Vincent identified as a son of John and Sophia Vincent is the 1880 Census (U.S. Census 1880c, Beaugrand Twp., ED 31, dwelling 27, family 31).

[33] Jacob Wilson signed an "Affidavit for Commissioned Officer or Comrade" on May 25, 1880, in support of John Vincent's application for an invalid pension (V.A. 1880, 64–65 of 102), and joined 19 others in signing another endorsement for Vincent that was received by the War Department on September 15, 1881 (V.A. 1880, 11–13 of 102).

homeowners here, or their survivors, also appear among the 24 homeowners identified in the Indian Population schedule of the 1900 Federal Census of Burt Township (U.S. Census 1900b, Burt Twp.). Thirteen of these 23 homeowners are ancestral to some of the petitioner's current members. John B. Vincent does not appear on Shananquet's map of homeowners, and current members who descend from him do not have any ancestors identified on Shananquet's map.

1935 IRA Petition

The petitioner furnished a copy of a petition for IRA benefits signed on May 13, 1935, by 41 adults (Fred Kishego *et al* 5/13/1935). The petitioner claims that the signers represent the Burt Lake membership at that time insofar as "[a]ll but one of the signers trace back" to the Joseph Way-bway-dum band annuitants of 1870 or Cheboygan allottees or Indian homesteaders (Petitioner 2002, Political Influence binder at tab 1930's). The analysis prepared by the petitioner's genealogist offers her interpretation of those names, and furnishes what she believes to be each signer's qualifying ancestor on the 1870 annuity list for the "Burt Lake" band, using Durant's coding system (the family or sequence number of each 1870 annuitant followed by the page number of each band as it appears on the 1870 Annuity List).

OFA's analysis found two signers annotated by the petitioner's genealogist as having 1870 Burt Lake annuitant ancestors when they did not,[34] four signers who did have 1870 Burt Lake annuitant ancestors annotated with incorrect ancestors,[35] and three signers not credited with 1870 Burt Lake annuitant ancestors who could have been.[36] Ten signers had more ancestors in the 1870 Joseph Way-bway-dum band than had been noted.[37]

Overall, 9 of the 41 signers had no blood link to Joseph Way-bway-dum band annuitants: 7 spouses, 1 in-law, and 1 unknown.[38] Of the 32 who had Joseph Way-bway-dum band

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[34] Ida (Dufineau) Boursaw (12–12) and Alex Antoine (2–42).

[35] George Naganashe ("9–31" not found; 3–31 and 8–31 found), Mitchell Midwagon ("15–31" not found; 12–31 found, if Anna's son), Anna (Mixceney) Midwagon ("15–31" not found; 12–31 found), and Peter Shawanasige ("18–31" not found; 3–31 and 8–31 found).

[36] Nora (Bourassa) Portman (7–31 and 11–31), Josephine (Petoskey) Naganashe (20–31, if Joseph Kosequot married a daughter of Mrs. William O'Flynn), and Elizabeth (Norton) Antoine (15–31).

[37] Agnes (Shawanasige) Naganashe (3–31), Steven Shawanasige (3–31, 8–31, 22–31), Wallace Shawanasige (3–31 and 8–31), Mary Shawanasige (3–31 and 8–31), Ida (Cabenaw) Shawwawnonquot (18–31 and 33–31), Enos Cabenaw (18–31), Hattie (Shenesky) Odemin (3–31 and 8–31), William Patrick Bourassa (7–31), Charles Bourassa (7–31), and William Shenoskey (3–31 and 8–31).

[38] Spouses: Basil Naganashe, Alex Antoine, Helen (Shawanibin) Dashner, Margaret (Keway) Shenoskey, Jonas Midwagon [he appears on the Indian Population schedule of the 1910 Federal Census of Burt Township], Ed Odemin, Ida (Dufinaw) Boursaw. Father-in-law: John Shawanibin. Unknown:

ancestry, 21 have no descendants in the petitioner's current membership, and none are now living themselves. These 32 signers could trace to a total of 16 of the 33 annuitant families of 1870,[39] whereas the petitioner's current members can trace to a total of 10 annuitant families of 1870. Petitioner's members descend from 11 of the 32 signers, and these 11 signers descend from a total of 8 Joseph Way-bway-dum band annuitants. A total of 13 of the 41 signers were enumerated as residents of Burt Township in the 1930 Federal Census, and the petitioner's members descend from 9 of these 13 signers.

None of the 1935 signers were descendants of John B. Vincent, and no current members who are descendants of John B. Vincent trace their ancestry to any signer of this 1935 petition. None of John B. Vincent's descendants resided in Burt Township at the time of the 1930 Federal Census.

Of the petitioner's 490 current members, 66 (or 13 percent) trace their descent from 11 of these 41 IRA petition signers. Thus, 87 percent of current members are not represented by ancestors who signed this petition in 1935. Removing current members who are Vincent descendants (n = 233) from the overall membership total raises the percentage of current members represented by ancestors who signed the 1935 petition to 26 percent (66 of 257).

Records via Internet

Several types of abstracted and indexed records available via the Internet proved useful in the analysis of this petition. The Durant Roll of 1910, provided to OFA by the petitioner in PDF format on CD, was not prepared by Durant in purely alphabetical order. A purely alphabetical listing of all 1908 descendants of 1870 annuitants is available on the Internet as "The Ottawa and Chippewa of Michigan, 1870 Census, 1908 Durant Roll, and the 1910 Durant Supplemental Roll" <www.rootsweb.com/~mimadin/ottchipp.htm>.[40] This on-line resource includes all the data found in Durant's roll.

Another on-line tool is the searchable index to the 1870 Federal Census of Michigan, which also provides the image of the schedule page <envoy.libofmich.lib.mi.us/1870_census>. Indexes to and abstracts of marriages and

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Edmund Kagetawan.

[39] The seven annuitants represented by the 1935 IRA petition signers but not by current members are Pe-waw-be-koonse (6-31), Maw-co-paw [Louis Bourassa] (7-31), Ignatus Ke-zhe-go-we (9-31), [Joseph] Shaw-waw-ne-quoum (10-31), Mo-ke-che-waw-no-quay [Catherine Bourassa] (11-31), Me-se-sow-gway [Louis Mixcenine] (12-31), and Paw-se-que (22-31). The one annuitant represented by current members but not by the 1935 IRA petition signers is Theresa Way-win-ding (16-31).

[40] Despite the title, the basis for the Durant rolls is the 1870 annuity list, not the 1870 Federal Census.

deaths for Cheboygan, Emmet, and Mackinac Counties were accessed at <www.rootsweb.com/~micheboy, ~miemmet/, and ~mimackin/>. The "Surname Index to Cheboygan and Mackinac County Newspapers" provided citations to 14 regional newspapers for the period 1871–1929 <www.rootsweb.com/~micheboy/surcodes.htm>. From this index, actual newspaper articles were accessed and photocopied by OFA at the Michigan State Archives.

4. Analysis

Analytical Tools used by OFA

Genealogical Database

As briefly described earlier, the petitioner prepared a genealogical database using a commercial program called Brother's Keeper ("BK"). This was submitted to OFA on CD-ROM in a format that could be, and was, imported into Family Tree Maker for Windows ("FTW"). The FTW genealogical database was updated by OFA. Once it became obvious that the petitioner's membership roll included deceased and relinquished members, as well as members who had never submitted a signed application, OFA annotated the membership numbers in the genealogical database so that the OFA researchers had a clearer picture of actual membership.

For example, the petitioner's database included 61 direct descendants of Sam Shawwawnonquot and Ida Cabenaw/Lehmar, 38 of whom had membership numbers assigned to them even though only 1 of them had signed an application. Of the 37 who had not filed applications, 17 had filed written relinquishments and were enrolled elsewhere, 15 were enrolled elsewhere without filing written relinquishments, and 5 neither filed written relinquishments nor enrolled elsewhere. The one descendant who signed an application, and is considered a current member, was enrolled elsewhere.

The petitioner's genealogical database includes a tremendous number of individuals who are neither members nor ancestors of members. For example, 1870 annuitant #11 Theresa or Catherine (Mo-ke-che-waw-no-quay) Bourassa's descendants in the petitioner's genealogical database number 212, but not one is a current member. It is not known why these individuals were entered into the petitioner's database, nor what sources of evidence were relied upon for their inclusion.

The OFA genealogist added several fact fields to the FTW database, citing an individual's appearances in annuity lists, Federal Census population schedules (1850–1930) and non-population schedules (1860–1880), 1872 Indian homestead records, 1875 allotment schedule, the 1881 manuscript census, the 1897 McGinn letter, the 1899 Shanaquet "map," and the 1908 Durant list. Individuals of the modern era have fact fields added by OFA to cite their signing of the 1935 petition for IRA benefits, or

appearance on the petitioner's 1994 membership list, and to indicate whether and when they filed written relinquishments, and if and where they were found to be enrolled in a federally acknowledged tribe. Also noted was whether the individual's membership folder was submitted by the petitioner. Modern era individuals also have fact fields for their current residence information, and for a single identification as to whether the individual meets the three definitions of a current member for purposes of this proposed finding (that is, is living, filed a membership application, and has not submitted a written relinquishment).

The addition of these fact fields made it possible to analyze the current and historical membership in various ways. An individual member's ancestry chart could be viewed and modified to identify ancestors not by name but by the qualifying document(s) on which his or her ancestors appeared. Reports on historical individuals could be designed to include not all direct descendants but only those who are current members. Groups of individuals could be studied for their residence patterns from 1850 to 1930.

Despite the multitude of persons in the database, and the analytical flexibility of the database, additional databases were needed. Not every individual found in each of the three categories of records used for membership qualification appeared in the petitioner's genealogical database, and the FTW database is limited in the number of sorting criteria it can handle. Therefore, eight additional databases were created in Microsoft Access.

Microsoft Access Database

The largest of the 8 databases created by the OFA genealogist is a "Membership Folders" table, identifying the 830 persons for whom membership folders, or place-holders, had been submitted by the petitioner. This tracked the location of the folder, the member's name on the label, whether a signed application was in the folder, the year it was signed, whether a written relinquishment was found, and when signed, and whether the person was deceased. Columns were added to note whether a current member was enrolled elsewhere, the tribe in which enrolled, and his or her specific ancestors on the 1870 annuity list and 1875 allotment list or group of 1872 Indian homesteads, and the dwelling/family number of ancestors in the Indian Population schedule of the 1900 and the 1910 Federal Censuses of Burt Township, Cheboygan County, Michigan.

One column was created to note those persons with no qualifying ancestor. City, state, and zip code of residence were transcribed, and a column identified the specific OFA-created "relinquished members" chart on which the person appeared.

Three separate tables were created to record the individuals from each of the three documents identified in the petitioner's membership requirement by-law as comprising qualifying ancestors: 1870 annuitants, 1875 allottees (and 1872 Indian homesteaders), and residents enumerated on the Indian Population schedule of the 1910 Federal Census of Burt Township. Eventually, each person's entry in each of the three Access tables was

annotated with the number of descendants he or she now has in the petitioner's membership, as calculated in the FTW genealogical database.

Citations to appearances in the Federal Census of 1860, 1870, 1880, 1900, and 1910 were noted for each affected individual in the "1870 annuitant" table, including age and spelling of name at the time. If the 1870 annuitant also had an allotment or Indian homestead, the township/ range/ section numbers were noted in a separate column. His or her age and P.O. address from the 1908 Durant roll appeared in its own column.

The "1875 Allottees" table included columns for the section/ township/ range of the allotment or homestead, certificate number, a cross-reference to any 1870 annuity list appearance, and a column for additional notes made by the OFA researcher. Later in the process, the tribal affiliations learned from the 1857 or 1864 unfulfilled allotment certificates were added. Also added were columns for recording book-and-page citations to Cheboygan County grantor deeds for those properties (as learned from a microfilmed index), as well as grantee names, sale dates, tribal affiliation or residence at time of sale, and date and place at which the grantors acknowledged their deeds of sale. A "GLO Tract Book" table helped early in the proposed finding process to distinguish among three types of land entries seen in the tract book photocopies.

The "1910 Burt Twp Indian Schedule" table contained data transcribed from the actual schedule, which could then be sorted by any category of information. A "1900 Burt Twp Indian Schedule" table was also created, even though it is not one of the "qualifying documents" for membership in the petitioner. It, too, contained data transcribed from the actual schedule.

A "1908 Durant" table was created, to identify all descendants of the 1870 Joseph Way-bway-dum band annuitants listed in Durant's field notes. All information recorded by Durant in his field notes was transcribed.

The "1935 Petitioners" table captured the names of all the May 13, 1935, signers of the IRA petition, as well as the analysis presented by the petitioner's genealogist in her Exhibit A, p. 27–29. OFA added columns to cite appearances on the 1930 Federal Census, and birth dates as given in the petitioner's genealogical database. The petitioner made certain claims about the 1870 annuitants to whom those signers could trace. Those claims were included in this table, alongside the results of the OFA genealogist's analysis, which includes a "notes" field that presents the names in each person's straight line of descent from an 1870 annuitant. OFA also calculated and added the number of each signer's descendants in the petitioner's current membership.

FAIR Database

Another database used in the proposed finding for this petition was the Federal Acknowledgment Information Resource database (FAIR). This database imported the BK/FTW genealogical database once OFA had added the additional fact fields and their information. FAIR included images of every document submitted by the petitioner, of documents provided by the DOI's Solicitor's Office from *Burt Lake Band v. Norton*, and of some documents gathered prior to active consideration by BAR.

Membership Totals

The following chart illustrates when members signed applications for Burt Lake membership.

Yr:	1985	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Mbrs:	2	64	245	51	29	20	12	16	8	24	13	6

Breakdown by Historical Ancestor

The 224 current members who have ancestors on the 1870 annuity list can trace to as many as 10 such families.

# Members	1870 Annuitant Head of Household	
2	#1	Joseph Web-bway-dum
90	#2	Non-quaish-caw-waw [Louis Nongueskwa]
209	#3	[Antoine] Shawwawnonquot
33	#8	Aw-be-taw-ge-zhe-go [George Shenoskey]
16	#15	[Louis] Shaw-bwaw-sung
25	#16	Theresa Way-win-ding
69	#18	Wm. Mick-se-min-ne
18	#20	Mrs. Wm. O'Flynn
27	#29	Isaac Shawwawnonquot
36	#33	Ignatus Kaw-be-naw [Enos Cabenaw]

However, because of marriage within the group both before and after 1870, the same 224 members can trace to as few as two annuitant families. That is, all 224 current members who have 1870 annuitant ancestors can trace to annuitants Antoine Shawwawnonquot

and Louis Nongueskwa. The other eight annuitants provided descendants who married with Shawwawnonquot's or Nongueskwa's descendants.

The same 224 current members above can trace to four 1870 annuitants who selected an allotment in 1857 or 1864 and received it in 1875, one 1870 annuitant (Theresa Way-win-ding) who obtained an 1875 allotment without participating in earlier selections, or four Indian homesteaders in the Cheboygan reserve who were Cheboygan annuitants, or children of Cheboygan annuitants or allottees. Another 233 current members trace to a non-annuitant (John B. Vincent) who obtained an 1875 allotment within the Cheboygan reserve without participating in the earlier selections of 1857 or 1864. The remaining 33 current members do not have Cheboygan annuitant or allottee or Indian homestead ancestors.

# Members	1875 Allottees	Certificate Numbers in 1857	1864	1875
2	Joseph Wa-bwa-dum [Way-bway-dum]	452	576	1424
90	Louis Nah-quaish-cah-wah [Nongueskwa]	438	562	[Emmet Co.]
209	Anthony Shah-wah-nah-nah-quot [Shawwawnonquot]	446	570	570
16	Louis Shah-bwah-sung	433	557	557
25	Theresa Way-win-ding			1406
233	John B. Vincent			1415

	1872 Indian Homesteaders	Final Certificate Number
27	Isaac Shaw-naw-nun-naw-anot [Shawwawnonquot]	3459
36	Ignus Kaw-be-naw [Enos Cabenaw]	3770
53	Moses Nag-ga-skaw [Nongueskwa]	4033
2	Paul Nongueskwa	5461

Relinquished Members

Photocopies of documentation found among 830 membership folders for the petitioning group include relinquishments, signed between 1993 and 2002, affecting 114 members.[41] The timing of these relinquishments is depicted below, noting also the number of relinquished members now enrolled elsewhere (n = 98) and the tribe where enrolled.

[41] This total includes individuals with membership folders who both had and had not submitted signed application forms to Burt Lake. This total does not include less formal relinquishments found, such as "I no longer wish to remain a member" (n = 8) or "no interest in joining Burt Lake" (n = 4), when unaccompanied by signed applications. Neither does it include individuals whose father (n = 12) or mother (n = 12) or grandparent (n = 2) had formally relinquished.

Year	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Number of Members Relinquishing	3	5	56	20	2	11	9	1	1	6
Number of Above Members Now Enrolled Elsewhere & Tribe Where Enrolled*	3 SSM	5 LTB	42 LTB	19 LTB	2 LTB	10 LTB	9 LTB	1 LTB	1 LTB	6 LTB

* SSM = Sault Ste. Marie Tribe
LTB = Little Traverse Bay Bands

Criterion (f) discusses the petitioner's 50 current members who have enrolled in federally acknowledged tribes without having submitted written relinquishment to the petitioner.

Some relinquishments appeared on standardized forms with Burt Lake Band letterhead, first used in 1998. The relinquishment form requests that the member furnish reasons for relinquishment, but does not state the ramifications of relinquishment. Thus it is not stated whether such relinquished members may ever reactivate their membership in the Burt Lake petitioner,[42] or, if so, under what circumstances or time frames.[43] Some relinquishment letters in the membership files request relinquishment for the requestor's minor or adult children, and even grandchildren as well.

The membership folders and genealogical database show that the relinquished members trace to all but three of the historical "Burt Lake" individuals from whom current members descend. The three historical "Burt Lake" individuals whose descendants have not relinquished membership are 1870 annuitants Joseph Way-bway-dum and [Louis] Shaw-bwaw-sung, and 1910 resident Elizabeth (Martell) Griswold.

[42] The November 23, 1994, relinquishment form letter of one member (#191-Box 5) states, "This cancellation of my membership is made freely and voluntarily with the full understanding that henceforth I shall cease to hold membership in the Burt Lake Bands of Michigan, and that I will no longer be eligible for benefits I am entitled to as a member of the tribe" [emphasis added].

[43] The July 27, 1996, relinquishment letter of one member (#46-Box 4) states, "I know once removed I as an individual shall not be eligible for re-enrollment for a period of five years."

Ancestry of Relinquished Members
(n = 114 of 830)[44]

	Historical Ancestor	Number of Descendants Assigned Member Nos. (n = 842 in FTW)	Relinquished Total (n = 830 folders)	Percent
#	**1870 Annuitant**			
1	Joseph Way-bway-dum	6	0	--
2	Non-quaish-caw-waw	200	50	25
3	Shaw-waw-now-now-quot	425	98	23
8	Aw-be-taw-ge-zhe-go	107	32	30
15	Shaw-bwaw-sung	21	0	--
16	Theresa Way-win-ding	35	9	26
18	Wm. Mick-se-min-ne	150	26	17
20	Mrs. Wm. O'Flynn	49	22	45
29	Isaac Shaw-waw-now-now-quot	126	52	41
33	Ignatus Kaw-be-naw	82	21	26
	1875 Allottee			
	John B. Vincent	293	3	1
	1910 Ancestry only	40	3	8
	Elizabeth/Isabella (Martell) Griswold	33	0	--
	Charlotte Boda	7	1	14
	No qualifying ancestors	17	0	--

Incomplete documentation and potential adoptees

The OFA genealogist conducted a review of the documentation in the 830 membership folders that the petitioner accepted as sufficient to verify each member's descent from one or more historical Burt Lake ancestor. Folders for twenty current members did not contain documentation supporting their ancestry as presented on their ancestry charts. Three types of problems were noted: (1) a lack of evidence of a natural parent of Burt Lake ancestry, (2) the presence of evidence of adoption without identification of a natural parent of Burt Lake ancestry, and (3) the presence of evidence of natural parentage

[44] Due to marriages within the group, some members trace to several historical ancestors, and, thus, the total number of relinquished members exceeds 114 on this chart.

conflicting with that claimed. These 20 individuals remain in the overall total of 490 current members pending resolution of their ancestry (constituting 4 percent thereof).

Problem Lines

John B. Vincent (1816–1903)

Genealogical research conducted by OFA on John B. Vincent involved Federal Census schedules, church records, land and vital records, newspaper articles, Civil War service, pension, patriotic organizational, and veterans' home records, and published county histories. These records identify John B. Vincent as an "Indian" (1860 Census) or "Indian mixed" (1870 Census) or "white" man (1880 Census) born in the upper peninsula of Michigan, described variously as the "Lake Superior regions" (church record of death), "Kayana" [Keweenaw] Bay (Civil War discharge papers), L'Anse (1901 surgeon's certificate in pension file), or Marquette (1902 surgeon's certificate in pension file). The only census entry found for John B. Vincent in which his parents' birthplaces are identified is the 1880 Census, in which the birthplace of John B. Vincent's father is recorded as "Vermont" and his mother's as "Canada." The obituary of John B. Vincent's first known child, Adelaide, places the Vincents in St. Clair County, Michigan, circa 1841 (*Cheboygan Democrat* 7/8/1921, 1). Vincent's obituary and Ware's 1876 county history furnish 1846 as the year in which John B. Vincent and family migrated to Cheboygan County (Anonymous 1903; Ware 1876, 15 and 17).

None of the records reviewed to date includes John B. Vincent's self-identification or identification by others as an Indian of the Cheboygan Band. The fact that John B. Vincent obtained an allotment in the Cheboygan reserve continues to be the only circumstance suggesting otherwise, and evidence reported elsewhere in this finding confirms that other non-Cheboygan Indians obtained allotments in the Cheboygan reserve. Even when selling this allotment — before it was patented to him — John B. Vincent did not describe himself as a "member of the Ottawa and Chippewa Indians of Michigan," as did five other non-resident allottees who sold their allotments prior to patenting (Cheboygan County, Michigan, 1869–1873).[45]

John B. Vincent's name does not appear on any of the annuity lists reviewed for the Cheboygan band. No evidence has been found suggesting John B. Vincent ever lived in Burt or Tuscarora Townships, and none of his descendants have married into families

[45] Those 1873 grantors who did self-identify as members of the Ottawa and Chippewa Indians of Michigan include Shegawashegaw (D:487), Charlotte Lecoylt (D:488), Pauline Bonnoe (D:508), John Mishow (D:513), and Chequesh (D:514). The five 1873 grantors who did not self-identify as members of the Ottawa and Chippewa Indians of Michigan include Louis Cadotte (D:506), Jane Stafford (D:510), Alexander Easney (D:511), John Vincent (D:515), and Kawgodawasqua (D:532). OFA reviewed a total of 30 post-1875 deeds of sale by allottees or their heirs , none of whom self-identified as members of the Ottawa and Chippewa Indians of Michigan (Cheboygan County 1869–1883).

with Burt Lake ancestry. Circa 1867, John B. Vincent's daughter Adelaide or "Delia" married John Briggs, whose name did appear on the 1870 annuity list of the Joseph Way-bway-dum band.[46] However, Durant noted that "[t]he Cheboygan Chiefs say John Briggs had no right on roll in 1870; is a half-breed" (Durant Field Notes, 32–31).[47] Durant also noted in 1908 that John Briggs' unnamed wife, who was Adelaide Vincent, was "white." This constitutes indirect evidence that the "Cheboygan chiefs" in 1908 did not consider the Vincents to be Indian, let alone members of their band. Such indirect evidence that the Cheboygans did not consider the Vincents to be members exists as early as 1870, when, in addition to the absence of John B. Vincent from the annuity list, the annuity paid to John Briggs was for John Briggs himself and his two children, but not for his wife Adelaide.[48]

This John B. Vincent, with no demonstrable connection to the Cheboygan band, constitutes the sole qualifying ancestor for nearly half of the current members, all of whom descend from two of John B. Vincent's nine known children, John (1848–1909) and Catherine (1863–1954).

Martell

Abraham Martell (1845–1898) and wife Margaret Moses (1854–after 1900) of Mackinac County on the upper peninsula of Michigan never resided in Cheboygan County, but five of their children migrated there after 1900.[49] One daughter, Esther, married Henry Massey in Emmet County in 1902, and another, "Lizzie," married Harvey Griswold in Cheboygan County in 1908. In 1908, Durant recorded Margaret (Moses) Martell (and her children) and her brother Simon Moses as the descendants of an 1870 annuitant of the Pay-zhick-way-we-dung band of Beaver Island (Durant Field Notes 61–35).[50] Durant

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[46] John B. Vincent and John Briggs both served in the Third Michigan Cavalry during the Civil War, but in different companies. Vincent served in Co. F (U.S. Army, Adjutant General 1861–1862), and Briggs in Co. D (Hewett 1998, 50).

[47] John Briggs did not appear on the 1868 annuity list of the Joseph Way-bway-dum band (Lantz 1993, 89).

[48] No current members trace their ancestry to John Briggs and Adelaide Vincent.

[49] In 1900, the widowed Maggie (Moses) Martell and her children appeared as Chippewas in the Indian Population schedule of Sherwood Township, Mackinac County, Michigan (ED 95, p. 4A). This township was renamed Clark Township in 1905 (Mid-Michigan Genealogical Society 1972, 35).

[50] Durant also lists Margaret and Simon's brother Peter Moses as the one who married Eliza Nongueskwa of Burt Lake and had a daughter Mary, but the petitioner's genealogical database shows different parentage for Eliza's husband (Joseph Moses and Angie Williams). A Peter Moses with wife Eliza and daughter Mary appear in the Indian Population schedule of the 1900 Federal Census of Burt Township (dwelling and family #8).

listed the 1908 residence of all of Margaret's children as Cross Village, except for Esther (Martell) Massey who resided in "Burt Lake, P.O. Pellston" (Durant Field Notes 61–35).

By 1910, Martell sisters Esther and Lizzie resided in Burt Township, and three of their unmarried and teen-aged siblings — Charles, Abraham Jr., and Jane or Jennie — resided with Esther (Martell) Massey. Eventually Charles Martell married a Shawwawnonquot, Abraham became the third husband of Charlotte Boda, and Jane married Daniel Boda (Charlotte's brother).

The Massey and Shawwawnonquot spouses of Esther Martell and Charles Martell, respectively, provide Burt Lake ancestry for their descendants in the current membership. The Griswold and Boda spouses of the other three Martell siblings do not have Burt Lake ancestry. However, that becomes an issue for the Griswold descendants only, insofar as Abraham Martell and Charlotte Boda had no children, and the seven descendants of Jane Martell and Daniel Boda for whom the petitioner submitted membership folders also filed written relinquishments, and, therefore, are not considered current members for purposes of this proposed finding.

The December 14, 2002, amendment to the petitioner's membership requirements added those persons enumerated on the Indian Population schedule of the 1910 Federal Census of Burt Township as qualifying ancestors. This made it possible for 15 Griswold descendants to be considered members even though their ancestors were not Joseph Way-bway-dum band annuitants nor allottees or homesteaders under the Treaty of 1855.[51] Federal Census records indicate that three of the five Martell siblings who migrated to Burt Township after 1900 also removed to Emmet County after 1910. Elizabeth "Lizzie" (Martell) Griswold and Charles Martell appeared in Burt Township schedules as late as 1930, although Charles Martell's family also appeared in the Pellston schedules that year as well.

Boda

The children of Daniel Boda (ca. 1858–1889) and Annie Gaffney (1856–1932) appear in Federal census records variously as "Indian" and as "white" as their "color." However, Durant did not include them among his roll of Ottawa and Chippewa. Four of their children appear on the Indian Population schedule of the 1910 Federal Census of Burt Township, three of whom identify their father Daniel Boda's birthplace and mother tongue as "Canada-French." Only two of these four Bodas left descendants who are now members of the petitioner. One, Margaret, married Lucius Cabenaw whose father and grandfather appeared on the 1870 annuity list of the Joseph Way-bway-dum band. The other, Charlotte, married three Indian men, but none with Burt Lake ancestry. However,

[51] Neither were the Martells or Griswolds identified as homeowners on the McGinn or Shananaquet lists, or enumerated on the Indian Population schedule of the 1900 Federal Census of Burt Township, made just months before the "burnout."

since Charlotte appeared on the Indian Population schedule of the 1910 Federal Census of Burt Township, five of her descendants qualify for membership in the petitioner.

No Qualifying Ancestry

Two other groups of current members without "qualifying ancestry" have ties to Abraham Martell Sr. and Margaret Moses of Mackinac County. By a previous marriage, Abraham had a son Enais Martell (born 1864) from whom two current members claim descent. Margaret (Moses) Martell had a brother Simon Moses, mentioned above, from whom 11 current members claim descent. Neither Enais Martell nor Simon Moses meet any of the petitioner's three current criteria for membership, and their descendants who are members (13 of 490, or 3 percent) do not have other ancestors who do meet the petitioner's membership criteria.

Does the petitioner meet its own membership criteria?

The membership requirements as of December 14, 2002, specify descent from an Indian individual appearing

(1) in the Joseph Waybwaydum band from Durant's 1908 field notes, based on page 31 of 1870 annuity list; or,
(2) among Cheboiganing/Burt Lake Band's land allotments or homesteads pursuant to 1855 Treaty; or,
(3) on the 1910 Indian Population schedule of the Federal Census of Burt Twp.

Of the petitioner's 490 current members, 233 descend from John B. Vincent, and analysis of this segment of the membership appears at the end of this section. Of the 257 other current members, 224 claim at least one ancestor on the 1870 Joseph Way-bway-dum annuity roll, and the same 224 claim at least one ancestor who was identified as "Sheboygan" in the process of selecting his or her allotment.[52] The same 224 current members, plus an additional 20,[53] can trace to at least one Indian family enumerated on

[52] Theresa Way-win-ding, whose name appears as the first entry the 1875 allotment list, was not among the "Sheboygan" Indians who chose allotments in 1857 or 1864. However, all 24 of the current members who descend from her also descend from Antoine Shawwawnonquot who was identified as "Sheboygan" in his 1857 and 1864 allotment records.

[53] The additional 20 members descend from an Elizabeth Martell who married a Griswold (n = 15) or from Charlotte Boda (n = 5), both of whom first appeared on a Federal Census schedule of Burt Township in 1910. Neither Elizabeth nor Charlotte, nor the families into which they and their descendants intermarried, have ancestors on the 1870 Joseph Way-bway-dum annuity list or the Cheboygan allotment records.

the Indian Population schedule of the 1910 Federal Census of Burt Township. A total of 13 current members cannot trace to a qualifying ancestor.[54]

More than 47 percent of the petitioner's current members claim descent from John B. Vincent (1816–1903), who did not appear on the 1870 annuity list, was not identified as a member of the Cheboygan band when allotted land in the Cheboygan band reserve, and was not enumerated in the Indian Population schedule of the 1910 Federal Population Census of Burt Township. The petitioner may not have been aware of the inclusion of non-Cheboygan Indians on the 1875 allotment list at the time it formulated this provision of its membership requirements, and, therefore, may have determined that John B. Vincent's descendants met this membership requirement.[55] However, the evidence submitted and the additional OFA research undertaken for the proposed finding, do not support Cheboygan band origins for John B. Vincent.

The language of the petitioner's second membership option as it presently exists, however, allows for the inclusion of non-Cheboygan Indians. Thus, on the basis of the membership requirements as they currently exist, OFA analysis shows that 224 current members meet the first membership option of tracing to the 1870 annuity list of the Joseph Way-bway-dum band, 233 current members meet only the second membership option, as written, of tracing to Cheboygan land allottees or homesteaders, 20 current members meet only the third membership option of tracing to someone on the Indian Population schedule of Burt Township in the 1910 Federal Census, and 13 current members have no qualifying ancestor.

Does the petitioner descend from the historical band?

Evidence identifying the historical Cheboygan band, and the individuals it comprised, includes the 1857 and 1864 allotment records in which applicants' band affiliations are noted individually as "Sheboygan" or "Cheboygan," and the annuity lists of 1870 and earlier of the Joseph Way-bway-dum band. John B. Vincent does not appear in the allotment selection records of 1857 or 1864, nor does his family appear on any Joseph Way-bway-dum band annuity list. Neither does John B. Vincent appear as a resident of

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[54] The five Martell siblings who settled in Burt Township before 1910 are the children of Abraham Martell and Margaret Moses: Esther (Martell) Massey, "Lizzie" (Martell) Griswold, Jane (Martell) Boda, Abraham Martell Jr., and Charles Hyacinthe Martell. Two of the 14 current members without Burt Lake ancestry descend from an earlier marriage of Abraham Martell Sr.'s, and 11 descend from a brother of Margaret (Moses) Martell, none of whom resided in Cheboygan County.

[55] BIA correspondence in 1984 equated John B. Vincent's appearance on the 1875 allotment list with his membership in the historical band (Lufkins 1984), but BIA correspondence in 1991 to the petitioner's membership clerk cautioned that additional research failed to find John B. Vincent's name on any 1870 annuity list ("payment schedule") for the Ottawa and Chippewa Indians, and noted, "[t]here have been instances where non-Indians have been allotted Indian land" (Bolton 1991).

the Indian village at Burt Lake in any Federal or manuscript census, or on McGinn or Shananaquet's lists. As stated in the previous section, the evidence submitted, and the additional OFA research undertaken for the proposed finding, do not support Cheboygan band origins for John B. Vincent.

Also lacking ancestors in the historical Cheboygan band are the descendants of the Martell and Boda women, who arrived in Burt Township after the 1900 burnout and married men without Cheboygan band ancestry. Finally, there are the 13 members, descended from Enais Martell or from Simon Moses, whose ancestors were not among the historical band, and did not reside in Burt Township by 1910, if ever.

This means that 224 current members (46 percent) can trace to the historical Cheboygan band, and 266 members (54 percent; n = 233 Vincent, 20 Martell/Griswold and Boda, and 13 with no qualifying ancestor) cannot.

The following chart illustrates the ancestry of all 490 current members using the least number of historical ancestors necessary to do so. For purposes of this chart, the term "historical ancestor" is that defined by the petitioner's membership criteria: an individual appearing on the 1870 annuity list at page 31, in the records of 1857, 1864, and 1875 Cheboygan allotments or 1872 Indian homesteads in the Cheboygan reserve, or in the Indian Population schedule of the 1910 Federal Census of Burt Township.

# Members:	Historical Ancestor:	Found as:		
209	Antoine Shawwawnonquot	1870 annuitant, 1875 allottee, 1910 resident		
15	Louis Nongueskwa	1870 annuitant, 1875 allottee[56]		
233	John B. Vincent	- - -	1875 allottee	- - -
15	Elizabeth/Isabella Martell[57]	- - -	- - -	1910 resident
5	Charlotte Boda	- - -	- - -	1910 resident
13	None	- - -	- - -	- - -

Estimation of potential growth

The abundance of non-member relatives of members in the petitioner's database provides some context for estimates of potential growth, even though the sources used for entering those names were neither seen nor confirmed as reliable by OFA. The current membership figure of 490 used by OFA is much reduced from the total of 830 persons for whom the petitioner submitted membership folders, 319 of which lacked signed membership applications. Twenty seven of those individuals are now deceased, but as many as 140 of the remaining 292 could be added to the 490 total used in OFA's analysis by the successful filing of a membership application.[58] The other 152 of those 292 potential members' names appeared on tribal rolls of the Little Traverse Bay Bands and the Sault Ste. Marie Tribe, and it is not clear how the petitioner deals with members who are enrolled in acknowledged North American Indian tribes nor with those who relinquish their Burt Lake membership. Both policies will affect future membership numbers.

[56] Although not on the list of 45 patentees of allotments in the Cheboygan reserve, Louis Nongueskwa, as "Louis Nah-quaish-cah-wah," selected an allotment as a Cheboygan, or "Sheboygan," band Indian in 1857 and 1864, and his selection was patented in Emmet County.

[57] Married Harvey Griswold. Other Martell descendants have Cheboygan band ancestry.

[58] Of those 292 potential members, 75 percent claim descent from the historical band, 16 percent from John Vincent, 6 percent from Griswold or Boda ancestors, and 3 percent have no "qualifying ancestry."

If the non-members who are entered into the petitioner's genealogical database represent potential members, then it may be significant to note that there are 1,293 individuals in the database (including current members) who were born after 1931 (younger than 72) and have no information indicating they are deceased. There are 1,450 individuals in the database (including current members) who were born in or after 1919 (the birth year of the petitioner's oldest members) and have no information indicating they are deceased.

An analysis was made of just those 13 historical Burt Lake individuals, as permitted under the petitioner's current membership criteria, who are already represented by current members to see how represented they are, based upon the number of descendants identified and appearing (albeit without verification) in the petitioner's genealogical database. For example, Antoine Shawwawnonquot and his wife have 786 descendants in the database. After subtracting out those with no birth dates given and those listed with birth dates prior to 1931 (assuming a 72 year life expectancy), 519 descendants remain. Of those 519, 197 are current members (38 percent representation), and the other 322 represent potential members. The same formula was applied to each of the 13 historical ancestors currently represented.[59] Nine of the 13 historical ancestors of the current membership have 40 percent or less of their petitioner-identified descendants in the petitioner's membership. Whether the other 60 percent is enrolled in an acknowledged North American Indian tribe is not known, and was not researched by OFA, except for those individuals for whom the petitioner submitted membership folders.

The petitioner's genealogical database includes historical individuals who are not represented in the current membership, and their descendants. As mentioned previously, Theresa Catherine (Mokechewawnoquay) Bourassa appears in the genealogical database with 212 of her descendants. Subtracting out those with no birth dates and those born before 1931 leaves a total of 73 potential members.

If, on the other hand, the petitioner's review of the allotment documentation presented in this proposed finding results in a reworking of its membership criteria dealing with allotments, it is possible that its current membership total would be reduced almost by half.

[59] From lowest to highest representation: Isaac Shawwawnonquot, 20 percent of his petitioner-identified descendants are current members of the group, Mrs. William O'Flynn 21 percent, Enos Cabenaw 26 percent, Theresa Way-win-ding 28 percent, George Shenoskey 30 percent, Louis Nongueskwa 34 percent, William Micksaminne 34 percent, Antoine Shawwawnonquot 38 percent, Joseph Way-bway-dum 40 percent, Elizabeth (Martell) Griswold 58 percent, Charlotte Boda 71 percent, John B. Vincent 74 percent, and Louis Shawbwawsung 79 percent.

Criterion (f)

The petitioner governs itself via a set of by-laws, amended as recently as December 14, 2002. Article IV of the by-laws addresses membership, and does not include any language on the acceptability or unacceptability of members belonging concurrently to another Indian group, federally recognized or not.

The membership application contains spaces for prospective members to identify any federally recognized tribe or "any tribe which has applied for federal recognition" to which they may belong. The application further instructs, "If in doubt, please list tribes in which you are affiliated." The application does not state whether enrollment elsewhere is acceptable or prohibited. Some membership folders contain letters from a federally recognized tribe, the Little Traverse Bay Bands, asking the petitioner to verify whether certain specified people appear on the Burt Lake membership list.

The by-laws do not state a policy about voluntary relinquishment of membership. Former versions of the by-laws included provisions for the governing body to enact ordinances governing relinquishment, reinstatement, and disenrollment, but such ordinances, if enacted, were not among the petition documentation.

The OFA genealogist made a site visit to the BIA Michigan Field Office in Sault Ste. Marie to ascertain the extent of enrollment of petitioner members in federally recognized tribes. The names of the 830 persons with membership folders were compared with current tribal rolls of five federally recognized tribes:

- Bay Mills Indian Community (about 1,500 members as of 12/4/2002),
- Grand Traverse Band of Ottawa & Chippewa Indians (3,831 members as of 11/15/2002),
- Little Traverse Bay Bands of Odawa Indians (3,742 members as of 12/13/2002),
- Little River Band of Ottawa Indians (2,364 members as of 3/21/2003), and
- Sault Ste. Marie Tribe of Chippewa Indians (30,638 members as of 3/26/2003).

The tribal rolls did not indicate when each member joined, but evidence in the petition shows that enrollment of the petitioner's members elsewhere has occurred since at least 1994, the first year in which members' written relinquishments listed their reason for relinquishing membership as "enrollment at Little Traverse Bay Bands."

Ancestry requirements for the Little Traverse Bay Bands, according to its revised enrollment ordinance (1995) and revised enrollment statute (2002), include descendants of persons listed on the Durant Roll under "Joseph Way-bway-dum – Burt Lake," among

other chiefs and areas of residency (LTBB 8/27/1995, 2; 8/18/2002, 2). A total of 224 (of 490) current members of the petitioner meet this LTBB ancestry provision.[1] However, LTBB membership also requires a one-fourth Indian blood quantum. The most recent generations within the group of 224 Joseph Way-bway-dum band descendants who are current members of the petitioner will not meet the LTBB blood quantum requirement, although a precise figure was not calculated for the proposed finding.

In 1994, the petitioner's group consisted of 632 members, 174 of whom are currently enrolled in federally acknowledged tribes although only 106 have formally relinquished membership in the petitioner. A total of 50 of the 490 current Burt Lake members appear as members of the federally recognized Little Traverse Bay Bands (n = 38) or Sault Ste. Marie Band (n = 12) by virtue of their appearance on membership lists of those tribes or through confirmation with those tribal offices.[2] Among these 50 members are two members of the petitioner's governing body. Evidence in the record includes testimony given in 2002 by the chairman of the Sault Ste. Marie Tribe of Chippewa Indians, who stated that the petitioner's current chairman "is a long time enrolled member of the Sault Tribe" (Bouschor 2002, 3). Five of the petitioner's members who enrolled at Sault Ste. Marie, and four of those enrolled with Little Traverse Bay, indicated those dual memberships on their application forms. The date upon which anyone became a member of either of these two tribes was not apparent in the records reviewed.

The ancestry of those who are enrolled in acknowledged tribes is as follows:

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[1] The remaining 266 (of 490) current members do not. That total includes descendants of John Vincent (n=233), of Elizabeth (Martell) Griswold (n=15), and of Charlotte Boda (1887–1981) (n=5), plus the 13 current members without ancestors meeting the petitioner's membership criteria.

[2] A total of 219 of the 830 membership folder persons appear as members of the Little Traverse Bay Bands (n = 193) or Sault Ste. Marie Band (n = 26). However, the 830 total includes purported Burt Lake members who have died, who never submitted a signed application, or who have formally relinquished membership in Burt Lake Band. In that regard, of the 193 Little Traverse Bay Bands members, 143 have no signed Burt Lake applications, 5 are deceased, and/or 91 formally relinquished Burt Lake membership. Of the 26 Sault Ste. Marie members, 14 have no signed Burt Lake applications and/or 3 formally relinquished Burt Lake membership. Of the 114 (of 830) people whose membership folders contained written relinquishments, 98 (or 86 percent) were found by OFA to be enrolled with the Little Traverse Bay Bands or Sault Ste. Marie Tribe. The remaining 16 relinquished members have parents who relinquished and subsequently joined Little Traverse Bay Bands.

Ancestry of Current Members Enrolled Elsewhere (50 of 490)

#	1870 Annuitant	Current Members	Enrolled Elsewhere	
			Number	Percent
1	Joseph Way-bway-dum	2	0	—
2	Non-quaish-caw-waw	90	8	9
3	Shaw-waw-now-now-quot	202	36	18
8	Aw-be-taw-ge-zhe-go [Shenoskey]	33	12	36
15	Shaw-bwaw-sung	16	0	—
16	Theresa Way-win-ding	24	0	—
18	Wm. Mick-se-min-ne	69	17	25
20	Mrs. Wm. O'Flynn	18	7	39
29	Isaac Shaw-waw-now-now-quot	27	6	22
33	Ignatius Kaw-be-naw	36	5	14
	1875 Allottee			
	John Vincent	233	9	4
	1910 Ancestry only			
	Martell/Griswold	15	0	—
	Charlotte Boda	5	4	80
	No qualifying ancestors	13	0	—
	Total[3]	490	50	10

The portion of Burt Lake Band members enrolled in acknowledged North American Indian tribes is just over 10 percent (50 of 490).[4]

[3] Due to marriages within the group, some members trace to several historical ancestors. Therefore, on this chart, the repetitive appearances of such members have been removed from the totals.

[4] As detailed in a previous footnote, the percentage of Burt Lake members for whom membership folders were submitted who are enrolled elsewhere is much higher: 26 percent (219 of 830).

Criterion (g)

The available evidence does not show that the petitioner or its members have been explicitly terminated or forbidden a Federal relationship by an act of Congress.

Appendix A: Land Selections under the Treaty of July 31, 1855

Band	1857	1864	1875	Allottee	T., R., Sec. (1857)	T., R., Sec. (1864)	T., R., Sec. (1875)
Anse [a] [b]	180	213	213	Isabella Kaw-ca-paw	[T35N, R3W, Sec. 17]	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17
Anse [a]	181	214	214	Catharine Waw-co-paw	[T35N, R3W, Sec. 20]	T35N, R3W, Sec. 20	T35N, R3W, Sec. 20
Anse [a]	182	215	215	Theresa Bourrasa	[T35N, R3W, Sec. 21]	T35N, R3W, Sec. 21	T35N, R3W, Sec. 21
Anse [a]	185	218	218	Pe-waw-be-koonse	[T35N, R3W, Sec. 21]	T35N, R3W, Sec. 21	T35N, R3W, Sec. 21
Bois Blanc		266	266	Isabella Karrow		T35N, R3W, Sec. 17	T35N, R3W, Sec. 17
Bois Blanc		267	267	Mary Moran		T35N, R3W, Sec. 8 &	T35N, R3W, Sec. 8 &
Thunder Bay	226	273	273	Naw-o-quaish-cum	**T30N, R7E, Sec. 25**	**T30N, R7E, Sec. 25**	T35N, R3W, Sec. 26
Mackinac	241	297	297	She-bye-aw-se-no-quay	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17
Sheboygan	424	548	548	Joseph Ke-she-go-we (chief)	T35N, R3W, Sec. 8	T35N, R3W, Sec. 8	T35N, R3W, Sec. 8
Sheboygan	425	549		Josette Negah-ne	**T37N, R7W, Sec. 24**	**T37N, R6W, Sec. 20**	
Sheboygan	426			Mary Wah-bah-e-gum	T35N, R3W, Sec. 18	[see 550]	[see 1408]
	[426]	550	1408	Angelique Hudson	[see 426]	T35N, R3W, Sec. 18	T35N, R3W, Sec. 18
Sheboygan	427	551		George Laibell	**T37N, R6W, Sec. 9**	**T37N, R6W, Sec. 9**	
Sheboygan	428	552		Joseph Laibell	**T37N, R6W, Sec. 8**	**T37N, R6W, Sec. 8**	
Sheboygan	429	553		Cah-ge-gay	**T37N, R6W. Sec. 30**	**T37N, R6W. Sec. 30**	
Sheboygan	430	554		Ignatius Ke-che-go-we	**T36N, R7W, Sec. 1**	**T36N, R7W, Sec. 1**	
Sheboygan	431	555	555	O-Shaw-waw-no-quay	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17
Sheboygan	432	556	556	Alexander Wa-win-ding	T35N, R3W, Sec. 8	T35N, R3W, Sec. 8	T35N, R3W, Sec. 8
Sheboygan	433	557	557	Louis Shaw-bwaw-sung	T35N, R3W, Sec. 20	T36N, R3W, Sec. 18	T36N, R3W, Sec. 7
Sheboygan	434	558	558	Shaw-waw-naw-se-gay	T35N, R3W, Sec. 21	T35N, R3W, Sec. 21	T35N, R3W, Sec. 21
Sheboygan	435	559	559	Otaw-pe-taw-ge-zhe-go	T35N, R3W, Sec. 17	T35N, R3W, Sec. 20	T35N, R3W, Sec. 20
Sheboygan	436	560		Aish-qua-ge-zhick	T35N, R3W, Sec. 25	T35N, R3W, Sec. 20	
Sheboygan	437	561		John Aish-qua-ge-zhick	T35N, R3W, Sec. 20	T35N, R3W, Sec. 20	
Sheboygan	438	562		Louis Nah-quaish-cah-wah	T35N, R3W, Sec. 21	**T36N, R6W, Sec. 34** [c]	
Sheboygan	439	563		Paul Nah-qua-dah-sung	**T37N, R6W, Sec. 32**	**T37N, R6W, Sec. 32**	
Sheboygan	440	564		Moses Shah-wah-na-se	**T36N, R6W, Sec. 30**	**T37N, R6W, Sec. 30**	
Sheboygan	441	565		Luke Me-squah-walk	**T34N, R5W, Sec. 5**	**T34N, R5W, Sec. 5**	
Sheboygan	442	566	566	Joseph Aw-say-go	T36N, R3W, Sec. 19	T36N, R3W, Sec. 19/28	T36N, R3W, Sec. 28
Sheboygan	443	567	567	Sarah Ah-sa-go	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17

Appendix A: Land Selections under the Treaty of July 31, 1855

Band	1857	1864	1875	Allottee	T., R., Sec. (1857)	T., R., Sec. (1864)	T., R., Sec. (1875)
Sheboygan	444	568	568	Peter J. Pepe-gway	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17
Sheboygan	445	569		Michael Ka-gwaich	**T35N, R6W, Sec. 4**	**T35N, R6W, Sec. 4**	
Sheboygan	446	570	570	Anthony Shaw-waw-naw-naw-quot	T35N, R3W, Sec. 20	T36N, R3W, Sec. 11 &	T36N, R3W, Sec. 11
Sheboygan	447	571		Anthony Sah-ge-ton-de-wa	T36N, R3W, Sec. 28	**T35N, R5W, Sec. 34**	**T35N, R5W, Sec. 34**
Sheboygan	448	572		James O-ca-dah	T35N, R3W, Sec. 18	**T35N, R5W, Sec. 17**	**T35N, R5W, Sec. 17**
Sheboygan	449	573	573	Joseph Aw-be-taw-own	T36N, R3W, Sec. 19	T36N, R3W, Sec. 18	T36N, R3W, Sec. 8
Sheboygan	450	574		Gabriel Ne-gah-ne-gah-beh-we	**T37N, R6W, Sec. 31**	**T37N, R6W, Sec. 31**	
Sheboygan	451	575		Louis Ching-gwa	**T34N, R6W, Sec. 14**	**T34N, R6W, Sec. 14**	
Sheboygan	452	576	1424	Joseph Way-bway-dum	T36N, R3W, Sec. 28	T35N, R3W, Sec. 17	T36N, R3W, Sec. 20 &
Sheboygan	453	577		Etienne Wah-ke-zoo	**T34N, R5W, Sec. 8**	**T34N, R5W, Sec. 8**	
Sheboygan	454	578		Mary Louisa Pa-ke-nah-ga	**T34N, R5W, Sec. 8**	**T34N, R5W, Sec. 8**	
Sheboygan	455	579		John B. Pe-zhe-bish-kah	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17	
Sheboygan	456	580		Mary Pena-se-we-ge-zhick	T35N, R3W, Sec. 19	T35N, R3W, Sec. 19	[see 580]
	[456]		580	Edward O-ge-zhe-aw-no-quot	[see 456]	[see 456]	T35N, R3W, Sec. 19
Sheboygan	457	581		Pe-tah-bah-no-qua	T35N, R3W, Sec. 19	T35N, R3W, Sec. 19	
Sheboygan	458	582		Skah-bose	T35N, R3W, Sec. 19	T35N, R3W, Sec. 20	
Sheboygan	459	583		Joseph Wah-kezoo	T35N, R3W, Sec. 19	**T34N, R7W, Sec. 11**	**T34N, R7W, Sec. 11**
Sheboygan	460	584		Anthony Cah-no-te-no-skung	T35N, R3W, Sec. 17	T36N, R3W, Sec. 21	
Sheboygan	461	585		John B. Ogah-ba-ah-no-quot	T35N, R3W, Sec. 20	T35N, R3W, Sec. 20	
Sheboygan	462	586	586	Sophia Ogaw-bay-aw-no-quot	T35N, R3W, Sec. 20	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17
Sheboygan	463	587		O-me-zhah-quah-do	T35N, R3W, Sec. 19	**T35N, R6W, Sec. 3**	**T35N, R6W, Sec. 3**
Sheboygan	464	588		Pontius O-me-zhah-quah-do	T35N, R3W, Sec. 21	**T35N, R6W, Sec. 11**	**T35N, R6W, Sec. 11**
Sheboygan	465	589	589	Louis Me-se-son-quay	T35N, R3W, Sec. 20	T35N, R3W, Sec. 20	T35N, R3W, Sec. 20
Sheboygan	466	590	590	John B. Kay-kay-koonse	T35N, R3W, Sec. 20	T35N, R3W, Sec. 20	T35N, R3W, Sec. 20
Sheboygan	467	591		Agatha Quacheo *et al.* (orphans)	**T35N, R5W, Sec. 8**	**T35N, R5W, Sec. 8**	
Sheboygan		592	592	Aw-say-naw-quay		T36N, R3W, Sec. 11	T36N, R3W, Sec. 11
			1358	Mary Ann Karrow			T35N, R3W, Sec. 8
			1391	Mis-naw-be			T35N, R3W, Sec. 31
			1406	Theresa Way-win-ding			T35N, R3W, Sec. 7

Appendix A: Land Selections under the Treaty of July 31, 1855

Band	1857	1864	1875	Allottee	T., R., Sec. (1857)	T., R., Sec. (1864)	T., R., Sec. (1875)
			1409 *	Jane Stafford			T35N, R3W, Sec. 27
			1410 *	Louis Cadotte			T35N, R3W, Sec. 28 &
			1411 *	Alexander Busseay			T35N, R3W, Sec. 28
			1412	Archange Alair			T35N, R3W, Sec. 30
			1413	Kah-goo-dah-ah-qua			T35N, R3W, Sec. 31
			1414 *	Pauline Bonnoe			T35N, R3W, Sec. 33
			1415 *	John Vincent			T35N, R3W, Sec. 33
			1416 *	Charlotte Lecaylt			T35N, R3W, Sec. 33
			1417 *	John Mishow			T35N, R3W, Sec. 33
			1418 *	She-gaw-a-she-gaw			T35N, R3W, Sec. 33
			1419 *	Chequech			T35N, R3W, Sec. 33
			1420 *	Kaw-go-daw-aw-qua			T35N, R3W, Sec. 34
			1421	Joseph O-taie-gwa-che-wan			T36N, R3W, Sec. 7
			1422	Nancy McGulphin			T36N, R3W, Sec. 7
			1423	Francis Bourassa			T36N, R3W, Sec. 7
			1425	John B. Ogaw-bay-aw-naw-quot			T36N, R3W, Sec. 21

SOURCES: BIA 1857-64; BIA 1857; BIA 1864; BIA 1875a; BIA 1875b; Cheboygan County 1854-1903.

NOTE: There is a good deal of variation in the spelling of these names in different records. For those allottees on the 1875 schedule, the apparent spelling on that record has been used; for others, the apparent spelling on the 1857 schedule has been used.

NOTE: The entries in bold typeface were land selections outside of the Cheboygan treaty reserve.

[a] The 1840 annual report of Superintendent Schoolcraft listed "Ance's Band" with "Ance" as band chief (BIA 9/24/1840, Table 6). Hinsdale and Tanner both show an "Aince's" or "Ainse" village on the upper peninsula on Lake Michigan (Hinsdale 1931; Tanner 1986, Map 24). Most "Anse" band allotments were in T36N, R6W.

[b] A handwritten note on the 1864 certificate stub reads "Garden Island" (BIA 1864).

[c] This land selection in Emmet County was patented in 1872. [This probably is true of other land selections in Emmet County as well.]

[&] Plus a land selection outside of T35N and T36N, R.3W.

* These allottees sold their lands [certificates?] in 1873 (Cheboygan Co. deed index 1854-1903); #1409-19 sold to Herbert Hoyt of East Saginaw, Mich.

Appendix B: Burt Township in *Plat Book of Cheboygan County*, 1902

Fig. 7	Landowners with houses	Section	House?
7	Boda, Jos.	18 SW/SE	Yes
x	Butler, J.A.	8 NE/SE	Yes
2	Cabenaw, E.	20 SW/SW	Yes
	church	29 E½	church & cemetery
x	Foreman, J.	17 NW/NE	Yes
x	Galloway, W.J.	8 SW/NE	Yes
x	Galloway, Wm. F.	8 SE/NE	Yes
	Gedge, B.H.	28 SW/SW	Yes
x	Gerou, G.C.	17 SW/NE	Yes
1	Grant, Mrs. J.	20 SE/SW	Yes
3	Hamlin, Wm & E.	19 SE/NE	Yes (2)
	Henry, C.D.	28 SW/SW	Yes ?
	hotel	33 N½	hotel w/ pier
	Johnson, F.M.	29 SW/NW	Yes
5	Nongueskwa, M.	18 E½ /SE	Yes (3) & school
10	Norton, T.	8 NW/SW	Yes
6	Massey, Chas.	7 NE/SE	Yes
x	McDonald, Mary	19 SW/NE	Yes
	McGinn, John W.	29 NE/SE	Yes
8	Mixnene, L.	20 NW/NW	Yes
x	Nixon, E.	19 SE/NW	Yes
4	Parkey, Jos.	19 NE/NE	Yes (2)
	Plymouth Shingle Co.	29 E½ /NW	Yes & shingle mill
x	Ruch, David	17 NW/NE	Yes
11	Thawanasge [Shenosky?], Jas.	8 SE/NW	Yes
9	Wasson, P.	8 NW/SW	Yes

SOURCE: *Plat Book of Cheboygan County, Michigan*, Bentley Historical Library, Ann Arbor, Mich. (Myers 1902).

Appendix C: Burt Lake Band Descendants on the Durant Roll, 1910

	Durant #	1870 #	Name	Residence (ca.1908)	Age	Child [a]	Notes	Adult?
	255	4-31	Joseph Antoine	Boyne Falls	70			A
	257	11-31	Mary Ann Ance	Elk Rapids	64			A
	393	4-31	Isaac Antoine	East Lake	25			A
	785	7-31	Peter Bourassaw	Canada	36			A
*	833	1-31	Mary Waybwaydum Brady	Brutus	45		also 2-31	A
	834	3-31	Annie Parkey Boda	Brutus	23			A
	835	7-31	Francis Bourassaw (Mawcopaw)	Elk Rapids	66		son of 11-31	A
	836	7-31	John Bourassaw	Cheboygan	39			A
	837	7-31	Joseph Bourassaw	Cheboygan	30			A
	838	7-31	Patrick Bourassaw	Cheboygan	28	3		A
	843	11-31	Catherine Bourassaw (Mokechewawnoquay)	Alanson	80			A
	844	11-31	Louis Bourassa	Sutton's Bay	58			A
	845	23-31	Simon Boyd	Harbor Springs	42			A
	846	23-31	John Boyd	Harbor Springs	32			A
	847	26-31	Eliza [Hurst] Ball	Mullett Lake	52			A
	848	33-31	Louisa Deshner Boda	Brutus	17			M
	850	33-31	Rosie Cabanaw Burrel	Brutus	21		as 33-21	A
	889	32-31	John Briggs	Cheboygan	69			A
	890	32-31	Charles Briggs	Cheboygan	29			A
	891	32-31	Flora Briggs	Cheboygan	38			A
	930	7-31	Francis Bourassaw [Jr.]	Sturgeon	41	2		A
*	1419	33-31	Enos Cobenaw	Brutus	50		as 33-21; son of 18-31	A
*	1420	2-31	Mary Nonquaishcawwaw Cobenaw	Brutus	56			A
*	1421	33-31	Lucius Cobenaw	Brutus	30	4		A
*	1426	33-31	Emma Cobenaw	Brutus	24	1		A
	1429	9-31	Victoria Waso Cooper	Harbor Springs	40	1		A
	1805	29-31	Clara Shawwawnawnonquot Davis	Omena	28			A
*	1806	33-31	Alice Kawbenaw Deshner	Brutus	36	1	as 33-21; daughter #849	A

Appendix C: Burt Lake Band Descendants on the Durant Roll, 1910

	Durant #	1870 #	Name	Residence (ca.1908)	Age	Child [a]	Notes	Adult?
	1938	20-31	Maria O'Flynn Enault	Mullett Lake	20			A
	2081	11-31	Eliza King Feathers	Namah	22	2		A
	2084	20-31	John Flint [Flynn]	Harbor Springs	60	1		A
	2344	1-31	Jane Waywaydum Grant	Brutus	56	3		A
	2345	1-31	Joseph Grant	Brutus	22			A
	2349	1-31	Agnes Gabriel	Brutus	13			M
	2350	20-31	Ollivan O'Flynn Gower	Harbor Springs	30	1	son #4207	A
*	2539	29-31	Hattie Shawwawnonquot Hamlin	Pellston	33	3		A
*	2566	16-31	William Hamlin	Brutus	40			A
*	2567	3-31	Eliza Shawwawnawnawquot Hamlin	Brutus	46	3		A
*	2571	3-31	Agnes Hamlin	School, Genoa, Neb.	18			A
	2572	1-31	Harry Hoig	Topinabee	9			M
	2573	1-31	Louisa Hoig	Topinabee	7			M
	2574	1-31	Fred Hoig	Topinabee	0			M
	2575	26-31	Harriet Davenport Hurst	Mullett Lake	70		daughter of 20-31	A
	3037	11-31	John King	Cross Village	29			A
	3131	18-31	Sarah Mickceninne Kosequot	Goodheart	39	2		A
	3181	6-31	Kate Pewabiscaunce King	Alanson	46	1		A
	3182	6-31	Guy King	Alanson	25			A
	3184	9-31	Susan Kezhegowe	Brutus	70			A
	3185	9-31	Samuel Kezhegowe	Brutus	39	5		A
	4138	2-31	Eliza (Nonquaishcawwaw) Moses	Pellston	42			A
	4168	18-31	Henry Mixcenene	Harbor Springs	36			A
	4169	18-31	John Mixcene	Harbor Springs	34			A
	4170	18-31	Barbara Mixcene	School, Harbor Spr.	12			M
*	4188	2-31	Charles Massey	Brutus	49			A
	4190	2-31	Francis Massey	Brutus	19			A
*	4191	2-31	Henry Massey	Burt Lake (Pellston)	21	1		A

Appendix C: Burt Lake Band Descendants on the Durant Roll, 1910

	Durant #	1870 #	Name	Residence (ca.1908)	Age	Child [a]	Notes	Adult?
*	4194	15-31	Louis Massey	Brutus	27			A
*	4195	2-31	Mary Brady Massey	Brutus	26			A
	4197	8-31	Sarah Moses	Allenville	30			A
	4199	11-31	Margaret Ance Mark	Elk Rapids	58			A
	4200	12-31	Frank Mixcenena	Brutus	52	2		A
	4205	13-31	Sophia Ogeshenawnawquot Maggesetay	Harbor Springs	50			A
	4693	6-31	Mary Ann Pewabiscaunce Naskaw	Elk Rapids	52			A
	4695	18-31	Hattie Mixcenne Namega	St. Ignace	22			A
	4696	2-31	Christina Nonquaishcawwaw	Harbor Springs	67			A
*	4697	2-31	Moses Nonquaishcawwaw	Brutus	60			A
*	4698	3-31	Eliza Shawwawnawnawquot Nonquaishcawwaw	Brutus	44			A
*	4699	3-31	John Nonquaishcawwaw	Brutus	28	3		A
	4705	15-31	Angeline (?) Norton	Brutus	39	2		A
*	4715	3-31	Aggie Shawwawnawsegay Naganashe	Harbor Springs	20		[also 8-31]	A
	4943	7-31	Laura Bourassaw O'Brien	Cheboygan	25			A
	4968	25-31	Joseph Ogawbayawnawquot	Brutus	60		no heirs	A
*	5236	3-31	Susan Shawwawnawnawquot Parkey	Brutus	44	2		A
*	5239	3-31	Edmund Parkey	Brutus	18			A
*	5292	3-31	Thomas Parkey	Cheboygan	25	2		A
	5296	6-31	Louis Pewawbiscaunce	Indian River	54			A
	5297	11-31	Mitchel Parrow	Sutton's Bay	58	2		A
	5303	11-31	Elizabeth Parrow	Alanson	48			A
	5304	18-31	Mary Mixcenne Partman	Petoskey	30	2		A
	5712	7-31	Mary Bourassaw Russell	Elk Rapids	33	6		A
	6061	3-31	James Shawwawnawsegay	Pellston	48	3		A
	6066	8-31	Stephen Shawwawnawsegay	Brutus	14		[also 3-, 10-, 22-31]	M
	6118	9-31	Agatha (Kezhegowe) Stafford	Petoskey	13			M
	6132	29-31	Agnes Shawnonquot	Traverse City	17			M

Appendix C: Burt Lake Band Descendants on the Durant Roll, 1910

	Durant #	1870 #	Name	Residence (ca.1908)	Age	Child [a]	Notes	Adult?
*	6156	29-31	Albert Shawwawnonquot	Aloha	36	1		A
*	6186	3-31	Amos Shawwawnayse	Brutus (Burt Lake)	24			A
*	6211	3-31	Antoine Shawwawnawnawquot	Brutus	87			A
	6213	3-31	Francis Shawwawnonquet	Burt Lake	60			A
*	6214	29-31	Isaac Shawwawnonquot	Traverse City	58	1	son of 3-31	A
	6216	29-31	Dennis Shawwawnonquot	Fox Island	23			A
	6217	29-31	Levi Shawwawnonquot	School, Mt. Pleasant	21			A
	6219	3-31	Josephine Shawwawnawnonquot	Brutus	6		also 8-31	M
*	6220	8-31	Peter Shawwawnawsegay	St. Ignace	30			A
	6224	31-31	Joseph Shawbwawsung	Brutus	70		as 21-31; son of 15-31	A
*	6225	29-31	Jonas Shawwawnawnawquot	Brutus	38	5		A
	6761	20-31	Viola O'Flynn Trudo	Cheboygan	32			A
	7094	12-31	Annie Mixcenine Wawbegaykake	Brutus	22			A

SOURCES: Durant Roll (Durant 1910) and Durant field notes, p.31 (Durant 1908).

NOTE: Durant's linkage of roll # 6187 to 5-31 has been treated as a misprint, in that Durant said that Say-nin-quaw-day (5-31) had no living descendants. His linkage of Enos Cabenaw (# 1419) and two of his daughters (# 850 and # 1806) to 33-21 has been treated as a misprint for 33-31. His linkage of Joseph Shawbwawsung (# 6224) to 21-31 has been treated as a misprint for 31-31. Durant's roll linked roll # 6066 only to 8-31, but his field notes also link # 6066 to 3-31, 10-31, and 22-31.

NOTE: Although 1870 annuitant 20-31 (Mrs. O'Flynn) is a possible ancestor of some of the petitioner's members, those members do not have ancestry from an individual listed on Durant's roll as a descendant of 20-31. Some of the petitioner's members descend from three alleged grandchildren of 20-31, but those grandchildren were listed by Durant (#s 2329, 3135, and 3146) not as descendants of 20-31, but as descendants of 1870 annuitant 2-28.

* An ancestor of a member of the petitioning group.

[a] Number of minor children listed with a parent.

Appendix D

ANNOTATED EXTRACTS OF THE INDIAN POPULATION SCHEDULE OF
1910 FEDERAL CENSUS OF BURT TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN

The following list contains the dwelling number, name, relationship, and age extracted for every person from the Indian Population Schedule of Burt Township in 1910. OFA has added an asterisk (*) to the entry for any person who (1) was enumerated in the Indian Population Schedule of the 1900 Federal Census of Burt Township, or (2) has descendants in the current membership. Maiden names of married women or corrected names appear in brackets, and are based upon information presented by the petitioner in its genealogical database or as documented by OFA. The names of the six persons recorded as non-Indian ("white") appear below in *italics*.

#Dwelling	Name	Relationship	Age	1900?	Members?
1	*Joseph Brady*	Head	49		
	Mary [Way-bway-dum] Brady	wife	43	*	*
	Agnes Brady [Gabriel]	adopted dau	15		
2	Albert Shananquot	Head	36	*	*
	Eliza [Otawgawmawke] Shananquot	wife	29	*	*
	Cora Shananquot	dau	9		*
3	Paul Wasson	Head	(?) 48	*	
	Jane [Norton] Wasson	wife	41	*	
	Louisa Wasson	dau	22	*	
4	Joseph Parkey	Head	45	*	*
	Susan [Shawwawnonquot] Parkey	wife	46	*	*
	Charles Parkey	son	(?) 19		
	John Parkey	son	10		*
5	John Wenagishake	Head	32		
	Mary [Boda] Wenagishake	wife	28		
	Cecelia Wenagishake	dau	9		
	Agnes C. Wenagishake	dau	8		
	Irene N. Wenagishake	dau	5		
	Esther Wenagishake	dau	2		
	Scharlotte [Boda] Pete	sis-in-law	23		*
6	Samuel Keshigowe	Head	(?) 38	*	
	Catherine [Crandall] Keshigowe	wife	(?) 34	*	
	Enos Keshigowe	son	11	*	
	Ellen Keshigowe	dau	9		
	Mary Keshigowe	dau	6		
	Frederick? Keshigowe	son	1/2		
7	*John Dashner*	Head	37		
	Alice [Cabenaw] Dashner	wife	38	*	*
	John Dashner	son	6		
	Maud Dashner [Boda]	step-dau	12	*	*

#Dwelling	Name	Relationship	Age	1900?	Members?
8	*James G. Galloway*	Head	31		
	Mary [Boda] Galloway	wife	18		
	Thomas Parkey	boarder	27		*
9	James Shenoskey	Head	(?) 48		
	Rosie [Agawwawnegay] Shenoskey	wife	36		
	Samuel Leo	step-son	16		
	Barbara Shenoskey	dau	11		
	Benjamin Shenoskey	son	8		
	Frank Shenoskey	son	4		
	Elizabeth Ketchebaptist?	mo-in-law	80		
10	Charles Massey	Head	52	*	*
	Sarah [Nongueskwa] Massey	wife	53	*	*
	Francis P. Massey	son	20	*	
11	Henry Massey	Head	26	*	*
	Esther [Martell] Massey	wife	28		*
	Maggie Massey	dau	2		*
	Charlie Martell	bro-in-law	13		*
	Abraham Martell	bro-in-law	15		
	Jane Martell	sis-in-law	18		
12	Eliza [Nongueskwa] Moses	Head	42	*	
	Mary Moses	dau	17	*	
13	*Harvey H. Griswold*	Head	30		
	Lizzie [Martell] Griswold	wife	20		*
	Mable F. Griswold	dau	3/4		*
	Levi Griswold	brother	17		
14	Louis Massey	Head	29		*
	Mary J. [Nongueskwa] Massey	wife	27	*	*
	Lena M. Massey	dau	2		
15	Angeline [-?-] Trombley	Head	58	*	*
	Joseph Nekeg?	son	40		
16	Thomas Norton	Head	(?) 67	*	
	Susan [Misquado] Norton	wife	70	*	
	Stephen Shenoskey	servant	16		
	Mary Norton	ad. dau.	6		
17	Moses Nongueskwa	Head	61	*	*
	Elizabeth [Shawwawnonquot] Nongueskwa	wife	48	*	*
	Agnes Nongueskwa	grdau	6		

#Dwelling	Name	Relationship	Age	1900?	Members?
18	John Nongueskwa	Head	30	*	*
	Jennie [Solis] Nongueskwa	wife	28		*
	Emma Nongueskwa	dau	6		
	Dennis Nongueskwa	son	5		
	Harry Nongueskwa	son	3		
	Lucy Nongueskwa	dau	1/3		
19	Amos Shawa	Head	25		*
	Eliza [Shawwawnonquot] Hamlin	mother	49	*	*
	Agnes Hamlin	step-sis	19		*
	Anna Hamlin	step-sis	16	*	
	William Hamlin	step-bro	13	*	
	Mary Hamlin	step-sis	11	*	*
20	Jonas Shanonquet	Head	40		*
	Susan [Negake] Shanonquet	wife	39		*
	Susan Shanonquet	dau	15		
	Samuel Shanonquet	son	13		*
	Mary Shanonquet	dau	11		*
	Robert Shanonquet	son	5		
	Martha Shanonquet	dau	4		
21	Moses Shanonquet	Head	21		
	Marion [Keway] Shanonquet	wife	25		
	Stephen Shanonquet	son	1		
	Frank Shanonquet	father	63	*	
22	Eugene F. Hamlin	Head	34	*	*
	Hattie [Shawwawnonquot] Hamlin	wife	32	*	*
	Maggie Hamlin	dau	10	*	
	Richard M. Hamlin	son	7		*
23	Antwine Shananquet	Head	89	*	*
	Sofie [Sengoby] Shananquet	wife	88	*	*
	Josephine Shananquet	gr-grdau	5		
24	*John Boda*	Head	24		
	Anna [Parkey] Boda	wife	24		
	Blanch Boda	dau	(?) 4		
25	Enos Cabenaw	Head	59	*	*
	Mary [Nongueskwa] Cabenaw	wife	58	*	*
	Emma Cabenaw	dau	26		*
	Ida Cabenaw	grdau	5		*

#Dwelling	Name	Relationship	Age	1900?	Members?
26	Lucas Cabenaw	Head	32	*	*
	Maggie [Boda] Cabenaw	wife	31	*	*
	Nellie Cabenaw	dau	10	*	
	Leo E. Cabenaw	son	8		
	Henry D. Cabenaw	son	6		*
	Paul Cabenaw	son	4		
	Lemantie E. Cabenaw	dau	2		*
27	John Kewaycum	Head	48	*	
	Cooletta Kewaycum	dau	10	*	
	Rosa [?Jane Waybwaydum] Grant	sis-in-law	48		
	Veronica Kewaycum	dau	(?) 18	*	
	Louisa Kewaycum	dau	13	*	
28	Frank Mixcene	Head	53	*	
	Mary [Munson] Mixcene	wife	48	*	
	Annie Mixcene	dau	24		
	Frank Mixcene	son	13		
	Stella Mixcene	dau	8		
	Jonas Midwagon	son-in-law	28		
	Joseph Cabanquet	boarder	60		
29	Joseph Norton	Head	48		
	Angeline [Wongezhick?] Norton	wife	40		
	Lizzie Norton	dau	11		
	Edward Norton	son	5		
	Enos Norton	son	4		

Appendix E: Burt Township in Rural Property Inventories, 1938

Fig. 8	Name (assessed to)	Section	Acres	House?
	bank	7 NE/SE	40	Yes
	Bauerle & Densmore	20 lots 1, 2	42	N
x	Bauerle & Densmore	20 lot 3, part	15	Yes
	Bauerle & Densmore	20 E½ /NW	80	N
	Bauerle & Densmore	20 SW/NW	40	N
	Bauerle & Densmore	20 NE/SW	29	N
x	Bazant, Irving J.	17 lot 1, part	1	Yes
	Bell, Lucerns	17 lots 3, 4	93	N
	Bell, Lucerns	17 W½ /SW	80	N
	Bell, Luciens	17 lot 2	52	N
x	Brandes, E.W.	17 lot 1, part	10	Yes
	Bremerman, John W.	18 N½ /NE	80	N
	Brill, F.J.	19 NW/NE	40	N
	Brill, F.J.	19 SE/NW	34	N
	Brill, Martha	19 E½ /SE	80	N
	Brubaker, Daniel	8 NW	159	N
	Butler, Clawdia	8 SE/NW	1	N
x	Butler, Joseph A.	8 lot 3	47	Yes
	Cabenau, Emma	7 fraction (2)	32	N
②	Cabenau, Eno & Mary	20 SW/SW	2	Yes
	Cabenau, Henry	20 SW/SW	40	N
③	Cabenau, Lucius	20 NW/SW	29	Yes
⑤	Cabinaw, Ida	18 SW/SE	39	Yes
	church & cemetery	18 E½ /SE	5	N
	Duma[n], Jas. & Annie	19 SW/NW	26	N
	Farnsworth, Henery	19 S½ /SW	66	N
	Farnsworth, Herman	8 lots 1, 2	57	N
	Farnsworth, Herman	8 W½ /NE	80	N
	Farnsworth, Herman	19 SE/NE	40	N
	Government	18 NE/NW	40	N
①	Grant, Mrs. Jane	20 SE/SW	40	Yes
x	Griswold, Harvey	17 lot 1, parts	49	Yes
	Griswold, Harvey	17 W½ /NW	80	N
④	Hamlin, Mrs. W.	19 NE/NE	1	Yes
	Hinkley, Sara H.	7 fraction	16	N
	"Indian Reserve Land"	18 SW/SW	27	N
	Keller, Johanna	19 W½ /SE	80	N
	Logan, Mrs. Thomas &	8 NW/SW	1	N
x	Martin, Michal	19 NE/NW	40	Yes
	Massey, Mary	7 SE/SE	16	N
	Massey, Chas.	7 SE/SE	24	N
?	Massey, Chas.	8 SW/SW	1	?
	McDonald, Mrs. M.E.	19 SW/NE	40	N

Appendix E: Burt Township in Rural Property Inventories, 1938

Fig. 8	Name (assessed to)	Section	Acres	House?
	McGuellon, Mrs. M.	18 SW/NE	20	N
	McGuellon, Mrs. M.	18 S½ /NW	67	N
	McGuellon, Mrs. M.	18 NE/SW	40	N
	McGuellon, Mrs. M.	18 NW/SE	20	N
⑦	Monguskura, Mrs. Mose	18 E½ /SE	73	Yes
x	Mundt, Ralph	20 lot 3, part	15	Yes
	Norton, Joseph	19 NW/SW	13	N
	Parkey, Edmund	18 SE/NE	40	N
	Parkey, Edmund	18 SW/NE	10	N
	Parkey, Joseph	18 SW/NE	9	N
x	Putnam, Geo. F.	8 lot 4	32	Yes
	Reid, W.S.	7 E½ /NE	80	N
	school	18 SW/SE	1	N
⑥	Shananaquit, James	18 SE/SE	1	Yes
⑧	Shawa, Amos	18 SW/NE	1	Yes
	Shenoskey, James	8 NE/SW	40	N
⑨	Shinskey, Steve	8 NW/SW	38	Yes
⑨	Shinskey, Steve	8 S½ /SW	77	Yes
x	Stall, Henny	19 NE/SW	40	Yes
	State	7 fraction	16	N
	State	7 fraction	16	N
	State	7 SW/NE	40	N
	State	18 NW/NW	27	N
	State	18 NW/SW	27	N
	State	18 NW/SE	20	N
	State	19 NW/NW	26	N
	State	19 SE/NW	6	N
	State	19 NW/SW	13	N
	State	20 NW/NW	40	N
	State	20 SE/SW	2	N
	Swanson, John A.	7 NW/NE	40	N
	Turner & Murphy	18 SE/SW	40	N
x	Veaman, H.C.	20 lot 4	17	Yes
	Wallace, J.M.	19 NE/NE	39	N
	Williams, Louisa	8 NW/SW	2	N

SOURCE: Rural Property Inventories, Records of Cheboygan County, RG 94-380, State Archives of Michigan, Lansing, Mich.. (Cheboygan County 1938).

NOTE: Sections 7, 8, 17, 18, 19, 20 only; there were no dwellings in W½ of Sec. 7.

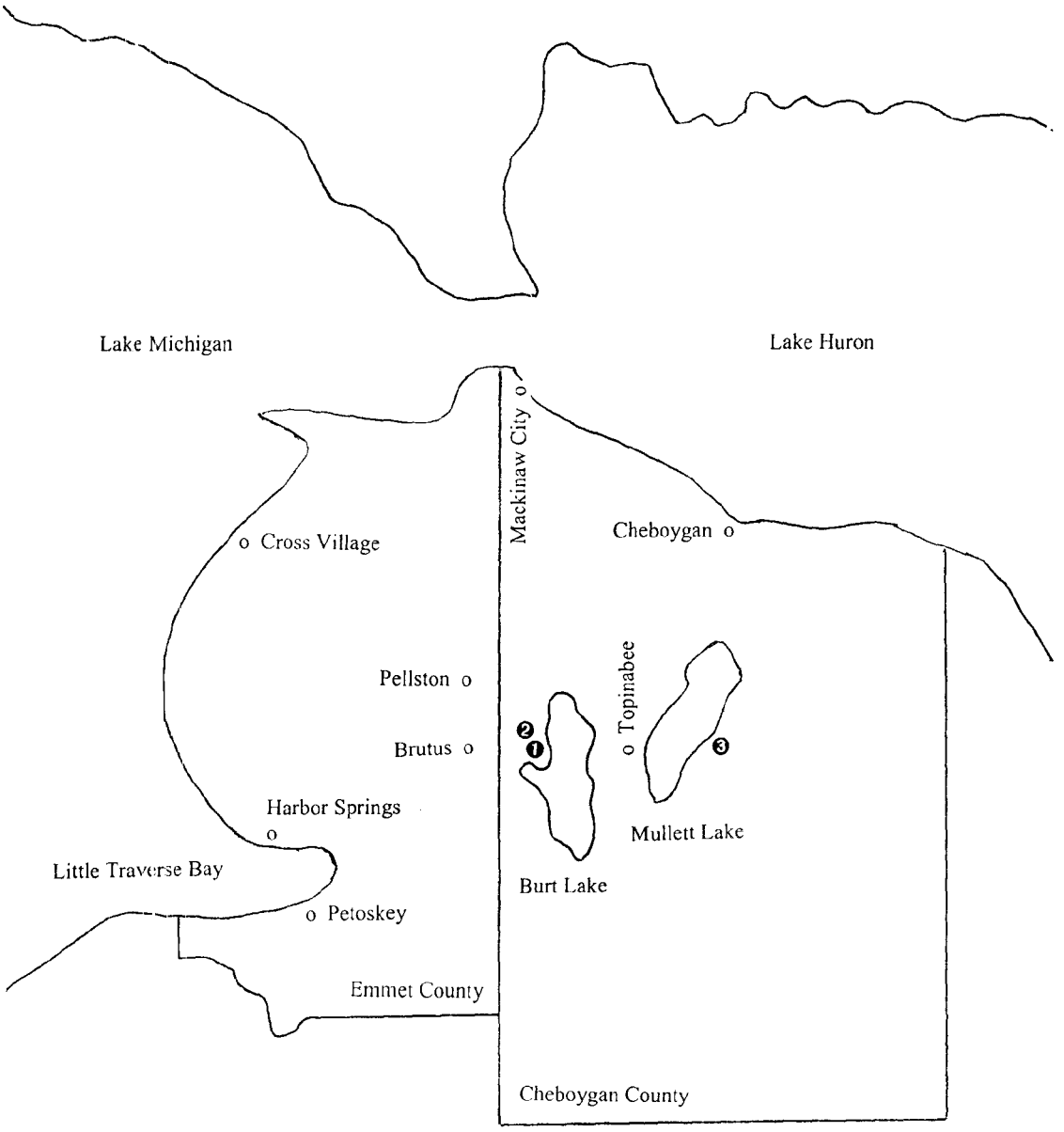

FIGURE 1: AREA MAP, MICHIGAN

Source: Office of Federal Acknowledgment

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

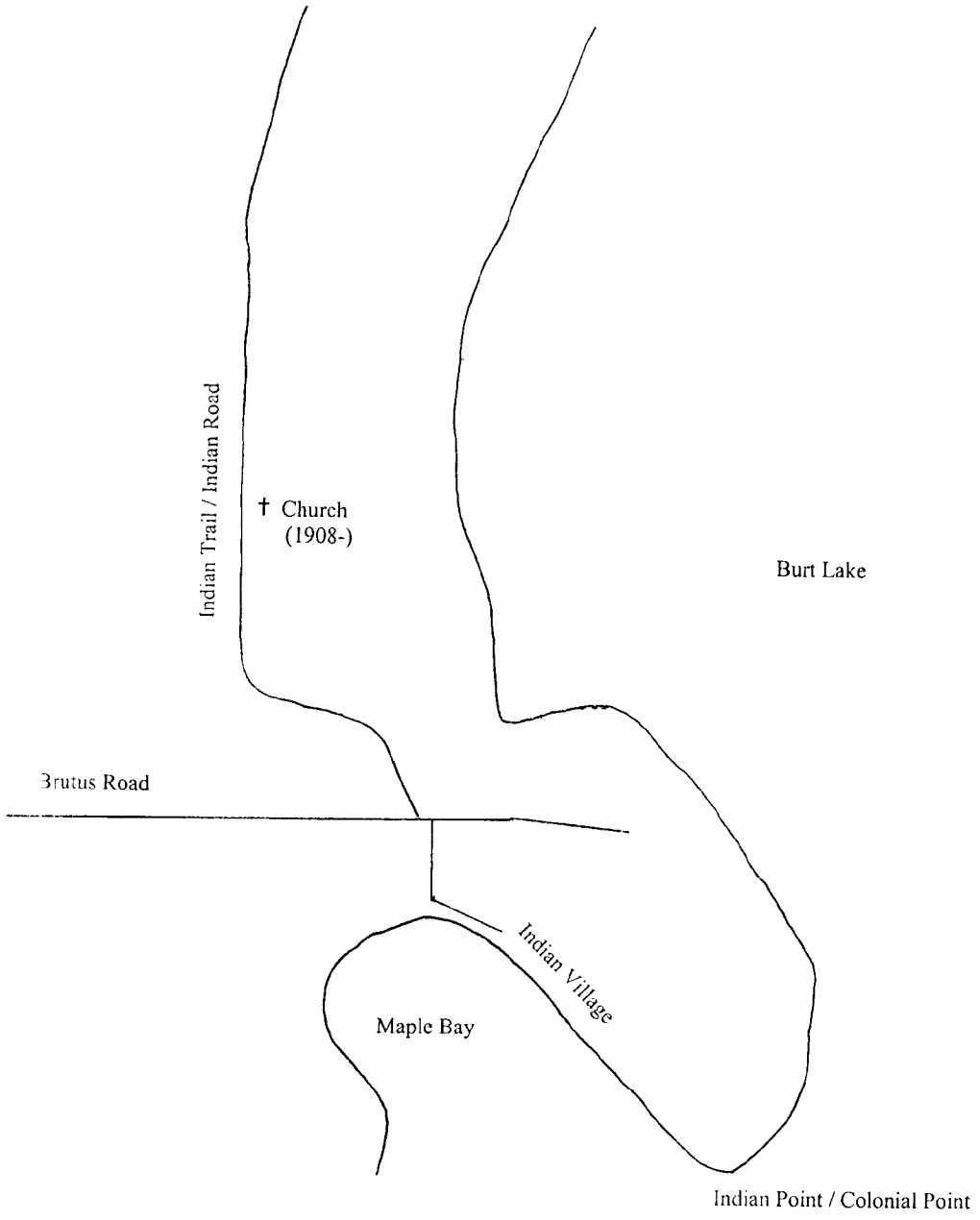

FIGURE 2: BURT LAKE AREA

Source: Office of Federal Acknowledgment

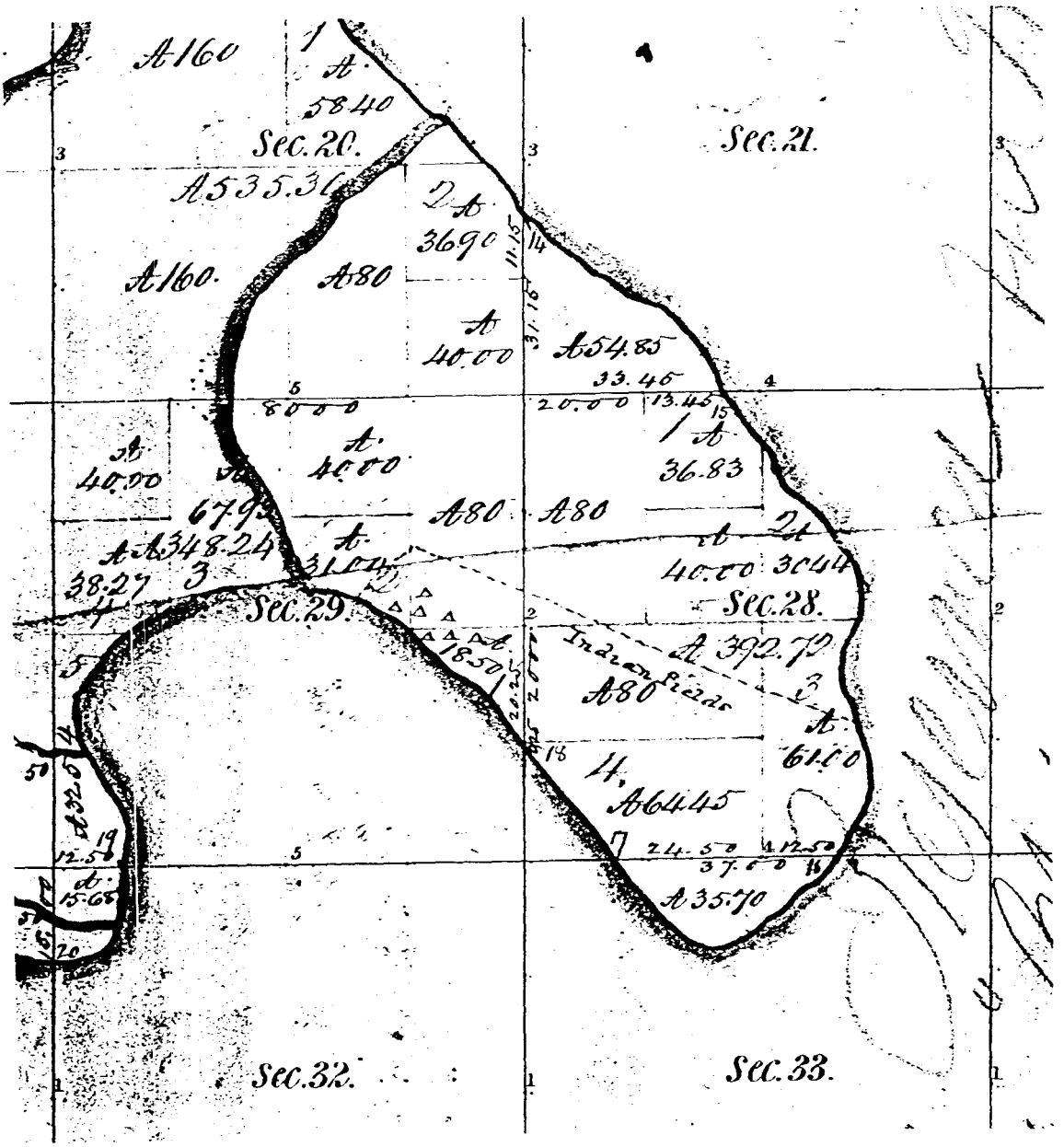

FIGURE 3: INDIAN VILLAGE AT BURT LAKE, 1841

Source: General Land Office, Plat Book (GLO 1841)

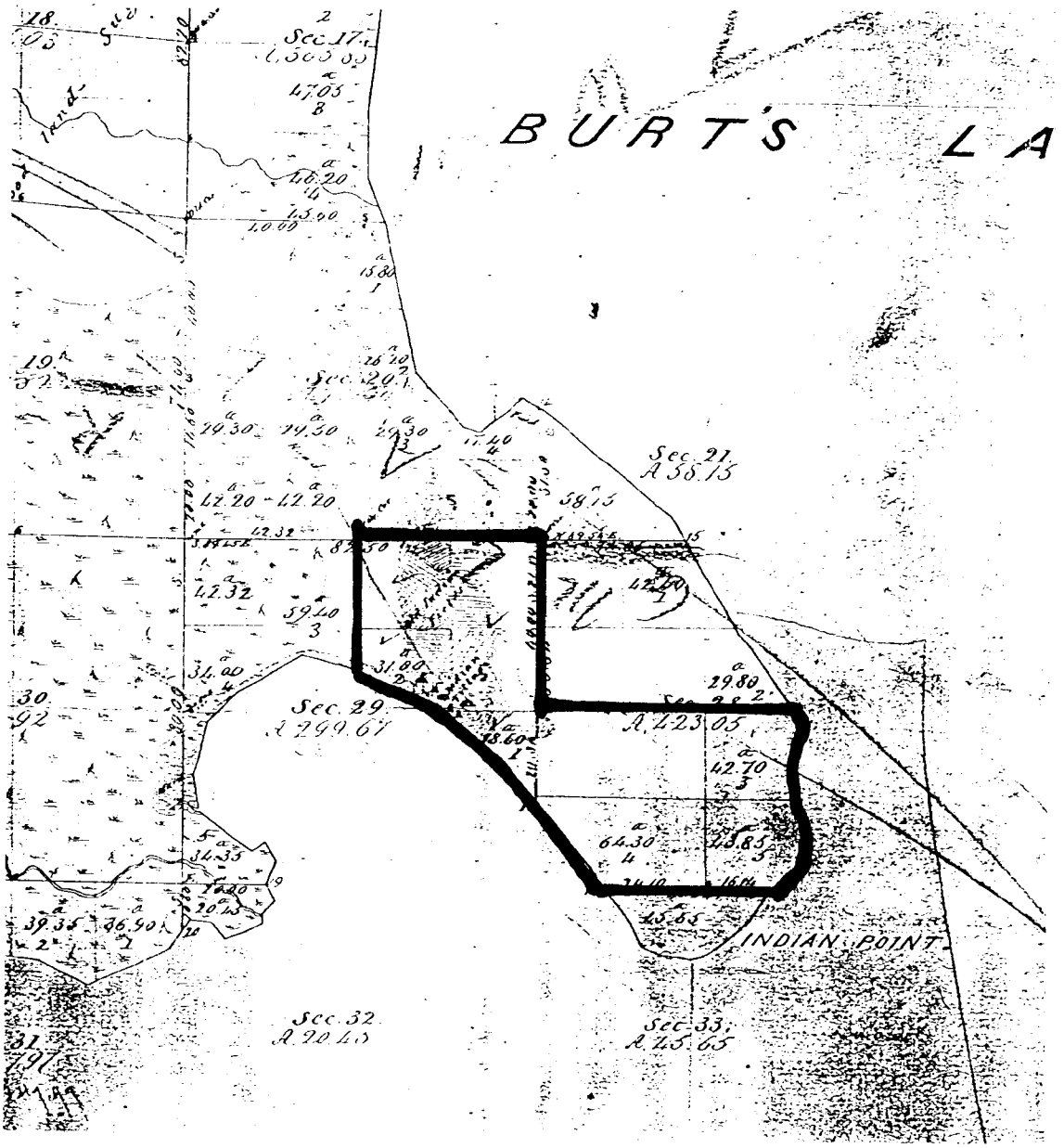

FIGURE 4: STATE TRUST LANDS AT BURT LAKE, 1850-1900

Sources: General Land Office, Tract Book (GLO n.d.) and Plat Book (GLO 1855)

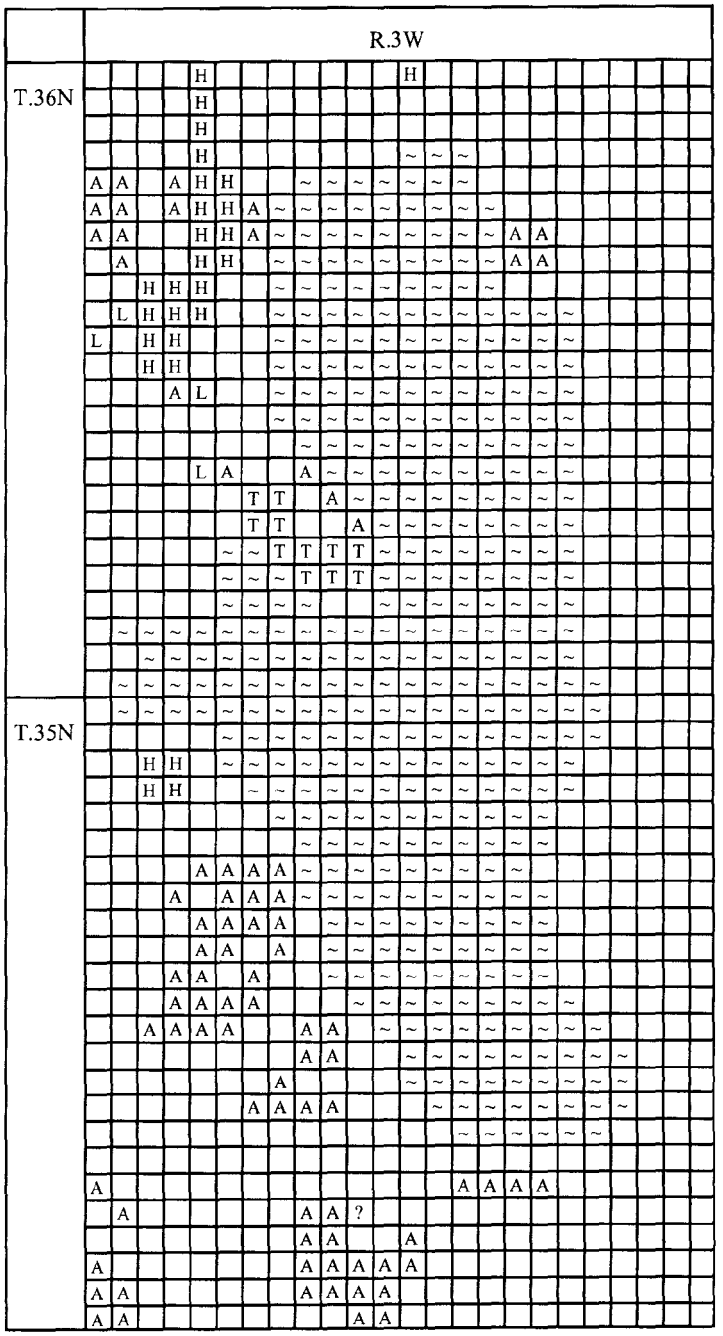

FIGURE 5: INDIAN LAND ACQUISITION, 1850-1894

Sources: Trac: Books (GLO n.d.; Michigan n.d.; BIA 1875a).

Key:
- T State trust lands, 1850-1900
- H Indian homesteads under Act of 1872
- A Federal allotments, 1875 (? = allotment in BIA tract book not found in GLO tract book)
- L Licensed land acquisitions, 1878-1894
- ~ Burt Lake

1 mi.

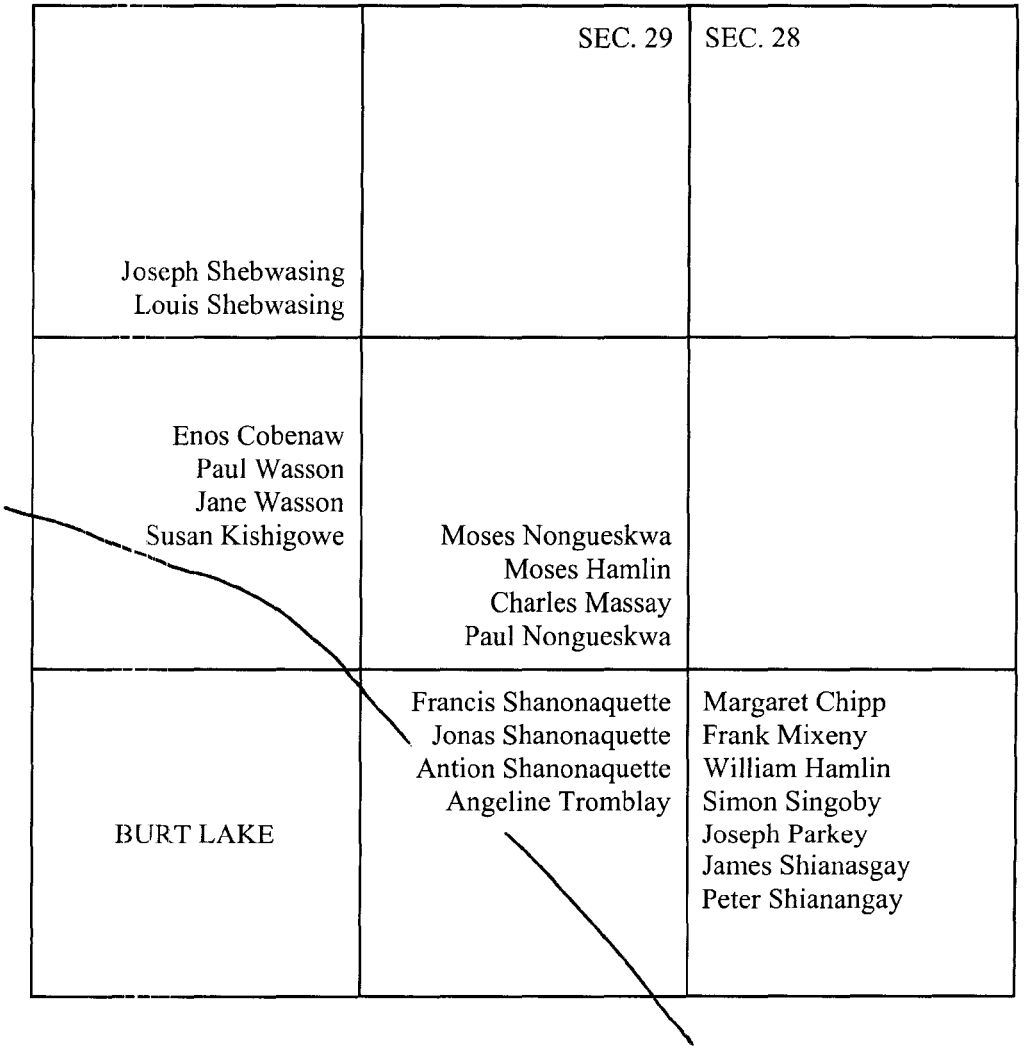

FIGURE 6: INDIAN VILLAGE, 1898

Source: John W. McGinn, Petition, Jan. 18, 1898 (McGinn 1/18/1898). National Archives, Chicago.

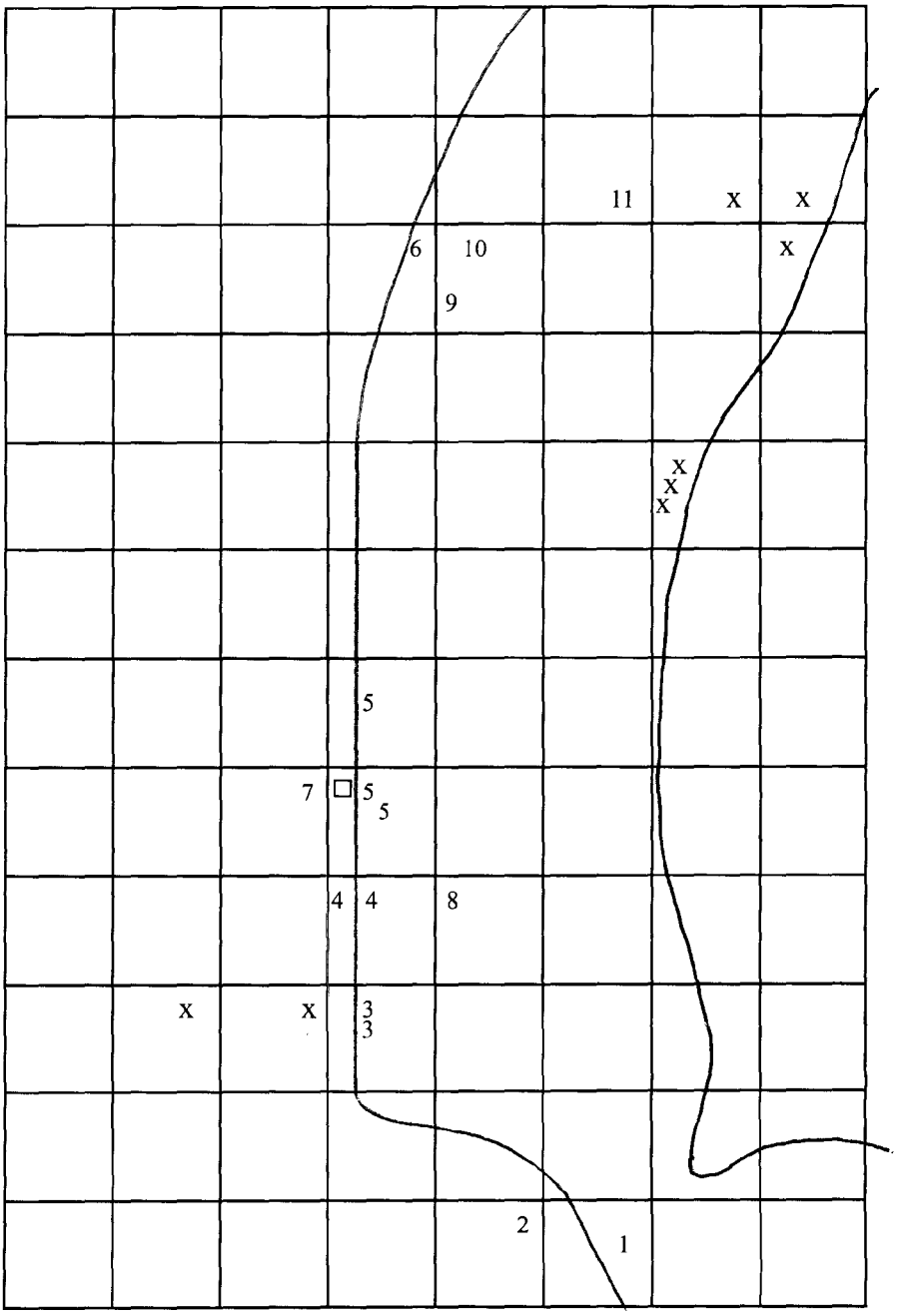

FIGURE 7: INDIAN ROAD, 1902

Source: *Plat Book of Cheboygan County, Michigan* (Myers 1902). Bentley Historical Library.

Key: 9 = Indian landowners with houses (see Appendix B)
x = Non-Indian landowners with houses
□ = school

1 mile

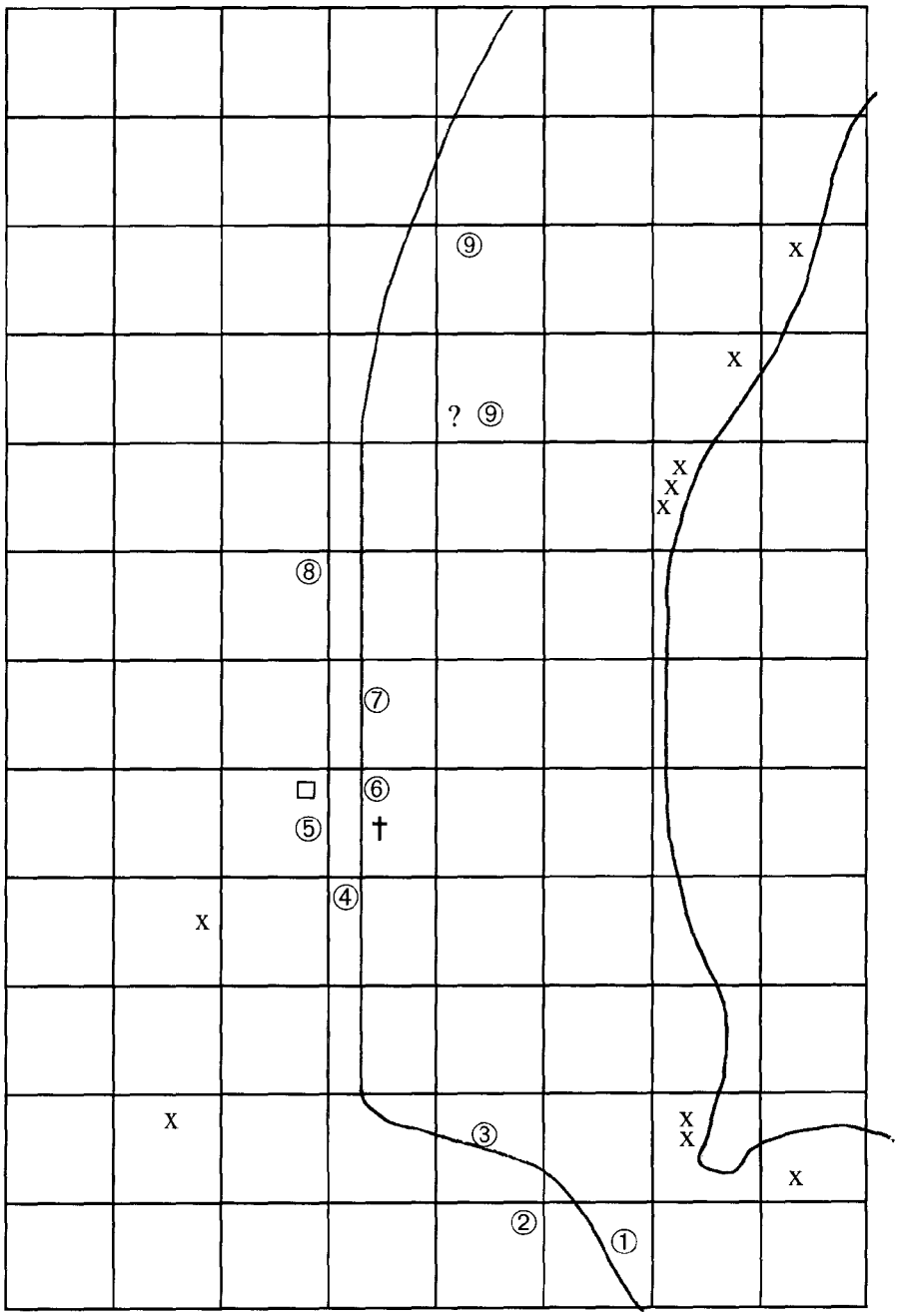

FIGURE 8: INDIAN ROAD, 1938

Source: Rural Property Inventories (Cheboygan County 1938). State Archives of Michigan.

Key: ⑨ = Indian landowners with houses (see Appendix E)
x = Non-Indian landowners with houses
□ = school
† = cemetery

1 mile

TABLE 1

THE BURT LAKE BAND ON THE TREATY ANNUITY LIST OF 1870

	#	Household Head
*	1-31	Joseph Way-bway-dum, Chief
*	2-31	Non-quaish-caw-waw [Louis Nongueskwa]
*	3-31	(Antoine) Shaw-waw-naw-naw-quot (father of 29-31)
	4-31	Saw-ge-ton-de-way
	5-31	Say-nin-gwaw-day
	6-31	Pe-waw-be-koonse
	7-31	Maw-co-paw (Francis L. Bourassaw)
*	8-31	Aw-be-taw-ge-zhe-go [George Shenoskey]
	9-31	Ignatus Ke-zhe-go-we
	10-31	Shaw-waw-ne-quoum
	11-31	Mo-ke-che-waw-no-quay (Catherine Bourassaw) (mother of 7-31)
	12-31	Me-se-sow-gway
	13-31	O-ge-she-aw-naw-quot
	14-31	Michael Kay-gwaitch
*	15-31	(Louis) Shaw-bwaw-sung (father of 31-31)
*	16-31	Theresa Way-win-ding
	17-31	James Kay-daw
*	18-31	William Mick-se-min-ne (father of 33-31)
	19-31	Kaw-no-te-nish-kung
?	20-31	Mrs. William O'Flynn (mother of 26-31)
	21-31	O-taw-ne-me-ke-zhe-go-quay
	22-31	Paw-se-que [female]
	23-31	Sophia Shaw-waw-ne-quom
	24-31	Ne-gause [female]
	25-31	Joseph O-gaw-by-aw-now-quot
	26-31	Mrs. Harriet Davenport
	27-31	Aw-se-now-quay
	28-31	Elizabeth Harris [a]
*	29-31	Isaac Shaw-waw-now-now-quot
	30-31	John May-se-ninne
	31-31	Joseph Shaw-bwaw-sung
	32-31	John Briggs [b]
*	33-31	Ignatus Kaw-be-naw (Enos Cabenaw)

SOURCES: Durant field notes, p.31 (Durant 1908) and Durant Roll (Durant 1910).

NOTE: Person-page coding and parenthetical remarks made by Durant; bracketed information supplied by OFA.

* A current member of the petitioning group descends from this annuitant.

? A current member of the petitioning group may descend from this annuitant.

[a] Durant's field notes described Elizabeth Harris as "a Canadian Indian" (Durant 1908, p.31, no.28).

[b] Durant's field notes recorded that, "The Cheboygan chiefs say John Briggs had no right on roll in 1870" (Durant 1908, p.31, no.32).

TABLE 2

CHEBOYGAN BAND ALLOTTEES, 1857

Band	1857	1875	Allottee	T, R, Sec. (1857)	T, R, Sec. (1875)
Sheboygan	424	548	Joseph Ke-che-go-we (chief)	T35N, R3W, Sec. 8	T35N, R3W, Sec. 8
Sheboygan	425		Josette Negah-ne	**T37N, R7W, Sec. 24**	
Sheboygan	426		Mary Wah-bah-e-gum	T35N, R3W, Sec. 18	[see 1408]
Sheboygan	427		George Laibell	**T37N, R6W, Sec. 9**	
Sheboygan	428		Joseph Laibell	**T37N, R6W, Sec. 8**	
Sheboygan	429		Cahge-gay	**T37N, R6W. Sec. 30**	
Sheboygan	430		Ignatius Ke-che-go-we	**T36N, R7W, Sec. 1**	
Sheboygan	431	555	O-Shah-wah-no-qua	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17
Sheboygan	432	556	Alexander Wa-win-ding	T35N, R3W, Sec. 8	T35N, R3W, Sec. 8
Sheboygan	433	557	Louis Shah-bwah-sung	T35N, R3W, Sec. 20	T36N, R3W, Sec. 7
Sheboygan	434	558	Sha-wah-nah-se-ge	T35N, R3W, Sec. 21	T35N, R3W, Sec. 21
Sheboygan	435	559	Otah-pe-tah-gezhe-go	T35N, R3W, Sec. 17	T35N, R3W, Sec. 20
Sheboygan	436		Aish-qua-ge-zhick	T35N, R3W, Sec. 25	
Sheboygan	437		John Aish-qua-ge-zhick	T35N, R3W, Sec. 20	
Sheboygan	438		Louis Nah-quaish-cah-wah	T35N, R3W, Sec. 21 *	
Sheboygan	439		Paul Nah-qua-dah-sung	**T37N, R6W, Sec. 32**	
Sheboygan	440		Moses Shah-wah-na-se	**T36N, R6W, Sec. 30**	
Sheboygan	441		Luke Me-squah-walk	**T34N, R5W, Sec. 5**	
Sheboygan	442	566	Joseph Ah-sa-gon	T36N, R3W, Sec. 19	T36N, R3W, Sec. 28
Sheboygan	443	567	Sarah Ah-sa-gon	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17
Sheboygan	444	568	Peter John Pe-pe-gwah	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17
Sheboygan	445		Michael Ka-gwaich	**T35N, R6W, Sec. 4**	
Sheboygan	446	570	Anthony Shah-wah-nah-nah-quot	T35N, R3W, Sec. 20	T36N, R3W, Sec. 11
Sheboygan	447		Anthony Sah-ge-ton-de-wa	T36N, R3W, Sec. 28	**T35N, R5W, Sec. 34**
Sheboygan	448		James O-ca-dah	T35N, R3W, Sec. 18	**T35N, R5W, Sec. 17**
Sheboygan	449	573	Joseph Ah-be-tah-one	T36N, R3W, Sec. 19	T36N, R3W, Sec. 8
Sheboygan	450		Gabriel Ne-gah-ne-gah-beh-we	**T37N, R6W, Sec. 31**	
Sheboygan	451		Louis Ching-gwa	**T34N, R6W, Sec. 14**	
Sheboygan	452	1424	Joseph Wa-bwa-dum	T36N, R3W, Sec. 28	T36N, R3W, Sec. 20 &
Sheboygan	453		Etienne Wah-ke-zoo	**T34N, R5W, Sec. 8**	
Sheboygan	454		Mary Louisa Pa-ke-nah-ga	**T34N, R5W, Sec. 8**	
Sheboygan	455		John B. Pe-zhe-bish-kah	T35N, R3W, Sec. 17	
Sheboygan	456		Mary Pena-se-we-ge-zhick	T35N, R3W, Sec. 19	[see 580]
Sheboygan	457		Pe-tah-bah-no-qua	T35N, R3W, Sec. 19	
Sheboygan	458		Skah-bose	T35N, R3W, Sec. 19	
Sheboygan	459		Joseph Wah-kezoo	T35N, R3W, Sec. 19	**T34N, R7W, Sec. 11**
Sheboygan	460		Anthony Cah-no-te-no-skung	T35N, R3W, Sec. 17	
Sheboygan	461		John B. Ogah-ba-ah-no-quot	T35N, R3W, Sec. 20	
Sheboygan	462	586	Sophia Ogah-ba-ah-no-quot	T35N, R3W, Sec. 20	T35N, R3W, Sec. 17
Sheboygan	463		O-me-zhah-quah-do	T35N, R3W, Sec. 19	**T35N, R6W, Sec. 3**
Sheboygan	464		Pontius O-me-zhah-quah-do	T35N, R3W, Sec. 21	**T35N, R6W, Sec. 11**
Sheboygan	465	589	Louis Me-se-son-gwa	T35N, R3W, Sec. 20	T35N, R3W, Sec. 20
Sheboygan	466	590	John B. Ka-ka-koonse	T35N, R3W, Sec. 20	T35N, R3W, Sec. 20
Sheboygan	467		Agatha Quacheo *et al.* (orphans)	**T35N, R5W, Sec. 8**	

SOURCES: BIA 1857-64; BIA 1857; BIA 1875a.

NOTE: Allotments in bold typeface were outside of the Cheboygan treaty reserve (T35N and T36N, R3W).

* Land selection on 1864 certificate outside of T35N and T36N, R3W.

& Plus a land selection outside of T35N and T36N, R3W.

TABLE 3

ALLOTTEES IN THE CHEBOYGAN RESERVE, 1875

Band	1857	1875	Allottee	T, R, Sec. (1857)	T, R, Sec. (1875)
Anse [a]	180	213	Isabella Kaw-ca-paw	[T35N, R3W, Sec. 17]	T35N, R3W, Sec. 17
Anse [a]	181	214	Catharine Waw-co-paw	[T35N, R3W, Sec. 20]	T35N, R3W, Sec. 20
Anse [a]	182	215	Theresa Bourrasa	[T35N, R3W, Sec. 21]	T35N, R3W, Sec. 21
Anse [a]	185	218	Pe-waw-be-koonse	[T35N, R3W, Sec. 21]	T35N, R3W, Sec. 21
Bois Blanc		266	Isabella Karrow	[1864 certificate]	T35N, R3W, Sec. 17
Bois Blanc		267	Mary Moran	[1864 certificate]	T35N, R3W, Sec. 8 &
Thunder Bay	226	273	Naw-o-quaish-cum	**T30N, R7E, Sec. 25**	T35N, R3W, Sec. 26
Mackinac	241	297	She-bye-aw-se-no-quay	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17
Sheboygan	424	548	Joseph Ke-she-go-we (chief)	T35N, R3W, Sec. 8	T35N, R3W, Sec. 8
Sheboygan	431	555	O-Shaw-waw-no-quay	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17
Sheboygan	432	556	Alexander Wa-win-ding	T35N, R3W, Sec. 8	T35N, R3W, Sec. 8
Sheboygan	433	557	Louis Shaw-bwaw-sung	T35N, R3W, Sec. 20	T36N, R3W, Sec. 7
Sheboygan	434	558	Shaw-waw-naw-se-gay	T35N, R3W, Sec. 21	T35N, R3W, Sec. 21
Sheboygan	435	559	Otaw-pe-taw-ge-zhe-go	T35N, R3W, Sec. 17	T35N, R3W, Sec. 20
Sheboygan	442	566	Joseph Aw-say-go	T36N, R3W, Sec. 19	T36N, R3W, Sec. 28
Sheboygan	443	567	Sarah Ah-sa-go	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17
Sheboygan	444	568	Peter J. Pepe-gway	T35N, R3W, Sec. 17	T35N, R3W, Sec. 17
Sheboygan	446	570	Anthony Shaw-waw-naw-naw-quot	T35N, R3W, Sec. 20	T36N, R3W, Sec. 11
Sheboygan	449	573	Joseph Aw-be-taw-own	T36N, R3W, Sec. 19	T36N, R3W, Sec. 8
	[456]	580	Edward O-ge-zhe-aw-no-quot	[see 456]	T35N, R3W, Sec. 19
Sheboygan	462	586	Sophia Ogaw-bay-aw-no-quot	T35N, R3W, Sec. 20	T35N, R3W, Sec. 17
Sheboygan	465	589	Louis Me-se-son-quay	T35N, R3W, Sec. 20	T35N, R3W, Sec. 20
Sheboygan	466	590	John B. Kay-kay-koonse	T35N, R3W, Sec. 20	T35N, R3W, Sec. 20
Sheboygan		592	Aw-say-naw-quay		T36N, R3W, Sec. 11
		1358	Mary Ann Karrow		T35N, R3W, Sec. 8
		1391	Mis-naw-be		T35N, R3W, Sec. 31
		1406	Theresa Way-win-ding		T35N, R3W, Sec. 7
	[426]	1408	Angelique Hudson	[see 426]	T35N, R3W, Sec. 18
		1409	Jane Stafford		T35N, R3W, Sec. 27
		1410	Louis Cadotte		T35N, R3W, Sec. 28 &
		1411	Alexander Busseay		T35N, R3W, Sec. 28
		1412	Archange Alair		T35N, R3W, Sec. 30
		1413	Kah-goo-dah-ah-qua		T35N, R3W, Sec. 31
		1414	Pauline Bonnoe		T35N, R3W, Sec. 33
		1415	John Vincent		T35N, R3W, Sec. 33
		1416	Charlotte Lecaylt		T35N, R3W, Sec. 33
		1417	John Mishow		T35N, R3W, Sec. 33
		1418	She-gaw-a-she-gaw		T35N, R3W, Sec. 33
		1419	Chequech		T35N, R3W, Sec. 33
		1420	Kaw-go-daw-aw-qua		T35N, R3W, Sec. 34
		1421	Joseph O-taie-gwa-che-wan		T36N, R3W, Sec. 7
		1422	Nancy McGulphin		T36N, R3W, Sec. 7
		1423	Francis Bourassa		T36N, R3W, Sec. 7
Sheboygan	452	1424	Joseph Way-bway-dum	T36N, R3W, Sec. 28	T36N, R3W, Sec. 20 &
		1425	John B. Ogaw-bay-aw-naw-quot		T36N, R3W, Sec. 21

SOURCES: BIA 1857-64; BIA 1857; BIA 1864; BIA 1875a; BIA 1875b.

NOTE: Allotments in bold typeface were outside of the Cheboygan treaty reserve (T35N and T36N, R3W).

[a] The 1840 annual report of Superintendent Schoolcraft listed "Ance's Band" (BIA 9/24/1840, Table 6). Hinsdale and Tanner both show an "Aince's" or "Ainse" village on the upper peninsula (Hinsdale 1931; Tanner 1986, Map 24).

[&] Plus a land selection outside of T35N and T36N, R3W.

TABLE 4

INDIAN VILLAGE HOUSEHOLDS, ca. 1897-1900

Name	McGinn 1897	Shananquet ca. 1899	U.S. Census 1900 [a]
* Cabinaw / Cobenaw, Enos	x	x	7
Chipp, Margaret /or/ Chips	x	x	
* Hamlin, Eugene	x	x	13
* Hamlin, Moses	x	x	1 (Sr.) / 10 (Jr.)
* Hamlin, William	x	x	14
Kewaquom, Esaul		x	(4 ?)
Kishigowe, Susan /or/ Sam	x	x	5
* Massay, Charles	x	x	17
Miksini, Louie		x	
Mixeny / Miksini, Frank	x	x	16
* Nongueskwa / Nangeshkwa, Paul	x	x	2 (widow Mary)
* Nongueskwa / Nangeshkwa, Moses	x	x	19
* Parkey, Joseph	x	x	23
* Shananquet, Albert		x	21
* Shanonaquette / Shananakwat, Antoine	x	x	11
Shanonaquette / Shananakwat, Francis / Frank	x	x	20
* Shanonaquette / Shananskwat, Jonas	x	x	
* Shebwasing / Shibwasong, Joseph	x	x	
Shebwasing / Shibwasong, Louis	x	x	12
Shianasgay / Shawanasige, James	x	x	
* Shianasgay / Shawanasige, Peter	x	x	
Singoby / Singobe, Simon	x	x	
* Tromblay, Angeline	x		12
Wasson, Paul /&/ Jane	x	x	6

SOURCES: McGinn 12/5/1897; Shananquet n.d.; U.S. Census 1900, Cheboygan Co., ED 68.

* An ancestor of a member of the petitioning group.

[a] Household number on the Indian schedule for Burt Township.

TABLE 5

BURT LAKE BAND DESCENDANTS ON THE DURANT ROLL OF 1910

1870 Household Head	1870 List	1910 Durant Roll			
		Roll	Descendant	Total	@Brutus [a]
* Joseph Way-bway-dum	1-31	No	Yes	3	3
* Non-quaish-caw-waw [Louis Nongueskwa]	2-31	No	Yes	8	6
* [Antoine] Shaw-waw-naw-naw-quot	3-31	# 6211	Yes	13	9
Saw-ge-ton-de-way	4-31	No	Yes	2	0
Pe-waw-be-koonse	6-31	No	Yes	4	0
Maw-co-paw [Francis Bourassaw] (son of 11-31)	7-31	# 835	Yes	8	0
* Aw-be-taw-ge-zhe-go [George Shenoskey]	8-31	No	Yes	2	0 [e]
Ignatus Ke-zhe-go-we	9-31	No	Yes	3	2
Mo-ke-che-waw-no-quay [Catherine Bourassaw]	11-31	# 843	Yes	8	0
Me-se-sow-gway	12-31	No	Yes	2	2
O-ge-she-aw-naw-quot	13-31	No	Yes	1	0
* [Louis] Shaw-bwaw-sung	15-31	No	Yes	2	2
* Theresa Way-win-dun	16-31	No	Yes	1	1
* William Misk-se-min-ne	18-31	No	Yes	5	0 [e]
? Mrs. William O'Flynn	20-31	No	Yes	4	0
Sophia Shaw-waw-ne-quom	23-31	No	Yes	2	0
Joseph O-gaw-bay-aw-naw-quot	25-31	# 4968	No	1	1
Harriet Davenport [Hurst] (daughter of 20-31)	26-31	# 2575	Yes	2	0
* Isaac Shaw-waw-naw-non-quot (son of 3-31)	29-31	# 6214	Yes	7	1
Joseph Shawbwawsung (son of 15-31)	31-31 [c]	# 6224	No	1	1
John Briggs [b]	32-31	# 889	Yes	3	0
* Ignatus Kaw-be-naw [Enos Cabenaw] (son of 18-31)	33-31 [d]	# 1419	Yes	5	5

SOURCES: Durant Roll (Durant 1910) and Durant field notes, p.31 (Durant 1908).

NOTE: Durant's field notes indicate that 22 of the 33 household heads on the 1870 annuity roll had living descendants in 1908. However, Durant's roll did not link 2 of those annuitants (10-31 and 22-31) to a descendant on the roll (although both were ancestral to # 6066, a minor, who was linked on the roll only to 8-31). This table includes the 20 annuitants linked to a descendant on the roll and 2 annuitants who had no descendants but were listed on the roll themselves. Durant's linkage of roll # 6187 to annuitant 5-31 has been treated as a misprint, in that Durant's field notes say that Say-nin-quaw-day (5-31) had no living descendants.

* An ancestor of a member of the petitioning group.

? A possible ancestor of a member of the petitioning group.

[a] The number of adult descendants and still-living annuitants. The total at Brutus also includes those individuals with a Burt Lake address. Some of these descendants and annuitants could trace back to more than one individual on the 1870 list; they have been assigned here only to one ancestor in order to avoid double counting.

[b] Durant's field notes recorded that, "The Cheboygan chiefs say John Briggs had no right on roll in 1870" (Durant 1908, p.31, no.32).

[c] Durant's linkage of Joseph Shawbwawsung (# 6224) to 21-31 has been treated as a misprint for 31-31.

[d] Durant's linkage of Enos Cabenaw (# 1419) and two of his daughters (# 850 and # 1806) to 33-21 has been treated as a misprint for 33-31.

[e] Annuitant 8-31 had a 14-year-old descendant at Brutus; 18-31 had descendants at Brutus through his son 33-31.

TABLE 6

INDIAN POPULATION ALONG INDIAN TRAIL ROAD, 1930's

Name	1930 Census age	1930 Census household	1938 Survey section	1938 Survey house?
* Cabenau, Henry	---	---	20	No
* Cabinaw, Enoch / Eno	84	#40	20	Yes
* Cabinaw, Ida	25	#38	18	Yes
* Cabinaw, Louis / Lucius	53	#41	20	Yes
* Cabinaw, Marg[aret], m. Louis	52	#41	[20]	[Yes]
* Cabinaw, Mary, m. Enoch	83	#40	20	Yes
Grant, Jane	67	#37	20	Yes
* Hamlin, Eliza / Mrs. W.	69	#42	19	Yes
* Kagebitang, Emma Cabinaw, m. [?]	47	#40	7	No
* Martell, Charles	29	#44	---	---
* Martell, Mary Shananaquet, m. Charles	29	#44	---	---
* Massey, Charles	70	#43	7/8	?
Massey, Mary [Nongueskwa, m. Louis ?]	---	---	7	No
* Naganaska, Agnes [Shenoskey], m. Basil	41	#39	---	---
* Naganaska, Basil	50	#39	---	---
* Naganaska, [George]	22	#39	---	---
* Nongueskwa, Elizabeth / Mrs. Mose[s]	70	#43	18	Yes
Nongueskwa, Harry	23	#43	---	---
Norton, Joseph	---	---	19	No
* Parkey, Edmund	40	#28	18	No
* Parkey, John	29	#42	---	---
* Parkey, Joseph	67	#42	18	No
* Shananaquet, Jonas / James	62	#44	18	Yes
* Shananaquet, Sam	33	#38	---	---
* Shawa, Amos	46	#42	18	Yes
* Shenoskey, Christine, m. Peter	47	#45	---	---
Shenoskey, James	---	---	8	No
* Shenoskey, Peter	52	#45	---	---
Shenoskey, William	19	#45	---	---
Shinskey [Shenoskey], Steve	---	---	8	Yes

SOURCES: Federal population census 1930, and Rural Property Inventories, Cheboygan County, 1938 (Census 1930; Cheboygan County 1938).

NOTE: In addition, Lizzie Griswold, the Indian spouse of Harvey Griswold, was enumerated on Burt Lake Road (#30) on the 1930 census, and Harvey Griswold was included on the 1938 survey as the owner of a dwelling along the lake in section 17, but the Griswolds neither lived nor owned property along Indian Trail Road (in contrast to Edmund Parkey, who lived on Burt Lake Road in 1930, but was assessed for land along Indian Trail Road in 1938).

* An ancestor of a member of the petitioning group.

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GAR
See: Grand Army of the Republic

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GLO
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Interior

See: U.S. Department of the Interior

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See: U.S. Department of Justice

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Massey family
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MCIA
See: Michigan Commission on Indian Affairs

Menefee, Helen V., and Alice Honson
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MIDA

See: Michigan Indian Defense Association

Middleton, W.R.

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MIO

See: Michigan Indian Organization

Moore, Donald

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NARS

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Otto, Simon

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Parker, Burton. Deputy State Land Commissioner

5/19/ 1894 Letter to Governor John T. Rich, May 19, 1894. Records of the Executive Office, box 176, file 6, RG 44, State Archives of Michigan. OFA anthropologist's files.

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Parkey, John

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Pastor, Eleesha M. Michigan Indian Legal Services.

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Petitioner

1994 Documented petition, 4 volumes.

1995 Response to technical assistance letter, 2 volumes; plus a folder containing a genealogy submission.

Petitioner (cont.)

2001 "A Political and Social History of the Burt Lake Band of Ottawa and Chippewa Indians," manuscript, n.d. [2001]. Petitioner 2002, "Historical" binder.

2002 Submission, 8 boxes, including: "charts" [*re*: criteria (a), (b), and (c)] (3 binders), "exhibits" (3 binders), minutes and newsletters (2 binders), court documents and motions (2 binders), "historical papers" (1 binder), "anthropological data" (1 binder), "Community Working Together" manuscript (1 binder), 7 interview tapes, membership list, membership files, genealogical data and Durant roll on CDs, a folder of material folder presented to Deputy Commissioner Blackwell, by-laws, and resolutions.

2003 Membership list, received Jan. 21, 2003.

Petoskey, Michael D. Michigan Indian Legal Services

6/13/ 1986 Letter to Donald Moore, June 13, 1986. Petitioner 2002, "Exhibits" binder, 1986-#9.

Petoskey, William

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3/ 8 / 1985 "Burt Lake Indians battle state for new land," Mar. 8, 1985. Petitioner 2002, "Recognized by Third Parties" binder.

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12/ 4 / 1991 Obituary for Edward W. Shenoskey, Dec. 4, 1991. Petitioner 2002, "Recognized by Third Parties" binder.

8/ 3 / 1992 Obituary for Mary Margaret Swartout, Aug. 3, 1992. Petitioner 2002, "Recognized by Third Parties" binder.

10/ 6 / 1992 Obituary for Irene Elizabeth Massey, Oct. 6, 1992. Petitioner 2002, "Recognized by Third Parties" binder.

4/26/ 1995 Obituary for Henry J. Shenoskey, Apr. 26, 1995. Petitioner 2002, "Recognized by Third Parties" binder.

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1/ 9 / 1901 Message to the State legislature, Jan. 9, 1901. *In* George N. Fuller, ed., *Messages of the Governors of Michigan*, IV:270-311. Lansing, Mich.: Michigan Historical Commission, 1927. Excerpt in Petitioner 2002, "Recognized by Third Parties" binder; and excerpt in OFA historian's files.

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Shananquet, Albert
7/20/ 1911 Letter to Attorney General, July 20, 1911. Petitioner 2002, "Exercised Political Influence" binder.

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Shananquet, Albert (cont.)

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9/12/ 1922 Notice to Ottawas and Chippewas of Michigan, by Albert Shananquet, attorney, dated Sept. 12, 1922. Petitioner 2002, "Exercised Political Influence" binder.

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1/31/ 1924 Letter to Assistant Commissioner of Indian Affairs E.B. Meritt, Jan. 31, 1924. Petitioner 2002, "Exercised Political Influence" binder.

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Shananaquet, Rita

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Shapton, Warren W. Deputy Director, Michigan DNR

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Shawa, Amber

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Shawa, Gary

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9/ 3 / 1954 Letter to Bureau of Indian Affairs, Sept. 3, 1954. McClurken Ex. 73.

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ca. 1880's Handwritten notes, ca. 1950's, on a census, ca. 1880's. Petitioner 2002, "Functioned as a Distinct Community" binder, at tab 1880-1889.

1/15/ 1924 Handwritten notes, ca. 1950's, transcribing [?] a document dated Jan. 15, 1924. Petitioner 2002, "Exercised Political Influence" binder, at tab 1950-1959.

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3/12/ 1956 "Policy of the Government Towards the Indian," manuscript, Mar. 12, 1956. Copies at the Bentley Historical Library and the State Library of Michigan. Petitioner 2002, "Exercised Political Influence" binder.

3/15/ 1956 Letter to George L. Walker, Mar. 15, 1956 (copy). Petitioner 2002, "Exercised Political Influence" binder.

4/13/ 1956 Letter to Commissioner of General Land Office, Apr. 13, 1956. Petitioner 2002, "Exercised Political Influence" binder.

3/ 8 / 1957 Letter to Joseph Kishigo, Mar. 8, 1957. Petitioner 2002, "Exercised Political Influence" binder.

4/ 2 / 1957 Letter to State Representative John Kilbern, Apr. 2, 1957. Petitioner 2002, "Exercised Political Influence" binder.

5/26/ 1965 Letter to Editor in *Cheboygan Daily Tribune*, May 26, 1965. Petitioner 2002, "Exercised Political Influence" binder.

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5/ 7 / 1985 Letter to Dear Sir, May 7, 1985. Files on Native Americans, box 6, file 4, Records of the Department of Natural Resources, RG 92-427, State Archives of Michigan. OFA anthropologist's files.

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2/28/ 1985 "Indians want 640 acres in Burt Twp. on Maple Bay," Feb. 28, 1985. Petitioner 2002, "Recognized by Third Parties" binder.

7/25 /1985 "Alternative under consideration for Indian demand," July 25, 1985. Petitioner 2002, "Recognized by Third Parties" binder.

8/ 8 / 1985 Caption to photograph of Roy Parkey, Aug. 8, 1985. Petitioner 2002, "Recognized by Third Parties" binder.

9/ 5 / 1985 "Indians 'accept' land compromise," Sept. 5, 1985. Petitioner 2002, binder "Exercised Political Influence."

Straitsland Resorter (cont.)
10/13/ 1988 "Autumn: a signal of festive supper and loved ones," Oct. 13, 1988. Petitioner 2002, "Recognized by Third Parties" binder.

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1/20/ 1948 Letter to Peter E. Bradt, Deputy Attorney General, Jan. 20, 1948. Case #1884, Records of the Attorney General, box 70, file 4, RG 71-92, State Archives of Michigan. OFA anthropologist's files.

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4/14/ 1994 H.R. 4232, 103d Congress, 2d session, introduced on Apr. 14, 1994. Petitioner submission received Jan. 9, 1995; and BAR research file.

11/14/ 1995 Testimony before the House Subcommittee on Native American Affairs, Nov. 14, 1995. Petitioner 2002, "Recognized by Third Parties" binder.

Stupak, Bart, *et al.*
3/ 2 / 1995 Letter to President William J. Clinton, Mar. 2, 1995. Petitioner 2002, "Recognized by Third Parties" binder.

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9/25/ 1972 Report on Indian Work to the Commission for the Catholic Missions, Sept. 25, 1972. Petitioner 2002, "Recognized by Third Parties" binder.

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1855 Treaty with the Ottawa and Chippewa Indians of Michigan, at Detroit, July 31, 1855. *Statutes* 11:621; Kapper 2:725.

1872 An act for the restoration to market of certain lands in Michigan, June 10, 1872. *Statutes* 17:381. Petitioner 2002, "Functioned as a Distinct Community" binder; McClurken Ex. 40.

1875 An act to amend the act entitled "An act for the restoration to homestead-entry and to market of certain lands in Michigan," Mar. 3, 1875. *Statutes* 18:516; Kappler 1:158. Petitioner 2002, "Functioned as a Distinct Community" binder; McClurken Ex. 41.

1887 An act to provide for the allotment of lands in severalty, Feb. 8, 1887. *Statutes* 24:388; Kappler 1:33.

1905 Appropriation act for the Indian Department, Mar. 3, 1905. *Statutes* 33:1048 at 1081; Kappler 3:158.

1908 Appropriation act for the Indian Department, Apr. 30, 1908. *Statutes* 35:70 at 81; Kappler 3:329.

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U.S. Army, Adjutant General

1861-1862 Compiled military service record of John Vincent. 3rd Michigan Cavalry, Civil War, RG 94, National Archives. OFA genealogist's files.

U.S. Attorney

6/22/ 1911 Bill of complaint, by U.S. Attorney Frank H. Watson, June 22, 1911. *United States of America v. John W. McGinn and A.L. Agate*, Equity 94, Eastern District of Michigan. Madison 2002, Ex.D; Petitioner 2002, "Recognized by Third Parties" binder; and OFA folder *re*: previous Federal acknowledgment.

3/10/ 1914 Letter to Enos P. Cabenaw, Mar. 10, 1914 (unsigned). [Numerical File 158012, RG 60, National Archives II.] OFA folder *re*: previous Federal acknowledgment.

3/14/ 1914 Letter to Enos P. Cabenaw, Mar. 14, 1914. Petitioner 2002, "Exercised Political Influence" binder.

U.S. Attorney (cont.)

4/30/ 1914 Amendments to bill of complaint, by U.S. Attorney Clyde I. Webster, Apr. 30, 1914. *United States of America v. John W. McGinn and A.L. Agate*, Equity 94, Eastern District of Michigan. Submitted by James A. Bransky, Apr. 5, 1994; and OFA folder *re*: previous Federal acknowledgment.

U.S. Bureau of Indian Affairs / Office of Indian Affairs (cited as: BIA)

9/24/ 1840 Annual report of Acting Superintendent Henry R. Schoolcraft, Sept. 24, 1840. McClurken Ex. 28.

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1857-1864 Volume of land selection schedules of Ottawa and Chippewa Indians, with Sheboygan band schedule at pp. 18-19, n.d. [Note: The 1857 schedules were entered in ink; they were overwritten in pencil in preparation of revised schedules in 1864]. Allotment Selection Applications, Land Division (Entry 391), RG 75, National Archives. Copies of selected pages in OFA historian's files.

1864 Individual land certificate stubs, most dated Sept. 1864, some dated 1865. Stubs for Allotment Certificates, Land Division (Entry 394), RG 75, National Archives.

7/30/ 1869 Commissioner of Indian Affairs E.S. Parker to Agent James H. Long, July 30, 1869. Frame 216, roll 91, microfilm M-21, National Archives. McClurken Ex. 43.

ca. 1872 Ledger volume labeled "No. 46-B / Schedule of Ottawas and Chippewas of Michigan / Treaty of July 31, 1855," containing schedules approved between July 8, 1870, and Jan. 17, 1872. Archival vol. 35, Allotment Schedules, Land Division (Entry 343), RG 75, National Archives.

3/11/ 1873 Acting Commissioner of Indian Affairs H.R. Clum to Agent George Betts, Mar. 11, 1873. Letter book, p. 516, roll 110, microfilm M-21, National Archives.

4/11/ 1873 Commissioner of Indian Affairs E.P. Smith to Special Agent John Knox, Apr. 11, 1873. Letter book, p. 108, roll 112, microfilm M-21, National Archives.

6/21/ 1873 Report of Agent George Betts and Special Agent John Knox, June 21, 1873. [Note: This report should be contained in BIA records at the National Archives in Entry 389, RG 75, but those records could not be found on the shelf in April 2003. A reference tab indicating that the report was removed from the routine files of the letters received by the Office of Indian Affairs is found at Mackinac B457 (1873), frame 883, roll 410, microfilm M-234, National Archives.] Copy submitted by Gary A. Shawa, received Jan. 17, 1995, in OFA administrative file.

9/15/ 1873 Annual report of the Michigan [Mackinac] Agency, by Agent George Betts, Sept. 15, 1873. *Annual Report of the Commissioner of Indian Affairs* 1873, pp. 174-176.

U.S. Bureau of Indian Affairs (cont.)

3/19/ 1875 Supplementary report of Agent George Betts, Mar. 19, 1875. [Note: This report should be contained in BIA records at the National Archives in Entry 389, RG 75, but those records could not be found on the shelf in April 2003. The existence of this report and accompanying schedules is documented (as Mackinac B396) in the Registers of Letters Received, microfilm M-18, National Archives, and by a reference tab, indicating that the report had been removed from the routine files of letters received, at Mackinac B396 (1875), frame 325, roll 411, microfilm M-234, National Archives.]

3/23/ 1875 Commissioner of Indian Affairs to Secretary of the Interior, Mar. 23, 1875. Report Book, p. 33, roll 26, microfilm M-348, National Archives.

1875a Ledger volume labeled "46-A / Ottawa and Chippewa Bands in Michigan / Tract Book / Treaty of July 31, 1855 / Vol. 2." Archival vol. 67[a], Tract Books, Land Division (Entry 340), RG 75, National Archives. Copy of pages 195-221 in Petitioner 2001, folder, and in Gary Shawa submission, received Jan. 17, 1995.

1875b Ledger volume labeled "46-B / Schedule of Allotments / Ottawas and Chippewas of Michigan." Archival vol. 34, Allotment Schedules, Land Division (Entry 343), RG 75, National Archives. Copy of certificate #273 in OFA historian's files.

1/ 5 / 1880 Agent George Lee to Commissioner of Indian Affairs E.A. Hayt, Jan. 5, 1880. Frames 80-82, roll 415, microfilm M-234, National Archives.

1/11/ 1900 Commissioner of Indian Affairs W.A. Jones to Secretary of the Interior, Jan. 11, 1900 (copy). [Numerical File 158012, RG 60, National Archives II.] OFA folder *re*: previous Federal acknowledgment.

5/17/ 1900 Acting Commissioner of Indian Affairs A.C. Tonner to Secretary of the Interior, May 17, 1900 (copy). [Numerical File 158012, RG 60, National Archives II.] OFA folder *re*: previous Federal acknowledgment.

10/26/ 1911 Superintendent Frank W. Millard, Bay Mills School, to Commissioner of Indian Affairs, Oct. 26, 1911. [Numerical File 158012, RG 60, National Archives II.] OFA folder *re*: previous Federal acknowledgment.

11/21/ 1911 Superintendent Frank W. Millard to Albert Shanaquet [*sic*], Nov. 21, 1911. Petitioner 2002, "Exercised Political Influence" binder.

2/10/ 1912 Assistant Commissioner of Indian Affairs C.F. Hauke to Enos Cabenaw, [Feb. 10, 1912]. Petitioner 2002, "Exercised Political Influence" binder.

1/30/1914a Assistant Commissioner of Indian Affairs E.B. Meritt to Enos P. Cabenaw, Jan. 30, 1914. Petitioner 2002, "Exercised Political Influence" binder.

1/30/1914b Assistant Commissioner of Indian Affairs E.B. Meritt to Albert Shananquet, Jan. 30, 1914. Petitioner 2002, "Exercised Political Influence" binder.

U.S. Bureau of Indian Affairs (cont.)

2/20/ 1914 Assistant Commissioner of Indian Affairs E.B. Meritt to Enos P. Cabenaw, Feb. 20, 1914. Petitioner 2002, "Exercised Political Influence" binder.

4/14/ 1914 J.W. Howell, Special Supervisor, to Commissioner of Indian Affairs, Apr. 14, 1914 (annotated with the approval of Commissioner Cato Sells, Apr. 16, 1914). Submitted by James A. Bransky, Apr. 5, 1994; and copy in OFA folder *re*: previous Federal acknowledgment.

4/10/ 1915 Assistant Commissioner of Indian Affairs C.F. Hauke to Humphrey, Grant and Humphrey, Apr. 10, 1915. File 26082-1915, General Services 312, Central Classified Files 1907-1939 (Entry 121), RG 75, National Archives.

8/20/ 1915 [Chief Clerk] C.F. Hauke to Humphrey, Grant and Humphrey, Aug. 20, 1915. File 26082-1915, General Services 312, Central Classified Files 1907-1939 (Entry 121), RG 75, National Archives.

9/15/ 1915 Chief Clerk C.F. Hauke to Humphrey, Grant and Humphrey, Sept. 15, 1915. File 26082-1915, General Services 312, Central Classified Files 1907-1939 (Entry 121), RG 75, National Archives. OFA historian's files.

9/25/ 1915 Chief Clerk C.F. Hauke to Humphrey, Grant and Humphrey, Sept. 25, 1915. File 26082-1915, General Services 312, Central Classified Files 1907-1939 (Entry 121), RG 75, National Archives. OFA historian's files.

4/12/1923a Assistant Commissioner of Indian Affairs E.B. Meritt to Albert C. Shananquet, Apr. 12, 1923. Petitioner 2002, "Exercised Political Influence" binder.

4/12/1923b Assistant Commissioner of Indian Affairs E.B. Meritt to Superintendent R.A. Cochran, Apr. 12, 1923. Petitioner 2002, "Exercised Political Influence" binder.

1/ 5 / 1924 Commissioner of Indian Affairs Charles H. Burke to Webster Ballinger, Jan. 5, 1924. Petitioner 2002, "Recognized by Third Parties" binder.

12/ 6 / 1934 Superintendent Frank Christy to Director of Indian Education W. Carson Ryan, Dec. 6, 1934. Petitioner 1994, App. 4.

12/17/ 1934 Assistant Commissioner William Zimmerman, Jr., to Senator A.H. Vandenberg, Dec. 17, 1934. File 9634-1936, Michigan Misc. 066, [Central Classified Files 1907-1939 (Entry 121), or files relating to the Indian Reorganization Act], RG 75, National Archives. OFA folder *re*: Grand Traverse petition.

ca. 4/27/ 1935 "Program for Rehabilitation of Michigan Indians," by Superintendent Frank Christy, n.d. [ca. Apr. 27, 1935]. File: Rehabilitation and Land Acquisition, Tomah Agency, RG 75, National Archives, Chicago. OFA historian's files.

U.S. Bureau of Indian Affairs (cont.)

5/ 4 / 1935 Superintendent M.L. Burns and Superintendent Frank Christy to Commissioner of Indian Affairs, May 4, 1935. Petitioner 1994, App. 4; Office of the Solicitor folder from *Burt Lake Band v. Norton.*

5/17/ 1935 Assistant Commissioner William Zimmerman, Jr., to Rep. Prentiss M. Brown, May 17, 1935. Petitioner 2002, "Recognized by Third Parties" binder.

7/23/ 1935 Commissioner of Indian Affairs John Collier to Superintendent Mark Burns, July 23, 1935. Petitioner 2002, "Exercised Political Influence" binder.

8/15/ 1935 Superintendent M.L. Burns to Commissioner of Indian Affairs, Aug. 15, 1935. Petitioner 2002, "Exercised Political Influence" binder; Office of the Solicitor folder from *Burt Lake Band v. Norton.*

4/ 6 / 1936 Coordinator M.L. Burns to Commissioner of Indian Affairs, Apr. 6, 1936. File 9634-1936, Michigan Misc. 066, [Central Classified Files 1907-1939 (Entry 121), or files relating to the Indian Reorganization Act], RG 75, National Archives. OFA folder *re*: Grand Traverse petition.

1937 Report on Michigan Indians, by H. Scudder Mekeel, Indian Service Field Representative, 1937. Office of the Solicitor folder from *Burt Lake Band v. Norton.*

5/ 8 / 1937 "Status of Organization / Lakes States," by Allan Harper, BIA, May 8, 1937. Petitioner 1994, App. 4.

6/16/ 1937 Superintendent Frank Christy to Commissioner of Indian Affairs (Attn: Fred Daiker), June 16, 1937. Petitioner 1994, App. 4.

1939 "Indians of the Lower Peninsula of Michigan," Sept. 1939. This report included an introduction or "Proposed Study," and "A Survey of Indian Groups in the State of Michigan, 1939," by John H. Holst. Petitioner 1994, App. 4; and Petitioner 2002, "Recognized by Third Parties" binder.

5/29/ 1940 Commissioner of Indian Affairs John Collier to Superintendent J.C. Cavill *et al.*, May 29, 1940. Petitioner 1994, App. 4.

7/ 1 / 1980 Superintendent Alvin G. Picotte to Office of Field Solicitor, July 1, 1980. Petitioner 2002, "Recognized by Third Parties" binder.

2/ 5 / 1982 Superintendent Alvin G. Picotte to Director Howard A. Tanner, State Department of Natural Resources, Feb. 5, 1982. Files on Native Americans, box 6, Records of the Department of Natural Resources, RG 92-427, State Archives of Michigan. OFA anthropologist's files.

5/18/ 1984 Superintendent Alvin G. Picotte to Catherine Baldwin, May 18, 1984. Petitioner 2002, folder of material presented to Deputy Commissioner Blackwell.

U.S. Bureau of Indian Affairs (cont.)

6/25/ 1991 Superintendent Anne Bolton, Michigan Agency, to Loretta Parkey. Petitioner 2002, folder of material presented to Deputy Commissioner Blackwell.

4/ 5 / 1995 Acting Director of the Office of Tribal Services Joanne Sebastian Morris to Carl L. Frazier, Apr. 5, 1995. OFA administrative file.

3/ 1 / 1998 News release, by Superintendent Anne Bolton, Michigan Agency, Mar. 1, 1998. Petitioner 2002, "Recognized by Third Parties" binder; and OFA genealogist's files.

6/24/ 1999 Superintendent Anne E. Bolton, Michigan Agency, to Dear Sir or Madam, June 24, 1999. OFA genealogist's files.

11/25/ 2002 OFA letter to Carl L. Frazier, Nov. 25, 2002. OFA administrative file.

U.S. Census

1850 Population census, Michigan, Michilimackinac County, roll 357. Microfilm M-432, National Archives. Excerpts in OFA genealogist's files.

1860a Agricultural census, Michigan, Cheboygan County, roll 8. Microfilm T-1164, National Archives. Excerpts in OFA genealogist's files.

1860b Population census, Michigan, Cheboygan County, roll 542. Microfilm M-653, National Archives. Excerpts in OFA genealogist's files.

1870a Agricultural census, Michigan, Cheboygan County, roll 17. Microfilm T-1164, National Archives. Excerpts in OFA genealogist's files.

1870b Population census, Michigan, Cheboygan County, roll 669. Microfilm M-593, National Archives. Excerpts in OFA genealogist's files.

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1870d Population census, Michigan, Mackinac County, roll 687. Microfilm M-593, National Archives. Excerpts, from internet source <envoy.libofmich.lib.mi.us>, in OFA genealogist's files.

1880a Agricultural census, Michigan, Cheboygan County, roll 33. Microfilm T-1164, National Archives. Excerpts in OFA genealogist's files.

1880b Population census, Michigan, Cheboygan County, roll 576. Microfilm T-9, National Archives. Excerpts in OFA genealogist's files.

1880c Population census, Michigan, Manitou County, roll 593. Microfilm T-9, National Archives. Excerpts in OFA genealogist's files.

U.S. Census (cont.)

1890 Census of Union veterans and widows of Union veterans of the Civil War, Michigan, Cheboygan County, roll 21. Microfilm M-123, National Archives. Excerpts in OFA genealogist's files.

1900a Population census, Michigan, Charlevoix County, roll 706. Microfilm T-623, National Archives. Excerpts in OFA genealogist's files.

1900b Population census, Michigan, Cheboygan County, roll 706. Microfilm T-623, National Archives. Transcription of excerpts in Petitioner 2002, "Functioned as a Distinct Community" binder; and excerpts in OFA genealogist's files.

1910a Population census, Michigan, Charlevoix County, roll 641. Microfilm T-624, National Archives. Excerpts in OFA genealogist's files.

1910b Population census, Michigan, Cheboygan County, roll 641. Microfilm T-624, National Archives. Transcription of excerpts in Petitioner 2002, "Functioned as a Distinct Community" binder; copy of Indian Population schedule in BAR research file; and excerpts in OFA genealogist's files.

1920a Population census, Michigan, Cheboygan County, roll 760. Microfilm T-625, National Archives. Transcription of excerpts in Petitioner 2002, "Functioned as a Distinct Community" binder; and excerpts in BAR research file and OFA genealogist's files.

1920b Population census, Michigan, Mackinac County, roll 783. Microfilm T-625, National Archives. Excerpts in OFA genealogist's files.

1930a Population census, Michigan, Cheboygan County, roll 980. Microfilm T-626, National Archives. Transcription of excerpts in Petitioner 2002, "Functioned as a Distinct Community" binder; and excerpts in OFA genealogist's files.

1930b Population census, Michigan, Mackinac County, roll 1006. Microfilm T-626, National Archives. Excerpts in OFA genealogist's files.

U.S. Court of Claims

1905 *William Petoskey et al. v. United States*, General Jurisdiction, Case #27978, filed May 31, 1905. General Jurisdiction Case Files, RG 123, National Archives. [Note: This archival file contains the petition and the reports of the Interior and Treasury Departments, but no decision of the Court.]

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).

U.S. Department of Commerce, Bureau of the Census (cited as: Commerce)

1979 *Twenty Censuses: Population and Housing Questions 1790-1980.* Washington, D.C.: Government Printing Office.

U.S. Department of Justice (cited as: Justice)

2/10/ 1915 Assistant Attorney General [Ernest Knaebel] to Enos P. Cabenaw, Feb. 10, 1915. Petitioner 2002, "Exercised Political Influence" binder.

3/ 2 / 1915 Assistant Attorney General [Ernest Knaebel] to Enos P. Cabenaw, Mar. 2, 1915. Petitioner 2002, "Exercised Political Influence" binder.

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.

U.S. Department of the Interior (cited as: Interior)

3/27/ 1872 Secretary of the Interior Columbus Delano to Commissioner of Indian Affairs Francis Walker, Mar. 27, 1872. Letter book, p. 177, roll 11, microfilm M-606, and frame 525, roll 410, microfilm M-234, National Archives.

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.

3/10/ 1900 Interior Department to [Indian Office?], Mar. 10, 1900. Letter 1900-#12686, Letters Received (Entry 91), RG 75, National Archives. OFA historian's files.

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.

5/ 5 / 1917 Secretary of the Interior [Franklin Lane] to Attorney General, May 5, 1917. [Numerical File 158012, RG 60, National Archives II.] OFA folder *re*: previous Federal acknowledgment.

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.

U.S. Department of the Interior (cont.)

3/26/ 1924 Assistant Secretary of the Interior F.M. Goodwin to Albert Shananquet, Mar. 26, 1924. Petitioner 2002, "Recognized by Third Parties" binder.

5/ 1 / 1937 Memorandum to the Commissioner of Indian Affairs, by Acting Solicitor Frederic L. Kirgis, May 1, 1937. *Opinions of the Solicitor*, 747-748. OFA folder *re*: previous Federal acknowledgment.

6/13/ 1947 Certified copies of land patents to the Governor of Michigan in trust for the Sheboygan Indians, June 13, 1947. Case #1884, Records of the Attorney General, box 70, file 4, RG 71-92, State Archives of Michigan. OFA anthropologist's files.

6/24/ 1980 Field Solicitor Elmer T. Nitzschke to Superintendent Alvin Picotte, BIA, June 24, 1980. Petitioner 2002, "Recognized by Third Parties" binder.

U.S. District Court, Eastern District of Michigan, Northern Division (Bay City)

1914a Opinion on demurrer in *U.S. v. McGinn and Agate*, by Judge C.W. Sessions, Jan. 6, 1914. [Numerical File 158012, RG 60, National Archives II.] OFA folder *re*: previous Federal acknowledgment.

1914b Order sustaining demurrer in *U.S. v. McGinn and Agate*, by Judge C.W. Sessions, Jan. 19, 1914. [Numerical File 158012, RG 60, National Archives II.] OFA folder *re*: previous Federal acknowledgment.

1917a Opinion in *U.S. v. Shepherd and Ramsey*, by Judge C.W. Sessions, May 31, 1917. [Numerical File 158012, RG 60, National Archives II.] OFA folder *re*: previous Federal acknowledgment.

1917b Order of dismissal in *U.S. v. Shepherd and Ramsey*, by Judge C.W. Sessions, June 22, 1917. [Numerical File 158012, RG 60, National Archives II.] OFA folder *re*: previous Federal acknowledgment.

U.S. General Land Office (cited as: GLO)

1841 Plat book for T36N, R3W, dated 1841. U.S. Bureau of Land Management, Springfield, Va. OFA genealogist's files.

1855 Plat book for T36N, R3W, dated 1855. U.S. Bureau of Land Management, Springfield, Va. OFA genealogist's files.

ca. 1872 Homestead patent records (final certificates #3459, 3471, 3770, 3771, 4031, 4032, 4033, 4404, and 5461) in T36N and T35N, R3W, entered under authority of the Act of June 10, 1872, or its amendment by the Act of Mar. 3, 1875. Final homestead certificates, Reed City land office, Michigan (Entry 52), Land Entry Papers of the General Land Office, RG 49, National Archives. OFA genealogist's files.

U.S. General Land Office (cont.)

5/15/ 1894 Commissioner A.W. Lamoreaux to State Land Commissioner William A. French, May 15, 1894. Records of the Executive Office, box 176, file 6, RG 44, State Archives of Michigan. OFA anthropologist's files.

n.d. Tract books for T36N, R3W, and T35N, R3W, n.d. [1842-]. U.S. Bureau of Land Management, Springfield, Va. OFA genealogist's files.

U.S. Geological Society (cited as: USGS)

1986 Burt Lake Quadrangle, 7.5 minute series, 1986. State Library of Michigan. OFA historian's files.

USGS

See: U.S. Geological Society

U.S. National Archives and Records Service (cited as: NARS)

1983 *Guide to Genealogical Research in the National Archives*. Washington, D.C.: National Archives Trust Fund Board.

U.S. Office of Indian Affairs

See: U.S. Bureau of Indian Affairs

U.S. Senate

1836 *Journal of the Executive Proceedings of the Senate of the United States of America*, May 16, 1836, 4:541-544.

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