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**GRAND RIVER BANDS OF OTTAWA INDIANS' RESPONSE TO
THE TECHNICAL ASSISTANCE LETTER DATED JANUARY 26, 2005**

Introduction

The Petitioner has addressed below, each of the issues raised in the Grand River Bands of Ottawa Indians Technical Assistance Letter dated January 26, 2005 (Hereinafter Grand River TA Letter, 26 January 2005) The Response is organized exactly as is the TA Letter, and responds to OFA's concerns, as they were raised, referencing exact page and paragraph numbers where appropriate.

In response to suggestions made in the TA Letter, significant additional genealogical and historical research has been done by the office of Dr. James McClurken, including oral histories and group interviews. Dr. McClurken's work is summarized in his Grand River Bands of Ottawa Indians Ethnohistorical Response to Office of Federal Acknowledgment Technical Assistance Report, dated January 26, 2005 (Hereinafter Grand River Ethnohistorical TA Report), which is attached. Supporting documentation for both these works is included, as Appendices A through E, and Secondary Documents.

In addition, Petitioner has reviewed the Previous Acknowledgment Decisions suggested in the TA Letter, to gain insight into the acknowledgment criteria as applied in similar cases. Some of these Decisions are also referenced below, as they help to illuminate that the Petitioner meets the criteria in Section 83.7, as it has been applied by the Bureau of Indian Affairs.

The Petitioner is confident that the information provided below establishes conclusively that the Petitioner, the Grand River Bands of Ottawa Indians, Inc., meets the criteria for federal acknowledgment set forth at 25 CFR Section 83.7.

I. Unambiguous Previous Federal Acknowledgment

The TA Letter states that OFA's "initial review" indicates that Petitioner has been previously acknowledged by the Treaties of 1836 and 1855, which continued until annuity payments ended in 1875. As such, it "finds that GRB is eligible to proceed under Section 83.8, with a date of previous acknowledgment of 1875."¹ Therefore, this TA Response focuses on the criteria under 25 CFR Section 83.8. However, the Letter also indicates that it may be more difficult for the Petitioner to meet Section 83.8(d)(1) through (3), and "GRB's best strategy may be to meet the criteria listed at 83.7(a) through (c)."² Petitioner asserts that it meets 25 CFR 83.8, and also 83.7, in the alternative. These analyses rely heavily on Dr. McClurken's Report³ which is a comprehensive historical analysis of the Grand River Bands.

Petitioner's Evolution from the Historical GRB Tribe

While it finds preliminary previous federal acknowledgment, The TA Letter requests further evidence of "continuous existence."⁴ The TA Letter indicates that OFA is unsure how the Treaty Tribe evolved to become the Petitioner, and requests clarification of the composition of the Tribe throughout time.⁵ On page 2, the TA Letter states:

GRB must demonstrate that it actually represents the treaty tribe by showing that its membership descends directly as a group from a previously acknowledged entity or a portion which has evolved from it. The petition implies that GRB members trace to "nineteen Ottawa bands," but documents in the petition indicate that GRB may have evolved from a selection of these 19 bands and may be a portion of the treaty tribe that

¹ Grand River TA Letter, 26 January 2005, p. 1, para 4

² Grand River TA Letter, 26 January 2005, p. 7, para 4.

³ Grand River Ethnohistorical TA Report

⁴ Grand River TA Letter, 26 January 2005, p. 4, para 3.

⁵ This discussion is also responsive to OFA's concerns raised in the Grand River TA Letter, 26 January 2005 on p. 4, paras 2, 3, and p. 13, para. 5.

removed to Oceana and Mason counties. A group of descendants from all 19 bands who do not have a common history since 1875 and came together only recently for claims purposes may not qualify under Section 83.8 and probably would not meet the criteria at 83.7(a)-(g). A group of descendants who represent only a few of the treaty bands and remained connected to one another since treaty times may qualify under Section 83.8, even if they only represent a portion of the treaty entity. The petitioner's response to this TA letter should cite specific data to clarify how the treaty tribe evolved to become the GRB petitioner.

**The Petitioner Evolved from a Portion of the Treaty Tribe
That Traces to All Nineteen Bands**

The Petitioner's membership traces to all nineteen historic chiefs of the Grand River Bands. Researchers have created a Family Tree of the current membership, tracing their ancestors back to the 1870 Annuity Payroll.⁶ In Appendix A, Table E reveals that all nineteen Chiefs are represented in our membership, most having dozens or even hundreds of descendants on our Membership List.⁷

The Grand River Family Tree also allows for cross-referencing the names in the numerous membership lists, mailing lists, condolence books, and scrapbooks submitted, to reveal that our membership has "remained connected to each other since treaty times." It further, illustrates the kinship organization that remains within our membership.⁸

⁶ Grand River Ottawa Family Tree, Appendix A.

⁷ Because the historic Treaty Tribe is so interrelated, many members trace to more than one Chief, resulting in larger total numbers and percentages.

⁸ This information will be discussed more fully below, regarding 83.7(b).

However, due to the Federal recognition of two splinter groups, the Petitioner's membership *does* only represent only a portion of the historic Treaty Tribe.⁹

As discussed below, the Bands of the historic Treaty Tribe continued as a loosely organized kin-based network of communities, much as they had in treaty times, throughout most of the Twentieth Century. They inter-married and inter-mingled with other Ottawa, and even joined with other Ottawa for political purposes, as they always had.¹⁰ While economic necessity has caused them to move between the reservation areas and surrounding cities, they continued to reside within this distinct geographic area of Western Michigan, and travel within it to maintain one social and political community.¹¹

However, the GRB community and political entity is similar to that of the GRB (and other Algonquian) in Treaty times, which was a loosely organized network of kin-based groups, bound by common interests and kinship. Political and social institutions continued in Algonquian patterns, until approximately the 1980's when politics required the Ottawa Tribes to reorganize to pursue Federal recognition. Due to geographic and political realities, two groups of Grand River Bands members split off, formed independent political organizations, and pursued Federal recognition as individual bands. The Little River Band of Ottawa Indians (LRB) was recognized by legislation in 1994, and the Match-e-be-nash-e-wish Band of Pottawatomi Indians (MBPI) was recognized by BAR in 1998.

⁹ Due to the Federal recognition of the Little River Band of Ottawa Indians (LRB) and Match-e-Be-Nash-e-wish Band of Pottawatomi Indians (MBPI), we do not numerically represent a predominant portion of the entire historic Treaty Tribe.

¹⁰ The unique social and political organization of the Michigan Ottawa is discussed more fully, *infra*.

¹¹ The Petitioner has cross-referenced membership lists and created demographic maps from this data. This enables OFA to see that Grand River members have continued to live primarily in the areas of their annuity selections. *See* demographic maps attached, Appendix C.

The Little River Band of Ottawa Indians (LRB) represent members who trace to “Thorn Apple Forks Chiefs” of the Grand River Bands. Some Grand River members who were removed to the Mason County Reservation area continued to follow the lumber and trapping industries further North and eventually settled in Mason and Manistee Counties. They comprised Unit 7 of NMOA, and eventually formed a separate 501(c)(3) organization to work on behalf of the Grand River members in that geographic area.¹² While they continued to work and socialize closely with the remainder of the historic Treaty Tribe, they gradually separated politically from the Treaty Tribe, and in the early 1990’s pursued Federal recognition as a separate entity, tracing to eight of the nineteen historic Grand River Ottawa Chiefs. They were recognized by legislation in 1994, and are now known as the Little River Band of Ottawa Indians.¹³

However, some Grand River members tracing to these eight chiefs also did *not* join this community, and never resided with them. They continue to identify with the wider Treaty Tribe, the Grand River Bands, although they trace to a Grand River Chief that has been included in the membership criteria of the Little River Band. Therefore, while some of our members may be eligible for membership in one of these Tribes,¹⁴ they are instead still members of the Grand River Bands of Ottawa Indians community.

Members of the The Match-e-be-nash-e-wish Band of Pottawatomi Indians (MBPI) trace to Grand River Ottawa Chief Shaw-be-quo-ung of the Griswold Colony from the 1870 Annuity

¹² See Thornapple Indian Band, By-Laws, 1970.

¹³ Because they continued to be a part of the Grand River Bands community until they split off in the early 1990’s, many current LRB members or MBPI members appear in the historical documents submitted, and continue to intermingle socially and politically, with Grand River members, as they have historically. However they are not considered members of Petitioner’s community for purposes of Federal recognition, and the TA Response does not focus on them. This is discussed more fully *infra*.

¹⁴ Some of our members, tracing to Shaw-be-Co-Ung or one of our Chiefs listed by the Little River Band, may *not* be eligible for membership in those Tribes, as they may not meet historic residency or other requirements of membership.

Roll. While they were actually Pottawatomi's, they were treated as Grand River Ottawa by the Treaty of 1855. As a result, they drew annuities with the Grand River Bands, drew allotments in Oceana and Mason County, and were listed as Grand River Ottawa on the 1870 Roll and the Durant Roll.¹⁵ Most of this group moved back to the Bradley area in the late Nineteenth Century, although they too, continued to socialize with the Grand River community, and identify as Grand River Bands members. However, they organized a distinct community in Bradley, largely around the Methodist Church they founded. They pursued Federal recognition, and were recognized as the Match-e-be-nash-e-wish Band of Pottawatomi Indians in 1998.

However, as with the Little River Band, some members tracing to Shaw-be-quo-ung did *not* move back to Bradley, but stayed and continued as part of the Grand River Ottawa community. As such, some members of our community trace to Chief Shaw-be-quo-ung.

In sum, our membership traces to all nineteen historic Grand River Bands Chiefs,¹⁶ and therefore our membership criteria includes all nineteen Chiefs. However, we recognize that two splinter groups from our historic Treaty Tribe are now Federally Recognized Michigan Tribes.¹⁷ In order to ensure the integrity of our Tribal Roll, and avoid disruption of these other Tribes' Rolls, we have included in our membership criteria all nineteen chiefs to which our members trace, but have closed our Tribal Roll, to maintain the integrity of our Tribal Roll. We, therefore represent that portion of the entire Treaty Tribe that did not splinter off with the Little River Band of Ottawa Indians, or the Match-e-be-nash-e-wish Band of Pottawatomi Indians.

¹⁵ See Match-e-be-nash-e-wish Band of Pottawatomi Indians Proposed Findings, June 23, 1997 (Mbp V001 D005), p. 7

¹⁶ See Appendix A, Table E.

¹⁷ Due to similar historic anomalies, overlapping membership eligibility is not unusual in Michigan Tribes, or in other States.

II. General Comments About the Petition

In response to suggestions in this section,¹⁸ Petitioner has submitted its current Membership Roll, which includes maiden names. In addition, the Petitioner has created the Grand River Ottawa Family Tree,¹⁹ which traces the complete genealogies of every current member.²⁰ Also following the recommendation made here, this TA Response focuses on the last 30 to 50 years, and especially the present, demonstrating that the Grand River Bands meet the criteria for 83.8, or for 83.7, in the alternative.

General Technical Problems with the Form of the Submission

1. Bibliographic and Presentation Problems

The Petitioner, through its ethnohistorian, Dr. James McClurken, has worked extensively with the OFA to correct any errors or omissions in supporting documents, and present the bibliographic materials cited in accordance with the Official Guidelines. OFA researchers should find the materials submitted to be complete, legible, identifiable, and amenable to the “FAIR” database.

Relevance of Individual and Broader Communities

The TA letter asks the Petitioner to explain the significance of many documents and organizations included in the Petition which describe the broader community of Ottawa and

¹⁸ Grand River TA Letter, 26 January 2005, p. 5, para 2.

¹⁹ See Grand River Ottawa Family Tree and Methodology, Appendix A

²⁰ Due to limitations of the Family Tree Maker software, only direct lineal descendants are included in this Family Tree. However, an addendum Family Tree includes lateral ancestors (great aunts, great uncles). See Appendix A, Family Tree Methodology.

Chippewa and even Pottawatomie in Michigan. The Letter also questions the autonomy of our social and political organizations, such as NMOA Units or the Kateri Circles, because they may operate within a network of other Ottawa Tribes or associate closely with other Michigan Ottawa.²¹

OFA seems to suggest that the Criteria recognizes only Indian Tribes with a particular social and political history, requiring one, tight knit reservation community, with an authoritarian democratic government,²² operating in isolation from other Tribes. Given the policy of the Federal government during the period of Assimilation, this is not realistic. Nor is it contained in the spirit or the letter of 25 CFR Part 83.

25 CFR 83.1 specifically states:

Autonomous means the exercise of political influence or authority independent of the control of any other Indian governing entity. Autonomous must be understood in the context of history, geography, culture and social organization of the petitioning group.

It also states:

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

It similarly qualifies the requirement to prove a continuous political “process” in its definition of

Political Influence or Authority, stating:

This process is to be understood in the context of the history, culture and social organization of the group.

²¹ This discussion addresses issues raised repeatedly in the Grand River Grand River TA Letter, 26 January 2005. See Grand River Grand River TA Letter, 26 January 2005, p. 6, paras 2-4, p. 10, para 2, 5, p. 11 para 1, p. 17, para 4, p. 19, para 4, 5, p. 20

²² The Grand River TA Letter, 26 January 2005 disregards evidence of Grand River’s political leadership in an NMOA Committee made up of established Grand River leaders, who consulted with and acted on behalf of Grand River members, because “GRB members did not vote for the committee.” Grand River TA Letter, 26 January 2005, p. 20

Historically, the GRB were a network of separate villages that were informal and largely apolitical. Political leaders surfaced from prominent families without formal authority. It also operated within a larger network of Michigan Ottawa Tribes.

Information regarding other Michigan Tribes surfaces in our Petition because we have always been a part of this larger community of Ottawa throughout Michigan. In turn, the Michigan Ottawa Bands are part of a larger entity, the “People of the Three Fires.” The People of the Three Fires have come together for religious, social and political purposes since long before our ancestors’ first encountered white men in the 17th Century. Our histories have often intertwined, as have our social and political organizations. This is particularly true of the Grand River Bands’ relationship with other Ottawa Bands, with whom we share close kinship ties.

Historically, the Ottawa have always been close allies, often meeting in Council and coming together when confronted with common enemies.²³ Ottawa Bands throughout Michigan have always been tied by culture, language, and even kinship. As described by the BIA itself in the Grand Traverse Band Proposed Finding:

By 1700 they themselves referred to the “nations” of Ottawa, indicting that the Ottawas had a shared culture and language, and had many interconnecting ties, kinship groupings, and alliances. The principal units were, however, bands of several hundred individuals, whose movements, divisions and recombinations were complex in these years. Each of these units had their own chiefs, following the Algonquian pattern where there is relatively little formalized leadership structure, authority is not coercive, and there is some tendency of leadership to descend within family lines.²⁴

²³ See also Grand River Ethnohistorical TA Report, pp. 26, 27

²⁴ Grand Traverse Band Proposed Finding, V001 D005, p. 10

The BIA further described the “general model” for the political system of Michigan Ottawas in 1850, in the Grand Traverse Band Proposed Finding:

(T)here were several chiefs for each village i.e., band, plus war chiefs Whose importance was diminishing. Chiefs were elected, usually from among the near relatives of the former chief. Chiefs had relatively little authority, a characteristic Algonquian pattern, and most decisions were made by the council consisting of the adult males of a village or region. Patrilineal clan or lineage groups existed and at least initially were the primary source of help and protection.

GTB V001 D005 P. 13, as taken from “Handbook of North American Indians,” Feest and Feest, (1978), quotations omitted.

We have in modern times, continued in the tradition of the Chiefs and Headmen of Treaty times to form a broader community beyond The Grand River Bands. When common political issues have confronted us, we have worked together with other Ottawa Bands, toward common goals. As a result, the Michigan Ottawa came together to negotiate and sign Treaties with the Federal government in 1836 and 1855. This is a key factor as to why the Bands would consolidate their efforts to petition the Federal government for violations of these Treaties. Early efforts such as the Michigan Indian Organization (MIO) and the Michigan Indian Defense Association (MIDA) were not successful, but the Northern Michigan Ottawa Association (NMOA) was.

In the past twenty years, the political structure of Ottawa Tribes has transitioned into individual Tribal Councils, due at least in part, to BIA policies of recognizing only historic Treaty tribes individually.²⁵ Federal Recognition has allowed for individual infrastructures,

²⁵ Grand River leader and elder, Joe Genia, stated that he didn’t put much emphasis on delineating between individual Bands of the ‘Ottawa and Chippewa Nation,’ until the Michigan hunting and fishing case, US v.

marking an even clearer delineation between Bands. However, our histories and kinship groups are closely intertwined, and so many of our social and political organizations continue to be inter-Tribal. Our social and religious organizations such as Kateri groups and inter-Tribal Pow-Wows²⁶ also reflect our broader community. The inter-Tribal NAGPRA Committee is another example. These organizations continue the traditional social and political patterns of our people. It is within this historical context that our Petition should be considered.

Historical context is also important when considering the demographics and social organization of our membership. The majority of our membership continues to reside in Western Michigan,²⁷ concentrated in three particular areas: The rural reservation area of Oceana County, and the nearby urban centers of Grand Rapids and Muskegon.²⁸ The TA Letter requests that we provide more evidence of how our social organizations and political influence creates one community between these three geographic areas.²⁹ While we have done so below, we ask that this evidence be evaluated in the context of our “history, geography, culture and social organization.” This includes the historical demographic and migration traditions of our people.

The Grand River Bands of Ottawa Indians traces to nineteen chiefs representing different geographic communities. This was an organization of kinship groups that were in some respects

Michigan, refused to recognize the Michigan Ottawa as one Tribe. Grand River Band of Ottawa Community Meeting, 29 September 2005, p. 25.

²⁶ While every Pow Wow is hosted by a Tribe or affiliate, most are attended by members of many different Michigan Tribes.

²⁷ As revealed in oral interviews, those family members that have moved out of State, continue to keep up on Grand River Band news through the Tribe and their extended families in Michigan. See Grand River Band of Ottawa Indians Community Meeting, 29 September 2005, p. 14, and Interview with Grand River Band of Ottawa Indians, 10 August 2005, p. 8.

²⁸ Most of our members reside within Michigan. Members residing in Michigan are concentrated in the original rural reservation area of Oceana County, and the nearby urban centers of Muskegon, and Grand Rapids. The vast majority of these members live within a fifty mile radius. See Appendix C, Current Residences table and map of the Grand River Bands of Ottawa Indians, 2006.

²⁹ Grand River TA Letter, 26 January 2005, p. 15, para 2, and p. 22, para 3.

autonomous entities within their individual villages. The traditional villages along the Grand, Pere Marquette, Thornapple, and White Rivers had separate political and social networks, which often came together with other Grand River Bands, and sometimes with the larger Ottawa community, as discussed above. Economic necessity, like the subsistence patterns of our ancestors, has caused our modern kin groups to settle in different geographic communities after the removal to reservations. In the tradition of our ancestors, kinship ties and common interests bond these communities, ensuring interaction and significant social relationships. However, some of the political and social interaction occurs within each community, as it did in the historical villages, such as “Bow-Ting.” For this reason, individual communities have worked within their geographic areas to provide leadership within the Tribe. While certain social or political events may not have included the entire Tribe, they still are evidence of political authority and significant social interaction, and must be considered in the context of the history and social organization of our Tribe.³⁰ Kinship ties, and a common history forging common interests, are the links that create one Tribal entity, the Grand River Bands of Ottawa Indians.

In sum, we have always retained the pride and distinction of our traditional Bands. However, the “history, geography, culture, and social organization” of the Grand River Bands of Ottawa Indians reflect a network of geographically dispersed kin-based groups which identify closely with neighboring Ottawa Bands. This is precisely the way our Tribe operates today. We sometimes work with other Ottawa Bands for political purposes, or worship and celebrate with other People of the Three Fires. Our kinship groups and social networks are linked, but we are

³⁰ Due to the close ties and historical intermingling among Ottawa tribes in Michigan, local residents belonging to other Ottawa tribes may also be present at our Pow-Wows and events. This may be seen as a pan-Indian gathering in other parts of the Country, but is consistent with the history and social organization of the Michigan Ottawa. 25 CFR 83.1 requires that it be considered in this context.

demographically concentrated in three separate geographic locations. All of these things continue the historical patterns of our ancestors. We respectfully request that this be considered by OFA when evaluating our Petition.

Unambiguous Previous Federal Acknowledgment

The TA Letter states that the Grand River Bands were federally recognized as of 1875. The TA Letter dismisses Petitioner's arguments regarding Previous Federal Acknowledgment in 1910 and 1976.³¹ OFA misunderstands both arguments.

The TA Letter asserts that the 1910 Durant Roll claims and the "computation of blood degrees" in the 1970's, were awarded to individuals, regardless of whether they were members of a Tribe.³² Petitioner agrees. However, in both of these instances, it was instead the Grand River Bands insistence on defining their own membership, and the BIA's sanctioning of this act of sovereignty, which constituted unambiguous recognition of a GRBOI Indian "entity." For issues of space, only the issue of previous Federal acknowledgment in 1976 will be revisited here.

The Petitioner respectfully requests that OFA consider the following evidence of previous Federal acknowledgment in 1976.

The Federal government took action identifying the Grand River Bands of Ottawa Indians as a Tribal political entity as recently as 1976. The following definitions apply:

25 CFR 83.1 Previous Federal acknowledgment means action by the Federal government clearly premised on identification of a tribal political entity and indicating clearly the recognition

³¹ Grand River TA Letter, 26 January 2005, p. 3, paras 2 and 4

³² Grand River TA Letter, 26 January 2005, p. 3, para 5.

of a relationship between that entity and the United States.

25 CFR 83.8(c)

Evidence to demonstrate previous Federal acknowledgment includes, but is not limited to:

- (1) Evidence that the group has had treaty relations with the United States.
- (2) Evidence that the group has been denominated a tribe by act of Congress or Executive Order.
- (3) Evidence that the group has been treated by the Federal Government as having collective rights in tribal lands *or funds*. (Emphasis added).

On October 18, 1976 Congress passed PL 94-540, which distributed the judgment funds from the Docket 40-k Indian Claims Commission Case.³³

The Passage of PL 94-540 provides particularly compelling evidence of Federal acknowledgment when viewed in light of the events leading up to its passage. The Grand River Bands persuaded the United States Government to limit the distribution of Docket 40-k funds to full quarter-blood Grand River members, a limitation previously granted only to federally-recognized Tribes. During this controversy, the Department of Interior acknowledged that the GRBOI was being treated the same as other federally recognized tribes for purposes of BIA programs and services. Most importantly, it also recognized that the Tribe was "functioning as" and "accepted as" a "Tribal political entity" by the BIA Agencies in the area. By allowing the GRBOI to determine the method of distribution, and define its membership, the Federal government treated them as "having collective rights in tribal lands or funds," which 83.1

³³ Public Law 94-540, 94th Congress, 18 October 1976; Robert Dominic et al, as the representative on behalf of all members by blood of the Ottawa Tribe of Indians vs. the United States of America, Second Interlocutory Order, 23 December 1964, Indian Claims Commission Docket 40-K.

specifically cites as one way of demonstrating previous Federal acknowledgment.

On December 23, 1964, the ICC found in favor of the GRBOI, awarding them \$937,291.67.³⁴ Shortly thereafter, NMOA President, Robert Dominic, appointed a five member "Grand River Committee" to "take care of any matters arising on the Grand River Claim."³⁵

The Grand River leaders effectively researched and drafted resolutions regarding the legislation, all of which were approved by a vote of the membership.³⁶ The most controversial of the GRBOI Resolutions limited the per-capita payments from the award to quarter-bloods.

However, the Department of Interior had a "long-standing policy" of distributing judgment funds to "all descendants of a treaty group," of non-federally recognized Tribes, without regard to blood quantum degrees.³⁷ The BIA drafted the initial Bill, HR 1100, without honoring any of the GRBOI's requests. The BIA cited the "long-standing policy" not to honor blood-degree limitations in "descendancy" situations, and stated that the GRBOI had no reliable Roll on which to base blood-quantum.³⁸

When GRBOI objections failed to persuade Rep. Phillip Ruppe to amend the Bill, it was passed by the House of Representatives in 1971. However, the GRBOI borrowed \$900.00 from the first National Bank of Petoskey, personally signed for by Robert Dominic, and sent

³⁴ Ibid.

³⁵ Grand River Bands Minutes, 10 October 1965, Dart Papers.

³⁶ NMOA to BIA Re: Draft Bill, 15 July 1969, Genia Papers.

³⁷ Chief, Division of Tribal Government Service to Director, Minneapolis Area Office, 14 March 1974, p. 3.

³⁸ Memo from Chief Division of Tribal Government Services to Director, Minn. Area Office, BIA, 14 March 1974 Genia Papers.

representatives to Washington to testify before the Senate Committee.³⁹ With the help of Senator Phillip Hart and Senator Robert Griffin, the GRBOI blocked HR1100 in the Senate.⁴⁰

On December 10, 1971, and again on March 18, 1972, the Grand River Bands and their attorney, met with representatives of the BIA in Muskegon, Michigan to discuss the disposition of the funds.

After the first meeting, however, the BIA objected to NMOA representation of the Grand River Bands Claim. The BIA would not deal with the NMOA representatives, because NMOA “has among its membership many who are not descendants of the Grand River Ottawas.”⁴¹ Prior to the next meeting, the “Grand River Band of Ottawa Descendants Committee” was formed to represent the GRBOI before the BIA. However, this Committee was simply comprised of the same people, all of the current Grand River political leaders.⁴² By BIA insistence, this was not an NMOA Committee.

Contrary to OFA’s suggestion,⁴³ This Committee represented only Grand River members, made group decisions, and was autonomous from NMOA. This point is elucidated in the attached Grand River Ethnohistorical TA Report.⁴⁴

³⁹ NMOA Annual Council Meeting Minutes, 12 June 1971, p. 3, Genia Papers.

⁴⁰ Ibid.

⁴¹ John Crow to Robert Dominic, 21 January 1972, Genia Papers.

⁴² See NMOA Special Meeting for Grand River Band of Ottawa Indians, 6 June 1970, Genia Papers; Special Meeting of the Grand River Committee and the Executive Board, 13 March 1971, Genia Papers; Special Grand River Ottawa Meeting, 22 May 1971, Genia Papers; NMOA Annual Council Meeting Minutes, 12 June 1971, Genia Papers; Waunetta Dominic to Grand River Ottawa Indians of Michigan Committee, 9 March 1972, Genia Papers; Grand River Band of Ottawas Descendants Committee, 18 March 1972, Genia Papers.

⁴³ See Grand River TA Letter, 26 January 2005, 26 January 2005, p. 20.

⁴⁴ See Grand River Ethnohistorical TA Report, 26 January 2005, pp. 189-206.

Congress ultimately rejected the BIA's recommendation to remove the quarter-blood requirement from the bill. It specifically found that the GRBOI had a Tribal political entity to receive the funds, and that GRBOI was being treated by the BIA as a federally recognized Indian tribe.

The Senate Report states "(t)he Secretary argues that since the band descendants are not federally recognized they have no formally organized political entity to receive the funds."⁴⁵

However, The Report goes on to find that to be untrue:

In anticipation of the subject award, the Descendants Committee has been compiling a roll of Grand River Band descendants based on lineal descendancy from person (sic) named on the Grand River Band portion of a roll approved by the Secretary of the Interior...

Because the persons who claim Grand River Band Descendancy are members of a non-Federally recognized entity, they are ineligible to participate in programs and services administered by the Bureau of Indian Affairs for tribal groups under their jurisdiction. However, during the Subcommittee hearing on S. 1659, the Descendants Committee witnesses revealed that the Bureau of Indian Affairs had recognized their roll in identifying persons who possess Grand River Ottawa blood to the degree of one-fourth or more and extended certain Bureau services to such individuals. In a later communication to the Committee, the Department confirmed this testimony.⁴⁶

The Committee recommended the bill with the quarter-blood limitation, and it was enacted into law on October 18, 1976. Congress specifically rejected the argument of the BIA that the GRBOI had "no formal organized political entity to receive the funds."⁴⁷

Even the Central Office of the BIA, while opposing the quarter-blood limitation, recognized the GRBOI. In a memo to The Solicitor regarding objections to the blood quantum

⁴⁵ Senate Report 94-577, 15 December 1975, p. 2.

⁴⁶ Ibid., p. 3.

⁴⁷ Id., p 2.

limitation, then Commissioner of Indian Affairs, Morris Thompson, stated:

The Northern Michigan Ottawa Association and the Grand River organization are, in many basic senses, functioning as or at least are accepted as tribal political entities by the Minneapolis Area and Great Lakes Agency
(Emphasis added)⁴⁸

The inclusion of a blood-quantum limitation at the insistence of a non-federally recognized tribe in PL94-540 was a departure from a "long standing policy" of the Federal government. Previously, only federally recognized tribes had made such determinations. This is "action by the Federal government clearly premised on identification of a Tribal political entity."⁴⁹ In fact, it is one of the criteria specifically cited in 83.8 as what will demonstrate previous federal acknowledgment: To be "treated by the Federal government as having collective rights in Tribal ...funds."⁵⁰ Congress acknowledged the Grand River Bands as having collective rights in these funds by passing the bill. Furthermore, the Federal government *explicitly* acknowledged that the GRBOI was "functioning" and "accepted as" a tribal political entity by the BIA.

The above actions constitute previous Federal acknowledgment of a relationship with the Grand River Bands, as a tribal political entity, on October 18, 1976. Petitioner respectfully submits this date, as its last date of previous Federal acknowledgment.

⁴⁸ Morris Thompson to the Solicitor, 11 February 1976, BIA-BAR.

⁴⁹ 25 CFR 83.1

⁵⁰ 25 CFR 83.18(c)(3)

III. Specific Comments about Criteria (a) through (g)

83.7(a)

83.7(a)

Criterion (a): External Identification of the Group as an American Indian Entity on a Substantially Continuous Basis since 1900, or 83.1(d)(1) External Identification of the same tribal entity since the last point of previous acknowledgment.

As modified by

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

The TA Letter states that in GRB's case, criterion (a) requires "*external identification of the group as the same tribal entity* The "Grand River Bands," that was previously acknowledged, or a portion which evolved from it, as an American Indian identity since the *last point of previous acknowledgment* in 1875."⁵¹

The TA Letter indicates that much of the evidence submitted under criterion 83.7(a) was inappropriate. It reiterates the test for meeting 83.7(a) as modified by

83.8(d)(1):

The test... is three-fold. First, the identification must be made by an Outsider, such as those listed at 83.7(a)(1) through (6). Second, identifications must include a word characterizing an entity, such as "band," "tribe," "association," "organization," "isolate," "pueblo," or "village." Finally, the identification must be of an entity or a portion of it which evolved to become the current petitioner.⁵²

⁵¹ Grand River TA Letter, 26 January 2005, 26 January 2005, p. 9

⁵² Grand River TA Letter, 26 January 2005, 26 January 2005, p. 9

As suggested by OFA, we have identified further documents which identify a Grand River Bands entity, to strengthen Criteria 83.7(a), as modified by 83.8(d). The Petitioner has assembled and charted, year by year, documents identifying the Grand River Bands as an Indian entity from 1875 to the present. They are charted, along with the “indications that the evidence meets criterion 83.7(a)” in the Grand River Ethnohistorical TA Report.⁵³

83.7(b)

The TA Letter finds Petitioner’s evidence for 83.7(b) to be weak, and requests clarification of the Tribe’s “composition and social activities” in the present day.⁵⁴

83.7(b), as modified by **83.8(d)** requires a Petitioner to prove that:

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

The Technical Assistance Letter defines “at present” to cover “approximately ten years leading up to the establishment of a modern organization to the time of evaluation of the petition, in GRB’s case approximately 1984 – 2004.”⁵⁵

The Grand River Bands are a kin-based society, comprised of networks of extended families. They continue to have significant social relationships and interaction for the reasons that have bound them for generations: Common interests and overlapping

⁵³ See Grand River Ethnohistorical TA Report, pp. 1-25.

⁵⁴ Grand River TA Letter, 26 January 2005, p. 13, para 1. Member interviews are discussed in detail, *infra*.

⁵⁵ GRB TA Ethnohistorical Report, p. 12

kinship ties. This is apparent from the Grand River Ottawa Family Tree, and especially the scores of interviews conducted for this TA Response.⁵⁶

In addition, researchers have cross referenced the names occurring in certain Grand River lists, sign in sheets, and scrapbooks, ranging from 1918 to 1999, to show recurring cross-over of rural and urban members and different kinship groups of extended families.⁵⁷ These lists were also used to create geographic maps tracking the demographics of the membership over time.⁵⁸

Petitioner has also provided the family trees of ten prominent Grand River Bands families, whose members appear repeatedly in the Petitioners' submissions. This will allow OFA researchers to see that Grand River members consist of tight knit kinship organizations.⁵⁹

The TA Letter specifically requests more documentation of the over-lapping rural and urban relationships within the Grand River Bands, stating:

Because GRB members moved throughout the State and region in search of employment, analysis of kinship and social relationships among members living in different geographical communities should be done to describe historical and present- day social relationships among distant GRB families.⁶⁰

⁵⁶ Numerous member Interviews are included with this submission. They are included an separate documents, spanning 11 June 2005 through 30 December 2005. *See also* Appendix A, Grand River Ottawa Family Tree

⁵⁷ *See* Appendix E, Table C, Community Over Time. This lists compared in this table are not exhaustive of the various lists and funeral books of member names that have been included with this submission. It is intended to give an example of the composition of the tribe through time and cross-community involvement of Petitioners membership.

⁵⁸ *See* Appendix C.

⁵⁹ *See* Appendix E, Family Trees. While researchers attempted to cross-reference this with Appendix E, Table C, it appears that only some of the names listed in Table C have been highlighted in the Family Trees.

⁶⁰ Grand River TA Letter, 26 January 2005, 26 January 2005, p. 15

At OFA's suggestion, the Petitioner was able to obtain additional funeral condolence books, from two prominent Grand River Bands members—Marie Cantu and Isaac Peters. In addition, the Petitioner has analyzed, the extensive scrapbooks of Mamie Battice , Lucille Pego, Nancy Kelsey.⁶¹

The mass cards and obituaries, condolence books, and newspaper articles of these Grand River members, provide striking evidence of the significant Grand River Bands social relationships that cross rural and urban boundaries and kinship lines.

The significant social relationships of the Grand River Bands are also elucidated in the oral histories and interviews that have been conducted for this project.⁶² Members from rural and urban Grand River communities gathered on August 10, 2005 in Muskegon and again on September 29, 2005 at St. Joseph's Church in Elbridge to learn about and contribute to the TA Response. These gatherings were videotaped, and recorded. In addition, researchers spoke individually with dozens of Grand River members of all ages. These tapes and transcriptions provide perhaps the most accurate portrayal of the social and political life of the modern Grand River Bands. They reveal that the social and political life of the Grand River Bands is rooted in their kinship organization of extended families and the strong historical ties between them.⁶³

The TA Letter specifically requests more evidence of significant social relationships between the members who still reside in the reservation area in Oceana County, and those that have moved to the nearby cities for employment.⁶⁴ Oral histories

⁶¹ These Funerary documents are analyzed more extensively in the Ethnohistorical TA Report, at p. 51.

⁶² More than fifty new Oral Interviews were conducted by researchers for this TA Response. They are attached individually, 11 June 2005 through 30 December 2005, and are discussed in detail in the Grand River Ethnohistorical TA Report, pp. 79-100.

⁶³ Ibid.

⁶⁴ Grand River TA Letter, 26 January 2005, p. 15, para 2

and other documents reveal not three separate communities, but one community with roots in the reservation area of Oceana County, and members who have at times moved residence to nearby cities, of Muskegon or Grand Rapids, but maintain ties to their Oceana County roots. The funerary documents submitted by Petitioner reflect this also.⁶⁵ They reflect a community that spans Muskegon, Oceana and Kent Counties. Lucille Pego's Scrapbook, spanning 1944 to 1990 contains notices of fifteen people buried at St. Josephs Church in Elbridge that did not die there. It also contains evidence of the following funerals in which the mass was conducted in Muskegon or Grand Rapids, but burial occurred in Oceana County: Louis Shagonabe, funeral mass in Muskegon, burial at Elbridge, La Vergne Sims, funeral service in Muskegon, burial at Hart Cemetery, Mary Battice, funeral service in Muskegon, burial at Elbridge, Clifton, Brushman, funeral service in Muskegon, burial in Custer, Oceana County, Cora Dixon, funeral service in Grand Rapids, buried in Freesoil, Mason County.⁶⁶ reflects several funerals in Cities with burials in Oceana County. the following the following funerals in Cities with burials.

Furthermore, the mailing lists from the 1960's forward reflect both rural and urban members. The newsletters from the Grand River Bands of the Ottawa Nation indicate much interaction between these members, as does the representation of all communities on every Grand River political organization since the 1960's. The Grand River Committee, Ottawa and Chippewa Descendants Committee, Grand River Bands of Ottawa Nation leadership, and leaders involved in the forming the modern organization,

⁶⁵ For a full discussion of the demographics of funerary documents submitted, see the Ethnohistorical TA Report, pp. 51-65.

⁶⁶ Ethnohistorical TA Report, p. 60, fn 86

the Grand River Ottawa Council, and the Grand River Bands of Ottawa Indians, Inc., were all a mix of people from Muskegon, Oceana, and Kent Counties.

In fact, the research done for this TA Response, has revealed that most Grand River members maintain “distinct cultural patterns” including “kinship organization” and “religious beliefs and practices.” sufficient to meet the Criteria set forth in 83.7(b)(2)

83.7(b)(2) provides:

A Petitioner shall be considered to have provided sufficient evidence of community at a given point in time if evidence is provided to demonstrate any one of the following:

(i) More than 50 percent of the members reside in a geographical area exclusively or almost exclusively composed of the members of the group, and the balance of the group maintains consistent interaction with some members of the community;

(ii) At least 50 percent of the marriages in the group are between members of the group;

(iii) At least 50 percent of the group members maintain distinct cultural patterns such as, but not limited to, language, kinship organization, or religious beliefs and practices;

(iv) There are distinct community social institutions encompassing most of the members such as kinship organizations, formal or informal economic cooperation, or religious organizations; or

(v) The group has met the criterion in 83.7(c) using evidence described in 83.7(c)(2)

83.1 defines Community:

83.1 Community means any group of people which can demonstrate that consistent interactions and significant social relationships exist within its membership and that its members are differentiated from and identified as distinct from nonmembers. *Community must be understood in the context of history, geography, culture and social organization of the group. (Emphasis added)*

In addition to the evidence discussed above, evidence of Grand River members attending Ghost Suppers together illustrates a “distinct cultural pattern” which is also “religious.” The TA Letter specifically requests more information on “unrelated or distantly related members attending Ghost Suppers together.”⁶⁷

Ghost Suppers

Ghost Suppers, a traditional Ottawa way of honoring the dead in the Fall, provide an important social and cultural tie between the rural and urban GRBOI and the different kinship groups within the Bands. These are not political events and “sign-in sheets” for them do not exist. However, oral histories and corroborating documentation establish that Ghost Suppers are an important cultural and religious practice for Grand River members.

Grand River members recounted their attendance at ghost suppers at its significance to them, in the Interviews conducted for this TA Response.⁶⁸

These oral history accounts are corroborated by Grand River Meeting Minutes and other historical documents. Together, they establish that ghost suppers have been a continuous part of religious traditions of Grand River kinship groups for decades.

Grand River meetings in Summer and Fall of 1989 reflect the prominence and planning of the Ghost Supper within the GRBOI community. An August 10, 1989

⁶⁷ Grand River TA Letter, 26 January 2005, p. 14, para 4.

⁶⁸ Many Grand River members discussed Ghost Suppers during oral interviews conducted over the course of the Grand River federal acknowledgment project. All of these interviews are attached, and span June 11, 2005 through December 30, 2005. Interviewees comments regarding Ghost Suppers are discussed at length in the Grand River Ethnohistorical TA Report, pp. 89-92..

meeting with several different GRBOI kinship groups in attendance, notes "ghost supper discussed."⁶⁹ The following week, further plans were made:

Ghost supper to be following Health Fair to help in assuring attendance numbers and interest. End of October to be tentatively set for this event.⁷⁰

On August 31, 1989, the Agenda notes:

4) Discussion of Buffalo Meat for Ghost Supper and permission for use of Elbridge Church . . . Health Fair to be included prior to Ghost Supper?

An October 4, 1989 meeting contains the following notice:

GHOST SUPPER

Time: 12:00 noon PLACE: Indian Church in Elbridge
DATE: November 4⁷¹

Minutes from a follow-up meeting reported on this Ghost Supper:

11-4-89 GHOST Supper (12:00 – 3:00)

The Ghost Supper went very well w/about 80 in attendance.. including latecomers.

A basket of flowers, and two food baskets were door prizes.

A raffle was held for several items

Prayers were offered by Father Lou Bedone.

Harvey Burmeister took a video

We all had a wonderful time visiting with old friends⁷²

The Grand River Bands' Ghost Supper is always held at St. Josephs Church.

The October 25, 1992⁷³ letter from Shirley Francis, coordinator of the Native American Apostolate for the Diocese of Grand Rapids, notices two Grand River Ghost Suppers from 1992:

⁶⁹ Minutes of Oceana County Inter-Tribal Council, 10 August 1989, I.O.W. File 2

⁷⁰ Oceana County Inter-Tribal Council Minutes, 17 August 1989, I.O.W. File 2

⁷¹ Minutes of Oceana Inter-Tribal Council, 4 October 1989, I.O.W. File 2

⁷² Oceana County Inter-Tribal Council, 25 October 1989, I.O.W. File 2

November 2, 1992 An All Souls Day Potluck Dinner will be held at St. Joseph Church, Elbridge at 5:00 p.m. Mass follows at 7:00 p.m. The liturgy will be offered by Rev. Lou Baudone, pastor of St. Gregory Parish, Hart. Please bring a dish to pass and tableware for your family.

NOTE: If you are free Friday afternoon, Nov. 1, you are invited to help clean St. Joseph's. This is because the church is only used once a month and not at all during the winter.

For more information or directions on how to get there, call Carolyn Reed, 616/873-4743 (eve.) or 616/861-5767 (days.)

November 8, 1992 The Grand River Kateri Circle is hosting a Ghost Supper from 5:00 to 7:00 at St. Mary's Church cafeteria, 423 first St., NW.

For more information or to help out call Kelly Compo Wesaw, 241-0825⁷⁴

A 1998 mailing from the Native American Ministry informs of the following Fall gatherings:

November 1, 1998 Hart/Elbridge Kateri Circle will host their Ghost Supper at St. Joseph's Church Elbridge... For more info call Emily Smith... October 30th, 1998 On Eagles Wings Kateri Circle Ghost Supper will be held on Friday at the Grand River Band Office, For more info call Simon Francis... November 2nd, 1998 Muskegon Four Seasons Kateri Circle will host their Ghost Supper at St. Thomas Hall... More info call Maryanne Cantu⁷⁵

Cemetery Clean Ups

In addition to ghost suppers, the communal maintenance and upkeep of Grand River Bands cemeteries, is a "distinct cultural pattern," of Grand River Ottawa Indians,

⁷³ While this letter is dated October 25, 1991, it notices two November 1992 events. The date is incorrect, and was likely written October 25, 1992. See Shirley Francis to Friends, 25 October 1991, Detz Papers

⁷⁴ Shirley Francis to Friends, 25 October 1991, Detz Papers

⁷⁵ Kateri Circle Fall Gatherings, 24 October 1998, Detz Papers

which evidences the strong community bonds required to meet 83.7(b)(2). The Grand River Bands' also provided fences, repairs and maintenance to their ancestor's burial grounds, exhibiting "informal economic cooperation."⁷⁶

Cemetery maintenance has a long history at the St. Josephs Church in Elbridge, and at the urban Indian cemetery in Muskegon. Again, extensive oral history of this tradition appears in the dozens of interviews conducted for this project.⁷⁷ The following supporting documentation corroborates this.

The annual cemetery clean- ups at St. Joseph's Church in Elbridge were described by Emily Smith during a telephone interview. She gave the following information about the Cemetery Clean-Ups at St. Josephs in Elbridge:

Elbridge Cemetery Clean ups: She has organized the Elbridge Cemetery Clean Up for about the last ten years. Prior to that it was her father, Mitchell Battice; prior to that David Lewis, and others organized it.

Each year on the Saturday before Memorial Day, Grand River members from the Oceana County, Muskegon, and Grand Rapids areas gather to clean and provide maintenance in the Indian part of the cemetery. Recently, there are anywhere from twelve to twenty- five people involved. Last year about twenty people were present.⁷⁸

This distinct "cultural" and "religious pattern" is well documented in the Newsletters and Meeting Minutes of the Grand River Bands of the Ottawa Nation, Inc. and successor Grand River committees from 1968 through the 1980's.⁷⁹

It is also corroborated in historical Grand River documents. The following notation appears in the minutes of a March 20, 1982 "Grand River Bands" meeting:

⁷⁶ See 25 CFR 83.8(b)(2)

⁷⁷ See Grand River Ethnohistorical TA Report, pp. 86-89, and Interviews cited therein.

⁷⁸ Second Interview with Emily Smith, 18 November 2000

⁷⁹ See Grand River Bands Petition for Federal Acknowledgment, 8 December 2000, (resubmitted in .tif format, July, 2005), (Hereinafter Grand River Petition) p. 170, fn. 614, p. 179, fn. 650, 651, and p. 181, fn. 662.

“Cemetery (sic) clean up – contact Harvey Burmeister and his group for Memorial Day ceremonies.”

At this same meeting, a note was made to “(check) on person for cont(inued) clean Up for cemetery (sic) thru DSS.”⁸⁰

On May 8, 1982, minutes reflect the following:

Irene Lewis: (check) on basement for potluck dinner on Memorial Day. Clean up cemetery in Elbridge on May 15 & 22nd. Put article in paper & in Muskegon Chronicle.⁸¹

The Battice family has always been very involved with the cemetery clean ups. When the Elbridge Kateri Circle began, Grand River leader, Emily Smith, began posting notices of Cemetery Clean-Ups in the Anishnabe Kati-Neek Newsletter, which is mailed to each Kateri Circle (Muskegon, Grand Rapids and Elbridge). In the April/May 1987 issue of Anishnabe Kati-Neek, the following is noted:

Annual Cemetery Clean-Up Day
May 16 at 9:00 a.m. (Bring bag lunch)
St. Joseph’s Church, Elbridge, Michigan
For directions/information call
Carolyn Reed 616/873/4743 or
Mamie Battice 616/861-5772⁸²

The June/July 1988 Newsletter also describes this annual event. Its context demonstrates that the cemetery clean- up is organized by the Grand River “community” and not the diocese, and that is an ongoing event:

Annual Cemetery Clean-Up

St. Joseph, Elbridge

On Saturday, May 21 the friends of the community from Hart and Muskegon got together to cut the grass and generally spruce up the place.

⁸⁰ Ibid.

⁸¹ Meeting Minutes, 8 May 1982, GRBOI Battice, Envelope 8

⁸² Anishnabe Kati-Neek, April/May 1987, Detz Papers

Carolyn Reed was very pleased with the turn out and the effort. She hopes that some of the rest of us can help maintain the cemetery later this year. The community is planning a 4th of July and Labor Day clean up also. If you are interested in helping to keep the Indian cemetery beautiful you can contact the office for more information.⁸³

The following notice is contained in the minutes of an October 4, 1989 meeting:

CLEAN UP OF ELBRIDGE INDIAN CHURCH
TIME: 5PM DATE: Wednesday, November 1 (Bring cleaning
supplies individually) (There is no water available!!)⁸⁴

In 1993, the Grand River leader, Emily Smith, arranged a "health fair" around the cemetery maintenance, and more than 100 people attended.⁸⁵

Meeting minutes and other documentation reflect that cemetery maintenance went beyond bi-annual "clean-ups." There is a distinct cultural pattern of caring for the graves of ancestors, dating back to historical times, which has been carried out generation after generation by a significant portion of our membership.⁸⁶

On April 29, 1980, Grand River meeting minutes reflect a discussion of members' priorities, and state: "10. Ike Battice: Fence around burial ground- need title search and survey."⁸⁷

On June 23, 1980, Grand River Bands' meeting minutes reflect a plan to use monies raised at a dinner/dance to "buy a plaque for the cemetery that was declared a

⁸³ Anishnabe Kati-Neek June/July 1988, Detz Papers

⁸⁴ Minutes of Oceana County Inter-Tribal Council, 4 October 1989, I.O.W. File 2

⁸⁵ "Cemetery Visit Awes Teen," 25 May 1993, Grand Rapids Press

⁸⁶ The Ada Township Council donated a 32' x 25' plot of land in the Ada Township Cemetery to the Tribe, which is now communally owned. See Grand River Bands of Ottawa Indians Tribal Council Meeting Minutes, 10 July 2000.

⁸⁷ Minutes of NAU Meeting, 29 April 1980, GRBOI-Jobes, Folder 2..

historical site.”⁸⁸ The context⁸⁹ establishes that this reference is to the St. Joseph Cemetery in Elbridge.

Most importantly, a communally held bank account held funds for the purpose of cemetery maintenance is reflected in the minutes of June 5, 1982. Minutes refer to “Muskegon Federal Bank Cemetery Maintenance Fund” and reflect “put \$25.00 check in deposit.”⁹⁰ Tribal elder, Joe Genia, recalls the fund, and recounts purchasing a fence with it, and bringing a “crew” from Muskegon, to erect a fence at the St. Joseph’s Cemetery in Elbridge:

MB: I wanted to ask you also, about a cemetery here and if you know more maybe about the cemetery in Muskegon. I saw relation in one of these meeting minutes that mentioned the cemetery fund and I think it said Muskegon Federal Bank. Are you familiar with that?

JG: There was a fund that was set up that raised money to buy a chainlink fence for the improvements and the preservation of the cemetery up here. Myself and my staff from the Indian Center in Muskegon came up here and we erected the fence and we come up here to clean the cemetery in the springtime. We weren’t the only ones doing it there were a lot of other people that were doing it as well. I can’t remember where the funds came from for the cemetery. Bob Lewis was the one that was in charge of the funds at the bank. I dealt mainly with his mother, Irene. People have always come up here and done that. I don’t know if the fence is still up there. Is it still up there, the chainlink fence? Yes, it’s still up there. The people from Muskegon came up here and erected it.”⁹¹

Kinship Ties Bind the Grand River Bands

The TA Letter requests further evidence of “social patterns and informal networks to show interaction across family lines and between rural and urban members.”⁹²

⁸⁸ Native Americans United Agenda and Minutes, 23 June 1980, I.O.W. File 1

⁸⁹ Emily Smith and others present at this meeting consistently plan the clean-up of St. Josephs, as discussed *infra*.

⁹⁰ Meeting Minutes, 5 June 1982, GRBOI – Battice, Envelope 8 The Tribe has acquired a section of the Ada Township Cemetery by donation, which is now communally owned property. See Grand River Bands of Ottawa Indians Tribal Council Meeting Minutes, 12 July 2000.

⁹¹ Grand River Band of Ottawa Community Meeting, 29 September 2005, p. 3

⁹² Grand River TA Letter, 26 January 2005, p. 16

As has been described in many of the Oral Histories and Interviews conducted of Grand River members, one reason the GRBOI has remained a distinct community is due to Kinship ties which extend beyond geography. The kinship groups overlap and connect those who stayed in the original reservation areas to their family members who moved to Muskegon or Grand Rapids or other cities, often to find work.

Oral histories document this. On August 10, 2005, a group interview was held, at which Grand River members Darlene Boley and James Carney discussed traveling often, by foot, to “visit” extended family members around the State.⁹³ John Harmon Carney recalled years of playing baseball with members of the Stone, Medacco, Cantu, Williams, and Shalifoe families.⁹⁴

June Martinez, daughter of Marie Cantu recalled ghost suppers held in Muskegon at the Cantu household, which were attended by Grand River members Delia and Stanley Morgan, and members of the Chingman, Battice, Shagonabe, Crampton, and Pete families.⁹⁵ Some of these people traveled from Holland, Ludington, or Pentwater.

Further evidence of this is exemplified in the funerary books and scrapbooks of Grand River members.⁹⁶ By analyzing the newspaper clippings kept by Lucille Pego, and Mamie Battice, one can see the migration of the GRBOI to cities which occurred in the 30’s, 40’s and 50’s. However, one can also see that those who migrated, were still connected to the GRBOI community, often choosing to be buried in the Indian Cemetery at St. Joseph’s Church in Elbridge.

⁹³ Grand River Bands Meeting, 10 August 2005, pp. 27-29. Darlene Boley and James Carney are the grandchildren of prominent Grand River leader, John Chingman. See Appendix A, Grand River Family Tree.

⁹⁴ Grand River Band Meeting Transcription, 10 August 2005, PM Session. See also Appendix A, Grand River Family Tree for the kinship ties between these families.

⁹⁵ Grand River Bands Meeting, 10 August 2005, p. 17.

⁹⁶ See the extensive analysis of these collections by Dr. James McClurken, in the attached Grand River Ethnohistorical TA Report, at p. 51.

The funeral sign in books Petitioner has submitted of prominent Grand River members, Marie Cantu, George and Lucille Pego, Isaac Peters, and others, evidence Grand River members traveling between the geographic communities to attend funerals of unrelated members, and saving clippings about other, unrelated Grand River members.⁹⁷

Further evidence of interaction can be found in references to Grand River leaders from different geographic communities in letters and minutes. On March 20, 1982, the meeting minutes reflect: “cemetery clean up – contact Harvey Burmeister and his group for Memorial Day Ceremonies.”⁹⁸

On December 9, 1989, meeting minutes discusses the “open house” in Hart for George and Lucille Pego’s fiftieth wedding anniversary. The note expresses a thank-you to many different people who participated, which reflects people from different Grand River communities. Among the participants were Harold and Mamie Battice,⁹⁹ Bob Stone, Art Pete, and Sally Jobe (sic).¹⁰⁰

Evidence of interaction between Oceana, Muskegon, and Manistee Grand River members appears in a 1990 thank-you note to a person whose organization had donated money for GRBOI dancers:

We are in the process of getting our outfits together in order to be able to dance at the Pow Wows this season and to be able to participate in some community events we have been asked to take part in. I’ll be making fifteen shawls for our elders as noone (sic) seems to have any except Mrs. Battice of

⁹⁷ See discussion in Grand River Ethnohistorical TA Report, at p. 51.

⁹⁸ Grand River Bands Meeting, 20 March 1982, GRBOI – Battice, Envelope 8

⁹⁹ This provides evidence of the interaction between the Pego families and the Battice families, as requested in the Grand River TA Letter, 26 January 2005. See Grand River TA Letter, 26 January 2005, p. 15, para. 2.

¹⁰⁰ Oceana County Inter-Tribal Council, 9 December 1989.

Elbridge who loaned hers to Mrs. Pego for the Scottville Harvest Festival Parade that we entered a float in last year. (We won "Best Home Made Float")¹⁰¹

Mrs. Battice refers to elder Mamie Battice, of Elbridge, and Mrs. Pego is undoubtedly Lucille Pego, of Muskegon.¹⁰² The context indicates that they are social. Furthermore, it states that Mrs. Pego, of Muskegon in Muskegon County, rode on the Float in the Harvest Festival Parade in Scottville, Mason County, in a shawl she borrowed from Mamie Battice, of Elbridge, Oceana County. This evidences the interaction between rural and urban and the cross over between kinship groups.¹⁰³

Criterion 83.7(c)

83.7(c) states:

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

As modified by 83.8(d):

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

The definitions "political authority" and "autonomous" must be understood in the context of the history, geography, culture and social organization of the group."

¹⁰¹ BJ Dayton to Joe Miracle, 25 February 1990, I.O.W. File 2

¹⁰² See Appendix A, Grand River Family Tree.

¹⁰³ The making of traditional shawls for elders is also evidence of a distinct cultural pattern

The TA Letter makes the following instructive comments about demonstrating “Political Authority” under 83.7 and 83.8(d)(3):

Under 83.8(d)(3), the identifications of named leaders, even in the past, must clearly describe the entity over which the leaders exerted authority, show that followers (the group’s members) accepted and influenced leaders, and demonstrate one other form of evidence listed at criteria 83.7(c). It is unlikely that most historical leaders exerted authority over the entire Grand River Ottawa. Rather, they may have had influence within smaller bands, geographical communities, or families.¹⁰⁴

* * *

Criterion (c) requires a demonstration that a petitioning group exercises actual political influence over its membership, which means that there were in the past, and are now, leaders who influence followers, who, in turn, influence the leaders in significant ways. This requirement does not mean that the group maintained a formal structure of “chief” and “council.” Informal modes of leadership based on kinship, age, gender, force of personality, or wealth have characterized some previous petitioners at some times. GRB must demonstrate that political authority of this nature existed after 1875. In addition, political connections must extend broadly between GRB members and leaders.

On occasion, a small body of people carries out legal actions or makes agreements affecting a group’s interests, and the membership may not be aware or consent. The GRB narrative’s discussion of politics in Indiantown and Elbridge around 1900 is well documented, but documentation for later periods is weak. Oral history concerning GRB’s recent activities may help illustrate important political processes.¹⁰⁵

The Petitioner has procured more than fifty new Oral Histories, and reviewed its voluminous supporting documentation, in order to address these issues. The discussion below of the Grand River Bands’ political leadership, both modern and historical, illustrates leaders that were accepted by the group’s members, who in turn influenced the leaders’ decisions. It also illustrates an “informal mode of leadership,” very much based on “kinship” and “force of personality.” Oral histories and supporting documentation

¹⁰⁴ Grand River TA Letter, 26 January 2005, p. 17, para. 2

¹⁰⁵ Grand River TA Letter, 26 January 2005, p. 18, paras 3,4.

establish that the membership was very much aware of the “legal actions” and “agreements” affecting the group’s interests, and that widespread “political connections” have always extended between members and leaders.

Political Activity at Present¹⁰⁶

The TA Letter requests clarification about the relationship between “the Grand River Bands of Ottawa Nations, Inc., the Grand River Band of Ottawa Housing, ...various other entities that operated after 1970, and their members.” Recognizing that “(t)his organizational activity may lay the foundation for later political activities which culminated in about 1994 with the formal establishment of the current petitioner,”¹⁰⁷

The Grand River Bands of Ottawa Nation, and Successor Organizations

By 1968 the Grand River political leaders had formed a 501(c)(3) The Grand River Bands of Ottawa Nation, Inc. (GRBON). While this organization is discussed more fully in the Grand River TA Ethnohistorical Report and the Grand River Peition,¹⁰⁸ it is useful here to track the Grand River political leaders involved from the GRBON to the current Petitioner.¹⁰⁹

An early document of the GRBON indicates the level of cohesiveness already present in the Grand River community, and that while the Grand River leaders were working through NMOA on claims issues, they also retained their identity as an historic Treaty Tribe. The founding officers represented Grand River members from around the

¹⁰⁶ “Past decisions have interpreted ‘at present’ to cover approximately ten years leading up to the establishment of a modern organization to the time of the evaluation of the petition, GRB’s case approximately 1984 to 2004.” Grand River TA Letter, 26 January 2005, p. 12. (Petitioner understands this to include 1984 until present.)

¹⁰⁷ Grand River TA Letter, 26 January 2005, p. 21, para. 2

¹⁰⁸ The meeting minutes and newsletters of the GRBON are discussed more fully in the Grand River Petition, pp. 164-172, and cited fully at p. 170, fn. 614.

¹⁰⁹ The original Letter of Intent for the Grand River Bands was filed by the Grand River Ottawa Council, which merged with the Grand River Bands of Ottawa Indians, Inc., shortly thereafter. See Ottawa Council Resolution, 7 November 1994.

State, and included: Harry Ance (Hart), Donald Crampton, (Muskegon), Mitchell Battice (Shelby), Douglas Pierson (Rothbury), George Pego (Hart), Elizabeth Chingman (Muskegon Hts.), Virginia Drollinger, (Grand Rapids), Jacob Lewis (Hart), and Isaac Battice (Crystal Valley).¹¹⁰

The GRBON represented the entire Grand River Bands membership. It purposely limited its membership to “the descendants of the nineteen (19) Principal families of the Grand River Bands as determined by the “Durant Roll” of 1907,” noting that “(a)s of this date we have involved and on our mailing list, 200 names and addresses of house-holds who are qualified for membership and participation in our activities.”¹¹¹

The GRBON evidences a continued informal mode of leadership “based on kinship,” that has always existed within the Grand River Bands.

The meeting minutes and newsletters reveal that Grand River leaders¹¹² and members worked together, on issues of economic and political importance to the Tribe.¹¹³ Often, the organization relied on donations of cash, clothing, and labor from the membership to achieve its goals. The organization worked to provide health care, housing and economic assistance, and vocational training¹¹⁴ to Grand River members. Its attempts to acquire historic Grand River lands (the Sayles Trading Post property), and

¹¹⁰ Articles of Incorporation, Grand River Bands of Ottawa Nation, 11 August 1969.

¹¹¹ Organizational Status of the Grand River Bands of the Ottawa Nation Inc., 30 (sic) February 1969

¹¹² At least Mitchell Battice, Isaac Battice, George Pego, Elizabeth Chingman, and Jacob Lewis, descend from Chiefs and Headmen of Treaty times. See George Chingquash et al., to Wilder D. Foster and Thomas W. Ferry, 5 February 1873, Nam M234 R. 408: 949-951, and Joseph Cushaway et al. to Hiram Price, 16 January 1882, LROIA 1157-1882, and Grand River Petition, p. 100-101, and Appendix A, Grand River Ottawa Family Tree. Many of the descendants of these leaders continue to be active in Grand River politics today.

¹¹³ In addition to the founding officers, the meeting minutes reflect representation and involvement of numerous Grand River family groups. As an example, in April of 1970, the monthly newsletter identifies Albert Micko and Francis Cogswell as “Trustees” and urges members to contact Irene Lewis for “basketmaking.” Grand River Bands of Ottawa Nation Monthly Newsletter, 4 April 1970.

¹¹⁴ See for example, Grand River Bands of Ottawa Nation Monthly Newsletter, 4 April 1970.

receipt of a donation of 71 acres near Walkerville, brought hopes of building a Tribal Community center, and required upkeep and decision making incident to communal land.¹¹⁵ As always, the minutes and newsletters reflect Grand River Bands' regular upkeep of the cemeteries of their ancestors.¹¹⁶ The monthly newsletters informed the membership, and reflect widespread involvement of members.¹¹⁷

The GRBON kept regular minutes and sent newsletters between 1970 and 1974. After the housing plan disappointment, there was less formal activity for a few years. However, by 1981 the Grand River Bands of the Ottawa Nation were meeting again, and through different 501(c)(3) organizations, these leaders continued to represent the Grand River community into the early 1990's when they reorganized for the purpose of Federal recognition, forming the Grand River Ottawa Council, and filed the letter of intent for this Petition.¹¹⁸

The GRBON met sporadically in the early 1980's. However, Grand River leaders reorganized their efforts, choosing to work through 501(c)(3) organization that were open to all area Indians. In this way, they could obtain grants and funding from state and local sources that would otherwise not be available to them. Tribal elder, Joe Genia, explained this during a recent interview:

¹¹⁵ Grand River Bands of Ottawa Nation, Inc. Minutes, 4 February 1973.

¹¹⁶ These efforts, discussed above under 83.7(b), included attempts to purchase adjacent land, since the Indian Cemetery at Elbridge was "almost full." See Grand River Bands of Ottawa Nation Meeting Minutes, 4 February 1973.

¹¹⁷ The personal records of Mitchell and Mamie Battice include dozens of documents, minutes and newsletters of the GRBON. They are included in the supporting documents of the Petition and this TA Response, and are discussed in detail in both the Petition and the TA Ethnohistorical Report.

¹¹⁸ As stated above, the original Letter of Intent for federal recognition of the Grand River Bands was filed by the Grand River Ottawa Council, which merged with the Grand River Bands of Ottawa Indians, Inc., shortly thereafter. See Ottawa Council Resolution, 7 November 1994.

You couldn't get any money from the State of Michigan, unless you had the mechanism set up which is the nonprofit 501(c)(3). Once you did that, you couldn't bar other Indian people from coming and participating.¹¹⁹

In the early 1980's and early 1990's, Oceana and Muskegon County leaders worked through an organization named Native Americans United (NAU). This group later changed its name to Native Americans In Unity, and finally, the Oceana County Inter-Tribal Council.¹²⁰ However, the context of the meeting minutes reflects that, regardless of their name, the same Grand River leaders were continuing the informal committee structure of the GRBON, and working on issues for the entire Tribe, through these organizations.

The NAU Meeting Minutes are often titled "Grand River Bands" or referred to as a "Grand River Band meeting"¹²¹ Furthermore, the first recorded meeting of the NAU, on April 29, 1980 reflects that it is a meeting of the Grand River Bands, continuing the basic efforts of the GRBON. This is obvious from the context of conversations had regarding land donated to the Grand River Bands, which are discussed as belonging to the group. Upon discussion regarding the need for a "count" of the "Indian populace," it was determined that: "Georgianne Jolly will work on count for Mason County. Caroline Reed – count for Oceana County." These are the two historic reservation grounds of the Grand River Bands.

¹¹⁹ Grand River Band of Ottawa Community Meeting, 29 September 2005, p. 22

¹²⁰ . See Certificate of Change, 12 May 1982, and Articles of Incorporation, Oceana County Intertribal Council, 12 February 1999. See also Phone Conference with Emily Smith, 16 November 2000.

¹²¹ Compare Native Americans United Agenda and Minutes, 23 June 1980, I.O.W. File 1, and Native Americans United Planning Committee, 7 March 1981, I.O.W. Files, and Meeting Minutes, 8 May 1982, GRBOI Battice, Envelope 8, with Grand River Band Meeting, 20 March 1982, GRBOI Battice, Envelope 8, and Grand River Board Meeting & Minutes, 7 July 1984, GRBOI – Battice, Envelope 8. Not only do they reflect the same key persons in attendance, but the handwriting and signature reflects that the minutes were taken by the same person: Emily Smith.

Furthermore, at the June 23, 1980 meeting of "Native Americans United," the Agenda includes: "Re-election of officers for Grand River Band and amendment to Bi-Laws." It also includes: "Election of a Tribal Council."¹²² On May 8, 1982, the minutes reflect

Old business: Correction made on charter and sent back to Lansing

New business Gerald Compeau to ask to resume position of resident agent for Grand River¹²³

This obviously refers to the "charter" for Native Americans United being changed to "Native Americans in Unity." Gerald Compeau, a founder of NAU, did indeed become listed as "resident agent" for The Grand River Bands of Ottawa Nation, Inc. shortly thereafter. Indeed these two groups represent the same leaders and goals of the GRBON, i.e. to maintain communal Grand River property and cemeteries, and provide political leadership to the membership of the Grand River Bands.

Although no meeting minutes survive between 1984 and 1987 to document the activity of these Grand River leaders, it is clear from later minutes, that their efforts were ongoing

In 1987, the Native Americans United changed its name to the Oceana County Inter-Tribal Council.¹²⁴ It was still a GRB Council leading the GRB membership. In a February 1990 letter, BJ Dayton describes the Oceana County Inter Tribal Council in the following way:

The Oceana County Inter Tribal Council is composed of mostly Grand River Band of the Ottawa Nation and we have members in Muskegon as well as Mason County. We have a branch of the Native American Church in our county and only myself and Bob Stone who provide services to Indians through Indian

¹²² Native Americans United Agenda and Minutes, 23 June 1980, I.O.W. File 1

¹²³ Meeting Minutes, 8 May 1982, GRBOI Battice, Envelope 8

¹²⁴ Articles of Incorporation, Oceana County Inter Tribal Council, 12 February 1999

programs. Someday we hope to have a round house in Elbridge Township, the site at the corner of Walkerville Rd and 144th so we have our own building, but right now we meet at my home in the summer and at the DSS conference room in the winter.¹²⁵

This letter demonstrates that the Oceana County Inter Tribal Council is a successor organization to the Grand River Bands of the Ottawa Nation.¹²⁶ It also corroborates that it operated through the Oceana County Department of social Services so that services and a meeting room could be provided to the GRBOI through these programs. Furthermore, it states specifically that the “Oceana” organization included GRBOI members in “Muskegon as well as Mason County.”

The Grand River Bands’ community leaders’ efforts should not be discounted because their meetings were not entitled “Grand River Bands” meetings or because members who trace to other historic tribes were in attendance.

Michigan tribes are historically very closely aligned, as acknowledged by the Bureau of Acknowledgment and Research (BAR) in Match-e-be-nash-e-wish Band of Pottawatomie Indians Proposed Finding. In that decision, the Letter of Intent was submitted by the “Gun Lake Band of Grand River Ottawa Indians.”¹²⁷ However, its Letter of Intent also states that it is known as the “Bradley Indian Community” or to historians as “the Griswold Colony.” Furthermore, its non-profit corporation, which acts on behalf of the Tribe, was the “United Nation of Chippewa, Ottawa, and Pottawatomie Indians of Michigan.” The letter of Intent was not signed by an elected Tribal Council,

¹²⁵ BJ Dayton To Joe Miracle, 25 February 1990, I.O.W. File 2

¹²⁶ In addition to the attendance and issues raised at these meetings, the Articles of Incorporation of these organizations evidence that they are continued efforts of the GRBON. *See* Certificate of Change, 12 May 1982, and Articles of Incorporation, Oceana County Intertribal Council, 12 February 1999. *See also* Phone Conference with Emily Smith, 16 November 2000.

¹²⁷ Letter of Intent, June 4, 1992, Match-e-be-nash-e-wish Band of Pottawatomie Indians

but by the “Chiefs” and Community Leaders.¹²⁸ Nonetheless, these entities were recognized as the political entities for the Match-e-be-nash-e-wish Tribe.

As discussed in the Grand River Ethnohistorical TA Report, in addition to the successor organizations to the GRBON in Oceana County, Grand River leaders in Grand Rapids and Muskegon were also working through NMOA on claims and other issues during the early 1980’s.¹²⁹ While these Grand River leaders may have met in their particular locales, they continued to be leaders of all of the kin groups that make up the Grand River Bands. Tribal leader, Joe Genia confirmed that he “spoke for all the Grand River Band as a whole” when he spoke at NMOA meetings, as Unit 5 representative.¹³⁰

The Grand River Ottawa Council and the Grand River Bands of Ottawa Indians, Inc.

The TA Letter requests information about the relationship of The Grand River Ottawa Council and the Grand River Bands of Ottawa Indians, Inc., and their “memberships, activities, and goals” before 1995.¹³¹

The Grand River Bands have continued to form one loosely organized, geographically dispersed community, due to overlapping kinship ties, and common history and goals.¹³² As discussed above, the Grand River leaders were involved in organizations in each geographic community in the late 1980’s and early 1990’s. The Oceana County leaders, such as Emily Smith, were working through the Oceana County

¹²⁸ Match-e-be-nash-e-wish Band of Pottawatomi Indians Proposed Finding.

¹²⁹ See the extensive discussion of Grand River leaders involvement in the NMOA in the Ethnohistorical TA Report, at p. 222.

¹³⁰ See Grand River Band of Ottawa Community Meeting, 29 September 2005, p. 2.

¹³¹ Ibid.

¹³² Oral histories evidence the kinship ties, such as Grand Rapids or Muskegon members traveling to Elbridge to care for the cemetery, or walking between Grand River communities and to visit relatives. See Grand River Band of Ottawa Community Meeting, 29 September 2005, p. 3.

Inter-Tribal Council.¹³³ Muskegon leaders, such as June Dart, were still working through the NMOA.¹³⁴ A committee of young Grand River leaders, with roots in Unit 4 of NMOA, including Fran Compo and Ron Yob, were implementing a Title IX Indian Education Program through the Grand Rapids Public School System.¹³⁵

It is important to note that these separate organizations did not embody the political structure of the Grand River Bands. The discussions above, in addition to oral histories and interviews of members, elucidate that the entire Grand River membership was involved in issues important to the community, such as claims and maintenance of communal lands and cemeteries.¹³⁶ In a kin-based society, the membership is informed by word of mouth and political involvement is often a continued Tradition (cemetery maintenance), or a historical fact of common interests (claims).

In the late 1980's, it became obvious to all Grand River political leaders that it would be necessary to obtain Federal recognition in order to pursue Treaty rights and provide services to Grand River members. Grand River leader, Joe Genia, began to talk to other Grand River leaders and members about forming one formal Grand River Bands Council to pursue Federal recognition.

In October of 1994, a "Meeting between Oceana County and Muskegon County Representatives" at which time the Grand River leaders formed the Grand River Ottawa Council to pursue Federal recognition.¹³⁷ They elected officers on November 7, 1994.¹³⁸ Ron Yob, whose Title IX committee had been meeting as the Grand River Bands of

¹³³ See for example, Minutes of Oceana County Inter-Tribal Council Meeting Minutes, 8 November 1989

¹³⁴ NMOA Minutes, 19 September 1987

¹³⁵ Interview with Fran Compo, 8 May 2000, p. 1.

¹³⁶ The minutes of GRBON and its successors and NMOA, as well as oral interviews, all discussed in detail above, reflect cross-community involvement in cemetery maintenance, voting on claims issues, and other Tribal efforts.

¹³⁷ Minutes of Meeting Between Oceana County and Muskegon County Representatives, 5 October 1994.

¹³⁸ Grand River Bands Ottawa Council Resolution and Officers, 7 November 1994.

Ottawa Indians, Inc., joined this Council as a “Kent County representative.”¹³⁹ The Council filed a Letter of Intent with the BAR in 1995. Shortly thereafter, on May 24, 1995, the two groups formally merged.¹⁴⁰

Emily Smith suggested the group simply renew the Articles of Incorporation for the Grand River Bands of Ottawa Nation, Inc., since she, and several other members present had been officers. However, the Kent County leaders had recently obtained 501(c)(3) status, so that the Grand River Bands of Ottawa Indians, Inc., became the official name. A joint letter was written to this Office, requesting an official name change on the Grand River Ottawa Council Letter of Intent.

As described above, the foundation for the current Petitioner began with the GRBON in 1968. Grand River leaders have continued since that time to provided educational and vocational opportunities, and economic assistance to their members; maintain communal property, including upkeep and maintenance of Tribal cemeteries,¹⁴¹ successfully petitioned for the redress of their Treaty grievances, and provided spiritual leadership and guidance to members. The Current Petitioner continues to represent its membership in these areas.

While the GRBON, and its successor organizations did provide a “foundation” for the current Tribal Council, oral histories and other supporting documentation reveal that these organizations are simply the vehicles through which Grand River leaders have continued the traditions of the kin-based Grand River political system that existed before them, and continues to this day. Grand River politics is still very much rooted in the

¹³⁹ Interview with Fran Compo, 8 May 2000.

¹⁴⁰ Grand River Ottawa Council Meeting, 24 May 1995

¹⁴¹ As stated previously, the Township of Ada donated a parcel of land in the Ada Township Cemetery to the Grand River Bands of Ottawa Indians, Inc.

traditional kin based political structure of their ancestors. As mentioned in numerous interviews, oral traditions and kinship ties have largely kept members aware of community and political news. Even today, the Grand River political structure is broader and more traditional than the formal Tribal Council. Tribal leaders and elders provide political leadership to members based on their kinship ties and common history.¹⁴²

Oral histories illustrate that Grand River “political authority” is rooted in this *strong kin-based informal political structure, rather than any committee or association*, and that the same kinship ties bind the Grand River Bands, regardless of geography.

Joe Genia, (JG), Tribal leader and Grand River elder from Muskegon, discussed working with the Battices of Oceana County at a meeting held at St. Joseph’s Church in Elbridge. Genia described ‘political authority’ in a kin-based society:

(MB): Was this a meeting of people that ultimately worked with you on the Grand River Ottawa Council?

(JG): Yes. Mitch Battice. It’s more than just working with somebody. You’re friends with these families. You know Harold Battice, Mitch and Ike. All of these people were friends of my father-in-law, who I got to be friends with. So when you sit down in a conference room at the meetings, it wasn’t like we were ... that’s the difference at the Indian meeting and the non-Indian meeting, you’re sitting right across from everybody that you know. It’s not really like a club meeting where you call the meeting to order. Everyone sits around drinking coffee and talking and things just get done. Everything gets decided at the time, whenever the elders have or the people who are going to decide things are decided, that’s it, that’s what people do. A group of people go over here and clean up the pine trees, a group of people go over here and set up a fence and clean up the cemetery over here. Not everybody just picks a task and does it. But yes, I know all of these people and have worked with them.¹⁴³

Later in the same meeting, Genia, James Carney, and Grand River Tribal Council Member and Office Manager, Fran Compo expanded on the cultural difference of Grand

¹⁴² Tribal elder, Joe Genia, of Muskegon, described his role in the community during a group interview in Elbridge. See Grand River Band of Ottawa Community Meeting, 29 September 2005, pp. 8, 9, 25-28.

¹⁴³ Grand River Band of Ottawa Community Meeting, 29 September 2005, p. 6.

River Bands political structure. While lengthy, it is an important distinction, recognized by Grand River members:

MB: And you were an organizer and leader of the Grand River Bands of Ottawa Nation in the 1970's?

JG: Yes.

MB: Is that an organization that . . . I know that you quit meeting in the '70's but I'm wondering if you would see those same leaders as people that then started back meeting with Grand River Ottawa council. Is it sort of a continuation of the Grand River?

JG: Again, there's a cultural difference here, in that, like if you get elected to the town council and you serve on the council for eight years and then all of sudden you're not elected to the town council anymore. Then a few more years go by regularly, then you're not an official anymore or anything and you don't have anything more to do with it. The Indian people are different in that way, in that, if you're elected in there, first of all, the people trust you to get in there, to put you into the position to begin with. I would never have gotten to be on Mrs. Dominic's council because she was really strict about who was an Ottawa and who wasn't. So, when she allowed me to be on the council she was satisfied and not only did I have to satisfy her, but the older women, like Mrs. Shalifoe, Mrs. Chingman. They're the ones that had to sit down with her to say, "Yes, we know who he is. He's okay and he can do this." So when I was put on the council, even though I didn't know how the council worked, you're still here, you still do it. It's not something you get elected into and then stop. It's you're whole life thing that you're doing. You're constant, you're always doing this.

MB: Representing your tribe?

JG: Yes, representing your tribe. Every time you go someplace people will say, "Well, you know what's going on so you talk about it." Maybe if you're talking about growing pine trees, I don't know anything about it, somebody else will know something about it. So at the next meeting when we talk about the pine trees, they'll talk about it. It's not something that you're elected to and then you stop. When you start to do this and you get into this Indian business, it engulfs your whole life. It takes up your whole life to do it. You don't stop just because maybe you weren't elected into it anymore. You're always concerned because your family's tied into it. You see, everyone is tied into it. So, it's not just something you do and then quit and walk away from it, it's something you always do. So, the leadership that was there, yes, those are the same people that are still doing it.

MB: I see you're nodding over there. Did you want to follow up on that?

TM: I'm just agreeing with what he's saying. Just hearing what he is saying, it's true. We are people. We're family no matter who we are. I've learned, ever since I've been sober for eleven years, I've seen when Indians learn about their land, finally. And what we learned, how we learned to treat other people. We like to be respected just like you guys want to be respected. It is kind of hard to understand for me because my dad, he's just slowly learning too.

JG: It's a lifetime thing. It's not just a tribe and an elected official in a tribe . .

JB: It's almost like a lifetime commitment that designated people's contract.

JG: Your family, first of all, accepts you need to do this so because of that family support, this puts it out in front of their family, then all the other families then, who they want to support them, they get all together like this so the family then is a long extended family of people and you have someone who is talking for the group.

FC: Exactly, and I think that's what I was trying to explain earlier when we were kind of talking informally. One thing about Grand River is that we have always been a traditional and a cultural family unit and we haven't had the same type of government structure that the United States Government is now asking for. This is a new process for us, kind of, of having elections and term limits. Well, we don't have term limits on our tribal council. Once you're on the tribal council, as long as you're willing to serve and long as we do have meetings and things like that, you can be on the tribal council forever. But we do look to our leaders to be in those positions, those leadership roles all the time. Joe's not formally and officially on the tribal council body right now but I see Joe as one of our leaders and look to him to help us through this petition process. I think that's what's really difficult for our membership, is because we really are a family, an extended family. It does become a lifelong process. You know this has consumed my life.

Subsequently, Genia explained that in a kin based society, Tribal leaders are not elected, but obtain informal authority gleaned from the respect of the members.¹⁴⁴

Internal Disputes Revealing Political Processes

The TA Letter requests documentation of internal disputes, which may reveal the political processes of the Petitioner:

Research and analysis must show that the group acts politically. Try to show that members make decisions; argue and resolve disputes; handle economic resources; attend meetings; sometimes question their leaders; vote in elections; maintain property such as a cemetery; or undertake any number of other activities. The documents suggest that GRB sometimes

¹⁴⁴ Ibid., at pp. 27-29

undertook these kinds of activities, although you should try to provide more details about specific events. For example, disagreement arose in the 1990's over property given to the Grand River Bands of the Ottawa Nation, Inc. The submissions do not describe how GRB dealt with this argument, if it did. Factions may have arisen and taken shape according to kinship (Nagakes (sic) vs. Genias); viewpoint (eg. *Per capita* vs. tribal disbursement of claims awards); residence (residents of Mason and Oceana Counties vs. residents of Grand Rapids); or organization (GRB vs. Grand River Bands of Ottawa Nation, Inc.). Describing this and similar disputes should reveal GRB political processes.¹⁴⁵

Petitioner has outlined below disagreements within the membership and with the Tribal Council. They do, indeed, reveal the political processes of the Petitioner. They illustrate the widespread knowledge of the membership regarding their leaders actions, influence of the members on leaders decisions, and that even when disagreements have arisen, the critics have remained committed to a unified Grand River Bands and have submitted to its political processes.

The 'Genia Plan' vs. the Minneapolis Plan for Disbursement of Docket 40k Funds

As discussed in detail in previous submissions, and in the TA Ethnohistorical Report, the disbursement of the Docket 40k Indian Judgment Funds in the 1980's created an internal Tribal dispute that lasted a decade.

Henry Negake, Jr. returned in the 1970's to criticize the Genia disbursement plan for docket 40k. At this time, he was supported by his neice, June Dart, and other family members. They organized opposition to this plan, in favor of a per-capita disbursement plan. At this time, the Grand River Bands political leaders were operating through the GRB Descendants committee, and their respective NMOA Units. This culminated in a

¹⁴⁵ Grand River TA Letter, 26 January 2005, p. 19, para. 2.

meeting at which hundreds of Grand River members voted down the “Genia plan” and ultimately the disbursement was made per capita.¹⁴⁶

This dispute serves to show that the Grand River Bands members were informed and involved in Tribal politics in the 1970’s and 1980’s. It also serves to show continuity despite adversity, in Grand River leadership. As the Petitioners submissions attest, Joe Genia, June Dart, and Henry Negake are all still active in Grand River politics.

The Shattenberger Land and Henry Negake, Jr.

Henry Negake returned again in 1990’s to urge the Tribal Council to take legal action regarding the “Shattenberger” land, which had been donated to the Tribe, and was sold by then Treasurer of the Grand River Bands of the Ottawa Nation, Inc., Robert Lewis.¹⁴⁷ By this time, his neice, June Dart, who spearheaded his position on the disbursement plan, was on the Enrollment Committee and working closely with the Tribal Council toward Federal acknowledgment.

The Tribal Council has declined, for purposes of maintaining a balance of harmony within the Tribe, to pursue the Shattenberger land or the monies that resulted from its sale. However, it has met with and listened to the concerns of Mr. Negake.¹⁴⁸ It has discussed this sensitive issue in the Community, and made decisions based on the best interest of the Tribe. Tribal Council leaders have made attempts to talk informally

¹⁴⁶ The extensive history of this dispute is covered in detail in the Grand River Ethnohistorical TA Report, pp. 232-254.

¹⁴⁷ Henry Negake to Ron Yob, 7 September 1999, GRBOI Files.

¹⁴⁸ Grand River Bands of Ottawa Indians Meeting Attendance Sheet, 18 January 2000, Grand River Bands of Ottawa Indians Council Meeting Minutes, 12 June 2000.

with Mr. Negake, and certain of his family members about their concerns. Some members of the Negake-Stone families agree with Mr. Negake, and some do not.

In 2003, approximately twenty members of the Negake-Stone families attended the Annual Meeting, in support of Tribal Council candidates Scott Wyzlic and Merle R. Stone. However, their candidates were not elected.

While still critical of the current Tribal Council on certain issues, Mr. Negake has also recognized the authority and efforts of the current Tribal Council. He attends Tribal Council meetings,¹⁴⁹ voices concerns, and makes recommendations to the Tribal Council.

The Tribal Council believes each member has right to be heard, and has always listened to the concerns of Henry Negake and considered his positions.

The Negake Stone “Grand River Council”

Mr. Negake and Mr. Scott Wyslec, started a website to “disseminate information” to Grand River Bands members. www.GRBOI.com While the caption on this site’s home page reads “Negake-Stone Grand River Council,” web postings by the creators and visitors confirm that this reflects a kinship group within Grand River Bands, and is not intended to split the membership.

Certain diary entries on this site are critical of the GRBOI Tribal Council. However, Scott Wyslec confirms in a letter to Grand River members posted on the site, that “it is our purpose to assist *our* tribal government in any manner we can.”¹⁵⁰ The information and letters posted on this website recognize the political authority of the current Tribal Council, and exemplify the unity of the Grand River Bands as one Tribe.

¹⁴⁹ Tribal Grand River Bands of Ottawa Indians Meeting Attendance Sheet, 18 January 2000, Grand River Bands of Ottawa Indians Council Meeting Minutes, 12 June 2000.

¹⁵⁰ www.grboi.com/toMembers.html

In one entry, Scott Wyslec refers to a call he received from Tribal Council Chairman,

Ron Yob, in which they discussed the Petition for Federal recognition:

In conclusion, Ron and I touched base on just a few of the items that are of importance to our future. He agreed with me that communication is a very key item for our survival, and that he is willing to work with me on developing an e-mailing list. The word casino came up once or twice, but we both agree that is a conversation that should take place in the future. We also agreed that there needs to be a clear line of communication between tribal members, council and our Senators and Representatives. We briefly mentioned other items of interest but no detail was pursued (hunting and fishing rights, land trust, language, and traditional knowledge). I propose that as we gain more momentum with the web site, we incorporate into our daily lives an e-mail to the Senate on Indian affairs and our Senators. They don't have to be from Michigan, as all Senators will be voting and viewing this case...¹⁵¹

The members of the Negake-Stone family that have disagreed with Tribal Council all continue to be on the Membership Roll, and receive all mailings from the Tribal Council. While Mr. Negake continues to live in California, he is in frequent contact with family members and continues to be a part of the Grand River community. While the GRBOI.com website was not sanctioned by the Tribal Council, it disseminates information about Tribal membership and activities, supports the positions and efforts of the Tribal Council, and reflects that there is solidarity and a unified voice in the Grand River community. In fact, activity on the website illuminates the high degree of membership interest and involvement in Grand River community and political affairs.

¹⁵¹ www.grboi.com/conversation_yob.html

Membership Involvement

Adoption of Formal Governing Documents

The TA Letter states that “(d)ocuments produced after 1994 raise questions about whether important decision-making by the council actually involved GRB members. ... It is unclear if the wider membership knew about what was happening, took part in the documents’ development, voted on their provisions, or made comment on it.”

During the early years of our formal government, the Grand River Bands was still operating very much in a traditional manner, politically. The kin groups that make up our membership were aware of the efforts toward a unified formal Council and the pursuit of Federal recognition by their family members and political leaders. These leaders had already been representing the political interests of the Grand River Bands, through other avenues, for years, and decades in some cases. Early meetings were advertised and members were encouraged to attend. However, the idea of a formal representative democratic government was still foreign to the Grand River Bands membership. Instead, informal authority was obtained from the membership largely by word of mouth. Members expressed this authority by implication by submitting their applications to be placed on the new Membership Roll of the Grand River Bands of Ottawa, Inc.

Leadership and Involvement Of Members In Oceana and Muskegon Counties

The TA Letter requests further evidence of the involvement and influence on the formal organization of the Tribe by members outside Grand Rapids, and particularly in Oceana County:

Documentation, such as meeting minutes and newsletter reports showing a wide range of individual members involved in group activities would strengthen the petition. * * *

The evidence after 1994 focuses primarily on activities in Grand Rapids. The petitioner needs to describe and explain the relationship between members living in Grand Rapids and those in Oceana County. The evidence should show that representative proportions of the membership in all locations were involved in formal meetings and activities. It may be that informal interactions in Takeri (sic) Circles, neighborhoods, churches, Ghost Suppers, pow-wows, weddings, and family get-togethers, provided forums for discussion, so that members provided substantial input into the development and formal organization of GRB after 1994. However, the TA response should contain evidence and analysis of such communication and influence.¹⁵²

The Grand River Bands of Ottawa Indians, Inc. Tribal Council Office is located in Grand Rapids. Tribal Council meetings are, therefore, held in Grand Rapids. However, the Oceana and Muskegon County members are well represented on the Tribal Council. Long time Oceana County leader, Emily Smith,¹⁵³ is involved as an enrollment officer.¹⁵⁴ Oceana County Grand River leader, Roma Battice, has on the Tribal Council since January of 2004.¹⁵⁵ George Lewis, Sr., also from a prominent Oceana County Grand River family, has served on the Tribal Council since 2000.¹⁵⁶

Tribal political leader and elder, Joe Genia, has served multiple terms on the Tribal Council. While no longer a Tribal Council Member, he actively involved, often

¹⁵² Grand River TA Letter, 26 January 2005, p. 22, paras 2, 3.

¹⁵³ Emily (Battice) Smith is a long time GRB political leader, as were her parents, Mitchell and Mamie Battice. See GRBON Minutes, Grand River Bands Petition, p. 770, fn 614, and Native Americans United Agenda and Minutes, 23 June 1980, I.O.W. File 1, and Native Americans United Planning Committee, 7 March 1981, I.O.W. Files, and Meeting Minutes, 8 May 1982, GRBOI Battice, Envelope 8, and Grand River Band Meeting, 20 March 1982, GRBOI Battice, Envelope 8, and Grand River Board Meeting & Minutes, 7 July 1984, GRBOI – Battice, Envelope 8.

¹⁵⁴ GRBOI Tribal Council Meeting Minutes, 10 January 2000

¹⁵⁵ GRBOI Tribal Council Meeting Minutes, 8 December 2003. Like her sister, Emily Smith, Ms. Battice has been actively involved as an Oceana County Grand River leader since the 1970s. See fn. 146 above.

¹⁵⁶ Interview with George Lewis, Sr., 4 September 2005, p. 8. (George's father, Jacob Lewis, was a founding member of the GRBON. See Articles of Incorporation, Grand River Bands of Ottawa Nation, 11 August 1969, and Appendix A, Grand River Ottawa Family Tree, and Interview with George Lewis, Sr., 4 September 2005, pp. 6-8.

attending Tribal Council meetings, and influencing the Council. On June 12, 2000, Genia presented a position paper to the Tribal Council, after attending a Michigan Department of Public Health Conference.¹⁵⁷ Phillip Thomas Cantu, of Muskegon, served on the Tribal Council for six years from 1997 to 2003, and returned to the Tribal Council in 2005. (April 11 2005 minutes). His mother, Marie Cantu, was active in NMOA Unit 5, and his uncle, John Cantu, served as Unit 5 chairman from the 1960's until the mid 1980's.¹⁵⁸

The Tribal Council recently held a social gathering at Rafferty's Restaurant in Muskegon, where more than fifty members gathered to hear updates on the Federal acknowledgment process and socialize.¹⁵⁹ Membership gatherings and group interviews were also held in Muskegon and at St. Joseph's Church in Elbridge, in preparation of this TA Response.¹⁶⁰

As described above, all three geographic communities communicate with the Tribe largely through their local extended family members who serve on the Tribal Council. Since it is an unrecognized Tribe, and has limited funding, the Grand River Bands has not engaged in providing formal infrastructure or social services to members in Oceana, Muskegon, or Kent County.¹⁶¹

Grand River Bands Pow Wow Sponsorship

¹⁵⁷ Grand River Bands of Ottawa Indians Tribal Council Meeting Minutes, 12 June 2000.

¹⁵⁸ Grand River Band of Ottawa Descendants Committee, 18 March 1972, Genia papers, and Interview with Phillip Cantu, (Jr.) 11 June 2005.

¹⁵⁹ The Riverbends, Winter 2004, Rafferty's Sign In Sheet, 17 January 2004.

¹⁶⁰ See Grand River Band of Ottawa Community Meeting, 29 September 2005, and Grand River Bands Meeting, Morning Session, 10 August 2005.

¹⁶¹ The Tribe provides needed services when is is able,

The TA Letter requests further evidence to document that the Grand River Bands was actually involved in putting on Pow Wows that it sponsors:

GRB submitted documents describing activities which appear to be partly sponsored by an entity identified as GRB. For example, an announcement states that a Veterans Pow Wow on November 9, 1996, in Welsh Auditorium, Grand Rapids, was co-sponsored by "Vets Pow Wow Committee and Grand River Bands of Ottawa Indians, Inc." Because there is little other documentation or discussion of these events in the record, it is possible that individuals may have attached the GRB name to activities without actually seeking support, involvement, or formal sponsorship from a GRB organization. The TA Response should include evidence showing that GRB as a group was involved in putting on or sponsoring these events.¹⁶²

Flyers and meeting minutes document the actual involvement of the Grand River Bands in Pow Wows that it sponsors. The GRB has traditionally sponsored the Veterans Pow Wow in the Fall, and the Homecoming of the Three Fires Pow Wow in the Spring. The Tribal Council elects a Committee yearly to organize the Homecoming of the Three Fires Pow Wow.¹⁶³ It also elects representatives to co-sponsor the Veterans Pow Wow.¹⁶⁴

While it has co-sponsored the Veterans Pow Wow, the Tribe has full responsibility for putting on the Three Fires Pow Wow¹⁶⁵ and the Honoring Our Elders Traditional Pow Wow held in Hart.¹⁶⁶ This involves the hands-on efforts of the

¹⁶² Grand River TA Letter, 26 January 2005, p. 21, para 4.

¹⁶³ See Grand River Bands of Ottawa Indians Tribal Council Meeting Minutes 12 June 2000, and 10 November 2003 and 9 February 2004 as examples. The Committee meets regularly and reports to the Tribal Council several times per year. These and other minutes also discuss the Veterans Pow Wow. However, the Tribe has been involved in that Pow Wow as a co-sponsor. The Tribal Council also has a standing Committee on the Native American Graves Protection and Repatriation Act (NAGPRA). See Grand River Bands of Ottawa Indians Tribal Council Meeting Minutes, 10 January 2000, p. 1.

¹⁶⁴ See Ibid., and other GRBOI Tribal Council Meeting Minutes, 2000-2005, attached.

¹⁶⁵ See Grand River Bands of Ottawa Indians Tribal Council Meeting Minutes, 20 September 2004.

¹⁶⁶ See Grand River Bands member interviews held at the Hart Pow Wow this year. Interviews, 3 September 2005, and 4 September 2005.

Committee, the Tribal Council, and numerous community members.¹⁶⁷ The Tribe organizes and procures the vendors, traders, concessions, dancers, advertises, and sets up and cleans up afterwards. In 2004, the Committee held an art contest to select the official t-shirt design for the Three Fires Pow Wow.¹⁶⁸ The Tribe's total responsibility for this Pow Wow is evidenced in the June 12, 2000 meeting minutes, at which several traders and a dancer complained about fees and other conditions at the Three Fires Pow Wow.¹⁶⁹

83.7(d)

Criterion 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 document.¹⁷⁰

The Constitution and By-Laws of the Grand River Bands of Ottawa Indians, Inc. are attached.¹⁷¹ Article VI sets forth the Tribe's membership criteria. In addition, the Tribe has passed a comprehensive ordinance which governs the procedure for enrollment.¹⁷²

The TA Letter specifically asks "whether officers elected at the first meeting or appointed by the first council must also meet membership requirements."¹⁷³ The governing documents are clear. Article V, Section 4 of the Constitution states:

¹⁶⁷ The Oral Histories conducted at the 2005 Pow Wows indicate the level of involvement of the membership. Many of those interviewed had contributed, or were working at the Pow Wow in some manner. See Interviews conducted by Dr. James McClurken on June 11 & 12, 2005, and September 3 & 4, 2005.

¹⁶⁸ Grand River Bands of Ottawa Indians Tribal Council Meeting Minutes 8 March 2004

¹⁶⁹ Grand River Bands of Ottawa Indians Tribal Council Meeting Minutes, 12 June 2000.

¹⁷⁰ Criteria 83.7(d) through (g) are unmodified by 83.8

¹⁷¹ GRBOI Constitution and By-Laws, 1 December 1997, GRBOI Files

¹⁷² GRBOI Tribal Enrollment Ordinance 97-01, 1 December 1997

¹⁷³ Grand River TA Letter, 26 January 2005, p. 22, para 6

After the adoption of this amendment to the Constitution and Bylaws no person shall be eligible to be appointed, stand for election or be elected to the Tribal Council unless that person is a (sic) eligible for membership in the Tribe and has become a member through the membership procedures adopted by the Tribal Council.

At the time of adoption, no enrollment procedures were yet in effect. However, all members of the initial Tribal council, elected and appointed, were eligible under the subsequently adopted enrollment procedures.

The TA Letter requests clarification of certain Sections of the 1997 Constitution.¹⁷⁴ The discussion below addresses each concern.

The words “traces to” in Article VI of the 1997 Constitution refer to a *direct* descendent: i.e., father or mother, who was on the Durant Roll. The word “or,” allowing for tracing to either the Durant Roll or the 1870 Roll, is interpreted as allowing members to use either the 1870 Roll or the Durant Roll to trace their Grand River Bands ancestors. It is often obvious to enrollment officers from genealogy and kinship that a person listed on the 1870 Roll is a Grand River Bands member, but that person was subsequently erroneously omitted from the Durant Roll.

Section 2 of Article VI prohibits enrollment if a person is currently enrolled in another federally recognized Tribe. After Grand River enrollment officers determine that an applicant is eligible for membership, a letter is sent to all Tribes which for which they also qualify to be enrolled, requesting clarification whether that person is a member. This information is then made a part of the applicant’s file. If dual enrollment is identified, the member is subject to disenrollment, if he or she fails to relinquish their enrollment in the other Tribe.

¹⁷⁴ Grand River TA Letter, 26 January 2005, p. 23, para 1, 2, 3.

The TA Letter also requests clarification of the process for enrollment, and posting of notices therefore, particularly in the early stages of creating the Membership. It further asks “how the group governed itself prior to the adoption of the 1994 Constitution.”¹⁷⁵

As describe above, the Grand River Bands have historically formed a loosely organized, geographically dispersed, network of extended family groups, bound as a Tribe by their common history and kinship ties. As described in previous submissions, discussed in detail above, and in the Grand River TA Ethnohistorical Report, political leaders arose, often from the same political families, and were authorized informally, to represent the members, organize communal tasks, and act on behalf of the Tribe.

Membership in the Grand River Bands is a birthright. Prior to the formal adoption of a Constitution and By-Laws, there were no formal enrollment practices in place. As a kin-based society, the Grand River Bands have kept track of membership informally, using oral methods such as “counting kin.” Lists and rolls were created by the Federal government for annuity or claims purposes, but were not part of the Grand River Bands political tradition.

However, as formal “Membership Rolls” are a requirement of the Federal recognition process, the newly formed Grand River Bands of Ottawa Indians, Inc., began to “enroll” the membership formally, upon deciding to pursue Federal recognition. Notices for enrollment were posted in the Grand River Bands Tribal offices, and distributed by hand by the heads of family groups and Tribal officers at Pow-Wows and other social gatherings.

¹⁷⁵ Grand River TA Letter, 26 January 2005, p. 23, para 4, 5.

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.

The TA Letter requests that Petitioner's membership list be updated to include maiden names of married women. Petitioner has done so.

It also requests any previous membership lists be submitted. Petitioner has included each membership list, partial membership list, and mailing list in its possession.

The Letter also states:

It is unclear whether children of members also have to fill out applications for membership and whether the group's enrollment process allows a parent or sibling to complete the applications for other adults in the family. Please describe this process more fully.¹⁷⁶

Section 5(A) of the Tribal Enrollment Ordinance¹⁷⁷ states: "a separate application is required for each individual seeking enrollment or for whom enrollment is sought. The Application For Enrollment provides each person, including children, must have their own membership application.¹⁷⁸ Therefore, any person, including a minor, may file an enrollment application on behalf of his or her self.

However, the Ordinance also states that the Tribal council "shall allow any person to file an application on behalf of a minor or incompetent person based on a showing of good cause." The Enrollment Officer may find good cause to exist if the parent or other

¹⁷⁶ Grand River TA Letter, 26 January 2005, p. 25, para 1.

¹⁷⁷ GRBOI Tribal Enrollment Ordinance 97-01, 1 December 1997

¹⁷⁸ A copy of the membership application is attached, at OFA's request. Grand River Enrollment Application, July 2004, GRBOI Files.

individual is incompetent due to substance abuse or other circumstances constituting “good cause.” For example a grandparent or other relative can apply for their grandchild if the parent is incompetent or missing. If the enrollment office becomes aware that a person that is not a legal guardian has submitted an application, all efforts are made to contact the legal guardian, and ask them to sign the application. All supporting documentation must be supplied. While this is rare, it happens. Upon approval of their applications, all members receive a letter and membership card stating they have been added to our Tribal Rolls. If a minor or other person does not wish to be a member, they can relinquish at this time.

The TA Letter asks Petitioner to “(e)xplain who compiled the info on the applicants and who filled out the ancestry charts.”¹⁷⁹

Applicants submit their own supporting documentation and often assist in filling out their ancestry charts. The information is checked for accuracy and historical integrity by the enrollment officer and the Enrollment Committee.

The TA requests further clarification regarding ancestry charts:

Some of the ancestry charts include the names of brothers and sisters of the applicant, or names of children and grandchildren of the applicant. Does this mean that those individuals have applied for membership and are also on the membership list?¹⁸⁰

Each person must apply separately, regardless of other family members’ membership status. Tribal Enrollment Ordinance, Section 5(a). The purpose of the ancestry chart is to obtain as much information as possible about that person’s ancestry for the benefit of tracing descendency.

¹⁷⁹ Grand River TA Letter, 26 January 2005, p. 25, para 2.

¹⁸⁰ Grand River TA Letter, 26 January 2005, p. 25, para3.

OFA also requests specific clarification regarding abbreviations used on the ancestry charts.¹⁸¹ DCR#1923 refers to the #1923 on the Durant Census Roll. FN 19-32 refers to the Durant Census Roll Field Notes, page 32, No. 19.

The TA Letter “strongly” urges the Petitioner to include the names and vital statistics for non-Indian parents on ancestry charts. This information is included in the Grand River Ottawa Family Tree, (Appendix A). Sample enrollment files, requested in the TA Letter, and enrollment files of the governing body that certified the membership list, have been submitted with the TA Response.¹⁸²

Petitioner has also supplied the missing Durant Field Notes and the 1870 Annuity Roll pages, as well as Federal census records, requested by OFA.¹⁸³ The complete genealogical records of the membership, as compiled in the Family Tree Maker program, have also been submitted.¹⁸⁴

Criterion (f)

Criterion 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.

The predominant portion of the Grand River Bands of Ottawa Indians, Inc. is not enrolled in any other federally acknowledged American Indian tribe.¹⁸⁵

An examination of GRBOI membership files have identified only Tribal elder, Joe Genia, as having tribal background from outside Michigan. He is an enrolled member of the Sisseton Wahpeton Sioux Tribe of the Lake Traverse Reservation.¹⁸⁶

¹⁸¹ Grand River TA Letter, 26 January 2005, p. 25, para 4.

¹⁸² Grand River TA Letter, 26 January 2005, p. 25, para. 6, and p. 26, para. 2.

¹⁸³ Grand River TA Letter, 26 January 2005, p. 26, paras. 1, 4.

¹⁸⁴ See Appendix A, Grand River Family Tree and Methodology

¹⁸⁵ See Grand River TA Letter, 26 January 2005, p. 27, para 3.

¹⁸⁶ Tribal Certification Letter, Joseph Charles Genia and Genia Family Tree, April 30, 1980, GRBOI Files.

As requested by OFA, all enrollment applications have been completed. Tribal Rolls have been closed, by Resolution of the Tribal Council.

Criterion (g)

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

The Grand River Bands of Ottawa Indians have never been the subject of congressional legislation that has expressly terminated or forbidden a Federal relationship.

IV. Summary and Conclusion

The Grand River Bands of Ottawa Indians, Inc. have acknowledged the concerns raised in the Grand River TA Letter, dated January 26, 2005. At the suggestion of OFA, Petitioner has analyzed its historical documentation, completed significant additional genealogical and historical research, and conducted dozens of Oral Histories. This process has further illuminated the “continuous existence” of the Grand River Bands community and political structures since 1875, and especially in the present day. The social and political life of the membership is still largely driven by the kin-based traditions of the Grand River Bands.

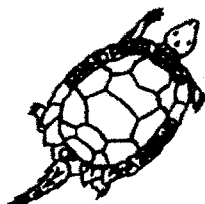
Today, geography and kinship groups determine the political processes of The Grand River Bands of Ottawa Indians, as it did our ancestors. Throughout much of our history, including our modern Tribal Council, members travel between geographic communities to continue social and political ties within the GRBOI. Leaders from each geographic community serve informally as representatives of their communities, or formally by serving on the Tribal Council. However, kinship is more relevant than

geography to our community, and most social and political news travels much faster through word of mouth.

Today, consistent with our history, the political power exerted between GRBOI leaders and members is subtle and informal. Social norms are not enforced formally, but are kin-based. While we have formal meetings and a newsletter, political influence happens primarily when leaders from each community are sought out for updates and input to bring back to the Tribal Council. We network most closely within our kinship groups, but these groups overlap, crossing rural and urban boundaries, and forming a broader community encompassing The Grand River Bands of Ottawa Indians, Inc. All of this continues the “history, culture, and social organization” of our ancestors.

The TA Response, documents the “continuous existence” summarized above, and establishes that the Grand River Bands of Ottawa Indians, Inc. satisfies the criteria for Federal acknowledgment contained in 25 CFR part 83.¹⁸⁷ Therefore, the Petitioner respectfully requests that the OFA take action returning the Grand River Bands of Ottawa Indians to the status of a federally recognized American Indian Tribe under 25 CFR part 83. In the event that the OFA finds the submitted materials insufficient to establish that the Grand River Bands of Ottawa Indians meet the criteria, it hereby requests additional technical assistance review pursuant to 25 CFR Section 83.10(c)(1).

¹⁸⁷ The Petitioner also relies on the comprehensive historical analysis contained in the attached Grand River Bands of Ottawa Indians Ethnohistorical Response to Office of Federal Acknowledgment Technical Assistance Report, dated January 26, 2005 (Ethnohistorical TA Report), to meet the criteria, particularly as applicable to the alternative analysis of continued existence since 1875, required by criteria 83.7(a) through (g).



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We the Tribal Council, the governing body of the Grand River Bands of Ottawa Indians, hereby certify that this document including supportive evidence, the ethno historical document prepared at our request by Dr. James McChurken is our official response to the Bureau of Indian Affairs Office of Federal Acknowledgment's Technical Assistance Letter, dated January 26, 2005.

Furthermore, we hereby certify that the accompanying Tribal Membership Roll is the official list of all known current members of the Grand River Bands of Ottawa Indians as of this 7th day of June 2006.

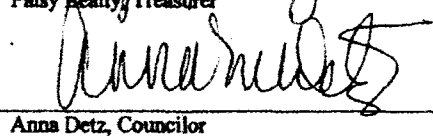

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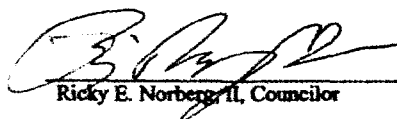

Patsy Beatty, Treasurer

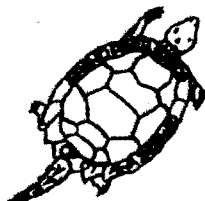

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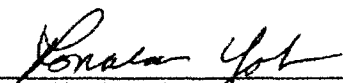
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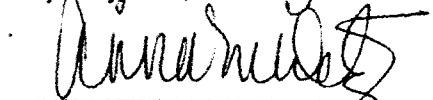

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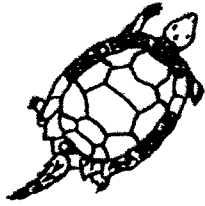

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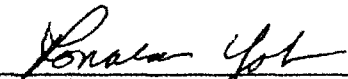
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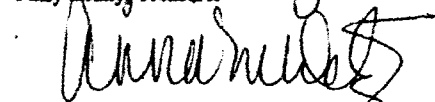

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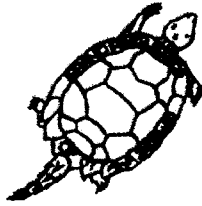

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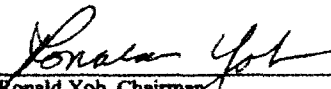
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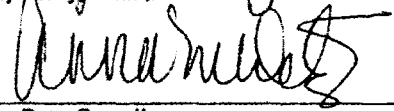

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