United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

26 JAN 2005

Mr. Ron Yob
P.O. Box 2937
Grand Rapids, Michigan 49501-2937

Dear Mr. Yob:

The Office of Federal Acknowledgment (OFA) has completed an initial review of the group known as the Grand River Bands of Ottawa Indians (Petitioner #146; GRB) petition pursuant to §83.10(c) of the Code of Federal Regulations (25 CFR 83.10(c)), *Procedures for Establishing that an American Indian Group Exists as an Indian Tribe.* On December 8, 2000, OFA received GRB's documented petition, which its governing body had certified on December 5, 2000. On October 11, 2004, GRB certified the same materials and a directory on 52 CD-ROMs, which OFA received on November 10, 2004.

This technical assistance (TA) review letter describes obvious deficiencies and significant omissions in the petition submissions. OFA had essentially completed this letter when GRB made its most recent submission. Thus, the scanned materials are not included in this TA, even though the petitioner may have cured some technical problems when preparing the documents and directory.

The regulations provide for TA reviews to make sure that decisions do not deny acknowledgment based solely on technical problems petitioners encounter producing a petition. During the acknowledgment process, the Department will determine a group's status based on its historical and genealogical merits. In response to this TA, petitioners may submit additional documentation and analysis that address the criteria and clarify materials in its submission, or request additional TA.

I. Unambiguous Previous Federal Acknowledgment

The initial review of the documentation and narratives that GRB submitted indicates that the Federal Government previously acknowledged the historical Grand River Bands of Ottawa Tribe by treaties in 1836 and 1855, and continued to acknowledge this tribe through annuities payments ending in 1875. GRB suggests that it represents a portion of that treaty tribe that removed to Oceana and Mason counties, Michigan, shortly after the last treaty signing in 1855. The current members of GRB claim to descend from that tribe. This evaluation finds that GRB is eligible to proceed under §83.8, which modifies the requirements of the acknowledgment criteria in §83.7 by reducing only the burden of evidence for some criteria.

Decisions concerning unambiguous previous Federal acknowledgment are two-pronged. First, a petitioner must show specific acts of recognition by the Federal Government. This action must also be unambiguous. The Government's treating with the historical GRB, removing it to new territory, and paying it annuities are such unambiguous acts. However, actions by a State government are not qualified acts. GRB's researcher cites other actions of individual agents, Congressmen, local election officials and others between 1875 and 1930, which are subject to varying interpretations, usually concerning whether the action involved an individual or a tribe. These acts are not unambiguous previous Federal acknowledgment.

Second, 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 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 §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 §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.

As evidence of unambiguous previous Federal acknowledgment after 1875, GRB cites Federal dealings concerning individual Indian lands, the creation of the Ottawa and Chippewa Roll by Horace Durant in 1910, activities to reorganize under the IRA from 1934 to 1939, BIA's provision of services and education to individuals practically to the present-day, and what GRB's researcher calls "de facto recognition" by agents "whenever the government had to deal with the Ottawas." Unambiguous previous Federal acknowledgment findings rejected other petitioners' arguments that these and similar activities demonstrated previous acknowledgment. A discussion of GRB's reasoning and evidence follows.

Specific Acts of Recognition by the Federal Government after 1875

1. Federal Dealings with Individual Indians about their Land: Federal Indian agents and commissioners repeatedly stated that Federal responsibility to certain Michigan tribes under certain treaties ended when treaty annuities were paid in 1875. The Government did not recognize the GRB after that date. Analysis of Federal policies clearly shows that Federal authorities did not create a GRB reservation and did not deal with individual Indian lands as trust properties. The language in some documents refers to a "reservation" in Mason and Oceana Counties. Individual Indians made selections from the reserved lands in question, which were not trust property, and they owned these properties outright. After Indian selections were made, land once reserved for Indians, opened to non-Indian homesteading. Non-Indians established farms and communities alongside the Indians. Indian owners sometimes sold their properties to non-Indians. Federal

actions concerning these lands pertained to individuals, not tribes, and therefore, are not unambiguous acts of previous Federal acknowledgment.

2. The Durant Roll: The 1910 Durant Roll did not constitute Federal acknowledgment of any Michigan tribe. Congress directed the Secretary to create a roll of Michigan Indians "entitled to participate in the funds arising from the judgment of the Court of Claims." Whether Indians named on this roll were members of tribes was immaterial; the central question was whether they or a direct ancestor received annuities in 1870. See *Burt Lake Proposed Finding*.

3. The Indian Reorganization Act: GRB claims that the 1934 Indian Reorganization Act (IRA) intended to recognize the GRB. The Act did not recognize specific entities; rather, it provided for a nation-wide process to reorganize tribes that already had Federal relationships and trust properties. "Landless" tribes or groups of individual descendants, or "half-bloods," could organize under the Act's provisions only after the Government purchased land and took it into trust for them. The Government did not arrange for the GRB to vote on whether to accept the IRA, did not buy land for a GRB entity, and did not classify its members' individually owned lands or homesteads as trust property.

Although the Government considered purchasing a reservation near Little Traverse and moving "half-blood" Indians to it, Congress did not appropriate funds for this purpose, and agents' discussions at the time indicated that the proposal would bring together Indians living in the northwestern part of the Lower Peninsula, not necessarily the GRB to the south. Contemporary BIA documents stated repeatedly that Ottawa bands on the Lower Peninsula were not recognized, even as agents and the Commissioner weighed the merits of reorganizing them. In 1939, the Agency dropped discussions about applying the IRA to Lower Peninsula Indians. Even the most positive interpretation of these documents and events can not identify specific acts that are unambiguous in acknowledging the GRB, as §83.8 requires.

4. Federal Services to Individual Indians: GRB maintains that by awarding various individual educational, health and other benefits almost to the present, and by accepting the computation of blood degrees by the Northern Michigan Ottawa Association (NMOA) to the late 1970's, the Government recognized the GRB as a tribal entity. In Michigan, such benefits were awarded to individual Indians, whether or not they were members of Indian tribes. The provision of benefits based on an individual's degree of Indian blood is not unambiguous recognition of an Indian entity. In any event, the NMOA is not the same entity as the petitioner, and the nature of the relationship between NMOA and GRB is ambiguous, requiring in-depth analysis beyond the scope of a TA letter.

5. "De facto recognition" by Agents: GRB writes that after 1870 to about 1910, whenever "the government had to deal with the Ottawas, . . . they inevitably gave de facto recognition to the continued existence of the bands by negotiating with authorized ogemuk, headmen, or band delegates." Specific evidence, however, for GRB is lacking. The examples are very general and often refer to the Ottawa in general and not to specific, named Grand River bands. For example, the 1886 Stevens quote about the Indians holding elections refers to "Indians of Michigan," not to

a specific GRB entity or entities which evolved into the current petitioner. Such overly general statements are ambiguous, do not identify the specific entity, and do not name specific leaders or councils.

Petitioner's Evolution from the Historical GRB Tribe

The second part of determining if a petitioner can proceed under §83.8 is to determine if the petitioner is the previously acknowledged tribe or a portion that evolved from it. The threshold test is to show that GRB's membership descends from the previously acknowledged tribe. GRB maintains that it evolved from a portion of the historical Grand River treaty tribe that removed to Oceana and Mason counties shortly after the treaty of 1855. Preliminary evaluation indicates that GRB most likely descends from this portion of the treaty tribe. However, if later evaluation of the evidence finds that GRB's members do not descend from a distinct portion of the Grand River treaty tribe which evolved as an entity from that historical tribe, then they may not meet the threshold test of descent.

Since GRB members appear to meet the descent threshold, the petitioner must also present evidence of continuous existence. GRB refers to evolution of the bands into a single GRB, but does not describe specific processes of this evolution. If GRB is a grouping of Grand River descendants without common history between 1870 and modern times, this provisional finding may change. See *Chinook Reconsidered Final Determination*. The actual merits of GRB's claim about continuous existence will be evaluated during the active consideration phase.

These conclusions only make a preliminary determination about unambiguous previous Federal acknowledgment under 25 CFR 83. Acknowledgment decisions do not reach conclusions concerning successorship-in-interest to a particular treaty or the petitioner's rights or eligibility for services.

The GRB petitioner is eligible to be evaluated under the provisions of §83.8 of the regulations because of the possible unambiguous previous Federal acknowledgement as late as 1875. We have tried to make this preliminary determination on unambiguous previous Federal acknowledgment as complete as possible. However, this finding is provisional only. GRB and third parties may comment on it, and the proposed finding or final determination may revise conclusions reached here.

II. General Comments about the Petition

The GRB's submission consists of seven boxes of documents, including two narratives, the *Grand River Bands of Ottawa Indians: History, Society, and Culture, 1615-1990* by James M. McClurken, dated November 14, 2000, and *Grand River Bands of Ottawa Indians Petition for Federal Acknowledgment* by Michigan Indian Legal Services (MILS), dated December 7, 2000.

The documents with the McClurken report are in 715 file folders. The documents with the MILS report are in 520 folders. GRB submitted three copies of these materials.

Our review found significant omissions in the petition in meeting §83.8(d)(1) through (3) and the petitioner may want to follow a strategy described in §83.8(d)(5) and demonstrate it meets the criteria at §83.7 (a) through (g). However, even following the alternate plan, our review finds omissions in the petition in criteria 83.7 (a), (b), (c), and (e). GRB must also submit an adequate membership roll, which includes maiden names. We also recommend that GRB supplement the petition with complete genealogies.

In addition, we recommend that GRB reviews sections 83.7 and 83.8 and directs additional research toward providing evidence to demonstrate that GRB meets either section, particularly in the last 30 to 50 years and at present. To see how evidence for meeting the criteria, much of it similar to that submitted by GRB, was handled and evaluated, see *Burt Lake Proposed Finding*.

General Technical Problems with the Form of the Submission

1. Bibliographic and Presentation Problems: The GRB petition has technical problems with the bibliographic materials. Many photocopies of documents cited in the narratives are illegible, copies of newspaper articles are partially cut-off, and citations are unclear. For example, an article entitled "Foredoomed to Failure: The Manistee Indian Station," from the periodical *Michigan History*, Spring 1969, [?] Vol. LIII, No. 1, does not include its first page or author's name. Please present documentation and analysis so that someone, unfamiliar with it, can read it, understand its relevance, and locate the original document.

The Official Guidelines advise petitioners to put citations on each document's face, not its back, so that citations can not be separated from documents. GRB has placed labels on file folders and enclosed documents in each file. This method led to problems. A document cited as "216 NAM M234 R.410:667-669 January 25, 1872" was misfiled. Beginning with #217, each file contains the document for the next higher numbered file until # 257, which is empty. Thus, the documents located in file #217 are separated from their bibliographic citation affixed to file #218, and so on. These mistakes must be fixed before creating the "FAIR" data base. OFA staff discussed this problem with GRB's researchers.

Another bibliographic problem is that copies of documents are sometimes separated from related materials and identifying cover sheets. Researchers have taken apart notebooks or collections and placed individual pages in separate folders, losing context and attributions. For example, a document entitled "*My Notes*" has no identification on it, but on the recently created file label appears the name "Chandler" and date, "June 24, 1965." Chandler's identity and its context are unexplained.

We noted some other specific problems in GRB's submission. First, the letter of Robert Dominic to Arthur B. Honnold, Attorney, dated May 26, 1952, is illegible and should be replaced with a

legible copy. Second, page two from the photocopy of a Stenographer's notebook dated August 23, 1958 (which may explain the purpose of the list) is illegible and GRB should submit a legible copy. Three, another file (#504) labeled "GRB-Battice, Envelope 4 March 4, 1970 News Clippings," contains two pages of photocopies. The first page is an article from March 4, 1970 concerning an Indian Census. The second page is described as the first of a "four-part series on the plight of Indians in the West State area." The second page does not seem to continue the first page, even though it does appear to date around the same period. Four, file #626 "Petoskey News Review" July 3, 1978, appears incomplete and has no citation on the documentation itself, which also bears little if any relevance to the Grand River Ottawa Band's history. Some footnotes, including ##548, 648, 669 and perhaps others, in the MILS document appear to be incomplete. And finally, some documents are misidentified, and appear to have originated in other offices within the Bureau of Indian Affairs (BIA). Please check and correct these citations.

2. Relevance of Submitted Evidence: Articles which are in the unnumbered files are sometimes overly general or about another group. Other documents such as the *Handbook of North American Indians*, and books by James Clifton, James Axtell, and others are a basic part of the academic literature on Michigan or North American Indians, and have only the most general relevance to GRB. Other materials, such as Wallace's book on the Seneca and Leacock's and Lee's *Politics and History in Band Societies,* are theoretical and can not speak directly to GRB history by naming individuals who are ancestors of GRB's current members or describing the specific portion of the historical tribe which evolved into the GRB petitioner.

Other articles deal with named individuals and specific events, but have no apparent connection to GRB. For example a January 9, 1990, *Detroit Free Press* article about Hannahville School pertains to a recognized Indian Tribe. The two pages GRB submitted from James Clifton's 1989 book, *The Pokagons, 1683-1983*, and *A Place of Refuge for All Time: Migration of the American Potawatomi into Upper Canada 1830 to 1850,* pertain to Potawatomi groups, and not to GRB. Another article discusses a school in Harbor Springs. The petition includes materials about the Chippewa and Rev. Frederick Baraga and selected pages from Andrew J. Blackbird's book on the Ottawa and Chippewa. If these and similar documents contain information of relevance to GRB's meeting the criteria, it is not apparent.

Submissions concerning the federally recognized Little River Band of Ottawa Indians in Muskegon and Manistee, Little Traverse Bay Bands of Odawa Indians in Emmet County, and Grand Traverse Band of Ottawa and Chippewa Indians in Leelanau and Grand Traverse Counties, do not seem to relate to your group. More than half of the McClurken narrative deals with the years before 1875. Because your members descend from an 1855 treaty tribe recognized as late as 1875, the activities and movements of the Ottawa before 1855, are generally not pertinent to demonstrating that your group meets the criteria.

It appears that GRB has sent only one or two copied pages from several rare and difficult-to-obtain local histories and similar documents. OFA may locate such local materials in Washington D.C.; however, materials published in Canada are rarely found in Washington libraries and may be difficult for OFA to obtain. If GRB is unsure how much of each document to photocopy, it should

err by copying too many pages in addition to the title pages, especially if the material deals specifically with GRB's named ancestors and specific bands from which it descends.

3. Oral Histories: The oral histories in GRB's submission are often incomplete. For example, the October 16, 1975, oral history with Isaac Battice and Bea Bailey is missing pages 3 to 6. The September 18, 1975, transcript of an interview with Mitch Battice and Bea Bailey is missing pages 6 to 11, and 13 to 14, and the September18, 1975, interview transcript is missing two pages. It appears that the October 15, 1975, interview with Jim Coon and Bea Bailey is missing pages 2 to 5, and probably several additional pages. Eliza Campeau's August 21, 1975, interview is missing pages. The 3-page, July 24, 1991, interview with Margaret Chandler seems incomplete. The discussion with Henry Lewis on August 15, 1995, is missing pages 2 to 16, 27, and 36 to 61. Please submit oral histories in their entirety.

We advise GRB to undertake more oral histories and focus on what individuals experienced during their own lifetimes and recent years. Gather information about social and political events since 1950, including descriptions of disputes and diverse views of what happened concerning bingo, claims distribution, the Shattenberger land sale, pow wow concessions, leaders' backgrounds, or other issues, to understand the formal and informal ways that conflicts were dealt with and decisions made by the group. GRB should also attempt to collect names, places, and dates in the interviews. Specific data allow a group to describe events surrounding topical issues and locate individuals to corroborate and give differing perspectives on them.

Please interview people of different ages and backgrounds about interactions, group participation, leaders and changes in leaders, disputes, conflict resolution, social connections, migration, and other topics relating to their social and political life. Discussing medicinal plants, Indian names, or songs without social and political context is not useful, in itself, for demonstrating that a group meets the criteria. Maura Brennan's phone interviews in 2000 dealt with appropriate subjects and raised topics important in recent years. We advise taping follow-up interviews with the same people. Also, interview disgruntled participants in activities. Evidence from 1970 to the present appears thin, and oral histories may prove critical to showing GRB meets the criteria.

General Significance and Relevance of Documents in Demonstrating Continuous Existence

If GRB determines that the materials submitted are not enough to meet the evidentiary requirements of petitioners utilizing §83.8(d)(1) through (3), then GRB's best strategy may be to meet the criteria listed at §83.7(a) through (c), as provided in §83.8(d)(5). Most of the following comments apply to criteria (a) through (c).

The petition does not adequately track the evolving GRB entity through time, causing analytical problems and confusion. As an apparent result, the petition and accompanying documents name many leaders and entities, some seemingly unrelated to each other or to GRB.

1. Indian Descendants vs. Indian Tribes: The Department distinguishes between Indian descendants and Indian tribes. Many Indian descendants have not maintained tribal connections since their distant ancestors left or were separated from their tribe. The regulations do not allow acknowledgment of re-formed groups of Indian descendants who come together after several generations apart and want to re-establish a sovereign Indian tribe. After a historical tribe's activities lapse and the tribe falls from public notice, the Secretary has no authority to re-create a tribe. The requirement of "continuous existence of the tribal entity" is the foundation of the acknowledgment regulations, and must be demonstrated under sections §§ 83.7 or 83.8.

2. The Differences between Evidence for Criterion (a) and for Criteria (b) and (c): GRB tends to focus predominantly on how government entities dealt with various groups, some associated with GRB, under criterion 83.7(a). For criteria 83.7(b) and (c), GRB needs to reconstruct how its members deal with one another, not governments, at present and in the past. The compositions of the groups referred to in the submitted materials are often unknown and may not include the petitioner's ancestors, and so can not meaningfully describe GRB's social and political activities, especially in recent years.

The kinds of records which others have found especially useful in demonstrating continuous existence under 83.7 (b) and (c) include: vital and church records that show the ancestors marrying one another, witnessing for each other, burying one another, and so forth; land records that show them living near to one another, buying and inheriting land from each other, migrating to new locations; group records such as meeting minutes, newsletters, correspondence files, rolls and enrollment records, address lists, sign-in sheets, condolence books, and other records which would show them acting together; Federal and State censuses; newspaper articles and other publications which discuss their activities; captioned photographs naming them doing things together; and transcripts, videos or tape recordings of oral histories and reminiscences which discuss their activities. These kinds of records allow researchers to reconstruct on paper the group's composition, location, specific activities, social processes, families, and subgroups over time. Although GRB's petition materials include these kinds of records, the submission and narratives focus on Federal documents before 1900 and on recent documents from organizations which are not the petitioner. It does not analyze and combine data from a variety of sources to create a description of GRB's society and polity as it changed and evolved over time.

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

It is important that you review the Federal acknowledgment criteria 25 CFR 83.7 (a) through (g) carefully and direct additional research toward providing the evidence that will demonstrate that GRB meets each criterion. Below is a discussion of the specific criteria.

Criterion (a)

> **Criterion 83.7 (a): External Identification of the Group as an American Indian Entity on a Substantially Continuous Basis since 1900, or 83.8(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 § 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.**

In GRB's case, this criterion requires demonstration of the *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 entity since the *last point of previous acknowledgment* in 1875. This modified requirement under 83.8(d)(1) is intentionally more demanding than 83.7(a), which requires identification only from 1900, to compensate for the reduced requirements of criteria 83.7(b) as modified by 83.8(d)(2) and 83.7(c) as modified by 83.8(d)(3). The criterion is intended to exclude from acknowledgment those entities which have only been identified as being Indian in recent times or those whose "Indian identity" is based solely on self-identification.

The test for meeting 83.7(a) as modified by 83.8(d) (1) 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." Identifications like those referring to "Indians of Oceana and Mason Counties," or "Indians of my constituency," do not meet this criterion because they may refer only to individuals. Finally, the identification must be of an entity or a portion of it which evolved into the petitioner. Thus, some of the identifications, such as "Flat River Band" and "Unit #4" of NMOA, may not refer to an entity which evolved to become the current petitioner.

Before 1875, Federal authorities referred often to the Grand River Bands and sometimes named the component bands individually. But after 1875, outside identifications appear infrequently in the petition documents. Nineteenth century petitions and other historical lists signed by group members will most likely allow specific analysis of historical group membership and perhaps leadership. Such documents are valuable in showing individuals acting together for political purposes. However, petitions on which signers identify themselves as either an Indian entity or as chiefs are not identifications of Indian entities or leaders under 83.7(a) or 83.8(d)(3), even when certified by translators, attorneys, and witnesses who are not group members. A news story on

December 5, 1918, in *The Traverse City Record Eagle* newspaper, reported that Cobmoosa "spoke to Indians at Elbridge. . . there addressing the Grand River Band." This article identified a band and described an event at Elbridge, a town associated with the Petitioner. Thus, it may identify the GRB petitioner or a portion of it. Identifications fell off after 1918 until the late 1930's, when Federal agents on at least two occasions referred to an Ottawa band associated with Enos Pego in Oceana and Mason Counties. The submission contains no identifications dating to the 1940's.

Many documents contain identifications which probably are not of a GRB entity because they are too general or they apply to other organizations. For example, a March 17, 1936, article entitled "Red Men Called to Meetings of Big Importance" in *The Traverse City Record Eagle* refers to the "Indian populace," "Indians in Michigan," the "Michigan Indian Defense Association," which apparently has representatives from "counties of Leelanau, Grand Traverse, Benzie and Antrim." It is unlikely that these descriptive phrases refer to organizations synonymous with GRB, although individuals associated with GRB may have been active participants. The July 22 and July 10, 1927, articles concerning a non-Indian organization's erection of a memorial to Chief Cabmoosa make ambiguous identifications. GRB's TA response should clarify who are the "members . . . of the Ottawa and Negakee Tribes," a phrase used in the July 22nd article, by doing background analysis to determine if the "Negakee Tribe" is the same as the GRB petitioner, or only an extended family within the GRB, and if "Ottawa...Tribe" referred to an entity larger than the petitioner. Later newspaper articles which discuss NMOA or a regional unit of it in the *Grand Rapids Herald* on August 27, 1959, and the *Grand Rapids Press* on June 13, 1948, are probably not identifications of the GRB petitioner. The petitioner's analysis seems to confuse identification of GRB with identifications of other Indian organizations to which some GRB descendants belong.

In the 1950's, NMOA leader Robert Dominic began to refer to a "Grand River Band," which may be a claims organization. Sporadic, rare, and ambiguous identifications of a Grand River entity appear from 1970 to 1992. Only in the mid-1990's does it seem that consistent identifications of the GRB occur in a variety of sources produced by State and local governments, Indian tribes, other petitioners, newspapers, and other publications. Thus, identifications in several periods from 1870 to 1950 and 1970 to 1994 may be rare, sporadic or completely lacking. Identifications by NMOA officials from 1950 to 1970 call for further analysis.

The proposed finding will determine if any of the identifications referred to the GRB petitioner, a claims organization, which was made up of all descendants of a treaty tribe, or another organization. GRB may find it useful to chart year-by-year which identifications it believes meet §83.7(a) in the response to this TA. In addition to the year the document was produced, the chart may name the outside authority, the word(s) indicating an entity, your reasoning as to why this particular entity evolved into the petitioner, and other indications that the evidence meets criterion 83.7(a).

As a general comment, the GRB submitted documents containing numerous identifications, but it is unclear if you meant for these identifications to be evaluated under criterion 83.7(a). They identify Indian entities other than GRB, including Little Traverse, Grand Traverse, the Cheboygan Band, Sault Ste Marie, the Flat River Band, pan-Indian associations, Ottawa claims organizations,

families, such as the "Negake tribe," categories based on residence, such as "the Ottawas in this region" and "Indians in my District", non-profit social service agencies, Grand Rapids and Muskegon Indian Centers, the Michigan Council on Indian Affairs (MCIA), the Michigan Indian Organization (MIO), Greensky Hill Indian camp meeting, Michigan Indian Defense Association (MIDA), Grand River Bands Non-Profit Housing Corporation, Grand Rapids Inter-Tribal Council, the Grand Valley American Indian Lodge, NMOA, Woodland Indian Association, Native Americans United, Thornapple Band, Indian Enterprises, Grand Valley American Indian Lodge, the Ottawa and Chippewa Descendants Group, Grand River Band of Ottawa Nations, Inc., Oceana County Inter-Tribal Council, Native Americans United, the Indian Advisory Committee, Michigan Takakwitha Conference, Urban Indian centers or other entities. It seems unlikely that all of these entities are synonymous with the "same tribal entity that was previously acknowledged," or a portion of it that evolved into the petitioner as required at 83.8(d)(1). The above identifications are of organizations, which may have members who were descendants of the historical tribe and/or GRB members. It is unlikely that all of these entities were either GRB or a portion of it that evolved into the petitioner.

Also, identifications of some of GRB's members as Indians do not identify a tribal entity. For example, a Michigan congressman writing to an individual constituent referred to "the Indians of my district." This phrase, which merely refers to Indian individuals residing in a specific area, probably does not refer to a GRB entity. Similar correspondence to Cornelius Bailey from Federal sources treats him as an individual, although one letter refers to "you and your friends," which is not an identification of an entity. Correspondence to individuals and even entities from Federal officials does not on its face constitute Federal recognition. Identification and recognition are different concepts. The latter is not required under criterion §83.7(a) as modified by §83.8(d) (1).

The petition describes how the State accepted certifications of GRB blood degrees from MIDA to certify participants in the Michigan Indian Higher Education Tuition Waiver Program. Blood quanta, based on the existence of a historical tribal entity (*eg.* descendancy rolls) do not identify an existing entity. Persons who do not belong to a tribal entity may even hold BIA papers certifying their Indian blood degree. The BIA sometimes prepared such papers for individuals who were not members of Federal tribes, but were eligible to receive services based on their "degree of Indian blood" under the IRA.

Recent newspaper articles on historical sites are not identifications of the petitioner's entity when the article was written. A document discussing historical cemeteries, such as Pamela Dobson's 1978 identification of a GRB entity in 1900 would not be evidence under criterion 83.7(a), either in the year of the document or in the year referred to by the document. Documentary evidence under §83.7(a) or §83.8(d)(1) should identify an entity roughly contemporary with its publication.

Under criterion 83.7(a), outsiders of the group must make the identification. If Larry Romanelli is a member of the "Grand River Ottawa tribe," as he states in an article he authored himself, then his identification may not be accepted under criterion 83.7(a). But, Romanelli does not appear on the GRB membership applications lists, and he may be identifying another Grand River entity, not GRB.

Several documents from the last 10 years identify a Grand River Ottawa council or band. For example, Mark Dougher's letter to Joe Genia dated March 9, 1993, identified a Grand River Ottawa Council. Resolution 07119902 of the Little Traverse Bay Bands of Odawa Indians dated July 11, 1999, apparently identified the petitioner. The petitioner submitted many recent documents, which seem to identify a GRB entity.

Documents relied on by other petitioners vary, depending on the history of their groups and the availability of documentation. Documents which you have not cited, but may want to consult include the following: obituaries, to see if they identify individuals as members of a contemporary Grand River Bands entity (not merely a descendant of the Grand River Ottawa,) records of businesses located in Oceana and Mason counties, police and State trooper records concerning visits and relations with an Indian community, local histories, memoirs of non-Indian residents or visitors to the counties, and local school records.

Outside identifications of a GRB entity in the submitted materials appear sporadic or ambiguous after 1875 and before 1994. Although you have submitted evidence which would allow an evaluation of your petition under criterion 83.7(a), we hope that these recommendations help GRB strengthen its petition under this criterion. At this time, the materials GRB has submitted are adequate to make an evaluation of GRB under criterion 83.7(a).

Criterion (b)

> **Criterion 83.7(b): A Predominant Portion of the Petitioning Group Comprises a Distinct Community and Has Existed as a Community from Historical Times Until the Present.**

As modified by

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

Criterion 83.7(b) requires a petitioner to show that it has maintained social community from historical times until the present, but the modifications at 83.8(d)(2) for previously acknowledged petitioners reduces the burden of evidence significantly. Such petitioners only need to meet criterion 83.7(a) at present. Past decisions have interpreted "at present" to cover approximately ten years leading to the establishment of a modern organization to the time of the evaluation of the petition, in GRB's case approximately 1984 to 2004. GRB will be given an opportunity to update the petition materials in its response to this TA and immediately before OFA begins active consideration.

The materials GRB has submitted are barely adequate for the AS-IA to make an evaluation under criterion 83.7(b), as modified by §83.8(d)(2). There are many ways that the petition could be strengthened under this criterion. Most obviously, the petition documents rarely discuss GRB's composition or social activities and processes in the present-day. All petitioners, whether proceeding under §§83.7 or 83.8, must demonstrate that they meet §83.7(b) at present, and we strongly recommend that you strengthen the petition materials concerning GRB's activities in recent years. See *Miami, Mohegan, and Match-e-be-nash-she-wish Band of Pottawatomi Proposed Findings and Final Determinations.*

Evidence in the submission dealing with social interaction in the past may be somewhat useful for demonstrating criterion 83.7(b), if the available evidence does not meet the standards of evidence set in sections 83.8(d)(3), and GRB falls back on demonstrating that it meets §83.7(b), as provided at §83.8(d)(5). Additionally, if GRB does not locate evidence to meet §83.8(d)(3) and, as a result, must demonstrate §83.7(c), then carryover from §§83.7(b) to 83.7(c), as provided at §83.7(c)(3), may apply during some periods when the Grand River Band Indians may have been living in village-like communities, speaking Ottawa dialects, marrying within their community, and so forth.

Also, §83.7(c)(iv) allows petitioners to use a demonstration of §83.7(b) as corroborating evidence for §83.7(c) during periods when evidence for criterion 83.7(b) is "more than minimal." To illustrate how previously acknowledged petitioners were able to use evidence described in §83.7 (b) to meet criterion 83.7(b) and also provide corroborating evidence to meet criterion 83.7(c) in some periods, see *Chinook Final Determination and Burt Lake Proposed Finding.*

Even though GRB was most likely previously acknowledged and is now only required to demonstrate §83.8(d)(2), community at present, evidence demonstrating community from earlier periods may be the best strategy available to GRB if it is unable to demonstrate §83.8(d)(3). Based on the above points, this TA will discuss meeting criteria 83.7(b) in the past and present because it is possible that a demonstration of criteria 83.7(b) since 1875 will be required.

1. Historical Composition of GRB and its Evolution Through Time: The petition is lacking clarity in describing GRB's changing composition as it evolved from 1875 to the present. It appears that the petitioner may trace to only a portion of the treaty tribe. Evidence about Cobmoosa, a man documented in the 19th century as chief of the Flat River Band, and other materials show that GRB members may descend from several bands, while other treaty bands are not represented in the current membership. GRB's response to this TA should deal with this topic in depth.

The GRB may be able to show high levels (more than 50 percent) of marriage among members, of Ottawa language use, and of residence in exclusive areas before 1900 and later, as provided at §83.7(b) (2). But, lack of clarity about GRB's boundaries and composition over time may make it impossible to compute the percentage of members who are involved in specific social phenomena. Determining rates of marriage among group members requires an accounting of membership, which is independent of marriage, the variable that is to be measured. Determining rates of members residing in a geographical area similarly requires an accounting of membership that is

independent of residence. Thus, researchers must attempt to define clearly GRB's composition through time. However, because most groups, including those maintaining community, did not maintain membership lists continuously, other evidence must be cross-referenced and combined to approximate a group's composition in the past. Reconstruction of past composition often relies on a variety of evidence. Do not create an artificial historical membership based on the invalid assumption that ancestors of current members represent an actual community.

2. Oral History: Oral history is often critical evidence for demonstrating criterion 83.7(b). The Department accepts oral accounts as evidence, but requires primary and secondary source documents to corroborate it and places greater weight on eye-witness accounts than on oral history. You submitted transcripts of interviews from the 1970's and Maura Brennan's notes from recent phone conversations with members. The interviews in the mid-1970's were probably collected for the bi-centennial, not for purposes of acknowledgment. They focus on older individuals' memories of their own youths or their parents' stories. Their use is limited in providing evidence for acknowledgment, because they contain "hear-say," not eye-witness, accounts and focus on cultural, not social and political, topics.

GRB's documentary evidence rarely supports the oral histories from recent years. For example, Joe Genia told Brennan that since 1930, GRB has held a spring "celebration" at an unnamed cemetery, but the narrative does not discuss it, name those attending, describe its organization, or provide supporting documentation, such as letters, diary entries, captioned photographs, and newspaper articles. Genia also told Brennen that five families attended Ghost Suppers at his home and that other GRB families held such suppers. But, documentary evidence about recent Ghost Suppers only deals with a school celebration in honor of elders from various tribes and groups. This event was organized by individuals as school employees or volunteers, not as GRB members.

These Ghost Suppers in homes could provide evidence under criterion 83.7(b) if documents and oral histories show that GRB members from diverse family lines, not a single family, attended. The petition narrative states that many GRB members travel to Muskegon, Hart, Grand Rapids, and Elbridge to attend suppers, but then describes them as "family gatherings." Analysis of the sign-in sheets from the Battice's suppers may show that various families attended. By cross-referencing sign-in sheets, captioned photographs, and other evidence, researchers may be able to reconstruct attendance at events. Analyses showing that interaction took place among distantly or un-related GRB families at Ghost Suppers would provide critical evidence for §83.7(b) and §83.8(d)(2).

3. Lists and Rolls: Earlier lists and rolls are often helpful in defining the composition of the historical community. Such lists may not be official rolls. Sign-in sheets, guest lists, condolence books, photographs, mailing lists and other types of documents can sometimes be used to determine a group's historical composition. For example, a survey was done in April 1999. According to notations, 679 surveys were mailed, 48 were returned "address unknown," leaving 631. Some 249 returned the survey and 382 others left it unanswered, for a 39 percent response rate. How was this list compiled and who responded? The list and the respondents' list may provide a way to gauge whom you considered to be the group at this point. Elsewhere, there

appears a reference to a sign-in sheet from a July 19, 1999, council meeting, but the list was not submitted. Signed petitions in post-treaty times are also important for describing the group's historical composition.

4. Rural-Urban Relationship: 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. Showing relationships between GRB populations in traditional rural areas and in Michigan cities is necessary to demonstrate that a predominant proportion of the membership participates in the petitioner's community, as §83.7 requires. Cross-referencing various kinds of evidence allows researchers to construct on paper where GRB members are living and who associates with whom, particularly for urban and rural residents. For example, the petitioner submitted photocopies of the Batisse's and the Pego's scrapbooks containing obituaries, news articles and funeral programs. Analysis of them may show who interacted with these families, and if persons living far from them returned for special occasions. Life stories collected in oral histories often show individuals' movements during their lives. Their movements should be tied to a comprehensive picture of a GRB social network which would include, for example, how the Batisse's and Pego's social networks overlapped, if they did.

5. "Indian" or Traditional Culture: Activities which you may view as culturally "Indian," including dancing, crafts-making, and pow-wows, in themselves, do not demonstrate criterion 83.7 (b) as modified by 83.8(d)(2). But when such cultural activity is shared and organized, either formally or informally by the GRB, it does provide evidence for criterion 83.7(b). It is unclear if recent activities such as Ron Yob's work in the Grand Rapids public schools were organized by an individual GRB member or the petitioner. When an individual teaches or represents "traditional" culture in a museum, school, parade, or other public venue, it does not, in itself, provide evidence of GRB members working or socializing together as a group. See *Mohegan, Chinook, and Miami Final Determinations*.

Using evidence of a distinct kinship system, Ottawa language, traditional cuisine, dress, and other cultural traits to demonstrate criterion 83.7(b) depends on describing underlying social processes. Precedent requires petitioners to show not only how cultural activity encompasses the petitioner's community, but also that it is more than a symbolic celebration of heritage. For example, evidence that a man and his son trapped fur-bearing animals by canoe is not, in itself, evidence under §83.7(b), unless other evidence shows that fur-trapping and canoes were embedded in a group's society. Members building canoes together, trapping on lines assigned to them by the group or the group's leaders, sharing equipment, putting on celebrations marking trapping season's end, eating special cuisine, or following a shared repertory of religious taboos to ensure success would provide such evidence. The cultural content of activities may not even be "traditional." For example, the group's members may use aluminum canoes bought on-line, work as a group with State officials to divvy-up territories, return home in snow mobiles and pickup trucks to celebrate Christmas, call other group members using cell phones, and pray at a Catholic Mass before the season opens. These activities, undertaken by Indian people in a distinct community, are valuable evidence for

criterion 83.7(b), whether or not the culture is either traditional or heavily influenced by other cultures and modern technology.

6. Kateri Circles and Other Organizations with GRB Members: The submissions include materials from several Kateri Circles. Kateri Circles are part of a pan-Indian Catholic organization, rather than a social entity within the petitioner or sponsored by it. The regulations at §83.1 require that petitioners be socially distinct, unlike pan-Indian organizations. Kateri Circles may provide a place for some GRB members to meet and talk, and thus, may enhance communication among members. Similarly, groups of Indian veterans, activists, dancers, or others with common interests may provide meeting places for some of a petitioner's members, but they probably do not show that the petitioner is a distinct organization.

7. Discrimination: Using evidence of ethnic discrimination requires that it be institutional discrimination based on a person's association with GRB. Evidence in the petition clearly shows such discrimination in the 19th century. Segregation or differential treatment in social accommodations, bars, restaurants, schools, neighborhoods, churches, and voting show that outsiders drew boundaries around a distinct social community, thereby enforcing separate societies by discouraging assimilation. More subtle forms of discrimination on an individual basis have not been accepted as evidence in past decisions. See *United Houma Proposed Finding; and Miami and Chinook Final Determinations*.

8. Summary for Criterion 83.7(b): The evidence provided before 1970 is adequate in most ways to evaluate GRB under criterion 83.7(b). However, because GRB's evidence for community between 1970 and the present-day is weak and appears incomplete, describing the group's composition and social interaction during recent years would be difficult at best. Although GRB has submitted evidence which would allow an evaluation of its petition under criterion 83.7(b), we strongly encourage GRB to follow the recommendations to strengthen its petition's evidence by undertaking follow-up and intensive oral histories on social interaction; by analyzing social patterns and informal networks to show interaction across family lines and between rural and urban members; and by using various lists, photographs, and other documents to reconstruct over time the group's composition, sub-groups, participation patterns in various activities, and boundaries.

Criterion (c)

> **Criterion 83.7(c) 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)(3) The group meets the requirements of the criterion in § 83.7(c) to demonstrate that political influence or authority is**

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

1. Section 83.8(d)(3): Section 83.8(d)(3) requires that authoritative external sources identify the petitioner's leaders or governing body after 1875. Activities may show clearly that a person is a group's leader so that the evidence satisfies § 83.7(c), but under 83.8(d)(3), knowledgeable outsiders, such as government agents, school teachers, or researchers, must name a leader or council. Statements like "certain headmen continued to exercise local political authority within their GRB communities," are too general because they neither name leaders and groups nor describe actual events. Specific evidence, analysis, and narrative relating directly to the petitioner would strengthen the petition.

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. Documents noting that local headmen worked with Cabmoosa imply the existence of a possible hierarchy of headmen and chiefs. Women also exerted authority in some areas of life.

It is not enough to assert that an identified individual is a leader under §83.8(d)(3). Influence and political authority must be demonstrated by at least one other form of evidence described in §83.7(c). Identified leaders must actually influence followers and *vice versa*. Unlike leaders in name only, real leaders actualize their authority by influencing the group's members. Leaders in name only rarely consult with the membership as a whole, which, in turn, shows little if any opinion about the purported leaders' activities. Real leaders not only communicate with and listen to followers, who care about significant issues because they affect their lives in important ways, but also exert real influence on decision-making and members' behaviors.

Almost none of the documents submitted in the GRB petition appear to contain identifications of GRB leaders. Even when documents between 1917 and 1935 identify leaders, those named do not seem to lead a GRB entity. Rather, they appear to be leaders of other Ottawa communities. On October 30, 1935, Commissioner John Collier named "Cobmoosa, Pego and Peshawby" as "Ottawa spokesmen" at Grand River, which further analysis may find referred to GRB. But most documents from the same period identify leaders of pan-Ottawa groupings or of bands which were not GRB. For example, Agent Peru Farver identified George Antoine as "Secretary of the Ottawa Band of Grand Traverse Region," not the GRB. In 1939, Agent John Holst denied Pego's

leadership. Little Traverse native Robert Dominic in 1950 dealt with Cornelius Bailey, but it is ambiguous whether he viewed Bailey as a leader of a GRB entity, GRB claims organization or unit of NMOA, which represented all Ottawa descendants of the 1855 treaty. After 1950, newspapers items sporadically identified leaders, but past decisions have not accepted these articles as authoritative.

Even though an evaluation can be made using the submitted materials, there are many ways you could strengthen the petition to meet §83.7(c) as modified by 83.8(d)(3). GRB may also consider the option at 83.8(d)(5) to meet 83.7(c) without modification. The following will discuss the GRB case for 83.7(c) in the past and at present. The following discussion of §83.7(c), unmodified by 83.8(d)(3), makes numerous suggestions of evidence which may be relevant to GRB's case.

2. Section 83.7(c), Unmodified by 83.8(d)(3): Criterion 83.7(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 after1875. 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.

For many petitioners, political processes become most apparent during changes in leadership. Describing specific instances of succession often reveals important political processes. Be sure to give specific examples when describing how members emerge as leaders, and then how they exercised their authority over the membership. The events surrounding the death and replacement of leaders may also reveal lines of authority, factions, issues important to the general membership, and other characteristics of GRB's political processes, but general assertions without detailed evidence to support them are not particularly useful. Situational analysis of petitioners' responses to important issues, including succession, can reveal political processes. See *Muwekma and Burt Lake Proposed Findings.*

The petition makes unsubstantiated claims. For example, an ANA proposal claims that, "We petitioned to reorganize under the BIA [*sic*; should probably read IRA] in 1935," and John Collier visited "with our leaders at Grand Rapids, Michigan and assured them that the Grand Rapids Bands of Ottawa Indians were eligible for reorganization." However, GRB submitted no IRA petition. GRB claims that Sampson Robinson worked in the 1920's to further Ottawa interests, but the evidence does not indicate who authorized him to act. More analysis and evidence about the "competition for followers among leaders," in the 1920's may improve the petition. The petition

also incorrectly uses evidence about pan-Ottawa organizations to support statements about GRB. The narrative states that "once the idea of an elected tribal government had become part of the Ottawa's thinking . . . it would occur over and over again until a successful tribal government was formed." Examples include the Michigan Indian Association (MIO) and Michigan Indian Defense Association (MIDA). But these organizations were not entirely Grand River and included more Indians than the "small widely dispersed Ottawa communities scattered throughout Mason and Manistee Counties." The petition should focus on GRB, not on pan-Ottawa organizations.

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 GRB sometimes 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 *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 the Ottawa Nation, Inc.). Describing this and similar disputes should reveal GRB political processes.

Indian Reorganization Act: Evidence from the IRA period should show decision-making within the Grand River Bands. Letters signed by individuals living in different communities, including Pego from Hart, and Chingman from Muskegon, show little about group decision-making. Also, context is needed to show that Pego and Chingman jointly acted on behalf of a GRB entity.

The Catholic Church: You submitted recent materials about organizations other than the GRB without evidence to indicate that the GRB had a role (as a group or organization) in planning, funding, or putting on the activities. For example, you have submitted many materials from committees, organizations and activities of the Catholic Diocese of Grand Rapids. Nothing in these documents indicates that the GRB as a group played a role as an organization, controlled the activities, participated in decision-making, planned or otherwise supported the Diocese, even though individual GRB members did. This situation differs from the role of religious institutions in other petitioners. See *Mohegan and Match-e-be-nash-she-wish Final Determinations.*

Northern Michigan Ottawa Association: Many documents in the submission relate to the Northern Michigan Ottawa Association (NMOA). A complete analysis of this information can not be made in a TA letter. A GRB proposal to the Administration for Native Americans (ANA) stated that "The NMOA represented a confederation of unacknowledged Ottawa bands from all the regional divisions listed in the treaties of 1836 and 1855." This characterization influences GRB's interpretation of the NMOA documents. NMOA was a claims organization organized by geographical units, based on residence not band membership. Beginning in the early 1900's, labor migration drew many Ottawa to urban areas, where they socially mixed and often married one another or non-Indians. These were the people who joined local NMOA units. The narrative states

that NMOA served as the political arm of the GRB from its inception in the late 1940's until the late 1980's when GRB detached itself. GRB believes that its leadership used NMOA as a vehicle to lead its members on all important issues. This interpretation may be problematical because NMOA units and leadership were not predominantly made up of GRB members. The regulations at 83.7(c) state that a petitioner demonstrates it has "maintained authority over its members as an autonomous entity." Past decisions have rejected NMOA and its regional units as evidence showing an autonomous entity. See *Grand Traverse Proposed Finding and Final Determination; and Burt Lake Proposed Finding.*

Claims organizations like NMOA that represent a large number of treaty descendants and their leaders can not be considered to provide evidence under §83.7(c). Similarly, non-claims organizations must also be distinct and autonomous. The narrative is very confusing because it tends to represent the activities of any organization, including pan-Indian, all-Ottawa, Ottawa and Chippewa and others, as evidence for GRB's political activity, and then implies that the leaders of those organizations, including individuals such as Albert Shananaquet or Paul Kijigobenesse, who were not Grand River Ottawa, were GRB leaders. GRB may not use the activities of other organizations and leaders from other entities to meet the criteria.

If it is GRB's contention that a Grand River entity was operating independently within larger organizations, then GRB must actually demonstrate that fact with documentation. The narrative takes the position that NMOA dealt with non-claims issues, which it did particularly after the claims settlement. See *Burt Lake Proposed Finding.* The issue here, however, is whether GRB was politically autonomous, which would require that GRB show it dealt with NMOA as a distinct entity through separate leadership. See *Grand Traverse Proposed Finding and Final Determination.*

To show that GRB was one of "several Ottawa Tribes, operating under [NMOA's] umbrella," significant evidence will have to be submitted to illustrate that a GRB entity had autonomous political processes in addition to activities of its members in NMOA. Evidence indicates in 1965 that Robert Dominic appointed Francis Wakefield and others as the Grand River Ottawa Committee on GRB's separate ICC claim. At the time, this committee represented all Grand River descendants, including some members of Mr. Pleasant, Grand Traverse, and other entities. GRB members did not vote for the committee. GRB's response should deal with these facts, which seem to contradict its interpretation of NMOA as an "umbrella" organization of existing bands, by providing other evidence showing a distinct and autonomous GRB entity.

In addition, no evidence shows a large grouping of Grand River people formulating decisions. Rather, the evidence shows that unnamed individuals voted yea or nay on proposals presented to them. Robert Dominic reports to the Secretary and Commissioner of Indian Affairs in a July 15, 1969, letter that objections arose from the floor at a meeting about the lack of Grand River representation on a trust committee concerning their children's trust fund. How this issue was handled within the group, not merely by Wakefield, may provide evidence for a wider group of Grand River individuals being involved in the claims and decision-making surrounding these

claims. Oral history discussing these events may provide knowledge of GRB's internal processes and the relationship between the Grand River claims committee, Unit #5, and the GRB petitioner.

Political Activity at Present: Beginning in the early 1970's, the Grand River Band of Ottawa Nations, Inc., the Grand River Band of Ottawa Housing, and their "parent organization" are discussed in documents. This organizational activity may lay the foundation for later political activities which culminated in about 1994 with the formal establishment of the current petitioner. The relationships among these entities, various other entities that operated after 1970, and their members is unexplained. Ron Yob in 2000 told Maura Brennan that the Grand River Bands of Ottawa Indians, Inc. and the Grand River Ottawa Council met regularly and worked together after meeting in May, 1995, in Oceana County. The TA response should explain their relationships before 1995 and the differences in these organizations' memberships, activities, and goals.

Interviews are valuable sources of information about political process at present. We suggest that before GRB interviews people, it should study recent documents that discuss the formal organization of the GRB, NMOA activities as they related to GRB, the Shattenberger land sale, succession of leaders, problems and disputes encountered when organizing pow-wows, and similar topics. Then identify individuals, who were knowledgeable participants in these events. Interview them, asking pointed questions about what the person actually witnessed, heard, and did. Interviewers should collect specifics ("the who, why, when, where, what") about the social and political life of GRB since 1920, and particularly during the last 20 or 30 years. Interview individuals who represent persons of all ages, come from various locales, and hold differing perspectives. Interviewers should talk to influential leaders and opinion-makers, such as June Dart, on their social interactions and political activities. Others, especially people who were on opposite sides in a dispute, may come to mind as similarly informed about GRB activities. During interviews, you should try to obtain and copy more documents in individuals' personal collections. Interviewing a person more than one time often produces valuable information.

GRB submitted recent 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.

Documents produced after 1994 raise questions about whether important decision-making by the council actually involved GRB members. For example, in December, 1997, the GRB council adopted a constitution, bylaws, and enrollment ordinance. However, only two people signed these documents. The minutes of the December 1, 1997, meeting implied that the *Constitution, Bylaws, and Enrollment Ordinance* may have been adopted by only four people. The next week 12 people attended a tribal council meeting and discussed "newly created Tribal Council seats." Floor motions nominated three additional council 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. See *Muwekma Proposed Finding.*

Documentation, such as meeting minutes and newsletter reports showing a wide range of individual members involved in group activities would strengthen the petition. Dissatisfaction with the group's governance appeared in October 1999, when Henry Negake wrote a letter concerning his criticisms of the council. Discussion of his concerns and position in the GRB may help 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 Circles, neighborhoods, churches, Ghost Suppers, pow-wows, weddings, and family get-togethers, provided forums for discussion, so that members provided substantial in-put into the development and formal organization of GRB after 1994. However, the TA response should contain evidence and analysis of such communication and influence.

Although GRB has submitted evidence which would allow an evaluation of its petition under criterion 83.7(c), we advise GRB to follow these recommendations to strengthen its petition.

Criterion (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.**

As modified by

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

This criterion illustrates the importance of tribal political status. The United States, through the acknowledgment process, extends acknowledgment to political entities, not merely to individuals, groups of unaffiliated individuals or families of Indian heritage. The regulations, therefore, require that petitioners submit their governing documents. The materials you have submitted are adequate for the AS-IA to evaluate your group under criterion 83.7(d), although we have questions about it.

It is unclear if the officers elected at the first meeting or appointed by the first council must also meet the membership requirements. Members 18 years old and older may vote. Articles VIII, IX, X, and XI discuss the council's and officers' powers and duties. Article X, Section 1 states that

"[t]he chairperson shall sign, with any other Officer so Designated, any instrument authorized by the Council to be executed for the Tribe." This may explain why only the chairman's and secretary's names appear on the certification of the constitution and enrollment ordinance. Article VI of the 1997 constitution states that an individual is eligible for membership if he or she is of 1/4 documented Indian blood *and* "traces to members of the Grand River Bands whose members are included on the Durant Roll of 1908 . . . *or* traces to individuals on the 1870 Annuity payrolls of Chippewa and Ottawas of Michigan listed under the following chiefs: [list of chiefs follows]." The individual cannot be enrolled in any "federally-recognized or State-historic Indian tribe, band or group." [Emphasis added.] The petitioner does not define "traces to." It is unclear whether this means that the member must have a direct ancestor (parent, grandparent, great-grandparent, etc.), who was on the historical Durant Roll or whether it means that an individual descended indirectly from a brother, sister, or cousin of someone on the Durant Roll would to be eligible for membership.

In addition, the "or" allows for tracing to the 1870 annuity rolls which listed Chippewa and Ottawa bands in Michigan without specifying descent from the Grand River bands. This implies that the membership in the GRB is open to descendants of other Michigan Indians or is limited to descent from one of the Grand River bands. The group appears to only list chiefs whom it believes are Grand River chiefs.

Section 2 of Art. VI states that descendants of members are eligible for enrollment if they are at least 1/4 Indian *and* not currently enrolled in any "federally-recognized or State-historic Indian tribe, band, or group." The constitution specifically prohibits dual membership. GRB needs to discuss what its process is for determining whether an individual is enrolled elsewhere.

Section 4 of the ordinance states that the enrollment officer "shall post and/or publish notices of the preparation of the membership roll to previous enrollees and other persons who might be eligible for inclusion on such roll" and keep lists of the locations and dates of publications or postings. It appears that the governing body authorizes the enrollment officer to recruit new members. Please describe this process further and discuss whether the membership of GRB was formed through such recruitment. Also, please provide a copy of the list of public notices maintained by the enrollment officer.

It appears that the GRB has the minimum information for the AS-IA to evaluate the petition for criterion 83.7(d); however, there does not appear to be any explanation of how the group governed itself prior to adopting the 1994 constitution. The TA response should include any other governing documents or written statements that describe the group's governance before 1994. Please describe the membership requirements and enrollment practices that were in place prior to the adoption of the 1994 constitution and bylaws.

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.

As modified by

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

This criterion is designed to show that the members of a petitioning group descend from a historical Indian tribe, or from historical Indian tribes, which combined and functioned as a single autonomous entity. GRB submitted a roll, printed in Excel™ with its other submissions. It was received in OFA on December 8, 2000. It had 567 individuals listed. GRB submitted its group's current membership list on CD-Rom in Excel™, and GRB also submitted the key to the headings by fax on September 15, 2004. This membership list has 635 listings, but five names have been removed as "relinquished" since 2000, making the total listings 630 members. Eleven others are noted as "deceased." This means that the membership on September 15, 2004, was 619 members.

1. Certified Membership List: The petitioner provided a certified copy of a membership list dated December 5, 2000, which included the names, birth dates, residential addresses, blood degree from Grand River, Little Traverse Bay, Grand Traverse, Saginaw Chippewa, Potawatomi, or other Indians, and roll number for 635 members (including 11 marked as deceased and 5 who had relinquished GRB membership for a total of 619 actual members).

The ordinance 97-01 does not specifically call for the maiden names of married women to be included in the membership list; the Excel™ database of the membership list included a category for "other names" which did include maiden names for more than 125 female members. However, not all of the married women had maiden names listed in this field. Although the petitioner's membership ordinance does not call specifically for maiden names, §83.7(e) (2) of the acknowledgment regulations does. Therefore, the petitioner should make every effort to update its membership list to include the maiden name for each married, divorced, remarried, or widowed woman on the membership list. Other than this deficiency, the petitioner has submitted a membership list which is adequate under §83.7(e)(2).

If there are any previous membership lists, such as one mentioned by Tony Plato as a "new list of Grand River Indians with addresses" in the minutes of a July 7, 1984, meeting of a "Grand River Board," they should be submitted. Mailing lists, sign-in sheets at meetings, lists of those attending group functions, or other such lists of the group's members that were made prior to the certified list dated December 5, 2000, while not strictly membership lists, are very helpful in determining the composition of the group in the years when no formal membership list was maintained. Please submit any other membership lists that might have been compiled.

2. Ancestry Charts: The petition includes 326 hand-printed ancestry charts, which appear to represent about half of the GRB membership. These charts show their descent from individuals

identified on the Durant Roll or 1870 annuity lists. 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.

The handwriting indicates that these records were written by one or two individuals, possibly by the enrollment officer(s). Some of the forms state that they were "researched by Kelly Wesaw." Was she an enrollment officer? Please explain who compiled the information on the applicants and who filled out the ancestry charts. Please provide a copy of the application form referred to in the enrollment ordinance 97-01.

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?

Notations such as "BC," "ML," and "DC" on the charts indicate that birth, marriage, or death records have been used to verify the information; however, some notations, such as "DCR#3274/FN 5-61b," "DCR#1923," or "FN 19-32" appear to refer to an ancestor listed on the Durant Census Roll or in the Field Notes. Is this correct? Please provide a brief explanation.

The Federal acknowledgment process does not require a minimum blood degree; however, we note that the GRB bylaws require "1/4 Indian blood and traces to Grand River Bands" and that the certified membership list includes the blood degree from Grand River bands and from Little Traverse Bay Band, Grand Traverse, etc. for each member. However, we also note that the ancestry charts do not include the names and vital statistics for the "non-Indian" parents. We strongly urge you to include the names, birth dates, birth places, etc., of both parents, not just the Grand River line. This is important for at least two reasons: (1) it could provide evidence of other Indian lines not immediately obvious or known, which could be an issue when calculating the blood degree in the next generation, since GRB requires at least 1/4 Indian blood, and (2) it helps to locate the families in the censuses, tax lists, school records, church records, and other official records. Members should be encouraged to fill in the information on the non-Indian parents.

3. Enrollment process: To better understand GRB's enrollment process, we ask that GRB send samples of its enrollment files. OFA randomly selected the number 16 as a starting point and asks that GRB submit copies of files for members with the following membership numbers: 16, 32, 48, 64, 80, 96, 112, 128, 144, 160, 176, 192, 208, 224, 240, 256, 272, 288, 304, 320, 336, 352, 368, 384, 400, 416, 432, 448, 464, 480, 496, 512, 528, 544, 560, 576, 592, and 608. Also, we request that GRB submit copies of the enrollment files for the governing body identified on the December 5, 2000, certification of the membership list, whose membership numbers appear to be: 1, 2, 3, 15, 81, 149, 235, and 63. Each file should include the application form, vital records, letters, affidavits, or other documentation used to verify descent form the Grand River bands identified on the Durant roll or the 1870 annuity payrolls. Do not send the original documents; keep your original files intact, but make photocopies to submit with its response to this TA letter. When GRB goes on active consideration, OFA may conduct an audit of all the membership files during a visit to the group's offices.

4. Descent from the Historical Tribe: The petition included 17 folders labeled "Durant Field Notes... 1908" followed by a page and number (p. 49, No.1; p.49, No. 5; p. 49, No. 10; p. 50, No. 1; p.50, No.2; p.50, No. 14, pp.1&2; p.53, No.1; p. 54, No. 2; p. 56(a) No. 14 & 56(a) No. 14, pp. 2; p. 58, No. 2; p. 58(a), No. 3; p. 58(a), No. 9; p. 59, No. 27; p. 61(a); p. 61(b), no. 1; p. 61(b) No. 2; and p. 62, No. 2.) Each file contains a photocopy of a file folder label and a copy of at least one page from the 1908 census of "Ottawas and Chippawas [*sic*] of Michigan" that identified the chief or the family listed on the 1870 annuity roll. Columns 49 to 65 on the membership database appear to reflect information found on pages 49 to 65 on the 1870 annuity list that name the chiefs and families of the Grand River bands. According to the membership database, some of the GRB members also descend from ancestors identified with the chiefs and families on pages 51, 52, 55, 57, 60, 63, 64, and 65 of the 1870 annuity list; however, the Durant field notes for these ancestors were not submitted. Please include these pages with GRB's response to this TA.

The petition also included a folder containing pages 50 to 65 and the recapitulation pages of the 1870 annuity list; however, page 49 with the families under Chief Ne-be-nay-ke-zhick is missing. Please provide this missing page with the response to this TA.

Although GRB has provided documents that identify the Grand River chiefs and families in 1870 (annuities list) and the Indians identified as descendants of the 1870 Grand River families who were living in 1908 (Durant roll and filed notes), it has not provided the documentation that links the current membership to either one of those historical lists. The records from St. Joseph's Catholic Church in Elbridge (1890-1917) appear to be the only vital records submitted with GRB's petition. They will be helpful in verifying some of the births, marriages, and deaths; however, this approximately 30-year time-span is very limited in its value.

GRB should locate and copy the pages of the 1880, 1900, 1910, 1920, and 1930 Federal censuses which show the GRB's ancestors. These Federal censuses are readily available on-line. Microfilmed copies of these censuses may be in a local public library or other research facilities in the Grand Rapids area. GRB should contact the local genealogical or historical society for the most convenient source for these records. Please be sure that the photocopies are clear and legible, and that they include the citations for the year, county, township or city, and page of the census. Not only will these census records be helpful to the genealogist in identifying individuals and confirming family relationships, but they will be very helpful to the anthropologist in understanding the composition and geographical location of the community in each of these decades.

We believe that GRB is entering the information on the hand-written ancestry charts into a genealogical database program. Every individual listed on the group's certified membership list should be included in this genealogical database. When GRB enters the information from the handwritten-ancestry charts and from other enrollment records, GRB should be able to show each member's descent from the historical tribe. GRB will find that its initial effort to enter this data into a genealogical database will be of long-term benefit to the group in keeping track of its membership records and each individual's descent from someone on the Durant Roll or the 1870's annuity list.

GRB should submit a copy of its group's genealogical records in electronic format with its response to this TA. The OFA will not be able to place the GRB on active consideration or begin to evaluate GRB's descent from the historical tribe without the genealogies being submitted in electronic format. Please consult with OFA if GRB has any additional questions.

At this time there is not enough evidence in the petition for the ASIA to conduct an adequate evaluation of this petition under criterion 83.7(e)(1). Submitting GRB's membership in electronic format and sending the sample of the enrollment files cited above should remedy this problem.

Criterion (f)

> **Criterion 83.7(f): Members of the Petitioning Group May Not be Enrolled in Any Recognized Tribe.**

As modified by

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

This criterion prohibits the BIA from acknowledging groups which are composed principally of members of recognized tribes. Statements, perhaps on the membership applications, from GRB's current members that they are not enrolled members of recognized Indian tribes would assist in evaluating this criterion. If GRB files do not contain such statements, please include in the petition narrative, which is signed by the group's governing body, a statement that the predominant portion of its membership is not enrolled in any other federally acknowledged American Indian tribe.

Because the group has many members who appear to meet the requirements for joining Grand Traverse Band of Ottawa and Chippewa Indians, Little Traverse Bay Bands of Odawa Indians, both federally recognized Michigan tribes with Ottawa ancestors, and other federally recognized Michigan tribes, the total number of GRB members who have rights to join other bands may be larger than fifty percent. Also, some of GRB members have significant Indian ancestry from Federal tribes outside of Michigan. For the latter category, please indicate the exact tribal background of the member. In many cases, the form is specific, but for others it is not. For example, state whether the reported "Sioux" ancestry of a member is Sisseton-Wahpeton, Pine Ridge, etc. rather than merely "Sioux," or clarify whether "Cherokee" refers to the Eastern Band of Cherokee Indians of North Carolina, the Cherokee Nation, or United Keetoowah Band of Cherokee Indians in Oklahoma, if the designation is known. It is essential to distinguish federally recognized tribal associations from less specific ancestry which does not involve a recognized tribe. Under this criteria, if more than fifty percent of GRB members belong to federally recognized Indian tribes, the membership would not meet this criterion, even if those with such dual enrollment represent numerous tribes.

GRB has also submitted a CD-ROM of working applications on which some 1,084 names are listed. Because the numbers under "appl #" do not seem to match the membership number, it is

unclear exactly how many applications have not been completed or whether they have been completed, but not entered onto the listing. These applications need to be completed and explained in order for the petition to be placed on active consideration.

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.**

As modified by

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

Although neither the GRB nor its members appear, from the materials you have sent, to be part of a group that is the subject of congressional legislation that has expressly terminated or forbidden a Federal relationship, please include a formal statement to that effect in the petition materials.

IV. Summary and Conclusion

We have pointed out to you in this letter that there are deficiencies which we strongly advise you to address before your petition is placed on active consideration. These critical deficiencies are in criteria §83.7(a), (b), (c), (e), and (f), and §83.8(d) (1), (2), (3), and (4).

The Department has not made a decision concerning your case. This TA is not meant to be a preliminary determination and does not make conclusions that your petition will result in a positive or negative decision. In addition, you should not assume that positive conclusions are made about portions of the petition that are not discussed in this letter. Finally, do not presume that your group will meet the seven mandatory criteria by simply submitting additional data. In order to make this letter useful to you, we are raising any possible problems that we detected, but these are only obvious problems made during a limited review. A proposed finding or final determination may reveal others.

One purpose of this letter is to request information and documentation not currently in the petition which the Department's experts believe they need to evaluate your case when it is placed on active consideration. The Department's research during active consideration is only to verify an already completed petition. The staff's caseload no longer permits them to do the research necessary to fill in gaps in the petition on behalf of the petitioner to the extent they have sometimes done in the past.

We are enclosing a CD entitled "Acknowledgment Decisions Compilation" which includes those decisions, cited in this TA, which should help GRB determine the kinds of evidence which will be

most useful to it in demonstrating its case. The histories of the petitioners whose decisions are cited here are somewhat parallel to GRB's history either because they descend from the same treaties, participated in various organizations including NMOA, MIO, MIDA, or came under the influence of various historical trends, the State of Michigan, and U.S. policies at the same time and in the same way as GRB did. We also cited them because some of the issues GRB is dealing with in its petition were raised in their evaluations. We emphasize that these decisions provide the best guidance and technical assistance to GRB before receiving its own proposed finding.

Petitioners have the option either of responding in part or in full to the TA review, of withdrawing the petition, or of requesting in writing that the AS-IA proceed with the active consideration of the documented petition using the materials already submitted. However, we will determine whether or not GRB's petition is ready to be placed on active consideration. Sometimes, petitioners have not submitted required materials and it has been impossible to evaluate them.

If GRB asks us to evaluate the new materials it submits in response to this review, we will do that. However, GRB must request a second TA letter in writing. When more materials are received from GRB, we will do one of the following: we may evaluate the petition and issue an expedited finding under §83.10(e) of the acknowledgment regulations; we may place the petition on the list of petitioners "Ready, Waiting for Active Consideration;" and finally, we may request further documentation.

Once GRB has had an opportunity to review this letter thoroughly and share its contents with its researchers and general membership, we recommend that GRB contact OFA so that we can make arrangements to provide additional TA to GRB and its researchers. Please feel free to contact the Office of Federal Acknowledgment, 1951 Constitution Avenue, N.W., MS 34B-SIB, Washington, D.C. 20240, or call (202) 513-7650.

Sincerely,

R. Lee Fleming

Director, Office of Federal Acknowledgment

Enclosures: Preliminary Inventory of Petition
ADC CD

cc: Interested/Informed Parties List