

³⁸NA, RG 123, Treaty Journal, 39-40.

³⁹NA, RG 123, Treaty Journal, 25, 37. For an example of land deeded in trust to the Governor of Michigan see Certificate 7095, Vol. 35, folio 70 for Lot 3, sec. 28, T 36 N, R 3 W, General Land Office, copy in Michigan State Archives, Vertical file, Indians, Burt Lake, Cheboygan.

⁴⁰NA, RG 123, Treaty Journal, 37.

⁴¹NA, RG 123, Treaty Journal, 30-31.

⁴²NA, RG 123, Treaty Journal, 33.

⁴³NA, RG 123, Treaty Journal, 42.

⁴⁴NA, RG 123, Treaty Journal, 7.

⁴⁵NA, RG 123, Treaty Journal, 45.

⁴⁶NA, RG 123, Treaty Journal, 60.

⁴⁷NA, RG 123, Treaty Journal, 20.

⁴⁸NA, RG 123, Treaty Journal, 53-54.

⁴⁹NA, RG 123, Treaty Journal, 56.

⁵⁰"Treaty with the Ottawas and Chippewas, 1855," 11 Stat. 621, Kappler, Laws and Treaties, 2:729.

⁵¹NA, RG 123, Treaty Journal, 60.

⁵²NA, RG 123, Treaty Journal, 61.

⁵³NA, RG 123, Treaty Journal, 61-62.

⁵⁴Andrew J. Blackbird, Complete Both Early and Late History of the Ottawa and Chippewa Indians, Revised Edition (Harbor Springs, 1897) 52-53.

⁵⁵NA, M 234, Mack., R 410, f 643-45, Mash-caw and Kah-ke-kay Kah-bah-we to Grant, 8/14/72.

⁵⁶NA, RE 123, Treaty Journal, 53.

⁵⁷"Treaty with the Ottawa and Chippewa, 1855," 11 Stat. 621, Article 5 in Kappler, Indian Affairs: Laws and Treaties, 2:729.

⁵⁸NA, RG 123, Treaty Journal, 17-18.

⁵⁹NA, RG 123, Treaty Journal, 26-27.

⁶⁰NA, RG 123, Treaty Journal, 28.

⁶¹NA, RG 123, Treaty Journal, 69.

⁶²NA, RG 123, Treaty Journal, 65.

⁶³"Treaty with the Oto and Missouri, 1854," 10 Stats., 1038, Kappler, Laws and Treaties, 2:608-610; "Treaty with the Nisqually, Puyallup, Etc., 1854 10 Stat., 1132, Ibid. 2:661-664.

⁶⁴"Treaty with the Ottawa and Chippewas, 1855," 11 Stat. 621, Kappler, Laws and Treaties, 2:725-727.

⁶⁵"Treaty with the Ottawa and Chippewas, 1855," 11 Stat. 621, Kappler, Laws and Treaties, 2:727.

⁶⁶"Treaty with the Ottawa and Chippewas, 1855," 11 Stat. 621, Kappler, Laws and Treaties, 2:729.

⁶⁷Ibid.

⁶⁸NA, RG 123, Treaty Journal, 73.

⁶⁹Ibid.

⁷⁰CIA, Report, 1853, 3; NA, RG 123, Manypenny and Gilbert to Mix, 8/7/55.

⁷¹NA, RG 123, Manypenny and Gilbert to Mix, 8/7/55.

⁷²During the treaty council Manypenny had refused to use the treaty to pay off debts owed the traders. NA, RG 123, Treaty Council, 67. But after Manypenny left Michigan, Gilbert began pressing Washington to have the treaty amended to assume traders' debts. NA, M 234, Mack., R 405, f 61-63, Gilbert to CIA, 2/18/56..

⁷³NA, M 234, Mack., R 406, f 548, Commissioner of General Land Office to Greenwood, 8/30/59.

⁷⁴NA, M 234, Mack., R 404, f 578-79, P. Dougherty to CIA, 8/14/55.

⁷⁵NA, RG 123, Court of Claims Case 27, 537, April 4, 1907.

CHAPTER III

UNITED STATES GOVERNMENT RELATIONS WITH THE GRAND TRAVERSE BANDS, 1855-1930

Once placed in context, the intentions of Manypenny and Gilbert in the treaty of July 31, 1855 seem quite clear-- a revitalized civilization program with increased government services, greater concentration and supervision of Indian peoples, elimination of the old annuity clauses of older treaties, and allotment of land in severalty. The treaty itself, however, was so poorly written and the preparations for its execution so shoddy that its actual implementation became an administrative nightmare. In time each of the political appointees who ran the sprawling Mackinac Agency would be left to read the treaty and interpret its clauses. In most cases the opinions of the agent were the result of his reading of a treaty in whose negotiation he took no part and of whose background he had no knowledge. To a lesser extent the same pattern prevailed in Washington. New administrators occasionally took the treaty totally out of context and made pronouncements that did not reflect the reality of actual Indian-government relations.

To understand the relationship between the Grand Traverse bands and the government under the Treaty of 1855

two things must be considered: what the government said and what it did. If an historian were to rely solely on the annual reports of the Commissioner of Indian Affairs with their annual summaries by the agents, for example, the resulting account would be hopelessly distorted. In these reports the opinions of agents, many of whom, because of the huge turnover in the position, had little experience with Indians, are frozen as fact. To avoid the obvious pitfalls of such simpleminded credulousness, the actual operation of the agency must be examined. Much more than what the agents wrote in their annual reports, what they did in day to day administration reflects the reality of government-Indian relations. A detailed examination of the records of the Mackinac agency and succeeding administrative units is the real grounding for any judgment about the government's actual relationship with the people of Grand Traverse.

The first step in such an administrative study is simply to examine the actual status of the Grand Traverse bands in the eyes of the government. The government did not deal with the Ottawas as individuals; officials consistently negotiated with them and administered their affairs as organized bands. The basic administrative policies of the Bureau of Indian Affairs in its many dealings with the Ottawa bands are the key to band-government relationships at Grand Traverse.

For convenience, the obligations of the government

toward the people of Grand Traverse under the treaty of 1855 and later administrative programs will be grouped under four major headings: administrative status, land, technical aid, and education. Each of these topics will be considered in turn. Since land is the most complex of these categories, only the government's role in protecting Indian land holdings and the trust status of other lands will be examined in this chapter. The actual distribution of the reservation lands of 1855 will be taken up later.

Status of Ottawa Bands

Any discussion of the Grand Traverse bands must confront the singular status of the Ottawa-Chippewa bands in Michigan. After 1855 members of the various Michigan bands were at once members of federally recognized Indian groups and citizens of the State of Michigan. This situation was rare in nineteenth century America and would introduce complications into the relationship of the bands with the federal government that have persisted until the present day. How these Indians became state citizens while maintaining special status, thus pioneering a relationship similar to that which all Indians have enjoyed since 1924, involves a study not only of the treaty of 1855 but also of state politics in Michigan in the 19th century.

Ironically, this whole tangled problem of the status of the Sault band under the treaty of July 31, 1855 stems less from the treaty itself than from the Constitution of

the State of Michigan. Article 7, section 1 of the Constitution of 1850 reads:

. . . every civilized male inhabitant of Indian descent, a native of the United States, and not a member of any tribe, shall be an elector and entitled to vote . . .¹

To some federal officials this clause seemed to make members of all the Ottawa and Chippewa bands citizens of Michigan no different from other citizens of the state and to eliminate any claims they had to special status. The intention of the constitution was not, however, the incorporation of the Native Americans of Michigan into American political life on an equal status with Whites. Instead it represented a simple recognition of the fact that most of the population of the Upper Peninsula of Michigan, excluding Indians still living in native villages, were of mixed Indian and White ancestry. In 1860 the Attorney General of the State of Michigan would argue that the framers of the constitution intended to enfranchise only this mixed blood, non-tribal population, not the entire Ottawa, Chippewa, and Potawatomie population of the state. The language of the constitution was designed only to distinguish between acculturated mixed-bloods and the remainder of the Indian population--not to provide an avenue for the enfranchisement of the majority of the Indian people of Michigan.²

When taken in conjunction with Article Five of the Treaty of July 31, 1855 (the article dissolving the tribal

organization of the Ottawas and Chippewas), this section of the constitution offered possibilities the framers of the constitution had never dreamed of. The treaty dissolved the tribe but retained the band, and thus kept the Indians under federal supervision at the same time as it technically made them eligible to vote in state elections. Since in many areas of northern Michigan the Indians formed either a majority or a sizeable minority of the local population, the Indian agent, himself a political appointee, could use his power over Indian annuities and services to control their vote for the party that had given him his position.

The Indians themselves had demanded the clause dissolving the Ottawa-Chippewa tribe so Manypenny and Gilbert clearly did not conspire at the treaty to create a political machine in northern Michigan. They did, however, recognize that one consequence of the treaty would be the creation of Indian voters, and Gilbert and his subordinates quickly took advantage of the language of both documents to parade Indians to the polls.³ Government employees argued that since the treaty dissolved tribal relations the Indians should be permitted to vote.⁴

Armed with the Indian vote, state agents became potent political figures in northern Michigan. The suspected defection of a Democratic agent, Andrew Fitch, to the Republicans just prior to the Civil War brought accusations from his subordinates that he was "ruining the democratic party in the northern Peninsula of Michigan (sic)."⁵

According to William Johnston, Fitch penalized "our Democratic villages" by withholding annuity payments. Fitch's defense against such accusations was equally revealing: he contended that he had indeed delivered the Indian vote to the Democrats.⁶ He forwarded to Washington copies of the letters he wrote to local employees of the agency instructing them to place copies of the Democratic ticket in Indian hands.⁷ Nevertheless, accusations that Fitch was a secret abolitionist Republican persisted; the Democratic State Committee demanded his dismissal on the grounds that if Fitch had really delivered the Indian vote, the northern congressional district would have gone Democratic.⁸

Control of the Indian vote thus clearly depended on both the dissolution of the tribe to meet the technical requirements of the constitution and the maintenance of both the band structure and active government supervision to direct the vote. Without federal supervision and government funds, the Indian vote could not be controlled by the agents. Local politicians, especially members of the party out of power in Washington, quickly realized this. In 1860 an open letter from the state Attorney General, Jacob Howard, to local registrars of voters offered interpretations of the law that might serve to disenfranchise Indians. Howard recommended that registrars consider any Indian not engaged in agriculture as uncivilized and any Indian receiving an annuity as a member of a tribe and thus a 'subject of a foreign power.'⁹ In either case the

Indian would be ineligible to vote. Implicit in such criteria was the belief that the Indians remained a distinct unassimilated group and that they were members of a separate native political organization. Howard's recommendations would have disenfranchised virtually every Indian in northern Michigan, and this clearly was his intention.

In Michigan, therefore, the Ottawa-Chippewa bands slid into state citizenship through politics and corruption within the Indian Bureau. For different reasons both political parties in Michigan recognized the continued existence of the bands. By maintaining the bands and dissolving the tribe, the party in power sought to control the Indian vote; the party out of power, in turn, contended the band was an independent political unit and thus the Indians were not entitled to vote. The fact that the Indians were voters and citizens of the state of Michigan was not a result of the 1855 treaty alone. It was more the result of the loose language of the Michigan constitution and expediency dictated by local politics. Unless it is recognized that state citizenship and band organization existed side by side, the subsequent course of government relations with the bands becomes impossible to fathom.

Federal officials opportunistically took advantage of the Indian vote, but their assertion of state citizenship for Indians did not disturb their longstanding

treatment of the Grand Traverse bands as a distinct group dependent on the United States. Indians might be citizens of Michigan for voting purposes, but federal officials continued to rule that they were not citizens of the United States.

Government actions and rulings during the 1860s and 1870s make it clear that neither the 1855 treaty, nor their failure to obtain new treaties, made the members of the Grand Traverse bands ordinary citizens. The Bureau repeatedly either freed Indians from the obligations of citizenship or denied them its' privileges. During the Civil War, for example, the Office of Indian Affairs successfully contended that the Indians party to the 1855 treaty were not citizens and could not be drafted.¹⁰ In another decision, in 1871, the government ruled that Michigan Indians could not take up lands under the Homestead Act.¹¹ In 1872 the Interior Department briefly modified this position; the Secretary of Interior, Columbus Delano, argued that when final payments under the provisions of the 1855 treaty were made all tribal relations would cease and the Indians would become citizens, and thus eligible to use the Homestead Act in acquiring public lands.¹² This particular interpretation of Indian status proved shortlived, however. In response to inquiries from Agent George Betts, the Commissioner of the General Land Office ruled in 1875 that Michigan Indians could not take up land under the Homestead Act.¹³ In practice, therefore,

the members of the Grand Traverse bands were obviously not considered citizens equal in rights and responsibilities to other citizens. They maintained a special status.

Furthermore, the federal government continued to recognize the legitimacy of the bands as semi-sovereign units despite the state citizenship of their members. In the 1860s the government reemphasized this position by preparing to negotiate a new set of treaties with the Ottawa and Chippewa bands of northern Michigan. In April of 1864, with the ten year provisions of the treaty of 1855 about to expire, agent D.C. Leach had suggested to the Commissioner of Indian Affairs that new treaty councils be held in Michigan.¹⁴ Identical problems seemed to plague government dealings with all the Ottawa bands: the collapse of the "civilization" programs, the failure of the 1855 treaties to provide land for minor children, and the need to compensate for the disastrous combination of incompetence in the Indian office and fraud and trespass by settlers that threatened to make the fulfillment of the land provisions of the 1855 treaty impossible. Leach's solution to these problems was treaties that would concentrate the various bands on larger reservations.¹⁵

The Commissioner of Indian Affairs responded to Leach's suggestions by requesting that the agent draw up some draft treaties; Leach acceded to the request quickly, mailing off a sample document in early May. He was ready to begin negotiations with the Saginaw, Swan Creek, and

Black River bands of Chippewas immediately, but he wanted to delay negotiations with the Ottawa and Chippewa bands until he could "more fully ascertain their wants and views."¹⁶ By early June Leach had not only conferred with the Ottawa and Chippewa bands, he had promised them new treaties.¹⁷ The treaties Leach proposed would concentrate the bands on the Little Traverse reservation. There, they would become the objects of an enlarged "civilization" program.¹⁸

In 1864 the federal government clearly believed that the Grand Traverse bands, along with the other Ottawa and Chippewa bands, were autonomous units with whom new treaties could be made. Leach intended to negotiate with most of the Michigan bands during his annual journey around the state to pay annuities, but his fellow treaty commissioner, Dr. Henry Alvord, failed to arrive by late summer. Leach, eager to miss the dangerous fall storms on the Great Lakes, left without him. Alone, neither commissioner had power to negotiate the treaties, and, while Leach toured the lake, Alvord, having finally reached Michigan, could only await his return. By the time the two commissioners met in October, it was too late to reach most of the Indians in the state. Leach, however, did talk Alvord, now impatient to return to Washington, into beginning negotiations with the Saginaw, Swan Creek, and Black River bands of Chippewas.¹⁹ These bands were chosen for negotiations largely because of local political considerations.

We hope to make the proposed changes in the treaty of some political use to us. Our Indians, . . . are voters and their votes (particularly those of the Chippewas of Saginaw) may be of great importance to us at the approaching election. They reside in the closest Congressional District in the State & hence, anything fair and honorable that we can do to put them in good humor, & to favorably dispose them towards the Government we wish to do.²⁰

The decision to negotiate first with the Chippewa bands of the Lower Peninsula seemed meaningless enough at the time, but it would have grave repercussions. The Saginaw, Swan Creek, and Black River bands had signed a treaty in 1855 containing the same clause disbanding tribal organization as did the treaty with the Ottawas and Chippewas.²¹ Because in 1864 they possessed the crucial voters in a local election, however, they would get a new treaty that would later spare them questions as to their status as a recognized band or tribe. The Chippewas of the Lower Peninsula got the treaty intended for all the bands; the Ottawas got only delays.

Just as local politics had speeded the negotiations with Saginaw band and their neighbors, national politics would delay and finally eliminate the treaties with the other Indians of Michigan. Without the pressure of close elections and with little enthusiasm among most bands for a move to Little Traverse, preparations for the treaties lagged during 1865 and 1866. The government withdrew a large tract from the public domain near Little Traverse for use as a reservation and in 1866 sent out Dr. Alvord once more, this time as a special agent to determine the

condition of the various bands.²² His report was sobering. The "civilization" program was a mismanaged travesty and the land provisions of the 1855 treaty remained unfulfilled.²³ The various bands meanwhile had become more importunate in their demands for new treaties; treaties they claimed had been promised them in 1864.²⁴ In January of 1866 the chiefs of the Grand Traverse, Little Traverse, and Cross Village Ottawas asked permission to visit Washington. They wanted new treaties which would provide continued government services; government trusteeship over the money still due them, and enough land to provide for their children as they came of age.²⁵ By May delegates from Grand Traverse had reached Washington ready to negotiate.²⁶ The other bands applied similar pressure. In August the Grand River bands asked in council that U.S. Commissioners meet them in Grand Rapids or some other point for new treaty negotiation. They claimed that their agent had promised them a treaty by the previous spring.²⁷ Late in 1866 or early in 1867 the chiefs of the Sault bands sent their own petition for a new treaty to Washington.²⁸

Early in 1867 the government still planned to negotiate the treaties. In March the Commissioner of Indian Affairs reiterated his plans for treaties, but the Department had delayed too long. On March 29 Congress passed new legislation depriving the Bureau of Indian Affairs of the right to negotiate treaties without prior Congressional approval and appropriations.²⁹ The Commissioner still

felt treaties were desirable, but he believed them to be impossible without first going to Congress.³⁰

The Ottawa and Chippewa bands were not to be put off so easily, however. At the annuity payments in the fall of 1867 Agent Richard Smith could only prevent them from dispatching delegations to Washington by promising to arrange a general council himself.³¹ With the coming of spring, the bands were unwilling to wait any longer for the new treaties. The Grand River Ottawas prepared to send delegates to Washington, complaining that "we have laid this matter before our agent year after year but no answer yet. While other tribes of Indians are making treaties with the government every year (sic)."³² When the government withheld permission to come to Washington, the band dispatched a delegation authorized to make a new treaty anyway.³³ This delegation failed to get a treaty, but they believed they had gotten a promise that a general treaty commission would visit Michigan.³⁴

The insistence of the Grand River Ottawas on new treaties finally did lead to the appointment of Agent Richard Smith and T.W. Ferry, a Michigan member of the House of Representatives, as treaty commissioners. Ferry was supposed to accompany Smith on his annuity rounds and the pair, beginning at Grand River, would negotiate treaties with the various bands. Unfortunately, Smith departed to pay the annuities before instructions ordering him to wait for Ferry arrived.³⁵ Even after this fiasco, reminiscent

of the similar failure of commissioners to meet in 1864, the Bureau of Indian Affairs remained willing to proceed with the treaties. The Commissioner of Indian Affairs, N.G. Taylor, ordered Smith to have the Grand River band put into writing such demands as would form the basis of treaty negotiations and to elect delegates to send to Washington. The band would, however, have to pay the expenses of the delegation itself.³⁶ Similar instructions were sent out to other bands.

The failure of Ferry and Smith to make connections would be one of those accidents, minor enough at the time, that would cost the various Ottawa and Chippewa bands dearly. By January of 1869 the Commissioner of Indian Affairs had changed his mind on negotiations. He wrote the Secretary of Interior:

The Ottawas and Chippewas have for several years been anxious to make some new arrangement whereby they can procure allotments of land for their children for whom no provision was made by the treaty of 1855, which omission they say was an oversight. The same oversight occurred in the treaty with the Chippewas of Saginaw, Swan Creek, and Black River of August 2, 1855 which was remedied by the treaty with those Indians of October 18, 1864. This desire on the part of the Indians seems but just and proper, but in as much as the terms of the 5th article of the treaty of 1855, dissolves the tribal organization of the Ottawas and Chippewas negotiations with them can now only be had with the individual bands of said Indians, as provided for by said article, therefore, should it be determined to accede to the wishes of the Indians in this respect, it is suggested that this end can be more readily accomplished by Congressional enactment than by treating with the numerous bands of these Indians, and certainly with far less expense to the Government.³⁷

The Indian office in 1869 still recognized the bands as intact, still saw them as capable of negotiating new agreements with the United States, and still saw their demands as just. The Commissioner rejected new treaties solely on the ground of convenience and expense.

Even as the Commissioner of Indian Affairs was turning against new treaties, the various bands were meeting in council to appoint delegations to visit Washington according to the Commissioner's earlier invitation. Like the others, the Grand Traverse band met and selected delegates.³⁸ The decision of the Commissioner to rely on legislation rather than treaties to solve problems facing the bands, and the failure of the government to pay the expenses of Indian delegations, aborted the councils proposed for 1869. The Little Traverse band continued to ask for funds to visit Washington, but none were forthcoming.³⁹ It would be two more years before the last request by the Grand River band for a new treaty, but most of the bands appear to have become resigned to the American reluctance to negotiate.⁴⁰ Like the Grand Traverse band, they seem to have come to rely on Indian homestead legislation to solve their land problems.⁴¹

These abortive negotiations have been covered in such detail because they clearly demonstrate that government did not believe that the 1855 treaty had dissolved the political organization of the Ottawa and Chippewa bands. The government was willing to negotiate treaties identical

to that made with the Saginaw, Swan Creek, and Black River bands; the American failure to do so never stemmed from any belief that the political organization of the bands had been disbanded. If accidents and policy changes had not intervened, the Grand Traverse bands would have signed treaties nearly identical to the treaty of 1864 negotiated with the Saginaw, Swan Creek, and Black River bands and any question as to their status as recognized bands would have been avoided.

The failure of the government to execute the planned treaties with the Grand Traverse and other Ottawa and Chipewewa bands introduced an additional element of confusion into their relationship with the federal government that has persisted until the present day. To understand subsequent relations of the Grand Traverse band with the United States government it is necessary to briefly examine the roots of this confusion. Misconceptions about the actual status of the bands lie largely in the reports of a few officials unfamiliar with the background of the treaty and the context of Article five. Recognizing that the Indians were citizens of Michigan, they simply read the 1855 treaty and presumed that all native political organization had vanished under its terms. Thus agent James Long claimed in 1871 that with the last annuity payment the Indians "become citizens and lose their tribal character-- the tenure under which the U.S. has been their trustee is vitiated and rendered a nullity."⁴²

Agent Long, however, recognized certain logical inconsistencies in his position and was troubled by them. How, he inquired of Washington, if the government had dissolved the tribal relations of the Chippewas of Saginaw, Swan Creek, and Black River in 1855 could those bands negotiate a new treaty in 1864?⁴³ The obvious answer was, of course, that their band organization, like that of the Ottawas and Chippewas, had remained intact. As Long recognized, the theory of total dissolution sometimes voiced after 1870 never meshed with government practice.

Nevertheless, uninformed readings of the treaty continued to give rise to similar positions. In 1872 Secretary of Interior Delano argued that Article 5 of the treaty of 1855 meant that with the last annuity payments the tribal organization of the Ottawas and Chippewas would disappear and they would become citizens like any other citizen. Delano's interest in the dissolution of tribal ties and the bestowal, ipso facto, of United States citizenship was well-intentioned. He wanted to counteract the failure of the land provisions of the treaty and give the Indians homestead rights on the public lands of Michigan.⁴⁴ His logic, however, was fallacious and was rejected implicitly in June of the same year when Congress passed special legislation giving the Ottawa and Chippewa limited homestead rights⁴⁵ and explicitly in 1875 when the General Land Office ruled that the Indians were not entitled to the benefit of homestead laws.⁴⁶

Another formulation of this position occurred in some of the annual reports of the Mackinac Agency during the 1880s. In 1887, for example, Agent Mark Stevens maintained that "As has heretofore been stated in former reports of this agency the Indians do not maintain any tribal relations and are not known or treated as having tribal relations but in all respects are citizens on an equality with whites, exercising the right of suffrage, and many of them holding local offices."⁴⁷ As noted previously, the government had never considered state citizenship incompatible with wardship and band status. To say they were state citizens was never proof of their loss of band status. Years later lawyers within the Bureau of Indian Affairs would, in effect, pronounce Stevens' opinion incorrect. The members of the Ottawa-Chippewa bands did not have equal status with the Whites; they were not citizens of the United States until at least 1887 and, given their band status, probably not until 1924.⁴⁸

Despite the weakness of their premises, opinions such as Long's and Stevens' would gradually pervade the Bureau. A quick and superficial reading of the Treaty of 1855 seemed to support the belief in the dissolution of all Ottawa political organization, and no one within the Bureau investigated the matter much further. Bureau officials apparently never consulted the minutes of the treaty council which made the actual meaning of Article

five, the clause that dissolved the Ottawa and Chippewa Tribe (not the bands themselves), quite clear. As a result, the belief in the dissolution of the bands took on a legitimacy within the Bureau that it never deserved. This legitimacy was not total, however.

The treaty had, after all, also involved the Ottawas and they stubbornly retained their own band and community organizations. In 1878 Special Agent E.J. Brooks reported that the Indians had never recognized the dissolution of the bands and many Ottawas contended that American officials had no power over them.

It is without doubt the fact that at the date of the treaty the Indians had no conception of the position in which they were placed by the dissolution of their tribal relations. I know that they accepted the conditions and obligations of citizenship reluctantly and even now many among them claim that the constituted authorities have no jurisdiction over them.⁴⁹

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 chiefs, headmen, or band delegates. The result was a basic contradiction between policy and practice in which the practices of the Bureau of Indian Affairs occasionally reflected the realities of the situation while Bureau policy statements often were grounded only in the misreading of the treaty. For example, Agent Mark Stevens, whose assertion of the dissolution of tribal relations has already been quoted, nonetheless reported in 1886 that:

While no tribal relations exist, yet the Indians annually elect certain of their number, whom they call chiefs or headmen, whose duty it is to transact all business with the Government or the Indian agent, sign all papers and stipulations, which they consider as binding upon the band.⁵⁰

During the 1870s, before Stevens' tenure at the Mackinac Agency, government agents had frequently recognized the legitimacy of band leaders, such as those described by Stevens, at Grand Traverse. In 1871 and 1872, for instance, the chiefs and headmen of Grand Traverse had handled the band's dealings with Washington over land matters.⁵¹ And in 1873 when Special Agent John Knox and Agent George Betts visited Northport to settle the land question, they met with the "Chiefs of the Grand Traverse bands," not with individual band members.⁵²

In the years that followed local leaders from Grand Traverse continued to deal with the government on behalf of the bands. In the late nineteenth and early twentieth centuries James M. Paul of Omena made several trips to Washington with funds collected from band members. His trips were in connection with the Ottawa and Chippewa claims under the Treaties of 1836 and 1855 that would eventually lead to the payment made the Ottawas and Chippewas in 1910.⁵³

When the success of Ottawa claims under the treaty of 1836 necessitated the preparation of a new band rolls for the Ottawas and Chippewas in 1908 and 1909, the Bureau of Indian Affairs dispatched Henry Durant to prepare the new roll. They instructed him that "where the Indians are

found to be living in tribal relation the certificate of the chief or head men of a band is to be accepted by you as prima facie evidence of the right to enrollment of any Indian belonging to such a band."⁵⁴ Such instructions obviously presumed the possibility of continued band organization. Durant, like Stevens, before him, assumed that the treaty had dissolved all political organization, but he too found the Grand Traverse bands intact.

Although the tribes and its bands are now dissolved, there yet exists a custom to recognize certain of the older members as chief and headmen. These chiefs and headmen have protested to me and to the Office against the present enrollment of certain persons descendants of those half-breeds who were on the 1870 roll.⁵⁵

Among the organized bands whose headmen petitioned the Bureau over the inclusion of the children of 1870 mixed-blood members in their rolls was Grand Traverse.⁵⁶ The contention of the headmen that they should be allowed to determine the status of mixed blood claimants led Durant to ask the Bureau for instructions.⁵⁷ They replied:

The facts as to the protest of the chiefs and other representatives of the tribe against the enrollment of any mixed bloods other than those whose names were borne on the roll of 1870, and also against the granting of such rights to their children, should be set out in full in your report, and you should designate, so far as practicable, the mixed bloods who are to share in the payment to these Indians. The matter will then be submitted to the Secretary of the Interior for his consideration and final determination.⁵⁸

Durant, in preparing his roll, designated those members against whose inclusion in the band the chiefs and headmen protested. In deciding the status of these persons,

the Bureau put great weight on the fact that organized Indian communities had survived and that these communities had the right, using native custom, to determine their own memberships.

His (Durant) reports show that the various Indian communities and groups still recognize chiefs and headmen and to some extent have maintained their tribal organization notwithstanding the treaty of 1855 by which such organization was to be dissolved; that the provision made for their mixed bloods in 1870 was in the nature of a settlement of such rights in the tribe as they had. . . . It is shown also to be the tribal custom to designate what mixed bloods and their children should receive aid for the tribe; and that the several branches thereof protest strongly against permitting any mixed bloods and their descendants to whom the tribe protests, and recommends that they be not allowed to participate in the judgment.⁵⁹

The Bureau agreed with the protests of the headmen and recommended that the contested mixed-bloods not be included on the rolls.⁶⁰ In making this decision, the government recognized the continued existence of the bands, the legitimacy of the headmen who spoke for them, and the right of the bands to use native custom to determine their own membership.

Band members, for their part, continued to look to the Bureau for aid in land matters and other areas during the late nineteenth and early twentieth centuries. Thus Lewis Ance wrote the Bureau about what he believed to be the treaty right of band members to land in 1898 and for redress of fraud in 1903.⁶¹ And in 1915 George Antoine, whom the Bureau would briefly recognize as chief in the 1930s, wrote the Bureau about state violations of Indian

fishing rights.⁶² Federal aid in these cases was not forthcoming, but band members nonetheless continued to think in terms of treaty obligations and rights and of the Bureau's duty to protect them.

The reluctance of the government to act forcefully on the Ottawa's behalf in the early twentieth century does not mean that all federal services ceased. As noted earlier, government recognition of the bands went beyond mere acknowledgment of and negotiations with band leaders. The government also provided services and supervision to band members after the period provided for in the treaty of 1855.

Land

The reservation of land for the Grand Traverse bands under the Treaty of 1855 and its later alienation is a complex and confusing story. How the Grand Traverse bands lost their land through fraud and intimidation will be told in more detail in a later chapter. The purpose here is only to examine the government's intervention in Ottawa land matters that lay outside the provisions of the treaty.

Under the treaty of 1855 the government agreed to hold individual land allotments in trust for members of the various Ottawa and Chippewa bands until the allottees received patents. According to the timetable outline in the treaty, all members of the Ottawa bands should have selected their land by July 1861 and received their patents

in 1871.⁶³ Because of the inefficiency of the Bureau of Indian Affairs and the claims of local Whites, however, the Grand Traverse band did not complete land selections until 1871, and most band members receive patents for their land until 1872, while those residing at Northport apparently had to wait until 1876 or later.⁶⁴ The government thus exercised trusteeship over all Indian lands for nearly twenty years after the treaty, and such trusteeship did not end special government intervention on behalf of the Indians in land matters.

The decision of the government not to negotiate new treaties with the Grand Traverse bands and other Ottawa and Chippewa bands was, in fact, a choice in favor of special legislative solutions to Indian problems in northern Michigan. The basis of this solution was the Act of June 1872, "An Act for the restoration to market of certain lands in Michigan . . .". The act attempted to solve Indian land problems by allowing all Indians who had not selected land under the treaty, as well as all Indians who had come of age since the treaty, to make homestead entries on unoccupied reservation lands for six months following the passage of the act.⁶⁵ The act itself was full of inequalities that shall be discussed later. What is pertinent here is that the act of 1872 became the basic homestead legislation for the Ottawas and Chippewas, modified and extended in 1875 and extended indefinitely in 1876.⁶⁶

The Bureau of Indian Affairs and the General Land

Office regarded the Act of 1872 and its successors as special remedial legislation. The provisions of the act were not confined to those Indians entitled to land under the 1855 treaty; instead they applied to all band members who had come of age since the treaty. Nor, according to those responsible for enforcing the legislation, were the homestead provisions of the act to be applied as they would be to white settlers. In a report made in 1878 Special Agent E.J. Brooks, who investigated frauds arising from the act, insisted that the act had to be interpreted in the light of existing Indian residential and economic patterns.

The Act of June 10, 1872 is remedial in character and intention, and as such should not have restricted the rights of the beneficiaries under the Treaty of 1855. Such being the case, while I have not examined the debates in Congress pending the passage of the act, I am not inclined to believe that it was the intention to hold these Indians to the same degree of conformity with the homestead law required of whites by the rules of this office.⁶⁷

This Indian homestead legislation ended up creating far more problems than it solved, however. The various pieces of legislation invited such extensive fraud by Whites that they made land matters the major concern of agents for years to come.⁶⁸ When faced with cases of obvious fraud against Indian homesteaders, the government regularly intervened in legal proceedings. Agents came to spend a substantial amount of their total time trying to aid Ottawa and Chippewa homesteaders, and the government eventually dispatched a special agent, E.J. Brooks, to the Mackinac agency in 1877 to aid in the investigation

of land frauds.⁶⁹

The Act of 1872 extended the government supervision of the Ottawas into realms beyond the treaty of 1855, and in attempting to protect the Ottawas the agents aided, among others, the Grand Traverse bands. Thus in January of 1877 the Commissioner of Indian Affairs ordered Agent George Lee, who was investigating land frauds, "to extend your observations to the Indians of the tribe residing in the vicinity of Grand Traverse Bay," By February Lee had discovered forty cases of fraud in the Grand Traverse Land Office.⁷⁰ Later that same year Lee reported that he and Special Agent E.J. Brooks were investigating homestead frauds in Mason, Oceana, Leelanau, Antrim, Charlevoix, Cheboygan, and Emmett counties.⁷¹ Since the Grand Traverse bands lived in Leelanau and Antrim counties, the government was still acting in behalf of the bands in land matters, twenty-two years after the signing of the treaty. As local Whites realized, the intercession of federal officials into legal cases involving members of the Ottawa bands amounted to a federal confession of guardianship. Settlers complained that if the Indians were citizens of the state of Michigan they were not entitled to special government assistance in the courts of law or in administrative proceedings.⁷² E.J. Brooks, the special agent in charge of the investigation of fraud against the Ottawas, reported the settlers complaints, but he himself recommended that the government go beyond mere intervention and reinstitute

complete trust status for all Ottawa and Chippewa lands. Indian lands would be made inalienable for a period of twenty years after the patent was issued.⁷³ Such recommendations recognized government obligations to protect Indian land holdings, but they had little chance of implementation in late nineteenth century Michigan where Indians were regarded as obstacles to progress.

The whole question of trust land was especially crucial because of its relation to taxes. The Indians had raised the question of taxes at the 1855 treaty council. There George Manypenny, the Commissioner of Indian Affairs, had promised that "on the question of taxes . . . I am disposed to manage it for your benefit."⁷⁴ This seemed an assurance that Indian lands would be exempt from taxation, but taxation of Indian lands became a problem in Michigan almost immediately. In August of 1866 Whites stopped Grand Traverse members living around Bingham, Michigan from voting because the Indians had become dissatisfied with tax assessment procedures and decided to vote against the assessor.⁷⁵ Obviously taxes were already being levied against lands owned by members of the Grand Traverse bands; just as obviously the Indians believed these taxes to be discriminatory or even illegal. A few years later Agent James Long protested against the taxation of Indian lands since most Indians had never received patents for these lands. The Auditor General of Michigan replied that he knew of no law exempting lands

for which certificates (documents promising the eventual issuance of a patent) had been issued from taxation.⁷⁶ The Indian reaction to the situation was most often a refusal to pay taxes. In 1880 Agent George Lee reported that only about 12% of the Indians in Michigan actually paid the taxes on their lands.⁷⁷ The result was widespread loss of Indian lands to the counties because of the tax delinquency.

Technical Aid

Article 2 of the treaty of 1855 provided for five payments of \$15,000 each in "agricultural implements, and carpenters tools, household furniture and building materials, cattle, labor and all such articles as may be necessary and useful for them in removing to the homes herein provided and getting permanently settled thereon." In addition to this, the treaty allotted other funds for the maintenance of four blacksmith shops to serve all the Ottawa and Chippewa bands.⁷⁸ The performance of the government in fulfilling these provisions hardly matched its promises. An investigation of the Mackinac agency in 1866 found the "affairs of the several reservations . . . loosely managed to the great detriment of the moral and social welfare of the Indians, while their pecuniary interests have suffered in perhaps a still greater ratio."⁷⁹ The enthusiastic adoption of White technology seems to have slowed considerably after the treaty. Special Agent Alvord found most

Indians paid little attention to agriculture and that nowhere in the agency was there an operating blacksmith shop.⁸⁰ The "civilization" program of the treaty theoretically ended in 1866; in practice it had hardly begun.

Nominal technical and agricultural aid to the Ottawas continued into the 1870s, but government management remained loose and the aid was irregular. In 1875, for instance, the government distributed seeds and implements to the Ottawas and Chippewas, but then assistance ceased despite the fact that treaty funds remained unexpended.⁸¹ As a result, money remained in the Ottawa and Chippewa civilization accounts long after the period provided for in the treaty. In June of 1873 Agent Betts reported that almost \$3,900 in unexpended funds remained in the Treasury. The Indians were fully aware that this money was still due.⁸² Not until 1902, however, did Andrew Washikey, a Chippewa from Bay Mills, succeed in getting a government investigation of funds still due the Ottawas and Chippewas. An examination of accounts revealed that the Indians had \$9,555 coming in back annuities as well as smaller amounts for blacksmith shops and agricultural implements.⁸³ In effect, therefore, the government carried Ottawa-Chippewa funds in the treasury for half a century after the treaty.

Many members of the Grand Traverse bands would have preferred permanent government supervision of all band funds owed under the treaty. The treaty itself was ambiguous about the disposition of the final \$206,000 due the

Indians. The fourth clause of Article two reads in part:

And the sum of two hundred and six thousand dollars remaining unpaid at the expiration of ten years, shall be then due and payable, and if the Indians then require the payment of said sum in coin the same shall be distributed per capita in the same manner as annuities are paid, and in not less than four equal annual instalments (sic).⁸⁴

Since the treaty specified payment only "if the Indians then require the payment of said sum in coin," and since during negotiations the Indians had requested continuing government supervision over their funds, it appears that distribution of the \$206,000 was not mandatory. The money could have remained on deposit with the government. In 1867 Agent Smith consulted the Indians about the final disbursement of this fund and found opinion divided. Part of the people at Grand Traverse wished "their portion to remain as an investement," but the agent decided upon distribution.⁸⁵ The treaty, therefore, did not clearly mandate an end to financial trusteeship by the federal government, nor did many Indians at Grand Traverse wish it to end. The decision to end federal supervision of Indian funds was an administrative decision; it was not agreed to by treaty.

Education

Education was at the heart of the government's "civilization" program. Article 2 of the treaty of 1855 made provisions for:

Eighty thousand dollars for educational purposes to be paid in ten annual installments of eight

thousand dollars each, which sum shall be expended under the direction of the President of the United States; and in the expenditure of the same, and the appointment of teachers and management of schools, the Indians shall be consulted, and their views and wishes adopted so far as they may be just and reasonable.⁸⁶

The treaty of 1855 guaranteed federally aided educational services to the people of Grand Traverse; it was a promise not fully redeemed in the years immediately following the treaty. In the 1850s and 1860s most federal school aid came through the day school operated by George Smith, the Congregationalist missionary, at Northport.⁸⁷ During the negotiation of the treaty the Indians had complained bitterly about government and mission education. They argued that despite twenty years of mission schools few Indians could read, write, or speak English and they demanded control of their own educational funds and the right to hire and dismiss school teachers.⁸⁸ As with other aspects of the treaty, the Americans appeared to agree with Indian complaints in council but then ignored them when implementing the treaty. In 1856 the government had gone ahead and given the education funds for Grand Traverse to the missionaries.⁸⁹

The church schools were, even according to the missionaries, failures.⁹⁰ In this they were no different from other schools conducted under the treaty. Special Agent Henry Alvord pronounced them all failures in 1866.⁹¹

Schooling at Grand Traverse was sproadic; both the government aided day school and the Presbyterian funded boarding

school of Grove Hill closed in the 1860s despite the fact that treaty funds for education remained unexpended.⁹² Such educational money as remained due the Ottawas and Chippewas sporadically trickled from the treasury thereafter, until by 1874 it was entirely exhausted with nothing having been accomplished.⁹³

In the late 1870s a new agent, George Lee, began to reinvigorate government educational efforts for Michigan Indians.⁹⁴ Where Indian communities were isolated from Whites, Lee established new day schools, but in areas like Grand Traverse, where large numbers of White settlers surrounded Indian communities, Lee proposed special federal aid to Indian students attending public schools. Although the agent recognized Indian resistance to American education, he contended that many Indian children within a mile or two of public schools often did not attend simply because of poverty. He asked that the government furnish money to provide these children with the books necessary to attend school, and his request apparently was approved.⁹⁵

In the 1890s the government expanded its educational efforts beyond mere aid to Indian students by opening a boarding school at Mt. Pleasant to serve all the Indians of Michigan.⁹⁶ From its inception students from the Grand Traverse bands attended Mt. Pleasant. Although few enrollment lists survive, the school records, especially the requests for funds to transport students to and from their homes, provided conclusive evidence of government educational

services to Grand Traverse members. In 1895, for instance, students were transported from Northport, Suttons Bay, Omena, Traverse City and Elk Rapids to Mt. Pleasant.⁹⁷ And in 1897 Nancy Wasaquam was given transportation from Mt. Pleasant home to Northport.⁹⁸ The 1902 transportation list mentioned students from Omena and Traverse City,⁹⁹ and the 1904 list contains students from Suttons Bay and Northport.¹⁰⁰ Where enrollment lists for Mt. Pleasant do survive, they are just as specific about the attendance of students from Grand Traverse. In 1926 nine students from Suttons Bay, Omena, and Glen Haven attended Mt. Pleasant, and such attendance from the Grand Traverse region was probably typical of the 1920s and early 1930s.¹⁰¹

Children enrolled at Mt. Pleasant were wards of the federal government. The government's control over them was so complete that officials could and did deny parent's requests that children be sent home for vacations.¹⁰² Because this control was so strong, the government took responsibilities for students that went beyond education. Students at Mt. Pleasant were fed, clothed, and given medical and dental care.¹⁰³ For many desperately poor Indians the enticements of food, clothing, and medicine were exactly what prompted enrollment of their children.¹⁰⁴

Most Grand Traverse members educated at government boarding schools went to Mt. Pleasant, but some attended schools much farther away. When Agent Durant compiled his role of the bands in 1908, he listed several members as

attending schools out of the state. Isaac Pabe of Way-say-quoun's band was in school in Genoa, Nebraska, as was John Maishaw, a member of Au-ko-we-say's band.¹⁰⁵ And Jesse White, a member of the Elk Rapids band, was in Tomah Indian School in Wisconsin.¹⁰⁶ The federal government then educated members of the Grand Traverse bands for years after the treaty of 1855. And education, at least in the boarding schools, amounted to virtual wardship over the students.

Conclusion

The treaty of 1855 had not dissolved the band organization of the Ottawas. The government confessed as much when they attempted to negotiate new treaties in the 1860s. And although later the federal government might pretend that they had lost all contact with the Grand Traverse bands after the early 1870s, they had, in fact, recognized the bands and provided services whenever it suited their purposes to do so. As white settlers recognized, the intervention of federal officials in Indian homestead proceedings in the late 1870s was a confession of federal guardianship. Likewise the Superintendent of the Mt. Pleasant School recognized full well the continued existence of Indian communities along Grand Traverse Bay. He took students from them and returned students to them every year. The supervision of agents was hardly constant, but they consistently mentioned the condition of the Ottawas in their annual reports throughout the existence

of the Mackinac Agency. And when in 1908 the government had to find Indian communities and recognize Indian leaders to compile the Durant Roll, they had no trouble doing either. The old Grand Traverse bands had survived, even if they had not prospered. In meeting changed conditions they had made a history of their own; a history that must now be examined if their condition in the twentieth century is to be understood.

Footnotes

¹Constitution of 1850, Article 7 - Elections, in Michigan Compiled Laws, Annotated; Volume I: Organic Laws . . . Constitution of Michigan (St. Paul, 1967) 315.

²NA, M 234, Mack., R 407, f 298, Jacob Howard in Detroit Daily Advertiser, 10/9/60.

³NA, RG 123, Letter of Transmittal, Treaty of July 31, 1855, Manypenny and Gilbert to Acting CIA, 8/7/56.

⁴NA, M 234, Mack., R 404, f 269, G. Johnston to CIA, 10/3/56.

⁵NA, M 234, Mack., R 406, f 531-34, W. Johnston to CIA, 1/19/59.

⁶NA, M 234, Mack., R 406, f 652, Fitch to Greenwood, 3/20/60.

⁷NA, M 234, Mack., R 406, f 659, Fitch to Johnston, 1/2/58.

⁸NA, M 234, Mack., R 406, f 783-84, Petition of Democratic State Committee to the President, 2/22/60.

⁹NA, M 234, Mack., R 406, f 298, J. Howard in Detroit Daily Advertiser, 10/19/60.

¹⁰NA, M 234, Mack., R 407, f 713, D.C. Leach to Cole, 1/21/65; f 639, Mix to Usher, 1/26/65; f 642, N. Miller to Lt. Col. Hill, 2/18/65.

¹¹NA, M 234, Mack., R 409, f 628, Secretary of Interior to CIA, 7/24/71.

¹²NA, M 234, Mack., R 410, f 433-36, Delano to Walker, 2/27/72.

¹³NA, M 234, Mack., R 411, f 591, Commissioner of Land Office to Betts, 1/12/75.

¹⁴NA, M 234, Mack., R 407, f 402, Leach to CIA, 4/22/64.

¹⁵Ibid.

¹⁶NA, M 234, Mack., R 407, f 488, Leach to CIA, 5/10/64.

¹⁷NA, M 234, Mack., R 407, f 1061-1062, Smith to CIA, 2/12/66.

¹⁸NA, M 234, Mack., R 407, f 517-519, Leach to CIA, 6/14/64.

¹⁹NA, M 234, Mack., R 407, f 539-540, Leach to CIA, 10/4/64.

²⁰Ibid.

²¹"Treaty with the Chippewa of Saginaw, Etc., 1855," Article 6, 11 Stat., 633, Kappler, Laws and Treaties, 2: 735.

²²NA, M 234, Mack., R 408, f 865, Leach to CIA, 10/19/69.

²³NA, M 234, Mack., R 407, f 855-65, Alvord to CIA, 11/16/66.

²⁴NA, M 234, Mack., R 407, f 1061-1062, Smith to CIA, 2/12/66.

²⁵NA, M 234, Mack., R 407, f 1035, Head Chiefs of Grand and Little Traverse to CIA, 1/20/66; f 1061-1062, Smith to CIA, 2/12/66.

²⁶NA, M 234, Mack., R 407, f 834-835, Chiefs of Grand Traverse to CIA, 5/17/66.

²⁷NA, M 234, Mack., R 407, f 978-981, W.T. Howell to Secretary of Interior, 8/4/66; f 982-983, Petition fo Grand River Chiefs, 8/1/66.

²⁸NA, M 234, Mack., R 408, f 79, CIA to Secretary of Interior, 5/8/67.

²⁹NA, M 234, Mack., R 408, f 810-812, CIA to Secretary of Interior, 5/11/67.

³⁰NA, M 234, Mack., R 408, f 79, CIA to Secretary of Interior, 5/8/67.

³¹NA, M 234, Mack., R 408, f 323, Smith to CIA, 12/2/67.

³²NA, M 234, Mack., R 408, f 544-45, Chiefs of Grand River to CIA, 5/8/68.

³³NA, M 234, Mack., R 408, f 562, Smith to CIA, 6/12/68; f 434-435, Declaration of Chiefs and Headmen, Grand River, 6/3/68.

³⁴NA, M 234, Mack., R 408, f 431, Foster to CIA, 8/26/68.

35 NA, M 234, Mack., R 408, f 574-75, Smith to CIA, 10/29/68.

36 NA, M 234, Mack., R 408, f 814, Taylor to Smith, 10/21/68.

37 NA, M 234, Mack., R 408, f 489-497, CIA to Secretary of Interior, 1/27/69.

38 NA, M 234, Mack., R 408, f 945-47, Smith to CIA, 1/25/69.

39 NA, M 234, Mack., R 408, f 912-913, Louis MacSauler to CIA, 5/20/69.

40 NA, M 234, Mack., R 409, f 1024-1025, Grand River Chiefs to CIA, 6/21/71.

41 NA, M 234, Mack., R 409, f 927, Grand Traverse Chiefs to President, 3/22/71.

42 NA, M 234, Mack., R 409, f 761-765, Long to CIA, 4/3/71.

43 NA, M 234, Mack., R 409, f 185-188, Long to CIA, 4/14/70.

44 NA, M 234, Mack., R 410, f 433-36, Delano to CIA, 3/27/72.

45 "An Act for the restoration to market of certain Lands in Michigan . . ." (June 10, 1872, Statutes, 11, page 621) copy with Circular, NA, M 234, Mack., R 411, f 214-215, Circular, July 5, 1872.

46 NA, M 234, Mack., R 411, f 591, Commissioner of General Land Office to Betts, 1/12/75.

47 CIA, Report, 1887, 127.

48 NA, RG 75, Bureau of Indian Affairs, Classified Files, 1907-1939, Sault Ste. Marie, file 96000-1919-013, Memorandum, Chief Counsel, Land Division, 6/8/35.

49 NA, M 234, Mack., Brooks to CIA, 1/4/78, p. 6.

50 CIA, Report, 1886, 165.

51 NA, M 234, Mack., R 409, f 455, Petition of Chiefs at Grand Traverse, 4/17/71; R 410, f 17, Chiefs and Headmen of Grand Traverse to President, 6/20/72.

52 NA, M 234, Mack., Knox to CIA, 6/21/73.

53 Traverse City Evening Transcript, 7/28/1910.

⁵⁴NA, RG 75, Records of the Bureau of Indian Affairs, Special Agent Files, 45533-1908-053, Henry B. Durant, Wilson to Durant, 7/27/1908, p. 7.

⁵⁵NA, RG 75, BIA, Durant Files, 45533-1908-053, Durant to CIA, 7/13/1909.

⁵⁶NA, RG 75, BIA, Durant Files, 45533-1908-053, Headmen of Grand Traverse to CIA, 7/31/1909.

⁵⁷NA, RG 75, BIA, Durant Files, 45533-1908-053, Durant to CIA, 7/13/1909.

⁵⁸NA, RG 75, BIA, Durant Files, 45533-1908-053, CIA to Secretary of Interior, 1/25/1910.

⁵⁹Ibid.

⁶⁰Ibid.

⁶¹NA, RG 75, Records of the Bureau of Indian Affairs, Correspondence, Letters Sent, 1881-1907, Land Division, Vol. 301, Letter Book 601-602, CIA to Commissioner of General Land Office, 5/12/1903; Letters Received, Ance to CIA, 1/27/1898, Land, #7820; Commissioner of General Land Office to CIA, 2/18/98, Land, #8474.

⁶²NA, RG 75, BIA, General Service File, 9940-15-115, Antoine to CIA, 9/10/15.

⁶³"Treaty with the Ottawas and Chippewas, 1855," 11 Stat., 621, Kappler, Laws and Treaties, 2:726.

⁶⁴NA, M 234, Mack., R 409, f 686-92, Knox to CIA 12/8/71.; R 410, f 610, Drummond to CIA, 6/29/72; R 410, f 329, Betts to CIA, 8/1/72; R 411, f 905, Lee to CIA, 8/12/76.

⁶⁵"An Act for the Restoration to market of certain land in Michigan," 11 Stat. 621; NA, M 234, Mack., R 411, f 214-215, Circular, 7/5/72.

⁶⁶"An act to amend the act entitled 'An act for the restoration to homestead entry. . .'" 18 Stat. 516, Kappler, Laws and Treaties, 1:158-159; "An act extending the time within which homestead entries upon certain lands in Michigan may be made," 19 Stat. 55, Kappler, Laws and Treaties, 1:161.

⁶⁷NA, M 234, Mack., R 413, f 58, E.J. Brooks to CIA, 1/4/78.

⁶⁸ There is extensive material on these frauds which usually consisted of variations on perjured testimony that Indians had abandoned their land or else failed to fulfill homestead requirements and had thus deserted their claim. The best summaries are in the reports of E.J. Brooks. NA, M 234, Mack., R 413, f 65-99, E.J. Brooks to Commissioner of General Land Office, 12/27/77; f 54-64, E.J. Brooks to Commissioner of Indian Affairs, 1/4/78; f 105-136, E.J. Brooks to E.A. Hayt, 1/12/78.

⁶⁹ NA, M 234, Mack., R 413, f 65, E.J. Brooks to Commissioner of General Land Office, 12/27/77.

⁷⁰ NA, M 234, Mack., R 412, f 208-230, Report of Agent Lee, 2/1/77; R 411, f 971, f 422, Lee to CIA, 10/12/77.

⁷¹ NA, M 234, Mack., R 412, f 422, Lee to CIA, 10/12/77.

⁷² NA, M 234, Mack., R 413, f 54-64, Brooks to CIA, 1/14/78.

⁷³ Ibid.

⁷⁴ NA, RG 123, Treaty Journal, 42.

⁷⁵ NA, M 234, Mack., R 407, f 1190-93, H.B. Page to Smith, 8/1/66.

⁷⁶ NA, M 234, Mack., R 408, f 859, Auditor General to Long, 9/1/69.

⁷⁷ NA, M 234, Mack., R 451, Lee to CIA, 10/1/80.

⁷⁸ "Treaty with the Ottawa and Chippewa, 1885," 11 Stat. 621, Kappler, Laws and Treaties, 2:728-729.

⁷⁹ NA, M 234, Mack., R 407, f 355-356, H.J. Alvord to CIA, 11/16/66.

⁸⁰ NA, M 234, Mack., R 407, f 358, 361-362, H.J. Alvord to CIA, 11/16/66.

⁸¹ NA, M 234, Mack., R 411, f 298, George Betts, Estimate of Funds, first and second quarters, 1875, 2/2/75, "Agricultural implements and seeds for the Ottawa and Chippewa."

⁸² NA, M 234, Mack., R 410, f 89-92, Betts to CIA, 6/30/73.

⁸³ NA, RG 75, BIA, Correspondence, L.S., 1881-1907,

Finance, Letter Book 712, CIA to Secretary of Interior, 5/8/1902, #14847.

⁸⁴"Treaty with the Ottawas and Chippewas, 1855," 11 Stat. 621, Kappler, Laws and Treaties, 2:720.

⁸⁵NA, M 234, Mack., R 408, f 248, Smith to CIA, 3/13/67.

⁸⁶"Treaty with the Ottawas and Chippewas, 1855," 11 Stat., 621, Kappler, Laws and Treaties, 2:728.

⁸⁷George Smith Letters, American Missionary Association, Amstad Research Center, Dillard University, New Orleans, George Smith to Rev. George Whipple, 3/7/58; CIA, Report, 1855, 39.

⁸⁸NA, RG 123, Treaty Journal, 56-57.

⁸⁹George Smith Letters, American Missionary Association, Amstad Research Center, Dillard University, New Orleans, George Smith to Rev. George Whipple, 3/7/58.

⁹⁰Ibid.

⁹¹NA, M 234, Mack., R 407, f 858, Alvord to CIA, 11/16/66.

⁹²Vogel, "Missionary as Acculturation Agent," 200; CIA, Report, 1866, 301; CIA, Report, 1862, 344. Since Leach mentions only the Grove Hill school in his 1866 report, it appears that the school at Northport had already closed.

⁹³CIA, Report, 1874, 184.

⁹⁴CIA, Report, 1877, 123, CIA, Report, 1878, 76.

⁹⁵NA, M 234, Mack., R 415, f 525-526, Lee to CIA, 1/10/80, Lee to CIA, 12/21/80.

⁹⁶CIA, Report, 1894, 384-385.

⁹⁷NA, RG 75, BIA, LR, 1881-1907, Spencer to CIA, 7/23/95, Education, #32175.

⁹⁸NA, RG 75, BIA, LR, 1881-1907, Spencer to CIA, 6/16/97, Education, #24229.

⁹⁹NA, RG 75, BIA, LR, 1881-1907, Nardin to CIA, 4/24/1902, Education, #25053.

¹⁰⁰NA, RG 75, BIA, LR, 1881-1907, Nardin to CIA, 5/6/04, Education, #1259.

101 NA, RG 75, Federal Records Center-Chicago, Bureau of Indian Affairs, Field Office Records, Mt. Pleasant, Correspondence of Superintendent, Misc., 1921-1926, Annual Report, 1925.

102 NA, FRC-Chi., BIA, FOR, Mt. Pleasant, Press Copies of Letters Sent, Misc., 9/20/06-6/20/07, Cochran to Peter James, 11/2/06, p. 93; Supt. to A. Cardotte, 4/11/07.

103 NA, FRC-Chi., BIA, FOR, Mt. Pleasant, Correspondence of Superintendent, Misc. 1921-1926, Annual Report, 1925.

104 NA, FRC-Chi., BIA, FOR, Mt. Pleasant, Correspondence of Superintendent., Misc., 1919-1924, George Jutway to Supt., 8/8/22; File T, 1919-1923, Mary Tallman to Supt., 8/9/22.

105 NA, RG 75, BIA Durant Files, 45533-1908-053, Durant Roll, Northport, Waw-say-quon band, p. 38, Isaac Pabe, no. 37,; Au-ko-we-say band, p. 40, John Maishaw, no. 15, no. 6.

106 NA, RG 75, BIA, Durant Files, 45533-1908-053, Durant Roll, Elk Rapids band, p. 46, Jesse White, no. 11/46.

CHAPTER IV

THE OLD AND THE NEW: THE GRAND TRANVESE BANDS 1855-1930

There is a basic continuity between the early and late nineteenth century history of the Ottawas of Grand Traverse. Old ways persisted even as the bands adapted to changed conditions; new adjustments were as much rooted in older patterns as they were borrowed from the Whites. In most ways the treaty of 1855 didn't touch this evolutionary process at Grand Traverse. Like most other mid-nineteenth century treaties, the treaty of 1855 was full of contradictions. It looked toward the eventual assimilation of Indian peoples into American society through education, agriculture, and technical assistance, but it left the bands and native forms of government intact. The semi-independent status of the Indians continued, and in many ways the treaty allowed the Ottawas freedom to make their own adjustment to the world the Americans brought. As virtually everyone admitted, the "civilization" program failed; although Ottawa culture changed, it nevertheless persisted.

Only one dramatic disaster flowed directly from the treaty: allotment of common lands in severalty. Because

of this the Indians lost all but a fraction of their homeland. The treaty did not accomplish this alone, of course; its severalty provisions were only a single step in the encroachment of the European and American legal and economic system that had begun to penetrate the Great Lakes region long before. Severalty did, however, both initiate and speed the last stage in the long process that deprived the Grand Travers bands of the title to their homeland. And this is ironic--for the leaders of the bands had signed the treaty of 1855 largely because it promised to give them secure title to their lands. This final erosion of the Indian land base is crucial to the subsequent history of the Grand Traverse band.

In 1855 the Ottawa Chiefs above all else had sought to preserve an adequate land base for their people. The Grand Traverse and Little Traverse bands had come to the treaty having already purchased thousands of acres from the public domain. They initially saw the treaty as an opportunity to secure more funds for further land purchases, but they eventually accepted American proposals for direct grants of land in severalty. The Chiefs had originally preferred land purchases over reservations because the strength of their title to the land was as important to them as the land itself. In the end, however, they had accepted American assurances of the security of their titles, and most chiefs seem to have believed that the treaty gave them a perpetual right to their land.¹

This confidence would not persist much beyond the treaty council.

The treaty of 1855 reserved most of the peninsula that forms the western boundary of Grand Traverse Bay and the land surrounding the old village of Elk Rapids at the other side of the bay for the Ottawas.² Since most members of the Grand Traverse bands already lived within these treaty areas, the chiefs probably believed their lives could continue after the treaty with only a minimum of disruption. Compared to the uncertainties following the treaty of 1836, both their land and way of life must have seemed reasonably secure to the Ottawas as they left the council at Detroit.

Actually grave threats to the security of their lands were implicit in the treaty, although the American negotiators did not see fit to explain this to the Indians. The treaty did not give the Ottawas exclusive rights to their reservations; it allowed for a variety of earlier claims to the land. Any settler who could demonstrate that he had established a claim to the land within the reservations before the treaty was signed could retain their land. As at other reservations, such claims existed at Grand Traverse.³ Far more dangerous than settlers claims, however, was the 750,000 acre grant made to the St. Mary's Canal Company for building the Sault Ste. Marie canal. The company could locate this grant anywhere within the public domain in Michigan, and by 1855 it had already claimed

some lands granted the Indians by the treaty.⁴ Likewise, the federal government had granted all swamp lands to the State of Michigan at a time when 'swamp' was liberally interpreted. This cost the Indians more reservation lands.⁵ In 1859 officials at the General Land Office estimated that of the 102,645 acres reserved for the Ottawas and Chippewas that they had examined, prior claims existed for 35,695 acres.⁶

And this was only the beginning of land problems under the treaty. Allotment of the remaining land to the Indians did not go smoothly. The treaty provided that lists of band members eligible to select land within reservations would be completed by July 1, 1856, with actual selections taking place over the next five years. When a selection was made, the allottee would be given a certificate, a document recording the allotment and promising ultimate title to the land. At the end of ten years a patent giving the owner full title would be issued.⁷ Agent Gilbert, however, did not even arrive at Grand Traverse to draw up the lists until July of 1856; while there he appointed a man to help the Indians in locating their allotments on the new reservation.⁸ This delay was typical of the twenty years of federal incompetence that would follow. Members of the Grand Traverse bands made their selections rapidly and their choices of allotments were apparently among those forwarded to Washington in April of 1857.⁹ Officials in Washington found the descriptions of the lands on these

lists to be defective, however, and returned them to Michigan for correction. Agent Fitch, Gilbert's successor, made "ineffectual efforts" to correct the lists. His successor, D.C. Leach, simply informed the department that the lists were beyond correction.¹⁰

The Bureau now ordered Leach to begin the selection process anew, and in June of 1863 Leach forwarded a new list to Washington.¹¹ This list too required corrections. It was not completed until February of 1866.¹² The revised selections reached Washington five years after the selection process was supposed to have been completed. And even after this long delay, many Indians still had not chosen their allotments.¹³

The Ottawas' chances of ever choosing their allotments were lessened in the early 1860s by the presence of large numbers of White settlers on their lands and the beginning of massive land frauds in the Grand Traverse area. The settlers came quickly. In 1860 Peter Dougherty wrote that, "white men, one after another, (are) working in among the Indians, some of them work against the Indians & would gladly crowd them out."¹⁴ In blatant violation of the treaty the new settlers pushed onto the reservation and appropriated the land. By 1865 over 100 White families had settled on the Grand Traverse Reservation with more arriving regularly.¹⁵

This influx of Whites not only endangered Indian allotments, it also made a mockery of the treaty provision

that allowed the Indians five years exclusive right after the allotment certificates were issued to purchase additional lands on the reservation.¹⁷ The purchase provisions of the treaty were not supposed to take effect until all Indians eligible to receive allotments had made their selections, and Agent Richard Smith contended that both he and previous agents had interpreted the treaty in this light. He contended that they had allowed no one, either Indian or White, to purchase reservation land.

Applications were made by both Indians and white-men to my predecessors in office, late Agents Fitch and Leach, as well as to myself for permission to purchase those lands and in every instance, it was refused--this office uniformly holding that by the terms of the treaties the surplus lands could not in justice to the Indians be purchased until all the selections in severalty had been made and of which fact due notice ought and should be given.¹⁸

Despite this supposed policy, eight young men from the Grand Traverse bands--Francis Blackman, John Awgosa, Peter Nawnebowe, Mitchell Negawnesay, John Eaton, Mitchell Francis, Lorris Remicum and John Remiwamishkang--succeeded in purchasing 12,000 to 16,000 acres of reservation lands at the Grand Traverse land office.¹⁹ As Blackman and Awgosa confessed to Smith in 1867:

The lands purchased by them were not purchased for themselves nor for Indians but for whitemen who furnished the money and paid for the lands--that they signed a good many papers for plenty of lands and for doing which the whitemen paid them some money as well as their expenses.²⁰

When Agent Smith took office in 1865, he heard of these illegal purchases from his predecessor as head of the

Mackinac Agency, D.C. Leach. Smith reported the charges to Washington in August of that year. The Bureau acted promptly, suspending all entries at Grand Traverse on August 15, 1865.²¹ Further investigation by Smith served to verify the charges and while the Bureau considered appropriate action, the suspension of entries continued and the preparation of patents for all the lands already entered ceased.²² The whole selection procedure had once again come to a halt, but this time with white settlers having already appropriated large areas of the reserve and with thousands of more acres tied up by fraud.

The government hoped to get out this morass of fraud and theft by negotiating new treaties and concentrating all the old Ottawa-Chippewa bands at an enlarged reservation at Little Traverse. For reasons discussed earlier, these treaties were never negotiated, but the mere possibility of new negotiations stalled the allotment process.

As the government delayed, another form of fraud, timber theft, increased on Indian lands. In January of 1867 N.S. Pheatt wrote the Commissioner of Indian Affairs to inquire about the possibility of buying 400 acres of land from the Grand Traverse Reservation in Leelanau County. Pheatt was a lumberman and he wanted the land for its timber.²³ But most lumbermen were not so scrupulous as Pheatt; they had been purchasing or stealing Indian timber for years and by 1869 timber theft had become

widespread on Indian lands all over Michigan. Sometimes Whites just took the timber; sometimes they had Canadian Indians impersonate American Indians and sign over timber rights; other times they bought the rights for a small amount from Indians who held certificates to the land; not patents, and thus had no right to sell.²⁴ During the winter of 1870-1871 Agent Smith estimated timber thefts on reservation lands in Michigan at from 20 million to 30 million board feet.²⁵

The continued failure to receive title to their lands caused understandable concern among the Indians. And, for different reasons, the delay also caused concern among Michigan Whites. Settlers wanted patents issued to the Ottawas and Chippewas so that the remaining reservation lands could be opened to White settlement.²⁶ By the late 1860s considerable political pressure had built up in Michigan for the issuing of patents and the opening of the reservation. In 1869 both of Michigan's senators and four of her representatives in the House were urging the Secretary of Interior both to acknowledge as valid lands purchased by Indians for Whites at Grand Traverse and to open up the remainder of the reservation for settlement. The Michigan Legislature backed up by congressmen by passing a resolution urging that patents be issued and the reservations returned to the market.²⁷ The Commissioner of Indian Affairs, however, maintained that to issue the patents when so many entries appeared to be fraudulent

would be a clear violation of the intent of the treaty.²⁸

Clear violations of the treaty no longer mattered in Michigan, however. Both the use of Indians as entry-men for Whites and the sale of timber by Indians holding only certificates to their lands, certificates which made the government trustee, violated the letter and intent of the treaty of 1855, but lawyers and judges in Michigan informed Agent James Long that they were prepared to consider both types of transactions legal.²⁹ Faced with an existing treaty debilitated by mismanagement and fraud, having failed to procure a new treaty, and under considerable pressure to act, the federal government resumed allotting lands in 1871 while Congress debated a whole new approach to the problem.

In March of 1871 Agent James Long proceeded to Traverse City to finish up the land schedules for the Grand Traverse band so that patents could be issued. By now almost sixteen years had passed since the treaty had been signed.³⁰ The people at Grand Traverse were not entirely pleased by this renewed government activity. In April of 1871 the bands met in Council and petitioned the government not to issue patents for any lands bought by Indians acting as agents for Whites. Such purchases "were made by a few of our young men against the wishes of us all . . . in the interest of the speculator, comprising thousands of acres of the most valuable land on our reservation which we had hoped to secure by homestead or entry

for our young men who have become of age since the time of making selections."³¹ The appointment of John Knox as a special agent to assist Agent Richard Smith in making up final land lists for the Grand Traverse bands and the Sault Ste. Marie Chippewas was apparently in part a response to this request. That fall Richard Smith drowned in a storm on Lake Huron, but Knox went on to Grand Traverse to meet with the various bands at Northport. There he reported that the final land selections of the bands had been perfected.³³

For the Indians the work of Long and Knox in compiling yet another list of allotments did not settle all land matters. They reminded Knox of the eighth clause of Article one of the treaty which provided for:

The exclusive right of Indians to purchase the unselected lands for a term of five years and from the fact that the selections have never been completed until the present time, the Indians have never had an opportunity to avail themselves of the above provisions of said treaty.³⁴

They now wished to use these provisions to obtain land for all those who had grown to adulthood since the treaty was signed.³⁵ Knox forwarded this request to Washington, adding to it, however, a brief for the rights of those Whites who had already settled on the reservations since the treaty.³⁶

On June 26, 1872 the government finally prepared 290 patents for members of the Grand Traverse band.³⁷ The patents would not be delivered until August 6, 1872,

however, and in late June growing discontent at Grand Traverse over the failure to receive patents resulted in a new attempt by the Ottawas to secure full title to all their reservation lands.³⁸ Once more the chiefs asked for their patents, and once more they asked for lands for their young men; this time they also appointed a delegation of chiefs to visit Washington.³⁹ The actual arrival of the patents later that summer did little to ease Indian concern. The number of patents issued by the Bureau was far short of the number of Indians who had selected lands and received certificates.⁴⁰ None of the Indians of the Northport bands received patents, despite the fact that they possessed valid certificates. George Betts, the Indian Agent, didn't know what to tell the angry Ottawas and feared they would vote against Republican officeholders in the upcoming election.⁴¹

When Betts investigated the shortage of patents, he discovered from James Long, the ex-agent, that the list of patents Long had compiled was incomplete. Long had not been instructed to make up a complete list, and he had left off many Indians who held certificates and were entitled to lands. Knox had apparently not placed these people on his list either.⁴² Betts estimated that there were about 1,000 certificates still out in the agency as a whole for which no patents had been issued.⁴³ What made this latest piece of government bungling particularly disastrous was the passage in June of 1872 of homestead

legislation for Michigan Indians. This legislation represented the new approach of Congress to the tangled land situation in Michigan.

With the passage of the new law, aptly entitled "An Act for the Restoration to Market of Certain Land in Michigan," Congress unilaterally abrogated the Treaty of 1855 and legislated a new solution to the conflict over Indian lands in Michigan. Under the cover of homestead legislation for the Indians, Congress eliminated any chance the Indians had of gaining title to most of their reservation. The law allowed band members who had not selected land under the 1855 treaty the right to use the Homestead Act for six months in selecting lands within the reservation, and it mandated the distribution of patents to those people who had already made selections under the treaty. But at the end of six months all remaining reservation lands would be opened up to White settlement.⁴⁴ The new act cavalierly dismissed the treaty's five year purchase clause, which the Grand Traverse bands had been so concerned about, and it provided no means of distinguishing between valid and fraudulent allotments.

The act made a few token gestures toward fair treatment for the Indians, but it was largely designed for Whites. Provisions of the act allowed band members not of age when the 1855 treaty had been signed to homestead land. And the act theoretically provided a way for Indians to get title to reservation lands beyond their allotments for only

a small filing fee instead of purchasing the land for \$1.25 an acre as they had to under the treaty. Also, the new law supposedly expedited the delivery of patents that the Ottawas had awaited for over a decade. But the disadvantages of the law were formidable and annulled most of its supposedly beneficent provisions. Its real purpose was to speed up White settlement of the reservation and to protect those who had settled already. All settlers who had taken up land on the reservation before January 1872 were guaranteed the right to homestead this land. Furthermore, because of the acts' refusal to distinguish between valid Indian entries and fraudulent ones, Whites could gain title to thousands of additional acres of land where Indians had acted for Whites. Homestead rights for Indians meant little when, in fact, there would be little reservation land left to homestead.⁴⁵ Likewise, although the act mandated the delivery of patents, whether the patents had been delivered or not, the law also ordered the opening of the reservation to all Whites six months after its passage.

Even if its flaws could have been removed, sympathetic Whites realized that homesteading was an unfair substitution for direct grants of land. In 1872 Wilder Foster, a White man living near Grand Rapids, summarized these objections to the new law. Since the act entitled only those who had not already made selections under the 1855 treaty to homestead land, it left in limbo the

the numerous Indians who had selected land but had somehow been left off the patent list. Even worse, homestead entries allowed only women who were heads of households to file and thus deprived married Indian women who had come of age since the treaty any means of obtaining land.

Finally, Wilder argued, 'it was unjust to tell people who had waited six to eight years for lands that they now had to wait five more years and live on the land in order to get the land they had been promised.⁴⁶ Wilder could have added that the act by imposing cultural standards of residence and use designed for White farmers on the Indians was both inherently unfair and a fecund source for later controversy.

The immediate effect of the act on the Ottawas was to panic those people who had not yet received their patents. Unless they received them by December, 1872, the lands they had elected would be available to White homesteaders. On August 22 William Mitchell of East Traverse Bay wrote the Commissioner of Indian Affairs on behalf of several Grand Traverse Indians, among them Chief Ah-go-sa, who had not received their patents and complained that White settlers had begun slashing their lands.⁴⁷ In September, Agent Betts reported that the many Grand Traverse Indians who had not yet received patents were "in a terrible state of excitement over land."⁴⁸

Those band members who attempted to take advantage of the homestead provisions of the 1872 act found no less

cause for alarm. Fourteen Ottawas who went from Grand Traverse to Traverse City to file homestead claims found that their selections were part of the huge purchase made by Whites using Indian entrymen. The agent reported that there was not enough unclaimed land on the reservation to satisfy 1/4 of those entitled to homestead certificates.⁴⁹

By the fall of 1872 the injustices of the situation at Grand Traverse were so apparent that even George Betts, who was himself involved in later attempts to defraud Indians out of their lands, requested the Commissioner of Indian Affairs to try to secure a suspension of those provisions of the Act of 1872 which would open up the reservation to White homesteaders at the end of the year.⁵⁰ The Secretary suspended all further entries, but he had no power to rectify the Indian's complaints. The best he could do was recommend that any Indian actually living on his allotment before January 1, 1872 be allowed to homestead that claim and that no patent be issued to any other Indian who selected such lands under the treaty. This was apparently designed to give the Indians holding certificates, but not having patents, protection from other band members selecting their land as an allotment.⁵¹ It did little to address the real problem--White settlement and speculation. The Ottawas meanwhile renewed efforts to get a complete investigation of the whole land selection system.

In the spring of 1873 the Bureau of Indian Affairs

sent Special Agent John Knox to look at the situation at Grand Traverse once more. He reported that there were rumors that double patents had been issued for about 1,200 acres of land. These tracts were among those bought for Whites by Indian entrymen. When Knox had completed selections for the Grand Traverse bands in 1871, Indians had selected some of these lands for their allotments, and now the Indians believed that patents for the same land had been written for both them and the White purchasers.⁵³ William Drummond, the Commissioner of the General Land Office, investigated and denied, except for one 40 acre tract, that this was the case.⁵⁴

But if the government avoided further mistakes, it did little to correct older ones. In the spring of 1874 the Indians once more petitioned Washington to send a commissioner to straighten out their tangled land claims. The major action Congress took, however, was to introduce House bill 1700 which would provide patents for 320 outstanding certificates, allow those settlers who had claimed unselected reservation lands to keep them, and then open the reservations to White settlement.⁵⁵ Again the main concern of Congress was to protect White homesteaders on the reservation, not to secure the Indians their full treaty rights.⁵⁶

On March 3, 1875 Congress amended the Act of June 10, 1872 to issue 320 additional patents to the Ottawas and Chippewas. In addition the amendments allowed all Whites

residing on the reservations on land not selected by Indians ninety days in which to file homestead claims for them. All other lands not valuable primarily for their pine timber were to be open for homesteading only, both to Indians and Whites, for one year; after this they were to be offered for sale.⁵⁷ In 1876 the homestead period was extended indefinitely.⁵⁸

The new law secured some Indians their patents, and allowed those who had made selections under the treaty homesteading privileges, but it hardly solved the problem. Many Michigan Indians who held certificates still had not received their patents in the summer of 1876.⁵⁹ Nor had the problem of fraudulent purchases been clearly settled. Apparently the government allowed all the purchases which did not take in lands selected by the Indians under the treaty to stand, thus denying access to them by Indian homesteaders. Having thoroughly bungled the allotment of land under the Treaty of 1855 and proven itself unable or unwilling to protect Indian lands from rapacious Whites, the Bureau now undertook to supervise Indian homestead entries.

As discussed earlier, the U.S. did make an effort to protect both Indian homesteaders and those band members who had received patents for their lands under the treaty from fraud in the 1870s, but the efforts were both inadequate and unsuccessful.⁶⁰ Agent George Lee found considerable evidence of fraud, most of it revolving around Whites

falsely claiming Indians had abandoned their homesteads and then filing for the land themselves.⁶¹ By February of 1877 he had discovered 40 cases of land fraud in the Grand Traverse land district, fraud which he denounced in no uncertain terms.

I have given in the foregoing list only a few of the numerous complaints in this Grand Traverse District, of these people who have been thus driven from their homes. They can be deprived of their land, but they cannot except by force be driven from the Neighborhood. it is the home of their Childhood, and their parents and Grandparents, before them. it is robbery and cruelty in the extreme, and the greatest mistake our government has made in their case, was the opening of this reservation to the occupation of white settlers; . . . (sic).⁶²

The Indians were vulnerable under the Homestead Act because the act set strict requirements as to how long the claimant had to live on the land during the years before he or she received title. Whenever Indians left their homes for fishing, work, or to spend part of the winter in one of their old villages, Whites would claim the land had been abandoned. E.J. Brooks, the special agent sent to assist Lee in investigating land frauds, explained why Indians could rarely successfully contest these claims.

These Indians are very poor. They reside from 75 to 150 miles from the local offices. A contest with them implies not only the fees of the officer in the case but the transportation of themselves and their witnesses to the office and their support during the hearing and also the pay of an interpreter, an expense which the major portion of them are entirely unable to meet. I am of the opinion that the knowledge of this fact has induced a contest against an Indian claimant in several cases where the contestant would not have thought of contesting a white.⁶⁵

The investigation of Lee and Brooks in the Grand Traverse Land District largely concerned homestead frauds, but it also uncovered an array of other techniques used to deprive Indians of their lands. Whites, Brooks explained, "very justly considered (the Indians) an obstacle in the way of progress and permanent and desirable development of the country and for this and other reasons every possible means is resorted to disposses them of their lands."⁶⁴ The simplest way for what Brooks called the "class of sharks" who preyed upon the Indians to obtain land was simply to get them drunk and have them sign over their land for a few dollars. A more sophisticated method was to loan an Indian a few dollars then sue him, frightening him into executing either a deed or, what Brooks said was the equivalent, a mortgage for his land.⁶⁵ Often the loan was offered to the Indian as an inducement to improve his property. The White speculator argued that the only advantage White farmers had over Indians was capital, and they would provide the funds necessary to make Indians as comfortable as Whites. The loan was then set to come due at a time when it was presumed the Indian would have no cash.⁶⁶

Whites could also obtain the mortgages on Indian lands necessary for these schemes as security for the purchase of all kinds of goods. Agent Lee reported to the Commissioner of Indian Affairs in 1880 that the Indians were "furnished with the conveniences of civilized

life indicating cultivation and refinement, such as Parlor Organs and Sewing Machines."⁶⁷ These conveniences did not indicate culture and refinement as much as entrapment into White land schemes. Brooks detailed how this particular scheme worked:

Designing Agents have been among them selling cheap sewing machines and Parlor Organs, articles for which they have no use, and taking in payment mortgages on their lands many times the value of goods sold in confident expectation, as is almost invariably the case, that the Indian will fail to meet the payment and thus forfeit the land.⁶⁸

If an Indian refused the lure of goods or cash in exchange for a mortgage, he was still vulnerable to other forms of deception. A White speculator would offer to purchase a small quantity of growing timber at a fair price. When the deal was agreed to, the White presented what he purported to be a contract for sale of the timber but which was actually a warranty deed for the land.⁶⁹ The Indian signed, not realizing what he had done until the White demanded possession. George Lee added a final method of obtaining Indian patents. The patent (sometimes with the consent of the agent) was stolen or appropriated under some pretense by Whites who bribed another Indian to impersonate the owner and assign title to a white man.⁷⁰ Such methods would continue throughout the 1880s and 1890s. White store owners in particular seem to have specialized in obtaining Indian mortgages and then foreclosing on the land. Herbert and John Deuster of Suttons Bay and the Gill family of Northport were especially adept at this.⁷¹

The end result of government incompetence and fraud by settlers and speculators was the steady erosion of the land base the chiefs once had thought secure. Government investigators saw the pattern clearly in the 1870s, and E.J. Brooks wrote that allotment in severalty had been a tragic mistake. He wanted all Indian lands restored to trust status.⁷² No such action would ever be taken. And so the land vanished. Many Indians believed themselves exempt from taxes, but their lands were taxed nonetheless. When, as mentioned earlier, members of the Grand Traverse bands tried to stop what they thought was inequitable taxation, they were stopped from voting. To determine how each piece of land intended for, or actually patented to, band members was lost would call for a major research project. But the outlines are clear enough. Many Indians never had their selections recorded; others had their selections recorded but were not issued patents. Those who received patents were cheated out of them by a variety of means, or else lost the lands through taxes the 1855 treaty negotiations had seemingly eliminated. The homestead provisions intended to compensate the Indians for the failure of the government to fulfill its earlier promises were a travesty. The apparent decision to let illegal White settlers remain and to allow fraudulent White purchases within the reservation to stand deprived Indian homesteaders of access to much of the Grand Traverse Reserve. Those who did file homesteads were subject to

intimidation and fraud.

The loss of their lands would prove a heavy blow to the people of Grand Traverse but not necessarily in the ways Americans imagined. For American officials individual allotments of land were part of a larger plan for total acculturation. With each family living on its own farm, the native village would break up and the Indian farmers would become indistinguishable from White farmers. There is, however, no sign that the Ottawas sought land to farm it in the American manner. Instead they wanted land to maintain a modified form of the native economy.

In the late 1870s when E.J. Brooks investigated land cases he found that the native economy remained intact all over northern Michigan. The Indian idea of an allotment or homestead was not a permanent farm, but rather "a place on which to make sugar in the spring, raise a few potatoes and sufficient corn to supply their bread during the year, and to have a home upon which they may at any time return." Most families also maintained homes within a pre-treaty village, and there they spent the fishing seasons and the winter.⁷³

The history of the Grand Traverse bands after the treaty is not that of the rapid disappearance of native culture and the rapid adoption of White ways. Instead it is a continuation of the old story of adaptation to changing conditions while still maintaining a distinctive identity. The materials necessary to give a complete

description of the evolution of the Ottawa bands are not available, but enough remains to sketch the outlines of the process.

During the years immediately before and after the treaty, considerable movement took place in the Grand Traverse region, and this movement would eventually be reflected in the internal organization of the bands. The population shift had begun in the early 1850s. The migration from Old Mission to Omena, or New Mission, the settlement of Peter Wakazoo's band near Northport, and the 1852 founding of Eagletown, the present Peshawbestown, by migrants from Cross Village had made the lands of eastern peninsula the center of Ottawa population on Grand Traverse Bay. Beginning around Leland, and stretching first north along the west side of the peninsula and then south down the east side, the villages at Leland, Cathead Point, Northport, Omena, Suttons Bay and Eagletown formed the core of Indian population.⁷⁴ These villages roughly encircled the lands reserved for the bands under the 1855 treaty.

Those villages outside the core area fared unevenly. In the fall of 1855 the fourteen families who remained with Chief Aish-quay-go-nay-be at the Old Mission village asked that the land around their village be reserved. Aish-quay-go-nay-be even wrote a personal letter to Henry Schoolcraft asking his intercession, but the request was not granted.⁷⁵ Eventually Aish-quay-go-nay-be, and probably the rest of

the villagers, took up land at their old village of Elk Rapids.⁷⁶ This village was the only one outside of the eastern peninsula that had land reserved under the treaty. To the southwest of the Grand Traverse reservation, members of the band living around Glen Arbor maintained their old residence, although they were not granted any land there by the Americans.⁷⁷ This village seems to have formed the western boundary of bands usually considered as part of the Grand Traverse confederation.

Despite the beginnings of common identity and common action, the people living in these villages did not form an entirely homogeneous group in the 1850s. The diverse origins of the bands and the pervasive factionalism of their internal politics was compounded by religious differences promulgated by the missionaries. It is doubtful whether the Indians took doctrinal disputes very seriously, but the missionaries did group the various settlements by religion. Peter Waw-ka-zoo's band and most of the Cathead Point village were attached to the mission of the Reverend George Smith at Northport.⁷⁸ Peter Dougherty had long worked among Ah-go-sa's band and Aish-qu-a-go-nay-be's band, both those at the New Mission and those at Elk Rapids, and considered these bands part of the Presbyterian mission. Both missionaries claimed adherents among the Leland band and Shwab-wah-sun's band.⁷⁹ The Cross Village migrants who settled Eagletown were Catholic.⁸⁰

Although the missionaries were influential, it is

best not to make too much of these religious divisions. Between 1838 and 1870 only 130 Indians joined the Presbyterian Church.⁸¹ George Smith claimed only thirty to forty church members among the Grand Traverse bands in 1858, only about 1/2 of them being members in good standing.⁸² There are no figures on the number of Catholics at Eagletown, but Smith at least thought they were few and these only nominally Catholic.⁸³ It appears then that in the years following the treaty only about 10% of the band members were practicing Christians, despite twenty to thirty years of missionary work among them.

More than a thousand people were considered members of the Grand Traverse bands in 1858, but no single political organization represented all of them.⁸⁴ Although surviving records are not clear, there appears to have been only nine bands considered part of Grand Traverse at the time of the treaty. Six chiefs and three headmen signed the treaty for the Grand Traverse bands in 1855, and the next summer another chief, Peter Waw-ka-zoo, signed the amendments. In addition Lousis Mick-saw-by, who had been listed as a headman in 1855, was listed as a chief in 1856. Adding Mick-saw-by and Waw-ka-zoo to the six signatories of the 1855 treaty yields eight chiefs. Most likely these chiefs represented eight of the nine identifiable bands. These bands were 1) Ah-go-sa's or the Mission Harbor band, 2) the Elk Rapids band, 3) Shawb-wah-sun's band at New Mission Point, 4) Waw-ka-zoo's or the Black

River Band at Northport, 5) the Cathead Point band, perhaps, identical with the Nagonable band, 6) the Carp River or Onumunese band near Leland, 7) the Eagletown or Peshawbestown band, 8) the Glen Arbor band. The ninth band, the Pine River or Charlevoix band led by Lewis Mick-saw-by (or McSawby), was sometimes included with Little Traverse and sometimes with Grand Traverse.⁸⁵ This list of bands is hardly definitive. For instance, there might have been two bands around Leland. The records mention the Carp River or Onumunese band and later the Leland or Che-me-goging band.⁸⁶ These bands are probably identical, but they could have been separate.

The number of bands recognized by the government in the 1860s seems to have remained constant. Again the records are not entirely clear. In 1864 eight chiefs from Grand Traverse (probably the leaders of eight of the treaty bands), signed a letter from the Ottawa and Chippewa chiefs to the Commissioner of Indian Affairs, and in 1871 nine chiefs signed a petition to the government from Grand Traverse, but one of these men, Wentiowanby, was identified as an old chief, probably meaning that he had given up active leadership of his band.⁸⁷ Since Lewis Mic-saw-by did not sign either of these petitions, the chiefs came from the eight bands south of Charlevoix.

By the early 1870s it appears that the number of bands at Grand Traverse had increased, either by factional splits among existing bands or through migration. When

the government compiled a tribal roll in 1870, they divided the people of Grand Traverse into nine separate bands.⁸⁸

Since the Charlevoix band was not included, a new band must have joined the eight core bands. In the list of patents distributed in 1872 the government named only seven chiefs, but since the bands around Northport (the Waw-ka-zoo band and the Cathead band) did not receive patents, there could easily have been nine recognized bands that year.⁸⁹ The increase in the number of bands is made more likely by a petition from Grand Traverse to the President sent in June of 1872 that included the signatures of 14 chiefs and headmen, including Mick-saw-by.⁹⁰

It is not always possible to identify the men who signed as chiefs in the government records with particular bands. Some names appear only once on the treaties, letters, and petitions in the National Archives. Others occur repeatedly, indicating, perhaps, a wider influence within the confederated bands.

Ah-go-sa and Aish-quay-go-nay-be continued as particularly influential chiefs, maintaining leadership of the intermarried Chippewa bands of Elk Rapids and Agosatown. Both men, or perhaps their sons, since both names and chieftanship were often hereditary, were prominent spokesmen for the Grand Traverse bands following the treaty.⁹¹ Among the other chiefs only Kay-quay-to-say seems to have maintained such prolonged influence. Kay-quay-to-say, who may have succeeded Pe-shaw-be as the chief of the

settlers of Peshawbestown, along with Ah-go-sa and Aish-quay-go-nay-be, composed the delegation from Grand Traverse that went to Washington over treaty and land matters in 1866.⁹² After 1866 his influence appears to have waned, although either he or his son had land patented to them near Suttons Point in 1872.⁹³

Death, old age, or declining influence seem to have quickly undercut the leadership of the other chiefs who signed the treaty for Grand Traverse. Neither they nor their descendents enjoyed the prolonged influence of Ah-go sa, Aish-quay-go-nay-be and Kay-quay-to-say and their sons. Peter Waw-ka-zoo participated in band politics at Grand Traverse until 1864 after which his name disappears.⁹⁴ O-naw-mo-neece, who signed the treaty for the Carp River band, apparently lost his position of leadership soon after. He signed none of the letters of petitions of the 1860s and 1870s, although he, or his son, is listed as a chief in the tract book of 1872.⁹⁵

To replace the lesser treaty chiefs of the 1850s, there arose a new generation of leaders in the 1860s and 1870s. Ke-way-quis-cum, a member of the Carp Lake band, emerged as political spokesman during the 1860s, and he is listed as a band chief in the 1870 roll.⁹⁶ Stephen Naw-o-quay-ke-zhick also seems to have first assumed political leadership around Peshawbestown and Suttons Bay in the 1860s. He too is listed as a band chief in the 1870 roll and took part in the land controversies of the 1870s.⁹⁷

These men and Waw-say-quoun, who appears to have succeeded Peter Waw-ka-zoo, as leader of the Northport or Waw-ka-zoo band, moved into traditional leadership rolls as band chiefs, but other leaders emerged in the 1870s who do not fit easily into the old band framework.⁹⁸ Many of the petitioners of 1871 and 1872 who signed as chiefs or headmen are not recorded as band chiefs in the 1870 rolls. This does not mean that these people were not chiefs. Rather it reflects the changing political organization of the Ottawas during these years.

The Ottawa bands that composed the Grand Traverse confederation were not purely political units. Their main function was economic: they were the bodies which organized and governed the winter hunting and trapping expeditions where each band possessed its own hunting territory. The persistence of band organization was inextricably tied in with the hunting and fishing economy. The Ottawa economy was already becoming more agricultural before the 1855 treaty; after the treaty increasing White settlement rendered hunting and fishing precarious and undercut the whole basis of band organization. By 1858 the winter hunting expeditions had noticeably diminished; that year Rev. George Smith reported that the "number of hunters grows less every year, all mainly support themselves by agriculture."⁹⁹ A rise in the price of furs briefly arrested this decline in commercial hunting in the mid 1860s, and during this period subsistence hunting

also remained strong.¹⁰⁰ When Special Agent H.J. Alvord reported on the condition of the Michigan Indians in 1866, he wrote that the people at Grand Traverse still depended "mostly upon fish and game for their subsistence."¹⁰¹ With increasing White settlement, the resurgence of hunting in the 1860s could not and did not last. Correspondents from Cross Village north of Grand Traverse reported in 1874 that fur bearing animals had decreased by 25% since 1869 and game was growing more scarce.¹⁰² By 1880 the agent reported that fur bearing animals had declined so drastically that many younger Indians had never engaged in commercial trapping.¹⁰³

Fishing provided a more dependable livelihood than hunting and trapping, although it too suffered from White settlement and competition.¹⁰⁴ In the late 1870s the villages on the Great Lakes still obtained "a very large proportion of their subsistence" from the fisheries, and a few fishermen managed to get enough capital to compete with Whites in commercial markets.¹⁰⁵ Even when their catches declined, however, the Indians refused to give up fishing. The result was an increasingly precarious economic base.

The undermining of the old hunting and fishing economy, combined with the loss of allotted reservation lands, ended up strengthening the pattern of settlement in village communities along Grand Traverse and Goodharbor Bays. Often these villages were on pre-treaty sites, but

sometimes they merged with White towns and villages. Most of the villages had started out as band communities, but band organization became largely meaningless as hunting and trapping declined. Fishing could be, and probably was, organized by villages, and as the various bands intermarried and migrated distinctions between bands blurred. The fragmentation of the old bands had begun as early as 1861. That year the Rev. Dougherty gave an account of his congregation at New Mission: forty-four members remained around Omena, but twelve had migrated out of Grand Traverse in a body, settling at Bear River; five had intermarried with Catholics and resided "in their villages"; and "twenty-five have wandered away to other settlements."¹⁰⁶ This kind of mobility could quickly weaken the bands once they had lost their economic rationale. The increase in chiefs and bands in the late 1860s and the early 1870s may have represented an initial response to this migration and fragmentation. Part of an old band moving into a new village or area selected a new chief, but, with the chief's economic role lessened, this continuance of older patterns proved abortive. The band fragment soon became totally assimilated into the existing village. It appears that by the early 1870s a new form of organization and leadership based solely on the new villages had emerged.

The new leaders of the 1870s who cannot be clearly connected with a band probably represented villages, or factions within the villages, rather than bands; by the

1880s probably no leader clearly represented an old hunting band. In Grand Traverse local identity became attached to the village: Omena, Peshawbestown, Suttons Bay, Northport, Glen Arbor, and, later, Gills Pier. And beyond the village a larger identity with the region was strengthened. The various bands who had migrated into the region in the 1840s and 1850s intermarried and mixed with those who had lived around Grand Traverse for generations.¹⁰⁷ In the process the Grand Traverse band replaced the Grand Traverse bands. This adjustment did not represent a loss of culture. Rather it was a sign of vitality, demonstrating the ability of the Ottawas to adapt to changing conditions. To have maintained a hunting band organization when the reasons that had underlain it had disappeared would have been archaic.

The ability to adapt, to maintain their own communities, came at a price. The Indians mixed new ways with old. They might dress like Whites, but they retained their language; they worked for Whites, but they maintained traditional work patterns.¹⁰⁸ One result was a continuing, and quite strong, cultural identity, but another was an equally persistent poverty.¹⁰⁹ With commercial trapping dead, their once promising shipbuilding industry unable to compete with better capitalized American shipyards, their lands lost through fraud, and the fisheries depleted by White competitors, the Indians economic position was precarious. The end result of the coming of the

White settlers was deep and persistent poverty.

E.J. Brooks gave a detailed description of the evolving economy of the Ottawas in 1877.

. . . They lead a nomadic life, subsisting largely by hunting and fishing. When they leave their homes on an expedition of this kind of for the purpose of doing a few days work to supply immediate necessities, the whole family goes together, a temporary wigwam is erected in which they all live, and while the husband is at work the wife and children subsist the family by picking and selling berries, fishing, or making baskets. . . . Most of them have small houses in the old Indian villages to which they repair during the fishing season for the double purpose of convenience and in order that the women and children may be on hand to clean and cure the fish. . . . About the first of March such of them as have been in the village return to their land to prepare for sugar making. Generally I think they remain on the land until about the first of June when summer fishing commences. During the summer they alternate between their fishing grounds and their farms. . . 110

This basic pattern would change in the 1880s and 1890s as most of the remaining homesteads and allotments were lost and even subsistence hunting became difficult. A few families, such as that of John Anse, retained their land and made a living from farming, but most were forced into migratory labor to supplement the subsistence gained from fishing, gathering, and gardening.¹¹¹ In the nineteenth and early twentieth century most Indian labor was connected with the lumber industry. In 1876 Agent Lee reported that a large portion of the Ottawas from Mackinac south:

do considerable in the way of supporting themselves by cutting wood in winter, which they sell at the ports on Lake Michigan. As near as I can estimate, during the present year they have got out and sold at the various ports of Lake Michigan about 20,000

cords of wood and 2,000 cords of hemlock-bark, and perhaps 5,000,000 feet of pine logs, worth in the aggregate perhaps \$70,000, no very inconsiderable item.¹¹²

By the end of the decade few Indians worked independently in the woods; Whites employed most of them.

According to Lee:

The habit of subsisting soley by hunting and fishing is being abandoned, and very many of the young and able-bodied men find employment as sailors, as lumbermen, and wood-choppers, and the various mills. . . .¹¹³

The adjustment to lumbering seems to have been an easy and natural one. Like trapping, lumbering was largely seasonal work and like trapping it was men's work centered on the woods. The Indians were known as skilled woodsmen. Whites sought them out as choppers, sawyers, and boat loaders, but especially for the dangerous work running logs down the rivers "in which they cannot be excelled."¹¹⁴

Their connection with the lumber industry became so close that when mills were erected, Indian villages often sprang up nearby.¹¹⁵ Lumbering became the mainstay of the Indian economy at Grand Traverse.¹¹⁶ In Leelanau County the construction of the mill at Gill's Pier led to the rise of an adjacent Ottawa village, and the villages at Suttons Bay, Northport, and Leland (Carp Lake) were all near saw-mills.¹¹⁷

The skill of the Indians in the woods did little to relieve their poverty, however. Even with the women and children supplementing men's wages from work in the

woods by commercial berry picking, the net result was only bare survival. Writing of Michigan Indians in general in 1885, Edward Allen reported that:

As a rule they are very poor, and the instances are rare where one has what would be considered a competence. Had they held the lands given them by the Government, the general rise in thier value would have thousands comfortable . . . But it is too late to remedy the evil, and as a result the race will disappear in Michigan within fifty years.¹¹⁸

Agent Allen correctly appraised Indian poverty, but, like most Whites, he underestimated the endurance of Ottawa and Chippewa culture. In their annual reports agents emphasized that band members were now at least nominal Christians and almost universally wore white clothing.¹¹⁹ Except as a temporary home, the wigwam had disappeared and Indians lived in cabins or board houses.¹²⁰ But these were externals. When pressed, most agents harbored few illusions about how acculturated the Indians had become. Band members stubbornly held to their own communities and refused to adopt the kind of agriculture that Whites believed synonymous with civilization.¹²¹ The Ottawas were, for instance, astonished at White suggestions that they clear and plant the maple groves. They wanted to save them so that their children could make sugar.¹²² In 1877 Special Agent E.J. Brooks found the Indians "possessing all the habits and customs which have ever been characteristic of their race."¹²³

The Indians lived on the edges of White society.

When Whites did not exploit them, they largely ignored them.

The Omena mission closed in 1871, although ministers visited the Ottawas sporadically into the early twentieth century.¹²⁴ The Ottawa response was to recognize their own ministers and maintain their own churches.¹²⁵ Only at Peshawbestown, where Catholic priests working out of Harbor Springs and Cross Village came regularly, would White mission activity continue.¹²⁶ Neighboring Whites took notice of Indian communities only under extraordinary circumstances, such as when smallpox broke out in Peshawbestown in the winter of 1881-1882 and killed thirty-two people. The Indian agent contended the community was then quarantined without adequate care being provided for the inhabitants. This local Whites denied.¹²⁷ Instead the local paper argued that the epidemic would only provide an excuse for the Indians to "take all they can get and just as long as they can get it" from the county.¹²⁸

Poverty and exploitation ran so deep that even John Anse, one of the few Grand Traverse Indians to retain his allotment and prosper as a farmer, began to see removal as the only recourse. In the late 1870s Anse visited the White Earth Chippewa Reservation in Minnesota, and the leading men there invited him and his family and friends to migrate west. If Anse and a few other leading men departed, Special Agent Brooks believed the rest of the Indians along Grand Traverse Bay would follow.¹²⁹ Anse, however, never removed and certainly no large scale migration to Minnesota took place. The ties at Grand Traverse

were too strong. The people of Grand Traverse had not removed in 1830s and 1840s; they would not remove in the 1870s or 1880s. They remained, but the promise of the pre-treaty years was gone. In 1889 Peshawbestown was described as "a double line of houses in all stages of decay There was a time 25 years ago that this Indian village manifested every indication of prosperity!"¹³⁰

And so band members fished the waters of Lake Michigan and worked in the woods and mills. The old hunting bands mixed and merged, and when Agent Durant compiled his new role in 1908-1909 he found roughly the same series of Indian communities encircling the western peninsula of Grand Traverse Bay, with Elk Rapids surviving as a village on the east Bay, as had existed in the 1850s. The Indian communities at Northport, Suttons Bay, Elk Rapids, Omena, Peshawbestown, Glen Haven, Glen Arbor, and Barkins Creek, were now no longer band communities.¹³¹ Indeed, the Indians now clearly thought of themselves as a single group. The headmen who determined tribal membership in 1909 acted on behalf of the "Grand Traverse Band."¹³² And when August Ance inquired about money due the Ottawas, he did so in behalf of the "Grand Traverse Band, Chippewa & Ottawa Tribe."¹³³ The evolution from hunting bands to villages of what the Indians regarded as a single political group was now virtually complete.

They continued to be socially and culturally distinct from surrounding Whites. When the Indians gathered

in Traverse City to receive the per capita payments of \$21.00 owed them because of their victory in a claims case under the old treaties, Whites viewed them as exotics. Residents of Traverse City crowded the payment office, gawking at the Indians, acting, as Charles Dickson, the distribution agent, said, "as though they had never seen an Indian before."¹³⁴ The curiosity was hardly friendly. Dickson's wife told a reporter:

We found the worst conditions in Michigan. There is more prejudice against these people in Michigan than in any state we have been in and it is senseless.¹³³

The distribution did little to eliminate the widely recognized Indian poverty and suffering. People had to wait days for their payment, spending much of the small amount they received for transportation to Traverse City and food and lodging while there. Two men died in a railroad accident en route. And in the city James M. Paul, the interpreter for Durant and a prominent Ottawa leader, died of injuries received in a drunken fight.¹³⁶ The whole payment was so badly handled that Congressmen Loud of Bay City, who observed part of the process, protested to the Commissioner of Indian Affairs.¹³⁷

The 1910 distribution took place as the Grand Traverse band entered a new period of change. Already the Indian school at Mt. Pleasant had begun to produce a generation of Ottawas fluent and confident in their use of English. Such people would be more willing to confront

government officials over benefits due the Indians. More significant than this change, however, was the decline of the lumber industry in Michigan. In 1908 many Indians still spent winters working in the mills and camps that provided their limited incomes, but the depletion of the forests spelled disaster for such a way of life and the band members who practiced it.¹³⁸ To survive Michigan Indians had to move to where work could be found. Between 1910 and 1917 many Indians removed temporarily to Antrim and Charlevoix counties where the dying lumber industry lingered on. In the twenties the Indians became transient workers--working the surviving lumbering camps in the winter, the berry and beet fields in the summer.¹⁴⁰

When the urban economy of Michigan boomed, some Ottawas would move to the cities, still, however, maintaining ties with the people at Grand Traverse.¹⁴¹ In the midst of these changes, the communities still survived. They continued as recognizeable and distinct islands of native peoples in a region now awash with Whites. Poor and often virtually landless, they remained apart, and when in the 1930s with the Indian Reorganization Act American Indian Policy changed direction, the Ottawas of Grand Traverse were ready to seize what seemed a new hope.

Footnotes

¹NA, RG 123, Treaty Journal, 42, 72.

²"Treaty with the Ottawas and Chippewas, 1855,"
11 Stat. 621, Kappler, Laws and Treaties, 2:726.

³NA, M 234, Mack., R 404, f 735-736, Commissioner
of General Land Office to Mix, 6/10/57.

⁴Irene Neu, "The Building of the Sault Canal, 1852-
1855, Mississippi Valley Historical Review, 40, (1933),
28, 38, 44.

⁵"Swamp Land Act," Act of Sept. 28, 1850, 31st
Congress, 1st Session, Chapter 84.

⁶NA, M 234, Mack., R 406, f 548, Commissioner of
General Land Office to Greenwood, 8/30/59.

⁷"Treaty with the Ottawas and Chippewas, 1865,"
11 Stat. 621, Kappler, Laws and Treaties, 2: 727.

⁸NA, M 234, Mack., R 405, f 218, Gilbert to CIA,
7/14/56.

⁹NA, M 234, Mack., R 408, f 492, CIA to Secretary
of Interior, 1/27/69.

¹⁰Ibid.

¹¹Ibid.

¹²Ibid.

¹³NA, M 234, Mack., R 409, f 683-692, Knox to Walker,
12/8/71.

¹⁴Letters of Peter Dougherty and Andrew Porter
(microcopy), Presbyterian Historical Society, in Bentley
Library, copy in University of Michigan, Peter Dougherty
to W. Lowrie, 12/8/60.

¹⁵CIA, Report, 1865, 453.

¹⁶Presbyterian Board, Annual Report, 1862, 9; Pres-
byterian Board, Annual Report, 1869, 7.

¹⁷CIA, Report, 1865, 453.

¹⁸NA, M 234, Mack., R 408, f 216, Smith to CIA,
1/31/67.

¹⁹ Ibid.; NA, M 234, Mack., R 410, f 966-69, Knox to CIA, 5/21/73.

²⁰ NA, M 234, Mack., R 408, f 216, Smith to CIA, 1/31/67.

²¹ NA, M 234, Mack., R 407, f 786, Smith to CIA, 8/3/65; R 407, f 1012, CIA to Secretary of Interior, 6/7/66.

²² NA, M 234, Mack., R 407, Smith to CIA, 12/8/65.

²³ NA, M 234, Mack., R 408, Pheatt to CIA, 1/21/67.

²⁴ NA, M 234, Mack., R 407, f 329, Leach to Cole, 1/3/63; R 409 f 310, S. Withey to J. Long, 8/13/69.

²⁵ NA, M 234, Mack., R 409, f 634-35, A.B. Maynard to C. Delano, Secretary of Interior, 9/14/71.

²⁶ NA, M 234, Mack., R 408, f 489-97, CIA to Secretary of Interior, 1/27/69.

²⁷ NA, M 234, Mack., R 408, f 716-717, Resolution of the Michigan Legislature, 2/18/69.

²⁸ NA, M 234, Mack., R 408, f 489-497, CIA to Secretary of Interior, 1/27/69.

²⁹ NA, M 234, Mack., R 409, f 310, S.S. Withey to Long, 8/13/69; R 409, f 304-308, Long to CIA, 11/8/70.

³⁰ NA, M 234, Mack., R 409, f 750, Drummond, Commissioner of General Land Office to CIA, 3/24/71; R 409, f 754, Long to CIA, 3/26/71.

³¹ NA, M 234, Mack., R 409, f 455, Petition of Grand Traverse Indians, 4/17/71.

³² NA, M 234, Mack., R 409, f 630, Secretary of Interior to Clum, Acting CIA, 7/28/71.

³³ NA, M 234, Mack., R 409, f 689-692, Knox to CIA, 12/18/71.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ NA, M 234, Mack., R 410, f 610, Willis Drummond, Commissioner of General Land Office to CIA, 6/29/72.

³⁸NA, RG 75, BIA, Tract Book 46 A, Ottawa and Chippewa Bands in Michigan, Grand Traverse bands.

³⁹NA, M 234, Mack., R 410, f 17, Chiefs and Headmen of Grand Traverse to President, 6/20/72.

⁴⁰NA, M 234, Mack., R 410, f 329, Betts to CIA, 8/1/72.

⁴¹Ibid.

⁴²NA, M 234, Mack., R 410, f 417-418, Betts to CIA, 10/29/72; R 410, f 419-420, Long to Betts, 10/14/74.

⁴³NA, M 234, Mack., R 410, f 480, Betts to CIA, 7/6/72.

⁴⁴"An Act for the Restoration to Market of Certain Lands in Michigan," 11 Stat. 621; NA, M 234, Mack., R 411, f 214-215, Circular, 7/5/72.

⁴⁵Ibid.; Grand Traverse Herald, July 4, 1872.

⁴⁶NA, M 234, Mack., R 410, f 487-491, Wilder Foster to CIA, 8/6/72.

⁴⁷NA, M 234, Mack., R 410, f 648, Mitchell to CIA, 8/22/72.

⁴⁸NA, M 234, Mack., R 410, f 381, Betts to CIA, 9/14/72.

⁴⁹Ibid.

⁵⁰NA, M 234, Mack., R 410, f 411-415, Betts to Secretary of Interior, 10/1/72; "Ottawa and Chippewa Lands in Michigan," House Executive Report 186, 43rd Congress, 1st Session, Serial 1623.

⁵¹NA, M 234, Mack., R 410, f 551-552, Secretary of Interior to Commissioner of General Land Office, 11/22/72.

⁵²NA, M 234, Mack., R 411, f 220, Petition of Ottawas and Chippewas to Secretary of Interior, 1/7/73.

⁵³NA, M 234, Mack., R 410, f 966-969, Knox to CIA, 5/21/73.

⁵⁴NA, M 234, Mack., R 410, f 993, Drummond to CIA, 7/16/73.

55 "Ottawa and Chippewa Lands in Michigan," House Executive Report 186, 43rd Congress, 1st. Session, Serial 1623.

56 NA, M 234, Mack., R 411, f 250, Hubbell to Commissioner of General Land Office, 3/24/74; Grand Traverse Herald, January 15, 1874.

57 "An Act to Amend . . . 'An Act for the Restoration of Homestead Entry' . . ." March 3, 1875, 18 Stat. 516, Kappler, Laws and Treaties, 1:158.

58 "An Act Extending . . . Homestead . . .," May 23, 1876, 19 Stat. 55, Kappler, Laws and Treaties, 1:161.

59 NA, M 234, Mack., R 411, f 905, Lee to CIA, 8/12/76; R 411, f 907, Lee to CIA, 8/22/76; "Land Entries by Indians in Michigan," House Executive Document 82, 45th Congress, 2nd Session, Serial 1809.

60 NA, M 234, Mack., R 411, f 977, CIA to Lee, 1/10/77.

61 NA, M 234, Mack., R 412, f 135-136, Lee to CIA, 1/18/77.

62 NA, M 234, Mack., R 412, f 208-232, Report of George Lee, 2/77.

63 NA, M 234, Mack., R 413, f 81, Brooks to Commissioner of General Land Office, 12/27/77.

64 NA, M 234, Mack., R 413, f 114-115, Brooks to CIA, 1/12/78.

65 NA, M 234, Mack., R 413, f 115-116, Brooks to CIA, 1/12/78.

66 NA, M 234, Mack., R 413, f 117, Brooks to CIA, 1/12/78.

67 NA, M 234, Mack., R 415, f 126, Lee to CIA, 1/4/1880.

68 NA, M 234, Mack., R 415, f 126, Brooks to CIA, 1/12/78.

69 NA, M 234, Mack., R 413, f 118-119, Brooks to CIA, 1/12/78.

70 NA, M 234, Mack., R 413, f 528-529, Lee to CIA, 7/25/78.

⁷¹"Notice of Sale of Real Estate," The Enterprise, 10/14/86; John Redbird and William Redbird vs. William Gill and Wilbur Gill, Leelanau County Circuit Court, Docket #103, both cited in Leelanau Indians Comprehensive Plan, Department of Labor, State of Michigan (1977).

⁷²NA, M 234, Mack., R 413, f 54-65, Brooks to CIA, 1/4/78.

⁷³NA, M 234, Mack., R 413, f 91-92, Brooks to Commissioner of General Land Office, 12/27/77.

⁷⁴NA, RG 75, BIA, Durant Files, 45533-1908-053, Durant Roll, 37-44. The roll gives the location of many of the bands in the early 1870s.

⁷⁵NA, M 234, Mack., R 404, f 982-983, Esh-quagonabey to Schoolcraft, 9/23/55.

⁷⁶NA, RG 75, BIA, Tract Book 46 A, Grand Traverse bands, T 29N, R 9 W, section 22.

⁷⁷NA, RG 75, BIA, Durant Files, 44433-1908-053, Durant Roll, 44.

⁷⁸CIA, Report, 1851, 53.

⁷⁹CIA, Report, 1851, 53; Letters of Peter Dougherty and Andrew Porter (microcopy), Presbyterian Historical Society, copy in Bentley Library, University of Michigan, Peter Dougherty to Walter Lowrie, 3/21/62; Craker, Protestant Missions, 23, 29.

⁸⁰Verwyst, Baraga, 305, 308.

⁸¹Clifford Drury, Presbyterian Panorama (Philadelphia, 1952), 141.

⁸²George Smith Letters, American Missionary Association, Amstad Research Center, Dillard University, New Orleans, Ms. 1198, roll 2, Smith to Whipple, 3/9/58.

⁸³Ibid.

⁸⁴Ibid.

⁸⁵Knox to CIA, 6/21/73, xerox copy of letter from National Archives, copy at Indian Legal Services, Grand Traverse, MI.

⁸⁶CIA, Report, 1851, 53.

⁸⁷NA, M 234, Mack., R 408, f 325, Ottawa and Chipewewa Chiefs to the Commissioner of Indian Affairs, 11/64;

R 409, f 455, Petition of Chiefs, 4/17/71.

⁸⁸NA, RG 75, BIA, Durant Files, 44433-1908-053, Durant Roll.

⁸⁹NA, RG 75, BIA, Tract Book 46 A, Grand Traverse bands.

⁹⁰NA, M 234, Mack., R 410, f 17, Chiefs and Headmen to President, 6/20/72.

⁹¹NA, M 234, Mack., R 408, f 455, Chiefs and Headmen, Grand Traverse to CIA, 11/64; R 409, f 455, Petition of Chiefs, Grand Traverse, 4/17/71; R 410, f 17, Chiefs and Headmen, Grand Traverse to President, 6/20/72; R 407, f 834-835, Chiefs to CIA, 5/17/66.

⁹²NA, M 234, Mack., R 407, f 834-835, Ash-quay-go-nay-be, Ah-ko-say, Kay-quay-to-say to CIA, 5/17/66.

⁹³NA, RG 75, BIA, Tract Book 46 A, Grand Traverse bands, T 30 N, R 11 W.

⁹⁴NA, M 234, Mack., R 408, f 325, Chiefs of Grand Traverse to CIA, 11/64.

⁹⁵NA, RG 75, BIA, Tract Book 46 A, Grand Traverse bands, T 31 N, R 11 W.

⁹⁶NA, M 234, Mack., Ottawa and Chippewa Chiefs to CIA, 11/64; NA, RG 75, BIA, Tract Book 46 A, Grand Traverse bands, T 30 N, R 12 W; NA, RG 75, Durant Files, 44433-1908-053, Durant Roll, 44.

⁹⁷NA, M 234, Mack., R 408, f 325, Ottawa and Chippewa Chiefs to CIA, 11/64; NA, RG 75, BIA, Durant Files, 44433-1908-053, Durant Roll, 41; NA, M 234, Mack., R 409, f 455, Petition of Chiefs, Grand Traverse, 4/17/71; R 410, f 17, Chiefs and Headmen, Grand Traverse to President, 6/20/72.

⁹⁸NA, RG 75, BIA, Durant Files, 44433-1908-053, Durant Roll, 38; NA, M 234, Mack., R 409, f 455, Petition of Chiefs, 4/17/71.

⁹⁹Smith Letters, American Missionary Association, Amstad Research Center, Dillard University, New Orleans, Ms 1198, Roll 2, Smith to Whipple, 3/7/58.

¹⁰⁰CIA, Report, 1864, 446.

¹⁰¹NA, M 234, Mack., R 407, f 855-56, Alvord to CIA, 11/16/66.

102 "Ottawa and Chippewa Lands in Michigan," House Executive Report 186, 43rd Congress, 1st Session, Serial 1623.

103 CIA, Report, 1880, 102.

104 "Ottawa and Chippewa Lands in Michigan," House Executive Report 186, 43 Congress, 1st Session, Serial 1623.

105 CIA, Report, 1877, 121; CIA, Report, 1883, 94.

106 Presbyterian Board, Annual Report, 1861, 8.

107 Craker, Protestant Missions, 43.

108 CIA, Report, 1877, 121; CIA, Report, 1879, 85.

109 CIA, Report, 1876, 77.

110 NA, M 234, Mack., R 413, f 92-93, E.J. Brooks to Commissioner of General Land Office, 12/27/77.

111 NA, M 234, Mack., R 413, f 133-134, Brooks to CIA, 1/12/78.

112 CIA, Report, 1876, 77.

113 CIA, Report, 1879, 85.

114 CIA, Report, 1880, 102; CIA, Report, 1883, 94.

115 CIA, Report, 1881, 109.

116 NA, M 234, Mack., R 415, f 397-400, Lee, Monthly Report, 8/80.

117 Littell, 100 Years in Leelanau, 21, 22, 49-51, 37-39, 73.

118 CIA, Report, 1885, 113.

119 CIA, Report, 1880, 102; CIA, Report, 1873, 176.

120 CIA, Report, 1879, 84-85.

121 CIA, Report, 1877, 121-123; CIA, Report, 1883, 94.

122 NA, M 234, Mack., R 413, f 65, Brooks to Commissioner of General Land Office, 12/27/77.

123 Ibid.

124 Craker, Protestant Missions, 47-49.

125 See, for example, the program of an Indian camp meeting held in 1917 at Northport. Shah-sko-ke-xhiek, "Great Indian Camp Meeting," August 10 to 21, 1917, Northport, Mi., Burton Historical Collection, Detroit Public Library.

126 Grand Traverse Herald, December 22, 1881.

127 Grand Traverse Herald, December 22, 1881, January 5, 1882, January 19, 1882.

128 Grand Traverse Herald, December 22, 1881.

129 NA, M 234, Mack., R 413, f 133-134, Brooks to CIA, 1/12/78.

130 Grand Traverse Herald, July 18, 1889, quoted in Leelanau Indians Comprehensive Plan, 46.

131 NA, RG 75, BIA, Durant Files, 44433-1908-053, Durant Roll, 37-44.

132 NA, RG 75, BIA, Durant Files, 44433-1908-053, Headmen of Grand Traverse to CIA, 7/3/1909.

133 NA, RG 75, BIA, Durant Files, 44433-1908-053, A. Ance to CIA, 6/10/10.

134 Traverse City Evening Record, July 23, 1910.

135 Ibid.

136 Traverse City Evening Record, July 28, 1910.

137 Traverse City Evening Record, August 2, 1910.

138 NA, RG 75, BIA, Durant Files, 44433-1908-053, Durant to CIA, 10/31/1908.

139 Craker, Protestant Missions, 49.

140 NA, RG 75, BIA, FRC-Chi., FOR, Mt. Pleasant, Correspondence of Superintendent, Misc., 1921-1925, Annual Report, 1925, Section III.

141 NA, RG 75, BIA, Board of Indian Commissioners, Special Reports, Volume 4, 1921-1923, Report on Mt. Pleasant Indian School by Samuel Eliot, p. 4.

CHAPTER V

REORGANIZATION

During the Depression the Indians of Grand Traverse lost the tenuous economic hold they had maintained since the Treaty of 1855. Subsistence farming and fishing were now supplemented only by a few weeks of harvesting cherries, beans, and potatoes, the sale of native baskets and, perhaps, some occasional work as guides for White hunters.¹ Poor as they were, the Indians got little assistance from the government. Instead local, state, and federal agencies quarrelled over whose responsibility the Indians were; most often the Ottawas got nothing. In Leelanau County local relief agencies discriminated against the Indians, and most band members found it impossible to get either relief or Works Progress Administration jobs until the late 1930s.²

The people of Grand Traverse grew poorer, but the size and location of their settlements changed relatively little. Few people lived in Glen Arbor or on the west side of the Leelanau Peninsula anymore, but they maintained the old settlements on the east peninsula. Northport, the center of the Protestant converts of the nineteenth century, had twenty Indian families in 1939. Many of these still retained some land, if only their homesites. Band members

also resided in Omena, but their number and condition were not reported. Ahgosatown and Peshawbestown remained the major Catholic villages. By 1939 Peshawbestown was the largest Indian community on the bay with forty families and six more lived nearby at Ahgosatown. The Depression undermined the security of Peshawbestown residents, however; title to the village site had become clouded by inheritance tangles and delinquent taxes by the end of the decade. Seven families lived in and around Traverse City, but the Indian community there was relatively insignificant. The other Indian communities were on the east side of the bay. The poorest was at Elk Rapids. Here four of the eight families lived "in the sand dunes and in squalor." At Kewadin, just north of the old village site, however, four families had purchased seven acres of land and lived there comparatively comfortably, benefiting from the advice of Ben Mamagona, one of the few successful Ottawa farmers in Michigan.³

As bleak as the 1930s were for the Indians of Grand Traverse, it seemed for awhile that the decade would ultimately bring changes that would better their condition and correct some of the abuses that they had suffered since Whites entered the area. In the thirties, as part of Roosevelt's New Deal, John Collier became Commissioner of Indian Affairs and promised to give American Indian policy a new direction. Collier's ambitions rather than his achievements made the thirties, despite the Depression, a

time of renewed hope and promise for Michigan Indians. And the piece of legislation that best symbolized the Collier administration and its aims was the Indian Reorganization Act.

The Indian Reorganization Act of 1934, or the Wheeler-Howard Act, represented a fundamental shift in American Indian policy (although this can be overstated). The final version of the law was really an emasculated version of the bill Collier had submitted to Congress, but enough survived of his original intentions to shift the aims of Indian policy from assimilation to revitalizing surviving Indian groups through self-government and tribal economic development.⁴ The act allowed recognized tribes or bands to reorganize themselves into self-governing units free of the more restrictive government controls, and it provided new developmental programs for those Indian communities that adopted IRA constitutions.

It was organization under the Indian Reorganization Act that the Grand Traverse band sought repeatedly during the 1930s and 1940s. Any examination of why these attempts failed leads inevitably to an examination of BIA policy in Michigan during this period. The efforts of any single band to organize took place within a constantly shifting set of federal policies and priorities over which the band had no control. Virtually from the passage of the Wheeler-Howard Act, the Bureau intended to extend reorganization to the Ottawas of Michigan. Yet they failed to

do so. The failure was not the result of the limits of the act, the ineligibility of the Ottawas, or the original intentions of government officials. Instead, reorganization failed because Congressional funding failed. This was the essential reason, compounded, or rather justified, by the usual misconceptions about the history, status, and condition of the Ottawas that had plagued the Bureau since the 1870s. The proof of these assertions lies in the history of Indian reorganization in Michigan.

Within months of the passage of the IRA, Bureau officials had begun preparations for reorganization in Michigan. Frank Christy, the Superintendent of Tomah Indian School in Wisconsin, was in charge of these early efforts. In 1934 he believed the IRA was ideally suited for groups like the Ottawas.

If the Indian Re-organization Act is to fulfill its primary purpose--the rehabilitation of Indians in need of such rehabilitation--its provisions should be extended to Indians such as these Ottawas and Chippewas. Certainly there are none in more urgent need of economic rehabilitation.⁵

So sure was Christy of future reorganization of the Ottawas that he secured options on 7,000 acres of cutover land in Emmett County to serve as a reservation for them.⁶ Not only did officials in Washington authorize Christy to continue his efforts at reorganization, they also started staff work in Washington toward securing a land base for the Indians.⁷

In the spring of 1935 Christy, in company with M.L. Burns of the Tomah Agency, continued his efforts to

reorganize Michigan Indians by making a personal investigation of conditions in the state. The two men found most Indians to be "poorly housed and unfavorably situated from an economic point of view," but both believed these conditions were amenable to improvement under the Indian Reorganization Act.⁸ Because it represents the earliest long range plans the Bureau had for the Ottawas of Grand Traverse under the IRA, the section of the report dealing with the Grand Traverse band and neighboring Ottawas should be quoted in full. The following is "the program regarded as feasible" in 1935:

Elk Rapids, Traverse City, Northport, Brethren, Honor, Hart, Pentwater, Muskegon--Location of a large community of Ottawas, drawn from the points listed above and from other outposts of the tribe, at Peshabytown on Suttons Bay. Acquisition of land necessary for subsistence farming, fruit raising (this is a cherry district). Small canning factory; purchase of facilities for commercial fishing.

A fact which so persistently came to the attention of your representatives during the survey is the rapid disappearance of the black ash from which most of the Indian baskets are made. This was taken up with the American Legion representatives who indicated their intention of taking up with the State Department of Forestry the matter of reforestation for their essential source of raw materials upon which many of the Indians depend for ready cash.⁹

Even as Burns and Christy formulated their plans, however, hope for their full realization had begun to fade. Congress refused to adequately fund the IRA, and Bureau officials found themselves under tight financial restraints. Burns and Christy recognized this; they thought it unlikely that Congress would appropriate the necessary money

for land acquisition in the near future, so they recommended beginning the program by using reimbursable funds from the Rural Rehabilitation Corporation. Realizing that the Indians in their present condition could not hope to pay the government back for any land it acquired, Burns and Christy abandoned the Emmett County reservation plan and suggested that the government consider an American Legion proposal then in vogue in Michigan. This called for the acquisition of land on the Upper Peninsula and the resettlement upon it of as many Indians as were willing to leave their present homes. The government would then establish Civilian Conservation Corp camps around the reservation and employment from these camps would provide the necessary money to repay the federal government for the purchase price of the land.¹⁰ This scheme got nowhere. In part from this was because of an understandable reluctance of the Indians to leave the homes and communities they had maintained in the face of exploitation and poverty for three-quarters of a century, but it may also have been because the plan contradicted the direction of much reorganization in Michigan: the organization of the Indians by band and community.

Even as the Bureau pursued its own plans, the Collier Administration also quietly encouraged local Indian efforts at the reorganization. In February of 1935 Collier wrote to Robert Dominic of Cross Village that the Bureau favored the organization of the state by "smaller

Indian Groups or Bands." The Bureau apparently felt that organization by tribes would prove ineffective and unwieldy.¹¹ Although the officials continued to misread the treaty of 1855 and believe that band organization had been dissolved by the agreement, they still recognized that the Michigan Indians were tribes within the meaning of the act and thus eligible for reorganization. As Collier himself wrote in a letter to Ben Shawanese:

A recognized tribe is one with which the government at one time or another has had a treaty or agreement or those for whom reservations or lands have been provided and over whom the government exercises supervision through an official representative.¹²

By 1935, however, as the American Legion proposal considered by the government indicated, interest in reorganization was not confined to the Bureau and local Indian communities. The most important of the independent groups involved in reorganization during the mid 1930s was the Michigan Indian Defense Association. By late 1934 this group and its founder, Fr. Aubert, had emerged as a source of anti-IRA propaganda among the Ottawas and of publicity among Whites that the Indians themselves opposed the IRA.¹³ Fr. Aubert, a Catholic priest working out of the Indian mission at Petoskey, seems to have been personally responsible for this stand. He had been active in Michigan Indian affairs for sometime, helping to found the Red Men of Michigan before organizing the Michigan Indian Defense Association in 1934. The Defense Association seems to have been centered largely among Fr. Aubert's parishoners around

Petoskey and Harbor Springs.¹⁴ Aubert planned to use his new organization as a vehicle for organizing all the Indians of Michigan under a state charter. The Association could then pursue, in cooperation with the state, the many claims the Indians still had under their old treaties. These old claims were a subject of much discussion among the Ottawas and Chippewas during this period. After being informed that such an organization would not be eligible for federal recognition under the IRA, Aubert apparently saw the IRA as a threat to both his own assimilationist beliefs as well as to his influence and that of the Michigan Indian Defense Association. By late 1934 Aubert had come out in open opposition to the IRA, and his position among the Ottawas certainly did nothing to aid their efforts to reorganize.¹⁵

The Ottawas themselves, independently of both the activities of Fr. Aubert and Bureau officials in Washington and Wisconsin, responded enthusiastically to the passage of the IRA. The people at Grand Traverse took the initiative. Already organizing to prosecute a claims case, they began forwarding petitions for reorganization to Washington in the summer of 1934, almost immediately upon the passage of the act. They wanted an IRA government, land, schools, observance of treaty guarantees to hunting and fishing, and means to care for their poor, sick, and elderly.¹⁶ In all, 268 members of the Grand Traverse band from Omena, Peshawbestown, Elk Rapids, Northport, and Suttons Bay

signed these petitions.¹⁷

The enthusiasm for the IRA at Grand Traverse led to conflict with Fr. Aubert, who, in the fall of 1934 denounced the IRA as "bunk" in a pamphlet widely distributed among the Indians.¹⁸ The result was a factional split among the Ottawas as a whole. One group, who, at least for awhile, believed Fr. Aubert, was skeptical of the IRA and initially opposed reorganization, the other, whose leader at Grand Traverse was Ben Peshaba, the chief at Peshawbestown, sought organization under the IRA. Peshaba's group was always by far the strongest at Grand Traverse; Aubert had little influence at Peshawbestown despite the Catholicism of many of the villagers.¹⁹

There was a great deal of confusion among the Ottawas over what the benefits of the Indian Reorganization Act would be in Michigan. The Indians grasped the essentials of the act, but they misunderstood many of the specifics. The Ottawas, for example, talked of adopting an IRA government "to get the Lone" that would allow them to build or repair their houses.²⁰ And Ben Peshaba told them that the act would restore their reservation so they could live on tax free land. The talk about loans was merely a free rendering of the economic development provisions of the legislation, but Peshaba's version of how the IRA would restore the reservation was less accurate. Originally Peshaba believed that the IRA would simply restore the old provision of the Treaty of 1855 that gave every adult Ottawa eighty

acres of land.²¹

Peshaba's most serious mistake was in misconstruing the mechanics of organization. He seems to have believed, at least briefly, that merely getting a majority of the Grand Traverse band to approve reorganization under the IRA was sufficient to set up a new government and have Peshawbestown immediately declared a reservation thereby eliminating the need for any more tax payments. As late as the summer of 1935, Peshaba was telling Albert Engel, a U.S. Congressman from Michigan, that the band had organized under the IRA and was complying with its provisions.²² Although Peshaba, in pressing land claims, led Engel to believe that Grand Traverse had come under the IRA, Peshaba himself was already doubtful of the band's status. In the summer of 1935 he had discussed the matter with Judge Graham of the Court of Customs and Patent Appeals in Washington, D.C. who was vacationing in Leelanau county. He informed Peshaba that more than community consent would be necessary for reorganization and advised him to obtain legal counsel in Washington. Any lingering doubts Peshaba might have had about organizational procedures were probably clarified in a meeting he had with Collier himself in October of 1935.²³

The initial Grand Traverse application for organization under the IRA had, in part, inspired early government attempts to extend organization, but not until the spring of 1935 did Indian and government responses to the act

begin to merge. That spring the Bureau authorized IRA elections at L'Anse, Bay Mills, Ontonagon, and Isabella in Michigan, and in the fall organizers appeared both on the Upper Peninsula at Bay Mills and on the Lower Peninsula among the Saginaw, Swan Creek, and Black River Chippewa.²⁴ Both of these groups would eventually be reconstituted as IRA governments. The commencement of actual organization among other Michigan Indians spurred the Ottawas to further attempts at reorganization under act.²⁵ In response to the continued demands of the Ottawas for reorganization, the government decided in the fall of 1935 to send out Bureau officials to hold a series of public meetings with the various Ottawa communities.²⁶

As a result of this decision, a series of meetings took place in March of 1936 between the Ottawas and officials of the Bureau of Indian Affairs at Petoskey, Suttons Bay, Cross Village, Manistee, Muskegon and Grand Haven.²⁷ At three of these meetings Fr. Aubert attempted to dominate the proceedings, steering the discussion toward a list of thirty-three questions he had submitted to the Bureau for clarification.²⁸ Aubert accused ignorant and misguided local leaders of deceiving gullible Indians into petitioning for reorganization, and he asserted that no Indians wanted to go back on a reservation.²⁹ M.L. Burns, an Ojibwa from Minnesota who conducted the meetings for the BIA, reported that Aubert's actions had inspired a great deal of resentment among the Michigan Ottawas. He

accurately predicted the demise of both the Michigan Indians Defense Association and the organizational scheme it proposed.³⁰

Despite his distrust of Aubert, Burns returned from Michigan skeptical about the possibility of reorganization among the Ottawas. His skepticism was based largely on misinformation:

The Chippewa and Ottawa Band showed a very keen desire to be considered eligible to come under the Indian Reorganization Act, but in view of the fact that they are not an enrolled band, nor have they lived on a reservation for nearly a century (in fact I was unable to find any record in Wisconsin or Michigan which would indicate that the Michigan Indians, exclusive of the Swan Creek, Black River, and Saginaw Band of Chippewas, ever had a reservation). I cannot see how they can be considered eligible, unless lands can be purchased for them and held in trust by the United States for their use under Section 5 of the Act, as "landless" Indians.

As near as I can find out from interviewing the oldest Indians at different points, it seems that these Indians were given allotments on the Public Domain, but no reservation was ever defined, in which case it is questionable that they can be recognized as a Band.³¹

Virtually everything about this statement except that the Ottawas desired to organize was incorrect. The rolls of the various bands had not been kept up, but band rolls did exist from Durant's efforts in 1908 and 1909. The Bay Mills Community of Chippewas was successfully organized even though the Durant Roll was the only band membership roll it possessed, and later the Sault Ste. Marie Tribe of Chippewas would enroll its members from this same roll. Furthermore, Burns apparently believed that the reservations granted the Ottawas in 1836 were the last they held.

He was obviously unaware that clearly defined reservations under the 1855 treaty remained technically intact until patents were issued in the 1870s. Burns had apparently confused the Indian's account of land they obtained under later homestead provisions with reservation allotments.

Despite his misinformation and hesitation, Burns was not totally opposed to reorganization. He did, however, clearly state that "either arrangements must be made to purchase lands for these people, or they should be definitely informed that they cannot be considered under the Act." In closing, Burns recommended a detailed investigation of conditions on the Lower Peninsula.³² Such an investigation was certainly necessary. The Burn's report highlighted the grave misunderstandings prevalent within the Bureau about the post-treaty history of the Ottawas and their actual legal relationship with the government.

The misgivings voiced by Burns and the general feeling that Congressional appropriations were insufficient to extend the IRA any further in Michigan were formalized as policy in a planning conference held in Minneapolis in early May of 1937. In a memorandum summarizing the conference Allan Harper repeated Burn's mistaken assertion that the Ottawas had never had a reservation. Harper reported that the conferees agreed not to "proceed to enroll and organize these Indians until such a time as the Federal Government was ready to follow through on a comprehensive program of rehabilitation." He predicted this

would be 1940 at the earliest.³³

The federal government's continued postponement of organization among the Ottawas created some concern among local officials who wished to be freed of Indian relief responsibilities. In Leelanau County the Prosecuting Attorney, Emelia Schaub, complained about conditions in the local Ottawa communities and the lack of federal assistance for the Ottawas. In March of 1937 she wrote Eleanor Roosevelt that the Indians in the Grand Traverse region were in a bad state:

morally, physically and financially; many of them cannot earn their own living; they find it particularly difficult to get work with equal pay . . . and they have not adjusted themselves readily to civilized life and many will never be able to do so. . . . May I ask you to assist us by urging the Department of Interior or the Re-settlement administration to formulate some plan to rehabilitate these Indians, some program specially suited to the problems of the American Indian, he must have a special program as he cannot take care of himself.³⁴

Many of Ms. Schaub's observations were heavily culture laden, if not overtly racist, but she at least recognized a reality that would elude some other observers. The Indians of Leelanau County were a distinct, unassimilated group, and their poverty was of a nature quite different from that of surrounding Whites.

Schaub's letter was referred to Assistant Commissioner of Indian Affairs William Zimmerman for an answer, and his reply is quite revealing.

The problem with regard to Michigan . . . is to explore the historical background of the various Indian groups, and to those which can establish the

fact of their legal identity as tribes or bands extend the benefits of this legislation.³⁵

Zimmerman clearly stated that the problem was a historical one. Those bands who could prove their status as a tribe or band were eligible to organize. Zimmerman went on to stress, however, that the government did not intend to organize every such group.

Although a way has been opened to us to extend aid to Indians who, as in Michigan, have not in recent years been under Federal jurisdiction, we are not anxious to assume responsibility for Indians who have adapted themselves in anything like an adequate manner in their present communities. For this reason, it seems best not to make a blanket policy for the Michigan Indians, but rather to deal with each group as its legal status and economic needs require.³⁶

In June of 1937 when Zimmerman wrote to Ms. Schaub about the government's policy toward the Leelanau County Indians, the whole question of the Michigan Indians had once more come up for review. Even as Zimmerman was indicating that economic need was the criteria upon which the decision to organize eligible Indians would be based, a far different opinion was being voiced within the Bureau. In a memorandum to the Commissioner of Indian Affairs, Frank Christy, the original proponent of reorganization in Michigan, now recommended against organization of the Ottawas because, in effect, they were too poor for the federal government to assist adequately.

I have consistently maintained that it would be unwise for the Indian Service at this time to make any gestures that might be interpreted as evidence that it was about to assume responsibility for the welfare of these Indians. At present the local and

State municipalities regard them in the same light as other citizens and extend to them without discrimination all the advantages in the way of direct relief, employment relief, and health facilities that are enjoyed by other citizens of a similar economic status. In my judgment it would be exceedingly unwise to disturb this arrangement until and if the Indian Service is prepared financially and otherwise to assume full responsibility for them. Naturally the local county and township governments while under present conditions they are willing to discharge their responsibilities toward the Indians, would welcome the opportunity to transfer responsibility to the Federal Government.³⁷

Christy's memorandum reflected a growing reaction, within the Bureau, already apparent at the May planning conference, against further reorganization efforts in Michigan. Both Christy's 1935 organizational plan and M.L. Burn's 1936 recommendation that any further reorganization be based on a large scale land acquisition program had faltered in the face of Congressional refusal to support the land acquisition provisions of the Indian Reorganization Act.³⁸ Now the reaction had set in. The failure to get adequate appropriations for land fed into the fears Christy voiced in 1937: if the government took on the Ottawas, they might not be able to duplicate even the minimal assistance they already received from the state. In Michigan this was especially true because of arrangements made in 1934 when the state of Michigan acknowledged responsibility for "all schooling, welfare and medical and other types of human services" for all Indian citizens in exchange for federal cession to the state of the Mt. Pleasant Indian School.³⁹ Christy feared any tampering

with this arrangement until officials were sure that the Bureau could meet its responsibilities to the Ottawas.

In essence, reorganization in Michigan confronted two quite distinct problems by 1937. The first was the right of the Indians to organize under the Indian Reorganization Act. If Zimmerman's letter correctly states the Bureau's criteria for reorganization in 1937, there was no question about Ottawa eligibility. The second problem, however, was whether it was desirable to organize any more bands or communities. And here, faced with limited funding, the Bureau was beginning to make administrative decisions not to organize groups who were both legally eligible and economically needy. The rationale was that, as Christy feared, reorganization might actually worsen their economic position and cause a drain on already insufficient government funds. In 1937 H. Scudder Meekel, an anthropologist working for the Bureau of Indian Affairs, investigated Michigan Indian communities already under the Indian Reorganization Act and forcefully stated what was now becoming the conventional wisdom:

The Indian Service has not sufficient funds to do a good job with the Indians already under its jurisdiction. It cannot afford to assume responsibility for more. By organizing Michigan Indians we have given the state an opportunity to relax its efforts, and at the same time we have not sufficient funds to take up the slack. This may well leave the Indian in a position worse than before.⁴⁰

This shift in Bureau policy and the delays it entailed led the Grand Traverse band to press for a clarification of their position. The secretary of the band,

George Antoine, wrote Peru Farver, Superintendent of the Tomah agency in 1938 asking whether:

. . . our band of Ottawa Indians of Grand Traverse Region (is) recognized in the Office of Indian Affairs at the present time or time back? If we are not we demand an investigation if possible.⁴¹

The Grand Traverse band was not alone in this renewed pressure for reorganization. Just to the north of Grand Traverse the Indians of Charlevoix County, sometimes considered part of the Grand Traverse bands in the nineteenth century, were also demanding organization and the acquisition of a reservation under the IRA.⁴² The Bureau, however, only continued to delay. Faver wrote Antoine that:

It is not possible for me to advise you very definitely at this time what action may be taken on behalf of the Ottawa Indians of the Grand Traverse Region. . . In the event of a decision you will be advised.⁴³

To associates within the agency, Farver confided that: any decision on the Ottawas depended on funding:

there was some thought in the past of deferring any action on behalf of these people (the Ottawas) until such time as it was felt that sufficient funds could be secured to assist them in a worthwhile way . . . we will, no doubt, confront the problem of making a decision in this matter in the near future.⁴⁴

When Senator Prentiss Brown of Michigan put pressure on the Bureau to act on behalf of the Ottawas, Assistant Commissioner Zimmerman also justified the decision on the basis of funding, replying that there were now no funds available for the purchase of additional lands under the Indian Reorganization Act. Future actions would depend on future appropriations.⁴⁵ In 1938, therefore, delay in organizing

the Ottawas was based only on financial constraints. Officials within the Bureau were ready to proceed with organization in Michigan as soon as Congress appropriated the necessary funds.

Within the Grand Traverse band, meanwhile, a factional split erupted which reveals not only the fissures within the community, but also the willingness of the Bureau to recognize the band and its leaders. In June of 1938 George Antoine reported to Farver and Collier that Ben Peshaba had been deposed as chief at Peshawbestown and that he, Antoine, had been elected in his place.⁴⁶ In reply Farver wrote a letter to "Mr. George Antoine, Chief" congratulating him and wishing his "organization every success."⁴⁷ As in many Indian factional quarrels, however, the deposition of Peshaba neither ended his influence nor made Antoine undisputed leader of the band. When Farver visited Peshawbestown in July of 1938 at the invitation of the Indians, he consulted with both Peshaba and Antoine.⁴⁸

During his visit to Peshawbestown Farver found the Indians to be virtually without means of livelihood. Not only were most people out of work, but, of the thirty families then in the community, only two families had members employed by the WPA and only two more received direct relief. Furthermore, the old people at Peshawbestown were often denied old age assistance by county authorities. The Leelanau County officials refused to respond to Farver's inquiries about denial of funds to Indians, but

Farver believed the Indians to be generally discriminated against. Whites said they would not hire the men because the village was rife with tuberculosis and venereal disease, but the county nurse said there was less tuberculosis among Indians than Whites, and there were no indications that venereal disease was any more prevalent among the Indians than in the community as a whole.⁴⁹

As a result of this pervasive poverty, the Indians at Peshawbestown were less interested in reorganization in the summer of 1938 than in relief, employment, and old age assistance. When at a community meeting attended by 60 to 75 people someone asked about organization and purchase of land, Farver replied that:

Congress had failed to appropriate an adequate amount of money for the purchase of land for those already organized, and it was believed that our office could do more for them at this time by interceding where necessary with county and state officials where relief and emergency work was needed; that appropriations under the Indian Reorganization Act were not being made by Congress in amounts called for by the Act, and that it would probably be some time before additional groups could be assisted to any great degree under the Act.⁵⁰

The intercession and cooperation with state officials that Farver talked about, seems to have replaced reorganization as de facto Bureau policy by the summer of 1938. Archie Phinney, who succeeded M.L. Burns as Coordinator of the IRA programs in the area, stated the policy in a memorandum entitled "A Proposed Role for the Federal Government in the Rehabilitation of the Michigan Indians" in 1938. Phinney shared the dominant conviction that if

the Bureau continued to organize under the IRA in Michigan the state would discontinue most services to the Indians. Phinney, however, argued against the total reliance on the state for services to the Indians that some officials within the Bureau wanted.

The Indian population in the state of Michigan, regardless of state responsibility or Federal obligation, is in need of rehabilitation and that under the present set-up they can hope for only public relief in one form or another.⁵¹

The Indians needed more assistance than this and the question was how it could be provided.

Phinney did not think such assistance could come through the organization of IRA governments since IRA organization would disturb existing state programs. Although Phinney recognized that "these are real Indians in a sociological and biological sense," he asserted there was "little possibility of preserving or developing what is sometimes called 'tribalism'".⁵² Instead of implementation of the IRA, he recommended "a real partnership between the federal and state governments in which the state would assume a rather complete administration of the social and economic rehabilitation of the Indians."⁵³ The federal government would underwrite part of the cost of the state programs, and, in addition, federal agencies other than the Bureau could aid the Indians.

Every local agency and organization in the state could be marshalled in support of a general rehabilitation program. A special congressional appropriation of funds for the purpose would seem essential. There would be no Indian Organization, no reservations,

and the Indian Service would remain in the background. The Indians would not become prosperous but the sordid, squalid aspect of Indian life could be eliminated to a large extent.⁵⁴

Such a policy was far from the original inspiration and goals of the Indian Reorganization Act.

The basis of Phinney's rejection of the IRA for the Ottawas was his belief that it would deny, rather than provide, necessary services. Underlying this, however, seems to have been a distaste bordering on contempt for Indian communities in Michigan. In his memorandum of 1938 Phinney had admitted that the Michigan Ottawas and Chippewas were "real Indians in a sociological and biological sense" but lacked "tribalism." Phinney, himself a Nez Perce, was blunter in other contexts. In a report issued a year later, he is quoted as saying: "The culture, racial integrity, and native genius of the Michigan Indians have degenerated beyond all hope of revival." Although this may have been only a reflection of a widespread hostility of western reservation Indians toward eastern non-reservation Indians, it would be used by others within the Bureau as a means of denying organization to the Ottawas.⁵⁵

In the Grand Traverse area the new policy of cooperation with the state was in operation by August of 1938. The Bureau intervened to get men placed on WPA programs, helped elderly band members get old age assistance, and assisted Indians with tax problems.⁵⁶ As this new policy went forward, the Bureau moved toward achieving what they

hoped to be a final resolution of the question of further organization of the Indians of Lower Michigan. At a conference held in January of 1939 John Holst, the new Supervisor of the Indian Schools in the Tomah Agency, Archie Phinney, and Olive Gwinn, a social worker for the Bureau in Michigan, were assigned to write a comprehensive report on the problem.⁵⁷ Since Phinney had already forcibly stated his views on further organization among the Michigan Indians, and since Ms. Gwinn was actively carrying out the new policy of cooperation with state and local officials, the report was apparently intended to justify existing policy rather than seriously investigate the chances for further organization under the IRA.

Within the Bureau, however, some officials were uneasy about the reluctance of the Indian Service to consider new tactics in Michigan. In reviewing the proposed study, Willard Beatty wrote that the Bureau "should not take it for granted that existing policies are necessarily to hold for the future." He thought, for instance, that Indian day schools might be better suited to the needs of Indian communities in Michigan than were the public schools.⁵⁸ Beatty was the only official to make such an objection, at least in writing, and research for the study was carried out between July and September of 1939.⁵⁹

The "Survey of Indian Groups in the State of Michigan, 1939" that was the result of this research served mostly

to formalize the growing opinion within the Bureau that all organizational activities in Michigan should be halted. The report began with a wildly distorted account of Ottawa history, followed by the usual misreading of the treaty of 1855. Neither Holst nor anyone else within the Bureau bothered to consult the minutes of the treaty council or the Bureaus own records to discover how both Whites and Indians had originally understood the tribal dissolution clause of the treaty. The report then jumped to the condition of the Indians in the 1930s.⁶⁰

Holst, who quoted Phinney with approval, believed little of native Ottawa culture remained.

They no longer maintain any tribal organizations or traditional ceremonies, except for the benefit of tourists. Their ancient arts and crafts survive only in half-forgotten imitations, or new adaptations for tourist trade. They are in the transitional state in that they have learned to use the civic and social instruments which they have tacitly accepted.⁶¹

He specifically mentioned Peshawbestown as having no "community institutions."⁶² Unless Holst expected to find people fishing from birch bark canoes and living in bark lodges on the shores of Grand Traverse Bay, it is hard to know what to make of these statements. It was the equivalent of complaining in 1855 that since log cabins and ship building were "unIndian" the Ottawas had lost their culture. The organization of Peshawbestown had evolved directly from earlier band organization, and it remained vital enough to have sparked a factional political fight the year before. Holst later in the report commented on the

weakness of Indian leaders, but this, if anything, was proof of the persistence of native political patterns.⁶³ Ottawa chiefs had never possessed much coercive power and dissident factions had always played a major role in decision making. Weak as they were, the chiefs were still significant local figures and the Bureau itself recognized them as such in its official dealings with people like Ben Peshaba and George Antoine. Holst's other references are equally confusing. Ottawa political organization was never based on "institutions," and Holst's complaint that Indian communities lacked them is naive and uninformed. Indian religion was admittedly heavily Christianized, but since the relationship of the Catholic Church with ancestors of the Indians of Peshawbestown had begun centuries before, pre-dating, for example, the founding of the United States, it was hardly a recent innovation that proved some sort of cultural decline. Likewise, Holst's scorn for modern Ottawa crafts doesn't mesh with earlier statements by Bureau officials that Ottawa basketmaking accounted for much of the cash entering the communities in the 1930s. Many parts of the old economy--from berry gathering and fishing to employment as guides for White hunters--were maintained in an attenuated form. Only a few years before the report older Indians in Peshawbestown had posed with the huge traditional mortars made for grinding corn and still in active use on the bay.⁶⁴

The conclusions of the 1939 survey flowed naturally

from Holst's facile and false picture of Indian society. Since the Indians participated with Whites "on a common basis of understanding" and were "everywhere component parts of the communities in which they live," they were in no sense a separate group. "Any attempt to deal with them as such would be detrimental both to Indians and Whites, and very probably disastrous to the Indians."⁶⁵ The Indians, according to Holst, "neither need nor ask help, special favors, or gratuity from the Federal Government" and that in lower Michigan "trust held land, with its implications of Federal wardship is a menace to Indian welfare and progress, both in its effect upon Indians and in its effect upon other citizens and civic agencies that resent class privileges or prohibitions."⁶⁶ Specifically, Holst recommended that the Federal government gradually diminish welfare and educational aid to Indians in Michigan, that it not institute any new welfare or educational programs, and that "there be no further extension of organization under the Reorganization Act in Michigan."⁶⁷

Given the existence of exclusively Indian communities such as Peshawbestown, the assertion of Leelanau county officials such as Ms. Schaub that the Indians composed a separate and distinct class within Leelanau County, the reluctance of county officials to aid the Ottawas through programs designed for all citizens, and, finally, the persistent attempts of the Ottawas of the region to organize and get reservation lands and federal assistance,

Holst's conclusions are incredible. They are understandable only as the foreordained results of a report intended as an apology for administrative decisions already reached within the Bureau. Holst ignored the reality of Ottawa affairs in Michigan that the Bureau's own records would have revealed clearly enough if he had only looked. The Ottawas were eligible for reorganization under the IRA, and, outside of those who followed Fr. Aubert, the Indians clearly wanted and needed federal assistance, reservations, and new tribal governments. The failure of the Bureau to organize them flowed not from the Indians' conditions, needs, and desires, but rather from the Congressional failure to appropriate the necessary funds and the Bureau's own priorities which stressed the needs of reservation Indians over those of landless Indians. Holst only obscured these actual reasons for halting organization. The decision not to organize the Ottawas was, in reality, a simple administrative decision based on lack of funding.

Within the Bureau, Peru Farver, the man most familiar with the actual condition of the Ottawas, objected to many of Holst's statements. Farver, who had visited many Ottawa homes and communities, including Peshawbestown, during his tenure as Superintendent of the Tomah Agency, thought Holst had seriously underplayed the extent and depth of Indian poverty in Michigan. He had based his conclusions only on an acculturated minority. Although Farver, too, opposed the creation of any more new governments

under the Indian Reorganization Act, he did believe that federal aid was necessary to correct the most pressing problems confronting the Indians of Michigan. And even if the Bureau decided against the further extension of the IRA to the Ottawas, Farver had no illusions that the issue would disappear. The Ottawas and Potawatomes were the only groups in Michigan denied the right to reorganize. They could not be expected to accept quietly any Bureau decision to halt reorganization when neighboring groups received federal aid. As long as all other Michigan tribal groups were under BIA supervision, "a ray of hope and a realization that there is an Indian Service," would persist among the Ottawas and Potawatomes, and they too would continue to press for reorganization.⁶⁸

Holst may have misunderstood and misreported actual conditions in Michigan, but his recommendations became Bureau policy nonetheless. In a memorandum issued in May of 1940 Collier made the decision official. The federal government would phase out special programs for unorganized Indians in Michigan; there would be "no further extension of Organization under the Indian Reorganization Act in Lower Michigan," and the federal government would set up no new programs that "in any way tend to recognize Indians as a separate group of citizens."⁶⁹

What this meant to the Grand Traverse band was made clear to James Cobb of Omena when in August of 1940 he described the poverty of the band and asked for aid to

rebuild his house after it had burned down. Cobb was denied aid. In light of the Holst report, Farver wrote, "these people are no responsibility of the Federal government."⁷⁰

Yet, as Farver himself had predicted, the Ottawas' ties with the federal government would not disappear so easily. Once agitation for organization under the IRA had begun, it logically enough reinforced concern over rights under the old treaties, specifically rights to land. In 1939 Casper Anse, a member of the Grand Traverse band, began inquires about Indian allotments. And in 1940, citing provisions of the Treaty of July 31, 1855 and the Acts of June 10, 1872 (17 Stat. 381), March 3, 1885 (18 Stat. 516) and May 23, 1876 (19 Stat. 551), he applied for the right to take up an Indian homestead on forty acres of land near Peshawbestown that had apparently never been claimed.⁷¹ To determine his eligibility, the Bureau had him fill out an "Application for Certificate" which Anse did.⁷² Since Anse's name appeared on the Durant roll and he had not previously selected land, the Bureau processed the application.⁷³ Because all the public lands remaining in Michigan had been withdrawn for entry except for "agriculture and homemaking purposes," the Bureau had to verify that the land Anse wanted met these criteria, and in 1941 they sent out a forester to look at the tract.⁷⁴ The forester, Charles Racey, found that Indians had long occupied the land in question, but they had never

purchased it. In the spring of 1941 there were three families living on the tract, but supposedly only one woman, Mrs. Gingway, a relative of Anse, lived on it permanently. Ance said he would allow Mrs. Gingway to continue her residence and J.C. Cavill, Superintendent of the Great Lakes Agency, recommended that Ance be given the allotment and that a trust patent be issued him. By the fall of 1941, however, Cavill had second thoughts. For Anse to obtain the allotment he had to prove his occupancy predated that of the people living on the land or get a waiver from them.⁷⁶ Cavill forwarded an "Application for Allotment of Public Land" to Anse, a form which required certification that "the land is not occupied or improved by any other Indian."⁷⁷

Anse, however, now grew suspicious. He apparently believed his application for a certificate was enough to complete the transaction for the land. He refused to fill out the second application,⁷⁸ but continued to ask for title to the allotment.⁷⁹ Unable to get Anse to finish the application themselves, Bureau officials in 1943 asked various welfare workers in Leelanau County to persuade Anse to apply. All were unsuccessful. One of them, Stanley Garthe, informed officials that Anse was afraid pressing the application would deprive the families living on the land of their homes.⁸⁰ Anse himself had already written the Bureau, voicing his suspicion of all advice given Indians by Whites and his reluctance to sign any

papers brought him by a White man.⁸¹

Anse never received his allotment, but the whole incident is quite revealing in two ways. First it demonstrates the contradictions of the Bureau's own policy. At the same time as officials announced in one context that the federal government would take no special responsibility for the Ottawas, they prepared in another to issue a trust patent to a member of the Grand Traverse band. By the government's own standards federal trusteeship was a mark of the ward status of an Indian and certainly indicated a special responsibility of the government toward the Indians. Anse's own refusal to complete the necessary forms is equally revealing. Far from being integrated into the local community, Anse, one of the more prosperous members of the band, so mistrusted local officials in particular, and Whites in general, that he was unwilling to sign the papers they brought him. Anse's ties to his own community were strong enough to forego personal gain in order to not risk depriving fellow band members of their homes. There were obviously bonds among the Leelanau Indians that Bureau officials had not fathomed.

Anse himself emerged as a leader of the Indian community during the forties. In 1943, a year after he refused to pursue his own attempt to get trust land, he circulated a petition among members of the Grand Traverse band asking for restoration of the reservation. Fifty-five people signed Anse's petition, but it met the fate

of all earlier Grand Traverse petitions. Nothing was done.⁸²

Some Peshawbestown land did attain trust status in the 1940s, but it came under county, not federal, trusteeship. During the thirties title to much of the land of Peshawbestown land had been clouded by the failure of the impoverished owners to pay their taxes. Some of this land reverted to the state. In April of 1943 the County Board of Supervisors agreed to petition the Michigan Department of Conservation to obtain title to all such tax lands in Peshawbestown. This the board did, amending the application in January of 1944 to include all lands forfeited during the past year. In June of 1944 Leelanau County received from the state for \$1 seventy-two acres of this land, "to be used solely for Indian Community Purposes." If the land ceased to be so used, title would revert back to Michigan.⁸⁴

Almost a year after receiving final title, the Board began soliciting applications for lots upon which to build homes.⁸⁵ This was the beginning of county administration that continues to the present. For the Indians, the change brought few benefits, county interest in improving Peshawbestown waned quickly. The Indians discovered that their permits to reside on the county owned lots could be revoked at any time, and they had no title to any improvements they made in the property.⁸⁶ Although the residents of Peshawbestown no longer had to worry about loss of land through taxes, they now had to worry about eviction from their lots by the county.⁸⁷ This limited, and somewhat

dubious, security for their land was all the Grand Traverse band gained in the 1940s.

In the late 1940s and early 1950s Ottawa attempts at organization took a new direction. In 1948 Robert Dominic, who had lead an unsuccessful effort to get an IRA government for Cross Village in the 1930s, organized the Northern Michigan Ottawa Association.⁸⁸ The goals of the Ottawa Association were originally quite limited--the filing of a claims case before the Indian Claims Commission and the compilation of a tribal roll to govern distribution of the claim if and when it was won. Among the visiting delegates attending the 1951 meeting were representatives from Peshawbestown and Northport.⁸⁹

From the beginning the Bureau took an active interest in the new organization.⁹⁰ J.C. Cavill, the General Superintendent of the Great Lakes Agency, informed D.E. Murphy, the Area Director, that "we have recently added two more Indian groups to this agency--the Potawatomi of Lower Michigan and the Ottawas of Michigan." Cavill had already sent Clarence Ringey to attend the Northern Michigan Ottawa Association Meeting for 1950, and he advised Murphy that "it will be necessary now to contact them (the Ottawas) occasionally to keep up to date on their activities."⁹¹

During the 1950s federal Indian policy completed its swing from the reorganization programs of the 1930s to a new emphasis on termination of federal services. The Northern Michigan Ottawa Association fit the times. The

Dominics, Robert and his wife Waunetta, were relentless in their pursuit of the claims case and their compilation of a tribal roll, but they did not press hard for further government services. Over time they developed a working relationship with the Bureau that gave them an unofficial status as the representatives of all the Ottawas.⁹² Officially, the Northern Ottawa Association consisted of ten, later eleven units, of which the Grand Traverse area was unit number two, but in reality the Dominics dominated the organization. Robert Dominic, and after his death Wuanetta Dominic, were the Ottawa Association's perennial chairpersons. Their influence was enhanced by the 1970 decision of the Indian Claims Commission in cases involving Docket no. 58 and Docket no. 18 E that gave the Ottawas and Chippewas of Michigan over ten and a half million dollars. The efforts of the Dominics had been instrumental in winning the case. The Bureau itself would consult the Dominics over the distribution of the five million dollars that eventually went to the Ottawas as a result of the decision.⁹³ Only after the victory in the claims case did the Northern Michigan Ottawa Association begin to pursue wider goals. In 1975 they filed for recognition as a governing body for the Ottawas under the IRA.⁹⁴ By then, however, the organization was involved in some conflict with local Ottawa bands whose own concern with community development and self-government had never been totally subsumed by claims litigation.

Although members of the Grand Traverse band had a real and natural interest in the tribal claims case, the historical Ottawa emphasis on the band or community remained strong. But the 1950s and 1960s were a bad time to pursue reorganization. With bills pending before Congress to terminate federal services to all Indians in Michigan, organized and unorganized, further attempts at reorganization under the IRA were doomed for nearly twenty years. Still the Grand Traverse band communities held together. In 1954 the state deeded an additional tax delinquent lot in Peshawbestown to the county for Indian purposes.⁹⁵ Sixteen years later, in March 1970, the state would deed five more lots in Peshawbestown to the county, this time under the broader designation of Indian and public use.⁹⁶ In addition, by the 1970s the county held title to 72 acres outside Peshawbestown that was designated for Indian use.⁹⁷

The status of the Indians occupying this land remained unchanged until the early 1970s. Then the director of Leelanau County's social services suggested that the land be returned to private ownership. The Board of Supervisors refused to approve this, but in 1972 they decided the tenants were to be given the right to obtain a life time lease to their homes. A community group would be created to advise the Director of Social Services in administering the land.⁹⁸ These plans never came to fruition. It soon became apparent that the new plan left all power

in the hands of the Director of Social Service. The community could advise him, but he was not obligated to follow their suggestions. The new plan collapsed, and most people within the Peshawbestown community continued to regard the leases as arbitrary and unfair. Many had little idea of the title under which the county held the land.⁹⁹

The local struggle over land was only one of a series of concerns that led to the formal organization of Leelanau Indians, Inc. in 1972.¹⁰⁰ Run by a nine member Board of Directors, the organization had from 150 to 200 members by 1977, or about 38% of the Indian heads of households in Leelanau County.¹⁰¹ The goals of the new organization were diverse; it sought to maintain traditional customs and kinship patterns, but it also sought economic and social development for Grand Traverse band members. Since by the 1960s federal activity among the Indians had begun to increase, Leelanau Indians incorporated was created in part to apply for federal funds to attack Indian unemployment, as well as health and housing problems, in the Grand Traverse area.¹⁰²

Leelanau Indians, Inc. has enjoyed some success in getting federal and private funds for the Peshawbestown community. They were instrumental in obtaining a HUD grant for sewer and water facilities in Peshawbestown in 1976; they participated in the Neighborhood Youth Corp Program, and they administered a CETA Title VI grant in

1977-1978.¹⁰³ As useful as such activities were, they were not nearly as productive as the programs that would come with recognition as a tribal government under the IRA.

In 1977 the Indians of Peshawbestown, operating through Leelanau Indians Inc., launched another attempt to gain federal recognition and to reorganize under the IRA.¹⁰⁴ Michael Fairbanks, the Superintendent of the BIA Field Office at Sault Ste. Marie, was invited to and attended a meeting to discuss reorganization in September of 1977.¹⁰⁵ Neither he nor any other Bureau official committed the agency to reorganization, but in February of 1978 L. John Lufkins advised the Leelanau Indians Board of Directors that the Agency would support a request to take land in trust if local opposition could be overcome.¹⁰⁶

This latest attempt of the Grand Traverse Band to organize grew naturally out of a community history that stretches back to the band villages that existed along Grand Traverse Bay in the 1850s. It does not seek to reverse a legal disability--it simply seeks recognition of a status never legally lost. The treaty of 1855 did not disband Indian political organization; it only discontinued the American created Ottawa and Chippewa Tribe, granting real political authority to the bands. From these bands grew the Indian communities of Leelanau county, communities which survived under all kinds of adversity until the present day, and which the government has recognized

and dealt with repeatedly. The failure to organize these communities in the 1930s was not the result of their ineligibility under the IRA. Instead it was an administrative decision based on the failure of the Bureau to receive necessary appropriations from Congress. This fact was widely admitted in correspondence within the Bureau in the 1930s. In the 1970s the Grand Traverse band seeks to reverse this administrative decision. It is trying once more to get federal recognition of a band status traceable back to the Treaty of 1855.

Footnotes

¹NA, RG 75, BIA, Records of Indian Organization Division: General Records Concerning Indian Organization, 1934-56; Classified File, 9634-1936-066, Michigan Misc. I, "A Survey of Indian Groups in the State of Michigan, 1939," by Frank Holst, 7, 12. Hereafter classified files of the Indian Organization Division will be abbreviated as IOD-CF, while Agency classified files will be abbreviated CF, Bureau of Indian Affairs, Field Office, Sault Ste. Marie, Michigan, CF, 17413-38-310, Tomah, now filed with Northern Michigan Ottawa Association file, Burns and Christy to CIA, 5/4/35. Hereafter cited as: BIA, FO-SSM, CF, 17413-38-310, Tomah (NMOA file) . . .

²NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I. Farver to Burns, 7/30/38; CF, 44671-1931-723, Lac Du Flambeau, Rhoads to E. Jermark, 2/24/32.

³Information on the size, location, and condition of these communities compiled from: NA, RG 75, IOD-CF, 9634-1936-066, Mich. Misc. I, "A Survey of Indian Groups in the State of Michigan, 1939" by Frank Holst, 12, 19, BIA, FO-SSM, file: Ottawa and Chippewa Survey by Mr. Holst, Cobb to Collier, 8/9/40; NA, BIA, RG 75, General Services File, 45653-1934-806, Memo from Cheeney, 10/29/34.

⁴Lawrence Kelly, "The Indian Reorganization Act: The Dream and the Reality," Pacific Historical Review (1975) 293-309.

⁵NA, RG 75, BIA, General Service File, 45653-1934-806, Christy to Ryan, 12/6/34. Hereafter General Service File abbreviated as GSF.

⁶Ibid. (and enclosed map.)

⁷NA, RG 75, BIA, GSF, 45653-1934-806, Memorandum from Ryan to Monahan, 12/15/34; Ryan to Christy, 1/19/35.

⁸BIA, FO-SSM, CF, 17413-38-310, Tomah (NMOA file), Burns and Christy to CIA, 5/4/35.

⁹Ibid.

¹⁰Ibid.

¹¹NA, RG 75, BIA, CF, 9634-1936-066, Mich. Misc. I, Dominic to Collier, 2/21/36, letter apparently misdated, actual date 2/21/35.

¹²NA, RG 75, BIA, CF, 9634-1936-066, Mich. Misc. I, Collier to Shawanese, 4/23/35.

¹³NA, RG 75, BIA, GSF, 45653-1934-806, Antoine to Collier, 1/2/35; Memo from Cheney, 10/29/34.

¹⁴NA, RG 75, BIA, CF, 9634-1936-066, Mich. Misc. I, Ben Shawanese, Secretary of Michigan Indian Defense Association, to Collier, 3/22/35; NA, RG 75, BIA, GSF, 45653-1934-806, Antoine to Collier, 1/2/35.

¹⁵NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I. Minutes of Michigan Indian Defense Association Meeting, 3/21/36, Petoskey, Michigan, 7, 51; Shawanese to Collier, 3/22/35; NA, RG 75, BIA, GSF, 45653-1934-806, Antoine to Collier, 1/2/35.

¹⁶NA, RG 75, BIA, GSF, 45653-1934-806, Petitions to Collier, 8/22/34; NA, RG 75, BIA, CF, 12730-1933-230, Lac de Flambeau, Collier to Masselwhite, 4/27/33; Antoine to Masselwhite, n.d., c 1933.

¹⁷NA, RG 75, BIA, GSF, 45653-1934-806, Engel to Collier, 9/2/35; Petitions to Collier.

¹⁸NA, RG 75, BIA, GSF, 45653-1934-806, Memo from Cheney, 10/29/34; Antoine to Collier, 1/2/35.

¹⁹NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, Shawanese to Collier, 3/22/35; W.W. Hurd to Collier, 3/2/35; Minutes of MIDA Meeting, 3/21/36, 11; P. Kijogobinse to Collier, 5/10/35; George Antoine to Collier, 6/23/38; NA, RG 75, BIA, GSF, 45653-1934-806, Antoine to Collier, 1/2/35.

²⁰NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, Hurd to Collier, 3/2/35; Moby to Engle, 3/26/36.

²¹NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, Minutes of MIDA Meeting, 3/21/36, 11; NA, RG 75, BIA, GSF, 45653-1934-806, Engel to Collier, 9/21/35.

²²NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, Answers to Questions submitted by Fr. Aubert, Question 32; Aubert to Collier, n.d., c 2/35; NA, RG 75, BIA, GSF, 45653-1934-806, Engel to Collier, 9/21/35.

²³NA, BIA, RG 75, IOD-CF, 9634-1936-066, Mich. Misc. I, Minutes of MIDA Meeting, 3/21/36, 11-12; NA, BIA, RG 75, GSF 96000-1919-013, Enos Pejo to Collier, 10/25/35.

²⁴NA, RG 75, BIA, CF, 9515-A-35-066, Great Lakes Agency, Burns to CIA, 11/24/35; NA, RG 75, BIA, IOD-CF,

9634-1936-066, Mich. Misc. I, Minutes of MIDA Meeting, 3/21/36, 7; Langdon to Woodruff, 6/4/35.

²⁵NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, Minutes of MIDA Meeting, 3/21/36, 7.

²⁶NA, BIA, RG 75, IOD-CF, 9634-1936-066, Mich. Misc. I, Minutes of MIDA Meeting, 3/21/36, 1.

²⁷NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, Burns to CIA, 4/6/36.

²⁸NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, Minutes of MIDA Meeting, 3/21/36, passim; Answers to Questions submitted by Fr. Aubert.

²⁹NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, Minutes of MIDA Meeting, 3/21/36, 10-12.

³⁰NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, Burns to CIA, 4/6/36.

³¹Ibid. See also, NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, Minutes of MIDA Meeting, 3/21/36, 8.

³²NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, Burns to CIA, 4/6/36.

³³Memorandum of Allan Harper, Field Administrator in Charge of Indian Organization, to Daiker, 5/14/37, copy from National Archives of Michigan Indian Legal Services, Grand Traverse.

³⁴NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, E. Schaub to Roosevelt, 4/9/37.

³⁵NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, Zimmerman to Schaub, 6/4/37.

³⁶Ibid.

³⁷NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, F. Christy to CIA, 6/16/37.

³⁸NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, Burns to CIA, 4/6/36; Kelly, "Indian Reorganization Act," 306.

³⁹BIA, FO-SSM, file 064, General Correspondence, 1961-1971, Riley to Commissioner, 6/12/64.

⁴⁰"Report on the Michigan Indians" by H. Scudder Meekel, 1937, copy in Library, Department of Interior.

⁴¹BIA, FO-SSM, file: Ottawa and Chippewa Survey by Mr. Holst . . . , Antoine to Farver, 4/26/38; NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, Farver to CIA, 5/3/38.

⁴²BIA, FO-SSM, file: Ottawa and Chippewa Survey by Mr. Holst, Farver to CIA, 5/3/38; CF, 17413-38-310, Tomah (NMOA), McClellan to U.S. Department of Interior, 4/9/38.

⁴³BIA, FO-SSM, file: Ottawa and Chippewa Survey by Mr. Holst, Farver to Antoine, 5/3/38.

⁴⁴BIA, FO-SSM, CF, 17413-38-310, Tomah (NMOA), Farver to Hook, 4/11/38.

⁴⁵BIA, FO-SSM, CF, 17413-38-310, Tomah (NMOA), Zimmerman to Brown, 5/11/38.

⁴⁶NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, Antoine to Collier, 6/23/38; BIA, FO-SSM, file: Ottawa and Chippewa Survey by Mr. Holst, Antoine to Farver, 6/23/38.

⁴⁷BIA, FO-SSM, file: Ottawa and Chippewa Survey by Mr. Holst, Farver to Antoine, 7/12/38.

⁴⁸NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, Farver to Burns, 7/30/38.

⁴⁹Ibid.

⁵⁰Ibid.

⁵¹NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, "A Proposed Role for the Federal Government in the Rehabilitation of the Michigan Indians" by Archie Phinney (1938).

⁵²Ibid.

⁵³Ibid.

⁵⁴Ibid.

⁵⁵NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, "A Survey of Indian Groups in the State of Michigan, 1939" by John Holst, p. 4.

⁵⁶BIA, FO-SSM, file: Ottawa and Chippewa Survey by Mr. Holst, Farver to Antoine, 8/14/38.

⁵⁷BIA, FO-SSM, file: Ottawa and Chippewa Survey by Mr. Holst, Memorandum from J. Jennings, 1/31/39.

⁵⁸ BIA, FO-SSM, file: Ottawa and Chippewa Survey by Mr. Holst, Beatty to Jennings, 2/9/39.

⁵⁹ BIA, FO-SSM, file: Ottawa and Chippewa Survey by Mr. Holst, Collier to Cavil, Farver et al. 5/29/40.

⁶⁰ NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, "A Survey of Indian Groups in the State of Michigan, 1939" by John Holst, 3-8.

⁶¹ NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, "A Survey of Indians Groups in the State of Michigan, 1939" by John Holst, 4.

⁶² NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, "A Survey of Indian Groups in the State of Michigan, 1939" by John Holst, 6.

⁶³ NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, "A Survey of Indian Groups in the State of Michigan, 1939" by John Holst, 6.

⁶⁴ NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, "A Survey of Indian Groups in the State of Michigan, 1939" by John Holst, 4, 12; BIA, FO-SSM, CF, 17413-38-310, Tomah, (NMOA), Burns and Christy to CIA, 5/4/35. For mortars, see photograph in Craker, Protestant Missions.

⁶⁵ NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, "A Survey of Indian Groups in the State of Michigan, 1939" by John Holst, 7.

⁶⁶ NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, "A Survey of Indian Groups in the State of Michigan, 1939" by John Holst, 21.

⁶⁷ Ibid.

⁶⁸ NA, RG 75, BIA, IOD-CF, 9634-1936-066, Mich. Misc. I, Farver to CIA, 12/1/39.

⁶⁹ BIA, FO-SSM, file: Ottawa and Chippewa Survey by Holst, Collier to Cavill, Farver, et al., 5/29/40.

⁷⁰ BIA, FO-SSM, file: Ottawa and Chippewa Survey by Mr. Holst, Cobb to Collier, 8/9/40; Farver to Rehabilitation Division, 9/5/40.

⁷¹ BIA, FO-SSM, file: Grand Traverse Band of Ottawas, Leelanau Indian Community, Anse to Cavill, 3/19/40, Racey to Cavill, 3/19/40. Hereafter file abbreviated as G.T. Band, Leelanau Comm.

⁷²BIA, FO-SSM, file: G.T. Band, Leelanau Comm., Stewart to Anse, 4/1/40.

⁷³BIA, FO-SSM, file: G.T. Band, Leelanau Comm., Charlow to CIA, 5/15/40.

⁷⁴BIA, FO-SSM, file: G.T. Band, Leelanau Comm., Stewart to Anse, 12/25/39, Cavill to Farver, 4/14/41.

⁷⁵BIA, FO-SSM, file: G.T. Band, Leelanau Comm., Cavill to CIA, 4/14/41, 6/13/41, Cavill to Anse, 10/24/41.

⁷⁶BIA, FO-SSM, file: G.T. Band, Leelanau Comm., Woehlke to Cavill, 11/27/41.

⁷⁷BIA, FO-SSM, file: G.T. Band, Leelanau Comm., Cavill to Farver, 12/11/41.

⁷⁸BIA, FO-SSM, file: G.T. Band, Leelanau Comm., Charlow to Farver, 1/16/42, Farver to Anse, 2/10/42.

⁷⁹BIA, FO-SSM, file: G.T. Band, Leelanau Comm., Farver to Charlow, 3/3/43.

⁸⁰BIA, FO-SSM, file: G.T. Band, Leelanau Comm., Charlow to Sogge, 4/16/43, Garthe to Charlow, 4/28/43.

⁸¹BIA, FO-SSM, file: G.T. Band, Leelanau Comm., Anse to Farver, 5/3/42.

⁸²Petition of Grand Traverse Band to CIA, 10/18/43, copy from National Archives at Michigan Indian Legal Services.

⁸³Minutes, Leelanau County Board of Supervisors, 4/15/43, p. 365, 6/30/43, p. 377, 1/10/44, p. 389, quoted in Leelanau Indians Comprehensive Plan, 48-49.

⁸⁴BIA, FO-SSM, file: Leelanau Indians, Inc., Deed No. 47977, June 21, 1944.

⁸⁵Leelanau Indians Comprehensive Plan, 49.

⁸⁶Ibid.

⁸⁷BIA, FO-SSM, file: Grand Traverse Band, Leelanau Indian Community, Hatch to Shustad, 10/10/75.

⁸⁸BIA, FO-SSM, file 064: Northern Michigan Ottawa Association, 1951 Cavill to Dominic, 5/29/50.

⁸⁹BIA, FO-SSM, file 076, General, Ottawa, NMOA Minutes, 1950, Questionnaire (sic); BIA, FO-SSM, file 064, NMOA, 1951, Minutes.

⁹⁰ BIA, FO-SSM, file 064, NMOA, 1951, Cavill to Dominic, 5/29/50.

⁹¹ BIA, FO-SSM, file 076, General, Ottawa Indians, Cavill to Murphy, 6/8/50.

⁹² BIA, FO-SSM, file 064, Michigan Ottawa, LaRoche to Riley, 9/17/65.

⁹³ BIA, FO-SSM, file 269, Ottawa and Chippewa Reinvestments, Dockets 18 E and 58, Acct. number F 55-491, Superintendent of Great Lakes Agency to Mr. and Mrs. Robert Dominic, 3/26/73.

⁹⁴ BIA, FO-SSM, file: NMOA, Dominic to Rogers Morton, Secretary of the Interior, 5/5/75.

⁹⁵ BIA, FO-SSM, file: G.T. Band, Leelanau Indian Comm., Deed, October 11, 1954, Page 193 of Deed Book Registrar's Office, Leelanau County, MI.

⁹⁶ BIA, FO-SSM, file: G.T. Band, Leelanau Indian Comm., Deed 97247, March 17, 1970.

⁹⁷ Leelanau Indians Comprehensive Plan, 94.

⁹⁸ Leelanau Indians Comprehensive Plan, 49.

⁹⁹ Leelanau Indians Comprehensive Plan, 64; BIA, FO-SSM, file: G.T. Band, Leelanau Indian Comm., Hatch to Shulstad, 10/10/75.

¹⁰⁰ BIA, FO-SSM, file: Leelanau Indians, Inc., Articles of Incorporation, 10/2/72.

¹⁰¹ Leelanau Indians Comprehensive Plan, 152-153.

¹⁰² BIA, FO-SSM, file: Leelanau Indians, Inc., Articles of Incorporation, 10/2/72; Leelanau Indians Comprehensive Plan, 152-153.

¹⁰³ Leelanau Indians Comprehensive Plan, 153-156.

¹⁰⁴ BIA, FO-SSM, file: Leelanau Indians, Inc., Cobb to Fairbanks, 9/6/77.

¹⁰⁵ BIA, FO-SSM, file: Leelanau Indians, Inc., Fairbanks to Cobb, 9/13/77.

¹⁰⁶ BIA, FO-SSM, file: Leelanau Indians, Inc., Lufkins to Supt., Michigan Agency, 2/27/78.

CONCLUSION

The internal organization of the Grand Traverse band shows a clear and logical evolution from the loose confederation of pre-treaty hunting bands around Grand Traverse Bay to the present Indian communities inhabiting the same area. Ottawa social organization has changed over time, but these changes represent the adaptations of a vital community to new sets of circumstances. The roots of the present band rest securely in the old hunting band organization. The old hunting bands changed because they lost their economic rationale. And a functioning social group, while aware of its own traditions and past, cannot afford to maintain, as if it were a museum piece, an earlier form of social organization once the circumstances that brought it into being have vanished. Evolution and change mark any human group that survives over long periods of time.

And the Grand Traverse band has survived. The government has often denied this officially, but at other times it has provided services to the band and recognized the band's leaders, dealing with them on a variety of issues for over a century. In the 1930s the Bureau was ready to recognize and reorganize the Indians under the

IRA, but the lack of funding from Congress prevented the Bureau's own plans from being fulfilled. The issue was submerged in the 1950s and 1960s, not because of any lack of enthusiasm on the part of the Indians, but rather because of the switch in government policy that made termination, not reorganization, the key issue. In the 1970s there is, once more, a chance to reorganize.

The Grand Traverse band has paid a high price for their survival. They are poor, but their poverty has different roots than White poverty. They are a separate group not only socially, but economically. The Ottawas had been relatively prosperous before 1855; after 1855 they had grown poor while their neighbors had prospered. The two trends were not unconnected. Ottawa land had been stolen, Ottawa resources plundered, and Ottawa labor exploited. Those who profited from this were largely the Whites of Leelanau county. The common poverty of these two groups during the 1930s disguised the fact that they had entered the Depression by quite different routes. When during the Depression government officials saw the economic recovery of Whites as necessarily meaning the economic recovery of Indians, they ignored the special roots of Indian poverty. Yet this is what happened. And the result was predictable. After the Depression prosperity returned for most Whites; poverty became even more endemic and deeply rooted for most Indians.

Any program that hopes to tackle this poverty has to

recognize its sources and treat the Indians as the distinctive group they are. The Indians of Grand Traverse band have maintained their communities in the face of incredible hardship for over a century since the Treaty of 1855. They have often valued their own community ties more than economic success. But as the successful adaptation of the Ottawas in the years just prior to and just after the Treaty of 1855 shows, economic well-being and the maintenance of Indian communities do not have to be mutually exclusive. Federal recognition of the legal status that the band really never lost and the formation of an IRA government, with the access to funds this would bring, seems the only logical response to the history and needs of the Indian people of Grand Traverse.

status that the band really never lost and the formation of an IRA government, with the access to funds this would bring, seems the only logical response to the history and needs of the Indian people of Grand Traverse.